

In addition, article 144 of the Code provides as follows:

“(i) The perpetrator of the crime of terrorism is one who:

“a. Addresses to any person a threat to harm him or to harm any other person important to him for the purpose of intimidating him or inducing him to do what he need not do according to law or not to do what he is permitted to do by law;

“b. Makes a movement or exhibits readiness to act, intending thereby to use unlawful force or knowing that he is thus likely to make any person present believe that he is about to use such force against him;

“(ii) The crime of terrorism shall be punishable by imprisonment for a term not exceeding six months or a fine or both.”

(c) National Security Act 1999 as amended in 2001

The National Security Act of 1999, as amended in 2001, provides the death penalty or life imprisonment for any member who intentionally commits or refrains from an act for the purpose of imperilling the internal or exterior security of the country (article 44), and a penalty of imprisonment for a term no greater than 10 years or a fine or both for unlawfully having at one's disposal, or permitting another to have at his disposal, any weapons, munitions or matériel.

## **CXIV. SWEDEN<sup>119</sup>**

### **SUMMARY OF LEGISLATION OF SWEDEN RELATED TO TERRORISM**

(a) International conventions

Sweden has ratified all the international criminal law conventions for the suppression of terrorism. Thus, Sweden has ratified and implemented all the conventions and protocols listed in the annex to the International Convention for the Suppression of the Financing of Terrorism. It has also ratified the International Convention for the Suppression of the Financing of Terrorism. All acts which constitute an offence within the scope of and defined in the international criminal law conventions for the suppression of terrorism are therefore classed as crimes in Sweden.

---

<sup>119</sup> Transmitted to the Secretariat by that Government on 20 December 2001 (S/2001/1233, enclosure) and on 19 June 2002 (S/2002/691, enclosure). Information was also provided in respect of the Aliens Act (1989) and the Special Control of Foreigners Act.

(b) Penal Code

Swedish legislation, however, contains no reference to specific criminal offences for terrorist acts. Persons committing terrorist acts are punished under the general provisions in the Swedish Penal Code. Terrorist acts punishable as crimes include murder, kidnapping, arson, aggravated criminal damage involving danger to someone's life, sabotage, hijacking, maritime or air traffic sabotage, airport sabotage and spreading poison or contagious substances. All these crimes are punishable by life imprisonment.

Under chapter 23, section 2, a person who, with the intention of committing or promoting a crime, presents or receives money or anything else as pre-payment or payment for a crime shall in certain designated cases be sentenced for preparation of the crime unless he or she is found guilty of having attempted to commit or having committed a crime. In certain designated cases a sentence shall also be imposed for conspiracy to commit a crime. Conspiracy is defined as a decision to act in collusion with another person, or an offer to undertake or execute a crime or the attempt to incite another person to do so.

However, if the terrorist act is found to have been attempted or completed, a person financing the crime will be sentenced for aiding or instigating the preparatory or completed act. Under chapter 23, section 4, punishment shall be imposed not only on the person who committed the crime but also on anyone who furthered it by advice or deed (e.g., financing). A person not regarded as the perpetrator shall, if he or she induced another person to commit the act, be sentenced for instigation of the crime or for aiding and abetting the crime. Each accomplice shall be judged according to the intent or the negligence attributable to him or her.

If financing an act of terrorism that has been completed or reached the level of attempt, the maximum sentence is imprisonment for life.

If financing an act of terrorism that has not been completed or reached the level of attempt, the maximum sentence shall be less than the highest limit applicable to the completed crime.

Under chapter 23, section 1, the penalty for an attempt to commit such crimes shall not be greater than what is applicable to a completed crime and not less than imprisonment if the lowest punishment for the completed crime is imprisonment for two years or more.

Under chapter 23, section 2, a person who procures, constructs, gives, receives, keeps, conveys or engages in any other similar activity with poisons, explosives, weapons, picklocks, falsification tools or other such means with the intention of committing or promoting a crime shall in certain designated cases be sentenced for preparation of a crime unless he or she is found guilty of having attempted to commit or committed the crime. In certain designated cases a sentence shall also be imposed for conspiracy. Conspiracy is defined as a decision

to act in collusion with another person, or an offer to undertake or execute a crime, or the attempt to incite another person to do so.

Punishment for preparation or conspiracy shall, under chapter 23, section 2, be less than the highest limit applicable to the completed crime.

## **CXV. SWITZERLAND<sup>120</sup>**

### **1. ELEMENTS DU DISPOSITIF LEGISLATIF ET REGLEMENTAIRE DE LA SUISSE**

#### **(a) Code pénal**

En droit suisse, de nombreuses normes pénales sont applicables aux actes terroristes et à leur financement. Il s'agit, à titre d'exemple, des dispositions relatives aux infractions suivantes: assassinat (art. 112 CP), prise d'otage (art. 185 CP), emploi d'explosifs avec dessein délictueux (art. 224 CP), propagation d'une maladie à l'homme (art. 231 CP). Pour toutes ces infractions, des peines de prison sont prévues. De lourdes peines sont prévues en particulier lorsque l'acte criminel met en danger la vie et l'intégrité corporelle de plusieurs personnes ou cause d'importants dommages. Sont punissables l'instigation, la complicité et la tentative. Si le droit pénal suisse ne contient pas de dispositions spécifiques sur la lutte contre le terrorisme, ces normes constituent néanmoins, dans l'immédiat, un cadre suffisant pour répondre aux besoins de la lutte contre cette forme de criminalité.

Les actes préparatoires de certaines infractions sont également réprimés (art. 260 *bis* CP), et cela avant même que l'exécution d'un acte terroriste planifié n'ait commencé. Cette norme permet de mettre fin aux activités préparatoires d'un acte terroriste et notamment à son financement. Elle prévoit une peine pouvant aller jusqu'à cinq ans de prison.

Le caractère répréhensible de certains actes est également étendu à l'appartenance et au soutien d'une organisation criminelle, notamment terroriste (art. 260 *ter* CP). La peine maximum prévue pour cette infraction est de cinq ans de prison.

La politique suisse en matière de lutte contre le terrorisme n'est en rien entravée par l'absence, dans son code pénal, d'une norme définissant expressément l'infraction terroriste. En effet, comme nous l'avons expliqué ci-dessus, les infractions commises dans un contexte terroriste peuvent d'ores et déjà

---

<sup>120</sup> Submitted by that Government on 19 December 2001 (S/2001/1224, appendix), 11 July 2002 (S/2002/868, attachment) and on 12 September 2003 (S/2003/976, enclosure). Information was also submitted in respect of the Anti-Money-Laundering Act (AMLA), the Federal Act on Judicial Cooperation in Criminal Matters, and the Asylum Law.