

NATIONAL POLICY

The fight against terrorism is an area of high priority for Sweden. Through legislation and various kinds of measures that include those of a preventive nature, intensive efforts are underway to develop the capacity to protect society from the threat entailed by international terrorism. Sweden is taking action to ensure that a very high level of security is maintained in the country and that Sweden cannot be used for the planning and supporting of terrorist activities. In February 2008 the Government presented a national strategy with measures to combat terrorism. The objective is for Sweden to work more effectively to pursue, prevent, protect against and manage the consequences of terrorist activities.

For the Swedish Security Service and other agencies concerned, this means that counter-terrorism is a task that is given high priority. To further raise the level of ambition in this field and to intensify international co-operation in particular, the Government has contributed significant additional resources to the Swedish Security Service in recent years.

The Swedish Security Service also has the important task of building up its capacity for national arrangements, thus strengthening Sweden's overall capacity for combating terrorism.

The counter-terrorist activities take place within the framework of international law, including human rights and international humanitarian law. At the heart of Swedish counter-terrorism policy is the principle that threats can be combated legitimately only by using methods that belong to an open, democratic and legally secure society. Like other EU countries, Sweden is working both nationally and internationally to gain as much support as possible for this principle. Since international terrorism represents a threat to safety and to fundamental freedoms and rights, Sweden considers it highly important to take part actively and constructively in the international co-operation that is essential for combating terrorism. International law, the rule of law and openness are key principles for all counter-terrorist activities.

LEGAL FRAMEWORK

Penal law

Terrorist offences

There has been a special law on criminal responsibility for terrorist offences in Sweden since 2003.¹ The Act fulfils the commitments ensuing from the European Union's Framework Decision on Combating Terrorism of 13 June 2002.²

The Act contains a list of certain actions that may lead to penalties under the Swedish Penal Code or other statutes. Under special circumstances these offences are to be considered terrorist offences instead.

According to the special Act, an action is to be regarded as a terrorist offence if it might seriously damage a state or an intergovernmental organisation. It must also be undertaken for certain, specific purposes, such as serious intimidation of a population or a group of populations or compelling a government to take a certain decision. Under these circumstances, the acts that constitute terrorist offences are, for example: murder, kidnapping, sabotage, hijacking, spreading poison or a contagious substance, and unlawful handling of chemical weapons. The penalty for terrorist offences is imprisonment for a maximum of ten years, or for life. Attempt, preparation or conspiracy to commit a terrorist offence or failure to disclose such an offence is also punishable.

Financing of terrorism

Since 2002, Swedish legislation has contained a special law on criminal responsibility for the financing of terrorism.³ The Act implements the UN Convention for the Suppression of the Financing of Terrorism.

The Act imposes criminal sanctions on the collection, provision or receipt of funds or other assets with the intention that they should be used or in the knowledge that they are to be used in order to

¹ Act on Criminal Responsibility for Terrorist Offences (2003:148)

² 2002/475/Justice and Home Affairs

³ The Act on Criminal Responsibility for the Financing of Particularly Serious Crime in Some Cases, etc. (2002:444)

commit a particularly serious crime. Attempts to finance terrorism are also punishable offences. The penalty is imprisonment for a maximum of six years, but if the act is punishable with the same or a more severe penalty under the Act on Criminal Responsibility for Terrorist Offences, for example preparation for a terrorist offence, or under the Swedish Penal Code, the offender shall be sentenced for these crimes and not according to the penal provisions of the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in Some Cases. In such cases, a maximum sentence of life imprisonment may ensue.

Banks and financial institutions are required to examine all transactions that may be suspected of involving funds that are to be used to finance terrorism and other serious offences and to report such transactions to the police authorities.

The rules of the Swedish Penal Code

Acts that were committed before the entry into force of the Act on Criminal Responsibility for Terrorist Offences or that are not punishable under this Act for other reasons, can be punishable under the provisions of the Swedish Penal Code concerning murder and other crimes against life and health, or provisions concerning offences involving public danger such as arson, devastation endangering the public, and spreading poison or a contagious substance⁴ or under the penal provisions of other Acts. The maximum penalty for such crimes is life imprisonment.

