

Art. 20 para. 3

3) The Office of the Public Prosecutor shall notify the Financial Intelligence Unit (FIU), as well as persons subject to this Act who have submitted notification in accordance with art. 9 para. 2, in particular of any judgment or discontinuance of proceedings pursuant to art. 15 of this Act or in connection with §§ 165, 278, 278a or 278b StGB.

ENTRY INTO FORCE

This Act shall enter into force simultaneously with the Law on Amendment of the Criminal Code (Strafgesetzbuch, StGB).

LXIII. LITHUANIA¹⁴⁷

SUMMARY OF LEGISLATION OF LITHUANIA RELATED TO TERRORISM

Under the Penal Code of Lithuania conspiracy in the criminal act includes perpetrating, organizing, abetting and other accessory help in the criminal act (consulting, financing, supply of equipment, obviating obstacles). Thus, the willful provision or collection of funds with the intention that these funds should be used in order to carry out terrorist acts falls under the definition of conspiracy in connection with criminal acts provided by Article 227 “Criminal group” and Article 227 “Terrorist Act” of the Penal Code.

The criminal activities under Article 227 “Criminal group” are punishable by imprisonment from 4 years up to life imprisonment. The terrorist activities under article 227 are punishable up to life imprisonment.

The recently amended Articles 226 and 227¹⁴⁸ of the Penal Code expand the concept of a terrorist act by establishing criminal responsibility not only for planting explosives, bombing or arson but also for any other destruction or damage

¹⁴⁷ Transmitted to the Secretariat by that Government on 28 December 2001 (S/2001/2, enclosure), 27 August 2002 (S/2002/1019, enclosure) and 19 August 2003 (S/2003/842, enclosure). Information was also provided on Resolution No. 1281 of the Government of 31 October 2001 on the measures for the implementation of UN Security Council resolutions 1333 (2000) and 1373 (2001), the National Anti-Terrorism Programme (came into force on 22 January 2002), the Law on the Prevention of Money Laundering, the Law on Refugee Status, the Law of the Legal Status of Aliens, the Code of Criminal Procedure (approved on 14 March 2002), the Law on the Control of Arms and Ammunition (entered into force on 1 July 2003).

¹⁴⁸ On 4 July 2002 the Seimas (Parliament) of Lithuania adopted Law No IX-1036 which amended Articles 226(1) and 227(3) of the Penal Code. The amendments entered into force on 19 July 2002.

of a building or facility, or the spread of biological, radioactive or chemical substances, preparations or micro-organisms. In addition, criminal responsibility is established for the creation of a terrorist group consisting of three or more persons, the financing of or provision of any other support to such a group. Corresponding amendments will be made to Article 250 of the newly adopted Penal Code. Paragraph 5 of Article 227 provides that the creation of or participation in a terrorist group consisting of three or more persons for the commission of a terrorist act or the financing of such a group or the provision of any other support to it will be punishable by imprisonment from four to ten years.

Articles 194 and 195 allow the police investigator, the interrogator and the prosecutor to suspend the ownership rights to assets, including funds in bank accounts, or to seize the assets on a reasoned decision sanctioned by the Prosecutor General or the Deputies of the Prosecutor General of Lithuania, or by the chief prosecutors of regions or districts or their deputies. These measures may be applied to ensure the possible forfeiture of the assets. It is noteworthy that under Article 93 (1) of the Penal Code the instruments of the crime belonging to the defendant must be confiscated.

The Penal Code establishes the responsibility for the creation of a criminal group with the aim of common criminal activity - - perpetrating serious criminal acts, and involvement in the activity of such group. The creation of such group, acts of terror, involvement in them and attempts of acts of terror are serious criminal acts under the Lithuanian law. The supply of weapons to terrorist falls under the definition of conspiracy in a criminal act.

According to Article 6 of the Penal Code nationals and permanent residents of Lithuania are responsible under the Lithuanian law for the crimes committed abroad. Other persons can be brought to trial under Lithuanian law for crimes committed abroad only if the act is recognized as a crime both by the law of the country where the act was committed and the criminal law of Lithuania. The implementation of this sub-paragraph is also ensured by provisions of the Penal Code on the responsibility for the creation of a criminal group with the aim of common criminal activity perpetrating serious criminal acts, and involvement in the activity of such group.

Crimes under Article 227 of the Penal Code are attributed to the category of serious crimes. Under the criteria provided for in Article 11 of the new Penal Code a terrorist act is attributed to the very grave crimes.

