



PERMANENT MISSION OF FINLAND
TO THE UNITED NATIONS
New York

YKEM107-33

VERBAL NOTE

The Permanent Mission of Finland to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the verbal note LA/COD/59 of 8 January 2010, has the honour to transmit the following information on the scope and application of the principle of universal jurisdiction in the Finnish legal system.

The scope of application of the criminal law of Finland is provided for in Chapter 1 of the Criminal Code. That Chapter includes provisions on offences committed in Finland (section 1), offences connected to a Finnish vessel (section 2), offences directed at Finland (section 3), offences in public office and military offences (section 4), offences directed at a Finn (section 5), and offences committed by a Finn (section 6).

Section 7 of Chapter 1 of the Criminal Code provides for the universal jurisdiction of the Finnish courts. Under section 7(1), Finnish law shall apply to an offence committed outside of Finland where the punishability of the act is, regardless of the place of commission, based on an international agreement binding on Finland or another statute or regulation internationally binding on Finland (in the Criminal Code such offences are referred to as "international offences"). Further provisions on the application of section 7 are issued by Decree. The relevant Decree sets out a detailed list of crimes to which Finnish criminal law can be applied on the basis of universal jurisdiction, as well as of the international conventions providing the legal basis thereof. An unofficial English translation of Chapter 1 of the Criminal Code and of the Decree is attached to this verbal note. The translation takes account of amendments introduced to the Decree through December 2008. Since then, such nuclear terrorism as is referred to in the International Convention for the Suppression of Acts of Nuclear Terrorism (Treaties of Finland 6/2009), and such torture or other punishable act as is deemed an offence referred to in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaties of Finland 60/1989) have been introduced into the Decree.

In accordance with section 7(2), regardless of the law of the place of commission, Finnish law also applies to a nuclear explosive offence or the preparation of an endangerment offence that is to be deemed an offence referred to in the Comprehensive Nuclear Test Ban Treaty (Treaties of Finland 15/2001), and to trafficking in persons, aggravated trafficking in persons and an offence referred to in Chapter 34a of the Criminal Code (terrorist offences) committed outside of Finland. An unofficial English translation of Chapter 34a is also attached to this verbal note.

H.E. Mr Ban Ki-moon
Secretary-General of
the United Nations
New York

The categorisation of unlawful acts as “international offences” is thus in most cases based on an international agreement that has been ratified by Finland. Most of those agreements place States Parties under an obligation to prosecute offenders unless they are extradited to another State, and the relevant offences are punishable in the Finnish legal system irrespective of the place of commission of the offence, the offender or the applicable law of the place of commission.

As a general rule, a criminal case shall not be tried in Finland without a prosecution order by the Prosecutor-General where the offence was committed abroad (Section 12 of Chapter 1). Section 13 of Chapter 1 provides for situations where a judgment has already been passed in another State.

If an international agreement binding on Finland or another statute or regulation that is internationally binding on Finland for some reason restricted the scope of application of the criminal law of Finland, the relevant provisions of such agreement or other instrument would apply in accordance with section 15 of Chapter 1. In addition, the scope of application of Finnish law might be restricted on the basis of generally recognised rules of international law.

The first case tried by a Finnish court under the principle of universal jurisdiction is currently pending before a district court. In that case, the defendant was residing in Finland and was arrested as his name had appeared on a list of suspects published by the authorities of his country of origin. It was found that the person concerned could not be extradited under the Finnish law and therefore he was charged in Finland on the basis of universal jurisdiction.

Finland is committed to promoting international accountability and is convinced that the principle of universal jurisdiction constitutes an essential tool in the fight against impunity.

The Permanent Mission of Finland to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurance of its highest consideration.

New York, 17 May 2010

Encl.



H.E. Mr Ban Ki-moon
Secretary-General of
the United Nations
New York

NB: Unofficial translation
© Ministry of Justice, Finland

The Criminal Code of Finland
(39/1889, amendments up to 940/2008 included)

Chapter 1 - Scope of application of the criminal law of Finland (626/1996)

Section 1 - Offence committed in Finland

- (1) Finnish law applies to an offence committed in Finland.
- (2) Application of Finnish law to an offence committed in Finland's economic zone is subject to the Act on the Economic Zone of Finland (1058/2004) and the Act on the Prevention of Ship-Source Pollution of Waters (300/1979). (1067/2004)

Section 2 - Offence connected with a Finnish vessel

- (1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed
 - (1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or
 - (2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.
- (2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the perpetrator has violated his or her special statutory duty as the master of the vessel or aircraft or a member of its crew.