Jurisdiction

Swedish courts have universal jurisdiction over terrorist offences and attempts at such offences.⁵ They may also have an extensive authority with regard to other types of punishable terrorist acts committed abroad.⁶

Special sanctions against offences committed in the exercise of business activities – liability of legal persons

If a terrorist offence or other punishable terrorist act has been committed in the exercise of business activities, a penal sanction consisting of a corporate fine may, under certain conditions, also be imposed on the legal person in whose activities the crime has been committed.⁷ Corporate fines to a maximum of SEK 10 million may be imposed.

Forfeiture

Property that has been used, or has been intended to be used, as a means to assist a terrorist offence or the financing of terrorism, or whose use constitutes a terrorist offence, may be forfeited. Similarly, assets that have been the object of an offence or the proceeds of such offences may be subject to forfeiture.⁸ In some cases there is also a possibility to forfeit not only proceeds of a specific offence but also proceeds of criminal activity that has not been specified in detail.

Freezing of terrorist assets

Where Sweden is concerned, the UN Security Council resolutions on freezing terrorist assets (1267 and 1373) have been primarily implemented at EU level, via common positions and EC regulations. The Act on Certain International Sanctions (1996:95) contains provisions on implementation of the international sanctions decided upon by the UN or the EU. Internationally, Sweden is actively pressing for an improvement in legal security for persons who have been subject to sanctions, by allowing them the possibility of a legal right of appeal with regard to decisions to freeze their assets.

Procedural rules

General remarks

Swedish procedural law contains no special regulations with regard to people prosecuted for terrorist offences. This means that there are no legal differences between the processing of criminal proceedings concerning offences related to terrorism and proceedings involving other serious crimes. Thus a person suspected of or prosecuted for a terrorist offence enjoys the same rights as a person charged with another serious crime, including the right to a public defence counsel.

Coercive measures in criminal procedures

Law enforcement agencies may use coercive measures in the context of a preliminary investigation. A distinction is made between coercive measures that are open and those that are covert. Open coercive measures consist of seizure, search of premises, body search, body examination and arrest, apprehension or detention. Covert coercive measures include covert interception of telecommunications, covert telecommunications surveillance, electronic eavesdropping and covert camera surveillance.

⁴ See Chapters 3 and 13 of the Swedish Penal Code

⁵ Chapter 2, Section 3, subsection 6 of the Swedish Penal Code

⁶ Chapter 2, Sections 2 and 3 of the Swedish Penal Code

⁷ Chapter 36, Sections 7–10a of the Swedish Penal Code

⁸ Chapter 36, Sections 1–6 of the Swedish Penal Code, Sections 6 and 7 of the Act on Criminal Responsibility for Terrorist Offences and Section 7 of the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in Some Cases, etc.

i) **Seizure** is a coercive measure by which an agency investigating a crime temporarily confiscates a person's property. The primary aim of seizure is either to secure evidence concerning an offence or to ensure the enforcement of a criminal judgment. According to Chapter 27, Section 1 of the Swedish Code of Judicial Procedure, seizures may be undertaken for three different purposes. First, objects reasonably presumed important to a criminal investigation may be seized. Seizures may also be undertaken in order to restore property taken from a person through a criminal act. Finally seizures may take place in order to ensure the enforcement of forfeiture.

ii) The provisions on **search of premises** in Chapter 28 of the Swedish Code of Judicial Procedure enable the law-enforcement authorities to search premises to which they otherwise would not have access. Two different types of premises search are regulated in the Swedish Code of Judicial Procedure. The purpose of the first is to find objects (search of premises for material) and of the second to search for people (search of premises for individuals). One of the most important functions of a search of premises is to create the conditions for using other coercive measures permitted in criminal procedures.

iii) The rules on **detention** are found in Chapter 24 of the Swedish Code of Judicial Procedure. The general rule is that any person deprived of their liberty must be suspected on probable cause of an offence punishable by imprisonment for a term of one year or more. An additional requirement is that, in view of the nature of the crime, the suspect's circumstances or any other factor, there is a risk that he/she will

1. flee or otherwise evade legal proceedings or punishment,
2. impede the inquiry into the matter at issue by, for example, removing evidence, or in another way, or
3. continue his/her criminal activity.