Planting explosives, bombing or arson under paragraph 1 of Article 227 is punishable by imprisonment for up to ten years, whereas the qualified acts having caused injuries or casualties under paragraphs 2 and 3 are punishable by life imprisonment. In the National Anti-Terrorism Program, a terrorist act is punishable by imprisonment of up to ten years, a terrorist act causing a bodily injury or destruction or damage to a vehicle or a facility or the equipment in the facility is punishable by imprisonment from three to twelve years; a terrorist act creating a threat to the lives or health of a great number of people as well as the

spread of biological, radioactive or chemical substances, preparation or micro-organisms will be punishable by imprisonment from five to fifteen years; the same acts directed against an object of strategic significance or causing grave consequences will be punishable by imprisonment from ten to twenty years or imprisonment for life.

Article 6 of the current Penal Code stipulates that Lithuanian nationals and permanently residing stateless persons are liable under the criminal statutes of Lithuania for crimes committed abroad. Therefore, in cases when a Lithuanian national or a stateless person permanently residing in Lithuania commits a crime abroad, there are grounds to request, in accordance with the procedure established in international bilateral and multilateral agreements concluded or acceded by Lithuania, that he/she is extradited to Lithuania and brought to trial for the crimes committed. Other persons can be brought to trial under Lithuanian criminal statutes for crimes committed abroad only if the committed act is recognized as a crime and is punishable both under the laws of the place of the commission of the crime and the criminal law of Lithuania. At the same time, it must be noted that paragraph 2 of Article 6 of the Penal Code stipulates that in the case of a person who commits a criminal act abroad being prosecuted under the criminal statutes of Lithuania, it must be established whether there are no differences with regard to punishment under the laws of the two countries. In cases when the laws of one of the countries carry a more lenient punishment, the penalty applied should not exceed that provided for under the more lenient statute. Under paragraph 3 of the above Article, a person who commits a crime abroad is not held criminally liable in Lithuania, if he/she: 1) has fully served the sentence imposed by the court abroad; 2) has been acquitted or relieved from criminal liability by an effective judgement of a foreign court, or no penalty has been imposed by reason of the statute of limitations or other legal grounds which may be provided for in that foreign country.

Article 226(1) - Falsely reporting an impending threat to the public or an occurrence of such a threat

A false report by means of telephone, radio or any other means of news about a danger threatening the public or a major disaster, thereby causing an unnecessary callout of appropriate emergency services or confusion among people, shall be punishable by imprisonment for a term of up to 2 years and a fine or imprisonment without a fine or by a fine.

A false report by means of telephone or radio or any other means about a danger threatening the public, thereby causing disruption of mass gatherings, or a false report about a threat to state authority or administration institutions or a strategic facility, thereby causing a disruption of their activity or a major damage to property, shall be punishable by imprisonment for a term of up to 4 years.

Article 227(3) - An act of terrorism

Planting of explosives with the aim of causing an explosion, bombing or arson, where carried out in a dwelling, a working place, a place of public gatherings or a public place, shall be punishable by imprisonment for a term of up to 10 years.

The same act, where it causes bodily harm to the victim, or destruction or damage to a means of transport, or a building or equipment therein, shall be punishable by imprisonment for a term from 3 to 12 years.

An explosion, arson or any other destruction of or damage to a building or facility, where it causes danger to the life and health of a great number of people, or dissemination of biological, radioactive or chemical noxious substances, preparations or micro-organisms, shall be punishable by imprisonment for a term from 5 to 15 years.

Acts specified in paragraph 3 of this Article, where they are committed against a strategic facility or lead to grave consequences, shall be punishable by imprisonment for a term from 10 to 20 years or life imprisonment.

Creation of or participation in a terrorist group consisting of three or more persons for the commission of a terrorist act, also the financing of such a group or the provision of any other support to it shall be punishable by imprisonment for a term from 4 to 10 years.

LXIV. LUXEMBOURG¹⁴⁹

ELEMENTS DU DISPOSITIF LEGISLATIF ET REGLEMENTAIRE DU LUXEMBOURG

Le droit luxembourgeois ne connaît pas, à l'heure actuelle, des infractions visant *expressis verbis* le financement des actes de terrorisme.

En revanche, l'ensemble de ces actes est susceptible de correspondre à d'autres qualifications que le droit luxembourgeois définit comme infractions pénales.

Ainsi, le fait de former une association dans le but d'attenter aux personnes ou aux propriétés est punissable d'une peine de réclusion de cinq à 10

¹⁴⁹ Transmitted to the Secretariat by that Government on 21 December 2001 (S/2002/6, enclosure), 22 August 2002 (S/2002/1018, enclosure) and 16 October 2003 (S/2003/1014, enclosure). Information was also provided in respect of Loi du 20 juin 2001 sur l'extradition.