Section 3 - Offence directed at Finland

- (1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.
- (2) An offence is deemed to have been directed at Finland
 - (1) if it is an offence of treason or high treason,
 - (2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or
 - (3) if it has been directed at a Finnish authority.

Section 4 – Offence in public office and military offence

- (1) Finnish law applies to an offence referred to in chapter 40 of this Code that has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs (1), (2), (3) and (5) (604/2002).
- (2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that chapter.

Section 5 - Offence directed at a Finn

Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

Section 6 - Offence committed by a Finn

- (1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, a precondition for the imposition of punishment is that, under Finnish law, the act is punishable by imprisonment for more than six months.
- (2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the court proceedings is deemed to be a Finnish citizen.

(3) The following are deemed equivalent to a Finnish citizen:

- (1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the court proceedings, and
- (2) a person who was apprehended in Finland and who at the beginning of the court proceedings is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

Section 7 - International offence

(1) Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (*international offence*). Further provisions on the application of this section shall be issued by Decree.

(2) Regardless of the law of the place of commission, Finnish law applies also to a nuclear explosive offence or the preparation of an endangerment offence that is to be deemed an offence referred to in the Comprehensive Nuclear Test Ban Treaty (Treaties of Finland 15/2001) (841/2003).

(3) Regardless of the law of the place of commission, Finnish law applies also to trafficking in persons, aggravated trafficking in persons and an offence referred to in chapter 34a committed outside of Finland. (650/2004)

Decree on the application of chapter 1, section 7 of the Criminal Code (627/1996)

Section 1

[1] In the application of chapter 1, section 7 of the Criminal Code, the following offences are deemed international offences:

(1) counterfeiting currency, the preparation of the counterfeiting of currency, or the use of counterfeited currency, referred to in the International Convention for the Suppression of Counterfeiting Currency (Treaties of Finland 47/1936) and counterfeiting of the euro referred to in article 7, paragraph 2 of the Council framework decision of 29 May 2000, on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Official Journal L 140, 14 June 2000), (370/2001)

(2) a crime against humanity, aggravated crime against humanity, war crime and aggravated war crime defined in the Charter of Rome of the International Criminal Court (Treaties of Finland 56/2002) or other corresponding punishable criminal act which should be deemed a grave breach of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Relative to the Treatment of Prisoners of War, and Relative to the Protection of Civilian Persons in Time of War (Treaties of Finland 8/1955), as well as the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of international armed conflicts (Treaties of Finland 82/1980), (286/2008)

(3) genocide and the preparation of genocide referred to in the Convention on the Prevention and Punishment of the Crime of Genocide (Treaties of Finland 5/1960),

(4) a narcotics offence, aggravated narcotics offence, preparation of a narcotics offence, promotion of a narcotics offences, promotion of an aggravated narcotics offence, and concealment offence as referred to in the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 43/1965), the Protocol amending the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 42/1975), the Convention on psychotropic substances (Treaties of Finland 60/1976), and the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (Treaties of Finland 44/1994), (1014/2006)

- (5) such seizure of aircraft or other punishable act by which the perpetrator unlawfully, by force or threat thereof, seizes or exercises control of an aircraft, that is to be deemed an offence referred to in the Convention for the suppression of unlawful seizure of aircraft (Treaties of Finland 62/1971),
- (6) such criminal traffic mischief or aggravated criminal mischief, preparation of an endangerment offence or other punishable act that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Treaties of Finland 56/1973),
- (7) murder, assault or deprivation of liberty directed against the person of an internationally protected person, or violent attack upon the official premises, the private accommodation or the means of transport of such a person, or a threat thereof, referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Treaties of Finland 63/1978),
- (8) taking of a hostage or other deprivation of liberty referred to in the International Convention against the Taking of Hostages (Treaties of Finland 38/1983),
- (9) such torture for the purpose of obtaining a confession, assault, aggravated assault or other punishable act that is to be deemed torture referred to in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaties of Finland 60/1989),
- (10) such nuclear device offence, endangerment of health, nuclear energy use offence or other punishable act directed at or committed by using nuclear material that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaties of Finland 72/1989),
- (11) such deprivation of liberty, aggravated deprivation of liberty, abduction, sabotage, endangerment or other punishable act that is to be deemed an offence referred to in the European Convention on the Suppression of Terrorism (Treaties of Finland 16/1990), (353/1997) homicide, assault, deprivation of liberty or robbery directed at a person on board a vessel or aircraft, or seizure, theft or damage of a vessel, aircraft or property on board a vessel or aircraft that is to be deemed piracy as referred to in the United Nations Convention on the Law of the Seas (Treaties of Finland 50/1996), (118/1999)
- (12) such violation of the prohibition of chemical weapons referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1997), (118/1999)
- (13) such unlawful act directed against the safety of maritime navigation that is referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Treaties of Finland 11/1999), (537/2000)
- (13a) such violation of the prohibition of biological weapons referred to in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Treaties of Finland 23/1929) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Treaties of Finland 15/1975), (286/2008)
- (15) such unlawful act that is directed against the safety of fixed platforms located on the continental shelf as is referred to in the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Treaties of Finland 44/2000), (739/2001)
- (16) such crime against United Nations and associated personnel as is referred to in the Convention on the Safety of United Nations and Associated Personnel (Treaties of Finland 2-3/2001), (510/2002)
- (17) such offence against a place of public use, state or government facility, a public transportation system or an infrastructure facility as is referred to in the International Convention for the Suppression of Terrorist Bombings (Treaties of Finland 60/2002),