If a penalty less severe than imprisonment for two years is not prescribed for the offence, as in the case of a terrorist offence, the suspect is to be detained unless it is clear that detention is unwarranted. A detention order is issued by a court of law, at the request of a prosecutor.

iv) **Covert interception of telecommunications** means that telephone messages that are transmitted, or have been transmitted to or from a specific telephone number, code or other telecommunications address are secretly listened to or recorded by means of technical devices.⁹

v) **Covert telecommunications surveillance** means that information is secretly obtained about telecommunications that are or have been transmitted to or from a certain telecommunications address or that such communications are prevented from reaching their destination.¹⁰ Information on the contents of telephone messages is not included in this coercive measure.

Covert interception of telecommunications and covert telecommunications surveillance may only be decided by a court of law. These coercive measures may only be used if a person is reasonably suspected of an offence and the measure is of exceptional importance to the investigation of the offence. Measures must concern a telecommunications address that is or has been held by the suspect or that otherwise may be presumed to have been used or will be used by the suspect, or a telecommunications address to which there is particular reason to presume that the suspect has rung or otherwise contacted or will ring or otherwise contact.

vi) **Electronic eavesdropping** (secret room-tapping or bugging) means the recording by technical means of private conversations or non public meetings. Permission for the measure is given by a court of law. Public counsel shall participate in such matters. Secret room-tapping may be used only if a person is reasonably suspected of an offence punishable by imprisonment for at least four years (such as a terrorist offence) or certain other crimes if it can be assumed, in view of the circumstances, that the offence will carry a penalty of more than four years imprisonment, and the measure is of the utmost importance to the investigation. Secret room-tapping may only be used in places where there is special reason to believe that the suspect will be staying.

vii) Provisions on **covert camera surveillance** are found in the Secret Camera Surveillance Act (1995:1506). Covert camera surveillance means that remotely controlled TV cameras, other optical-electronic instruments or comparable equipment are used for optical surveillance of persons in preliminary investigations of criminal cases without providing notification of surveillance. Surveillance may only apply to a place where it can be assumed the person reasonably suspected of an offence will be present. If there is no one who is reasonably suspected of the offence, covert camera surveillance may be used to monitor the place where the offence has been committed or an area close to this place in order to ascertain who may be reasonably suspected of the offence.

⁹ Chapter 27, Section 18 of the Swedish Code of Judicial Procedure

¹⁰ Chapter 27, Section 19 of the Swedish Code of Judicial Procedure

Provisions on covert interception of telecommunications, covert telecommunications surveillance and covert camera surveillance is also found in the **Measures to Prevent Certain Serious Crimes Act (2007:979)**, which deals with so called preventive coercive measures. The Act enables the use of secret coercive measures if there is special reason to believe that a person will commit serious criminal activity perpetrating any of the specified crimes, such as terrorist offences. This Act is time-limited and applies to the end of 2010.

There are also provisions on covert interception of telecommunications, covert telecommunications surveillance and covert camera surveillance in the **Act on Special Provisions for the Use of Coercive Measures in Connection with Specific Criminal Cases (1952:98)**. This Act applies, *inter alia*, to preliminary investigations of certain offences that pose a threat to national security, such as terrorist offences. Compared with the provisions of the Swedish Code of Judicial Procedure and the Secret Camera Surveillance Act, the 1952 Act provides greater scope to use coercive measures such as covert interception of telecommunications, covert telecommunications surveillance and covert camera surveillance. In urgent cases, prosecutors themselves may order the use of coercive measures. If a prosecutor has done so, he or she must immediately report this to the court, which is required to consider the case promptly. This Act is time-limited, and after its most recently approved extension applies to the end of 2008. The Act will as of 1 January 2009 be replaced by a new time-limited Act with essentially the same wording.

The **Act concerning Special Controls in Respect of Aliens (1991:572)** also contains provisions on the covert interception of telecommunications and covert telecommunications surveillance. If an order expelling an alien cannot be enforced, coercive measures may be used under this Act if it is important in an investigation of whether an alien or an organisation or group to which the alien belongs or is an active member of, is planning or preparing a terrorist offence.

