

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).

In paragraph 1 of Penal Code Article 187, the meaning of “criminal organization” is clearly defined. A sentence of up to 10 years imprisonment is provided for anyone “who sets up or becomes a member of a structured and active group consisting of 3 or more persons (organization) and aims at committing more crimes, such as counterfeiting, robbery, extortion, violations related to explosive substances etc.”

Moreover, the manufacture, the procurement or the possession of weapons, explosive substances and chemical or biological materials or materials emitting radiation harmful to the health, for the purposes of the a/m organization, constitute aggravating circumstances.

In Article 187-A¹ of the same Law, lenient measures are provided for everyone who essentially contributes to the breaking up of an organization or a gang, e.g. full exemption from sentence, suspension of a reduced/lower sentence, a 3 up to 10 year suspension of the sentence, etc.

The Law mentioned above also provides for the liability of legal entities and enterprises, the protection of witnesses as well as for the analysis of DNA.

Recruiting members of a terrorist group is punished as instigation or mere complicity in criminal act of setting up or participating in criminal organization. (Penal Code, Article 187, para. 1)

According to the definition of “criminal organization” given by the Penal Code Article 187 paragraph 1, a sentence of up to 10 years imprisonment is provided for everyone participating in an organization with the view of systematically committing specific criminal acts characterized by an increased denierit and unsociability.

According to this regulation, whoever joins someone else with the purpose of committing serious crimes is punished with a heavier sentence.

Although the main target of the above mentioned law is to counter the organized financial crime, its implementation field is not limited since the participation in “a criminal organization” includes the criminal terrorist action as well.

Moreover, Law 2168/1993, which is in compliance with EU regulation 91/477, constitutes the basic legislative framework covering all issues of weapons and ammunition. This law, in certain cases, contains strict provisions for illegal trafficking of weaponry. On the basis of this law, as well as other legislative measures derived from this law, there has been effective and systematic control of any possible transaction or activity in the trafficking of legally acquired weapons, explosive material and ammunition bound for the illegal market. Both the above law and article 272 of the Greek Penal Code, as amended by Law 2928/2001, contain strict penalties for illegal possession or trafficking of weaponry, destined to organizations or groups aiming to commit crimes or terrorist acts.