

2011-04-28

Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299)

The purpose of the Act

Section 1

This Act contains provisions for the implementation of the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 and the Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism¹.

Particularly serious crime

Section 2

In this Act, particularly serious crime refers to:

1. murder, manslaughter, gross assault, kidnapping, unlawful deprivation of liberty, gross unlawful coercion, arson, gross arson, devastation endangering the public, sabotage and spreading poison or a contagious substance if the intent of the act is to intimidate a population or a population group or to compel a government or an international organisation to perform or abstain from an act,
2. terrorist offences under Section 2 of the Act on Criminal Responsibility for Terrorist Offences (2003:148), gross sabotage, hijacking, maritime or air traffic sabotage and airport sabotage,
3. the crimes referred to in Article 1 of the International Convention Against the Taking of Hostages of 17 December 1979, Article 7 of the Convention on the Physical Protection of Nuclear Material of 3 March 1980, and Article 2 of the International Convention for the Suppression of Terrorist Bombings of 15 December 1997,
4. murder, manslaughter, assault, gross assault, kidnapping, unlawful deprivation of liberty, gross infliction of damage, arson, gross arson as well as threats of such crimes if the act is committed against internationally protected persons referred to in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, of 14 December 1973, and
5. a crime under Section 3 of the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in some cases (2002:444).

Criminal responsibility

Public provocation

Section 3

A person who, in a message to the public, urges or otherwise attempts to entice people to commit particularly serious crime shall be sentenced to imprisonment for at most two years.

Recruitment

Section 4

A person who seeks to induce another person, in a case other than that specified in Section 3, to commit or otherwise participate in particularly serious crime shall be sentenced to imprisonment for at most two years.

¹ OJ L 330, 9.12.2008, p. 21 (Celex 32008F0919).

Training

Section 5

A person who provides or seeks to provide instruction in the making or use of explosives, weapons or noxious or hazardous substances that are particularly likely to be used in particularly serious crime, or in other methods or techniques that are particularly intended for such purpose, shall be sentenced to imprisonment for at most two years, if the act has been committed with the knowledge that the instruction is intended to be used for particularly serious crime.

Other provisions concerning criminal responsibility

Section 6

If a crime listed in Section 3, 4 or 5 is gross, imprisonment for at least six months and at most six years shall be imposed. In assessing whether the crime is gross, special consideration shall be given to whether it concerned particularly serious crime that entailed danger to the lives of a number of persons or to property of special importance, whether it was part of an activity carried out on a large scale or whether it otherwise was of a particularly dangerous nature.

Section 7

Criminal responsibility under this Act shall not be imposed if there was only an insignificant risk that the act would lead to the perpetration of particularly serious crime or if the act, taking other circumstances into consideration, may be considered petty.

Section 8

If the act is punishable with the same or a more severe penalty under the Penal Code or the Act on Criminal Responsibility for Terrorist Offences (2003:148), criminal responsibility under this Act shall not be imposed.

Jurisdiction

Section 9

Even if there is no jurisdiction under Chapter 2, Section 2 or 3 of the Penal Code, crimes under this Act shall be adjudged by a Swedish court if the crime was committed:

1. by a Swedish citizen or an alien domiciled in Sweden, or
2. against an institution of the European Union or against a body set up in accordance with the Treaty on European Union or the Treaty on the Functioning of the European Union and based in Sweden.

The first paragraph also applies if the crime, in accordance with Section 8, shall be punished under the Penal Code or the Act on Criminal Responsibility for Terrorist Offences (2003:148).

Chapter 2, Section 5 of the Penal Code contains provisions on requirements for authorisation to institute prosecution in certain cases.

This Act shall enter into force on 1 December 2010.