Since January 2008 there is a governmental agency with a mandate to supervise the use of secret investigative measures by crime-fighting agencies; the Swedish Commission on Security and Integrity Protection.

International criminal law co-operation Mutual assistance in criminal matters

Sweden has acceded to all instruments of importance in the field of mutual assistance in criminal matters. The most important instrument is the Council of Europe Convention of 1959 on Mutual Assistance in

Criminal Matters and the Additional Protocol to this Convention. Work is currently underway to accede to the Convention's Second Additional Protocol. In the framework of EU co-operation, Sweden has also acceded to the 2000 Convention on Mutual Assistance in Criminal Cases and the Additional Protocol to this Convention. To further facilitate co-operation in the fight against terrorist offences, Sweden has made far-reaching commitments in various fora, including the EU, not to refuse to co-operate on political crimes. Work is currently underway to enable Sweden to accede to the Protocol to the 1977 Council of Europe Convention on the Suppression of Terrorism.

Swedish legislation on mutual assistance in criminal cases is based on the assumption that it should be possible to provide such assistance to the same extent and under the same conditions as in national procedures in Sweden. Swedish legislation is general and thus regulates co-operation related to all types of offences, including terrorist offences. The legislation enables mutual assistance in, for example, the taking of evidence through questioning and seizure. Mutual assistance can also be given in the interception of telecommunications and controlled deliveries. Sweden can give assistance without demanding reciprocity.

Enforcement of freezing orders and evidence warrants

A new form of mutual assistance in criminal cases is that taking place within EU co-operation on mutual recognition of final decisions and judgments. This co-operation is based on the far-reaching recognition of each other's final decisions and judgments without the enforcing state questioning the basis of the legal decision or reviewing it.

The Act on Recognition and Execution of Freezing Orders in the European Union (2005:500), which entered into force on 1 July 2005, implements the EU Framework Decision on the execution in the European Union of orders freezing property or evidence.¹¹

The provisions of the Act make it possible for Sweden to execute the freezing orders of other Member States, i.e. orders aimed at ensuring that evidence or forfeited property does not disappear. The Act also enables Swedish prosecutors to transmit such orders from Sweden to other Member States for execution there. To enable follow-up of a freezing order and to improve judicial co-operation in obtaining evidence located in another Member State, work is currently underway within the EU to adopt a Framework Decision on a European Evidence Warrant.

¹¹ OJ L 196, 2.8.2003, p 45

Extradition and surrender

In the field of extradition, the most important instrument is the Council of Europe's 1957 European Convention on Extradition and the two Additional Protocols to the Convention. Swedish extradition legislation is largely based on these instruments but also allows extradition to states with which Sweden has no special extradition agreement.

In its relations with other EU states, Sweden applies the Framework Decision on the European arrest warrant and the surrender procedures between Member States.¹² Surrender under the European arrest warrant is generally required to take place promptly and according to relatively simple procedures. The Framework Decision has been implemented in Swedish law through the Act on Surrender from Sweden according to the European Arrest Warrant (2003:1156) and the Ordinance on Surrender to Sweden according to the European Arrest Warrant (2003:1178).

Transfer of enforcement of sentences

Through agreements with other states, enforcement of custodial penalties and sentences or of fines and forfeiture can be transferred by Sweden to the other state or taken over by Sweden from the other state. This co-operation is largely based on the Council of Europe conventions: the 1983 Convention on the Transfer of Sentenced Persons, and the Additional Protocol to that Convention, the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the 1970 European Convention on the International Validity of Criminal Judgments. Under both of these latter conventions, final decisions and judgments on forfeiture can be transferred from one state for enforcement in another.

As regards the transfer of enforcement of sentences between the EU states, two Framework Decisions concerning mutual recognition of financial penalties and confiscation orders¹³ have been adopted. Work is currently underway to implement these Framework Decisions in Sweden. Furthermore, work is underway within the EU to adopt Framework Decisions concerning the transfer of enforcement of custodial sentences, as well as transfer of the enforcement of suspended sentences, alternative sanctions and conditional sentences.

