

XL. GERMANY¹²²

SUMMARY OF LEGISLATION OF GERMANY RELATED TO TERRORISM

The Prevention of International Terrorism Act that entered into force on 1 January 2002 (hereinafter "Prevention of Terrorism Act") bestowed the necessary powers on the German security authorities to effectively counteract the new form of international terrorism. Amendments have been made to numerous security statutes in order to:

- extend the powers of security authorities in the interest of preventing terrorism,
- enhance the necessary data exchange between the authorities,
- prevent terrorists from entering Germany,
- enhance the identification of extremists who have already entered the country and increase the options for terminating their residence,
- enhance identification measures in visa procedures,
- facilitate the deployment of armed air marshals on German aircraft,
- enhance border control facilities,
- enable security checks on staff employed in essential facilities and facilities that are vital for defence,
- create the legal basis for integrating biometric data into passports and identity documents,
- limit the right to use firearms on board civilian aircraft to police officers,
- take swifter measures to ban activities of extremist associations of foreigners in Germany.

Criminal prosecution of terrorist or criminal organizations acting in Germany is dependent upon whether there are sufficient grounds to deem that their activities are punishable according to section 129a of the German Criminal Code, which imposes criminal liability upon persons who form an organization whose

¹²² Transmitted to the Secretariat by that Government on 27 December 2001 (S/2002/11, enclosure), 22 October 2002 (S/2002/1193, enclosure) and 13 June 2003 (S/2003/671, enclosure).

objectives and activities are aimed at committing a number of specified and serious crimes.

The financing of terrorist activities can constitute a separate criminal offence (section 129a German Criminal Code). The penalties which can be imposed under this provision depend on the circumstances of the case: if the person who does the financing is considered a “backer”, for example, the law provides for a term of imprisonment of three to fifteen years for this alone, and for an “ordinary member” of the organization it makes provision for a term of imprisonment of one to ten years. If the person in question is not a member of the organization, the penalty imposed is imprisonment from six months to five years.

In addition, consideration can also be given to imposing punishment for the financing of terrorist activities under the rubric participation in the principal offence. For example, if the perpetrator finances the purchase of weapons used by others to kill people in an attack, imposing punishment for participation in the offence of murder may also be considered. The penalties imposed then depend on the penalties which can be imposed for the actual terrorist offences (in this example, the penalty for murder is life imprisonment).

Recruiting for terrorist organizations is a separate offence pursuant to section 129a of the German Criminal Code. Depending on the circumstances of the case the law provides for a term of imprisonment from six months to fifteen years. Recruiting for terrorist organizations may also be considered as participation in the actual offences themselves.

Section 129b of the Penal Code (StGB), effective as of 30 August 2002, extends the criminal offence of forming terrorist organizations (Section 129a StGB) to organizations based outside the country; the previous law required the existence of an independent branch organization within Germany for prosecution. Extending the criminal offence to include the founding, membership and support of a terrorist organization has created a tool geared to actual needs and to deal with the new kind of threat posed by international terrorism.

XLI. GREECE¹²³

SUMMARY OF LEGISLATION OF GREECE RELATED TO TERRORISM

The Provisions of the Greek Penal Code and the Code of Criminal Procedure were amended by Law 2928/01, aiming at protecting the citizens against criminal acts committed by criminal organizations.

¹²³ Transmitted to the Secretariat by that Government on 28 October 2002 (S/2002/857, enclosure) and on 7 July 2003 (S/2003/722, enclosure).