¹² OJ L 190, 18.07.2002, p 1

¹³ OJ L 76, 22.3.2005, p 16 and OJ L 328, 24.11.2006, p 59

Other relevant legislation

Protection for victims of crime

The **Tort Liability Act (1972:207)** contains basic provisions on the right to compensation for those suffering injury or damage. It states the criteria for determining whether a victim of crime is entitled to compensation. The general rule in Swedish tort liability legislation is that the person causing the injury or damage – irrespective of whether it was intentional or through negligence – is required to compensate for this injury or damage.

Since 1971 there has been a general possibility for victims of crime to obtain compensation from the state where no perpetrator has been identified and prosecuted or where the perpetrator has lacked the means to pay damages. The **Criminal Injuries Compensation Act (1978:413)** regulates the victim's possibility of receiving compensation from the state for his or her injuries. The Act has been subsequently amended to ensure even further that the victim of crime receives financial compensation. Sweden has ratified the 1983 Council of Europe Convention on the Compensation of Victims of Violent Crimes.

The Criminal Injuries Compensation Act mainly covers personal injuries and compensation for degrading treatment. To a limited extent, there is also a possibility of receiving compensation for damage to property. State criminal injuries compensation supplements other forms of compensation such as damages and insurance compensation. The level of criminal injuries compensation may be adjusted if the victim, through his or her behaviour in connection with the crime or otherwise, has increased the risk of harm.

Decisions on criminal injuries compensation are taken by the Crime Victim Compensation and Support Authority upon application. Where the state pays criminal injuries compensation, the state takes over the injured party's claim against the perpetrator and can seek to recover amounts paid out.

The Criminal Injuries Compensation Act applies if the offence was committed in Sweden, regardless of the victim's nationality, or if the crime was committed abroad against someone who is habitually resident in Sweden.

Preventive measures

Special provisions to prevent people who are not reliable from the point of view of security from taking part in activities that have a bearing on national security are found in the Protective Security Act

(1996:627) and the Protective Security Ordinance (1996:633).

Protective security involves protecting the buildings, secret documents, etc., of sectors that are important to national security. It primarily concerns public sector activities, but certain private activities are also affected, such as the defence industry. If there are special reasons, those who are employed or take part in activities at buildings such as those of the Government Offices, other government administration buildings and premises used by the Swedish Armed Forces, may be checked against records. Record checks may also be made in other cases, if they are needed for protection against terrorism.

Expulsion and refusal-of-entry of aliens

Regulations governing the conditions under which an alien may stay in Sweden are found in the Aliens Act (2005:716). Regarding aliens in need of international protection the basic assumption is that refugees and persons otherwise in need of protection who are in Sweden are entitled to a residence permit. A residence permit may, however, be refused to a refugee if there are exceptional grounds for not granting a residence permit in view of what is known about the alien's previous activities or with regard to national security. Under these conditions, certain categories of persons otherwise in need of protection may also be refused a residence permit, as is also the case if, in view of his or her criminal activities, there are special grounds for not granting such a permit.¹⁴

Regarding aliens that have submitted an application for a residence permit for other reasons, particular attention shall be paid when examining the application to whether the applicant has been guilty of any criminal activity or criminal activity combined with other misconduct or if the alien constitutes a threat to public order and security.¹⁵

An alien who is not granted a residence permit shall normally be refused entry to or be expelled from Sweden. The refusal-of-entry or expulsion may, however, never be enforced to a country where there is fair reason to assume that the alien would be in danger of suffering the death penalty or being subject to corporal punishment, torture, or other inhuman or degrading treatment or punishment. Nor, in principle, may enforcement take place if the alien risks being subject to persecution in that country. Exception from this rule can, however, be made under certain conditions, if the alien has committed an exceptionally gross offence or if the alien has

conducted activities that have endangered national security.¹⁶

In security cases, i.e., cases in which the Swedish Security Service, for reasons relating to national security or otherwise bearing on public security, for example recommends that an alien should be refused entry or be expelled, special procedures and special requirements for prompt processing apply.¹⁷

Under the Aliens Act, an alien may be expelled if he or she is convicted of an offence that is punishable by imprisonment, provided that the alien is sentenced to a more severe penalty than a fine or that the court sets aside a suspended sentence or probation that has previously been imposed on an alien. A further condition is that it may be assumed that the alien will be guilty of continued criminal activity or that the offence is particularly serious. Expulsion may take place for a certain period or for life. With regard to expulsion on account of criminal offences, special rules apply for aliens who are refugees and who need asylum in Sweden.¹⁸

An alien who is not refused entry or expelled under the Aliens Act may be expelled under the Act concerning Special Controls in Respect of Aliens (1991:572) if this is needed in view of national security or, in view of what is known about the alien's previous activities and other circumstances, it can be feared that he or she will commit or be an accessory to a terrorist offence. The person in question does not need to belong to a certain organisation for the Act concerning Special Controls in Respect of Aliens to be applied. The Act can also be applied if criminal acts have been committed in a foreign state.

INSTITUTIONAL FRAMEWORK

The institutional framework

Responsible authorities

In Sweden the day-to-day work and operational measures to combat terrorism are dealt with by a number of agencies and authorities responsible to the Government.

Preventing and obstructing the planning and implementation of terrorist acts are measures that come under the responsibility of the **Swedish Police Service**. The main responsibility for combating terrorism lies with the **Swedish Security Service** (Säpo). One of its key tasks is to identify and follow up networks and individuals who are involved in

¹⁴ Chapter 5, Section 1, subsections 1 and 2 of the Aliens Act

¹⁵ Chapter 5, Sections 17 and 17 a of the Aliens Act

¹⁶ Chapter 12, Sections 1 and 2 of the Aliens Act

¹⁷ Chapter 1, Sections 7 and 13 and Chapter 14, Section 11 of the Aliens Act

¹⁸ Chapter 8, Sections 8–14 of the Aliens Act

terrorism in Sweden and internationally, and to expose networks of agents in Sweden that are controlled by the regimes of other countries and discover whether these may have links with terrorism. Säpo also provides the Government, the Swedish Migration Board and the Migration Court of Appeal with opinions on cases relating to asylum and residence permits. Säpo also works closely with the National Financial Intelligence Service to obstruct or prevent the financing of terrorism.

Although Säpo has main responsibility for counter-terrorist activities in Sweden, other parts of the police service are also involved, particularly in crisis situations. The Special Operations Division at the National Criminal Police deals with cases relating to issues such as air and seaport security, and the transport of nuclear materials or weapons. The National Criminal Police also has a national task force whose main responsibility is combating terrorist acts in this country.

The main tasks of prosecutors at the **Swedish Prosecution Authority** are to lead criminal investigations (preliminary investigations), decide whether to prosecute and plead in the courts.

The Swedish Prosecution Authority also engages in international co-operation at both central and local levels. In recent years, the Authority has further developed the activities of public prosecutors so as to be in a better position to fight serious, cross-border crime. Work at local level at the Swedish Prosecution Authority largely takes place at the three international public prosecution offices. Prosecutors at these offices have long experience of, and are specialised in combating organised crime with international ramifications. Terrorist cases investigated by the Swedish Security Service are processed by the Prosecution Office for National Security.

Coordination of the Swedish sector of the European Judicial Network and the Swedish sector of Eurojust, the European body for prosecutor co-operation, is conducted by the Office of the Prosecutor-General.

The **Swedish National Economic Crimes Bureau** is tasked with investigating and prosecuting economic crimes, such as tax crimes and offences against the Market Abuse Penal Act, in the metropolitan regions. The Bureau is also responsible for national coordination of anti-economic crime measures, which can include the financing of terrorism.

The task of the **Swedish Financial Supervision Authority** is to exercise supervision of financial institutions. The Authority is authorised to issue regulations for these institutions on matters relating to the fight against financing of terrorism. With

regard to international sanctions, the Authority is also tasked with being the competent authority for receiving information on such matters as freezing assets.

The task of the **Swedish Armed Forces** is to defend Sweden against armed attack and to assert Sweden's territorial integrity. The Swedish Armed Forces are also to contribute to peace and security in the world around us. Otherwise the Swedish Armed Forces are empowered to provide support for other activities, and are then required to examine in each specific case whether support can and should be given. In the fight against terrorism, the Swedish Armed Forces have the capability and resources to be able to provide support, primarily to the police.

The **Central Authority** at the Ministry of Justice receives and forwards requests for mutual legal assistance in criminal cases, extradition and transfer of proceedings when these requests are not sent directly to the agency concerned, such as a prosecutor or a court of law. The Central Authority also prepares matters in cases where decisions are to be taken by the Government. It should, however, be noted that the Central Authority does not have an operational role in these cases.

Inter-agency co-operation

Although Säpo is the authority with explicit responsibility for counter-terrorism, many other agencies are involved. The agency to be responsible for coordination in a concrete crisis situation depends on the situation, but the point of departure is that the agency primarily responsible for an issue is also responsible for coordination with other agencies. In 2004, Säpo established a **Counter Terrorism Co-operation Council**, in which representatives of different agencies take part. Included in the council are representatives of the Military Intelligence and Security Service (MUST), the National Defence Radio Establishment (FRA), the Swedish Defence Research Agency (FOI), the Swedish Emergency Management Agency (KBM), the Swedish Coast Guard, the Swedish Customs Service, the Swedish Prosecution Authority, the Swedish National Economic Crimes Bureau, the Swedish Migration Board and the National Criminal Police. The Council's tasks include producing common threat assessments, identifying areas of responsibility and producing a national strategic plan for combating terrorism.

Since 1992, informal co-operation has existed between the different agencies responsible for various parts of Swedish non-proliferation efforts. Work is conducted in reference groups that are to spread knowledge and prevent the proliferation of weapons of mass destruction. The groups consist of representatives of FOI, FRA, KBM, the Swedish Coast

Guard, the Swedish Inspectorate of Strategic Products, the National Criminal Police, the Swedish Armed Forces, the Swedish Maritime Administration, the National Board of Health and Welfare, the Swedish Rescue Services Agency, the Swedish Radiation Protection Institute, the Swedish Nuclear Power Inspectorate and the Swedish Customs Service. Meetings take place twice a year, unless otherwise needed. The Swedish Security Service is responsible for convening meetings of these groups.

Extensive co-operation between law-enforcement agencies also takes place in other areas that involve the prevention of terrorism and counter-terrorism less directly. Both in aliens and customs legislation there are provisions on the obligation of the Swedish Police Service, the Swedish Customs Service and the Swedish Coast Guard to provide assistance to each other when checking people and goods.

Under a new Act that entered into force on 1 July 2006, the Swedish Police Service has been given greater powers to request assistance from the Swedish Armed Forces in combating terrorism. The Act enables the Swedish Police Service to request help from the Swedish Armed Forces in measures that may entail the use of force or coercion against private individuals, if the police do not have access to the special resources needed to prevent or otherwise intervene against acts that may constitute terrorist offences. The general rule is that the Swedish Police Service may only request support after approval by the Government.

INTERNATIONAL CO-OPERATION

Co-operation in international organisations, etc.

The United Nations (UN)

One of the bases of international counter-terrorism co-operation is the work of the UN and its international conventions and protocols related to the fight against terrorism. Sweden has signed or acceded to all the relevant UN instruments.¹⁹

Within the framework of the UN reform process, renewed energy has been devoted to the issue of an overarching convention. Sweden is contributing to efforts to obtain a speedy solution. A UN Global Counter-Terrorism Strategy was adopted by consensus in the UN General Assembly in September 2006, during the Swedish Presidency. Sweden is also playing an active role in the UN bodies that are working with counter-terrorism, legal security issues and the prevention of terrorism.

¹⁹ See the special table below

Since 2002, the United Nations Office on Drugs and Crime in Vienna (UNODC) has included a section working on issues related to terrorism, the Terrorism Prevention Branch (TPB). The TPB provides technical support and advice in order to assist countries in putting legislation into place to enable them to implement the international instruments against terrorism. Sweden is one of the largest donors to UNODC and has also allocated a special grant to the TPB.

The Financial Action Task Force (FATF)

Since 2001, the mandate of the FATF has been extended to include combating the financing of terrorism as well as to identify and react to new threats i.e. financing of proliferation of weapons of mass destruction. Regarding financing of terrorism the FATF has drawn up and adopted nine special recommendations. The implementation of these recommendations is now included in the mutual evaluations of the member states. Sweden has been very active in this co-operation, which has included issues relating to non-profit organisations and the freezing of assets.

Regional organisations

The European Union (EU)

The basis of work to combat terrorism was established in the Action Plan Against Terrorism, adopted by the European Council after 11 September 2001. The European Security Strategy of 2003 created a strategic framework for EU counter-terrorism initiatives, establishing that terrorism is a global phenomenon that threatens the whole of Europe. After the Madrid attack in March 2004, the EU adopted a Declaration on Solidarity against Terrorism at head of state and government level. The Declaration established seven strategic goals for EU work against terrorism, which also form the basis for a revised action plan. In December 2005, the European Council adopted an overall EU strategy against terrorism, based on previous action plans and declarations, which clearly explains EU policy, the objectives established, how they are to be achieved, the areas in which initiatives have been taken and priorities for the future. In the strategy this policy is divided into four areas of action: prevention, protection, pursuance and response. The action plan has been updated and restructured so as to better reflect the objectives of the strategy.

Within the framework of the Common Foreign and Security Policy (CFSP), the member states also exchange information and try to coordinate their action with regard to management of the issue of terrorism in other international forums such as the UN, the Organisation for Security and Co-operation in

Europe (OSCE) and the Council of Europe. Sweden is participating actively in the working groups of the Council dealing with terrorism issues. Sweden has undertaken a number of capacity building programs with the purpose of strengthening the ability of developing countries to combat terrorism. Special emphasis has been put on countries in North Africa, the Horn of Africa and South East Asia. These programs were primarily aimed at strengthening the judiciary and other national institutions, as well as facilitating international co-operation and increasing the respect for human rights.

The exchange of information and intelligence between police authorities and other law-enforcement agencies is vital to be able to discover, prevent and investigate crimes successfully. In the opinion of Sweden, opportunities to exchange information must be improved and procedures must be simplified and speeded up. The EU Hague Programme has launched the principle of availability, i.e. that an authority needing information is to receive it on request. After a Swedish initiative a Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU has been adopted.²⁰

The OSCE

The operations of the OSCE as a whole are targeted at the prevention and solution of conflicts, which helps to neutralise breeding grounds for terrorism.

Ways in which this is done are poverty reduction and work in the field of human rights and democracy, particularly measures to combat intolerance and extremism. The OSCE also provides support, in close co-operation with the UN, to measures to combat the financing of terrorism. Through its Office for Democratic Institutions and Human Rights, the OSCE also makes a practical contribution to the implementation of the UN conventions related to terrorism.

The Euro-Atlantic Partnership Council (EAPC)/Partnership for Peace (PfP)

Sweden is actively contributing to the counter-terrorism work being undertaken in the context of NATO and the EAPC/PfP. Sweden was one of the proactive countries in drawing up the Action Plan against Terrorism adopted at the EAPC summit in 2002. Alongside the Action Plan, other initiatives are implemented in the EAPC/PfP which help to strengthen partner countries' ability to combat and prevent terrorist attacks.

The Council of Europe

Sweden is playing an active role in the Council of Europe's work to combat terrorism. Below is a list of the instruments drawn up in the Council of Europe that Sweden has signed or ratified.

²⁰ OJ L 386, 29.12.2006, p 89

Relevant Council of Europe conventions – Sweden	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	27/01/1977	15/09/1977
Amending Protocol (ETS 190)	15/05/2003	-
European Convention on Extradition (ETS 24)	13/12/1957	22/01/1959
First Additional Protocol (ETS 86)	29/10/1975	02/02/1976
Second Additional Protocol (ETS 98)	06/04/1979	13/06/1979
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	20/04/1959	01/02/1968
First Additional Protocol (ETS 99)	06/04/1979	13/06/1979
Second Additional Protocol (ETS 182)	08/11/2001	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	15/05/1972	07/04/1976
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	24/11/1983	30/09/1988
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	08/11/1990	15/07/1996
Convention on Cybercrime (ETS 185)	23/11/2001	-
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	28/01/2003	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/05/2005	-
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/05/2005	-