(18) such financing of terrorism as is referred to in the International Convention for the Suppression of the Financing of Terrorism (Treaties of Finland 74/2002), (859/2003)

(19) such wilful killing or causing of serious injury to civilians as is referred to in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and other Devices as amended on 3 May 1996 (Treaties of Finland 91/1998). (859/2003)

(2) Also a punishable attempt of and punishable participation in an offence referred to in subsection 1 is deemed an international offence.

Section 8 - Other offence committed outside of Finland

Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

Section 9 - Corporate criminal liability

If, under this chapter, Finnish law applies to the offence, Finnish law applies also to the determination of corporate criminal liability.

Section 10 - Place of commission

(1) An offence is deemed to have been committed both where the criminal act was committed and where the consequence contained in the statutory definition of the offence became apparent. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence contained in the statutory definition of the offence became apparent.

(2) If the offence remains an attempt, it is deemed to have been committed also where, had the offence been completed, the consequence contained in the statutory definition of the offence either would probably have become apparent or would in the opinion of the perpetrator have become apparent.

(3) An offence by an inciter and abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the offender is deemed to have been committed.

(4) If there is no certainty as to the place of commission, but there is justified reason to believe that the offence was committed in the territory of Finland, said offence is deemed to have been committed in Finland.

Section 11 - Requirement of dual criminality

(1) If the offence has been committed in the territory of a foreign State, the application of Finnish law may be based on sections 5, 6 and 8 only if the offence is punishable also under the law of the place of commission and a sentence could have been passed for it also by a court of that foreign State. In this event, no sanction that is more severe than what is provided by the law of the place of commission shall be imposed in Finland.

(2) Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in

(1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts (212/2008),

(2) sections 1 – 9 of chapter 15 pursuant to section 12a of said chapter,

(3) sections 1 - 3 of chapter 16 and even if the object of the offence is a person referred to in chapter 40, section 11, paragraph (2), (3) or (5) or a foreign public official who is in the service of the International Criminal Court,

(4) sections 13, 14 and 14a of chapter 16 and even if the provisions are applied pursuant to section 20 of the same chapter,

- (5) section 18, 18a or 19 of chapter 17,
- (6) sections 6, 7 or 8a of chapter 20, (743/2006)
- (7) sections 9 or 9a of chapter 20, if the act is directed at a person below the age of eighteen years, or
- (8) sections 1 - 4 of chapter 40, if the offender is a member of Parliament, a foreign public official or a member of a foreign parliament. (650/2004)

Section 12 - Prosecution order by the Prosecutor-General (205/1997)

(1) A criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, where

- (1) the offence was committed abroad, or
 - (2) a foreigner has committed an offence on board a foreign vessel when the vessel was in Finnish territorial waters or on board a foreign aircraft when the aircraft was in Finnish air space and the offence was not directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland or a Finnish corporation, foundation or other legal entity.
- (2) However, the order by the Prosecutor-General is not be required, if
- (1) the offence was committed by a Finnish citizen or a person who, under section 6, is equivalent to a Finnish citizen and it was directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland, or a Finnish corporation, foundation or other legal entity,
 - (2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent public prosecutor of the place of commission has requested that the offence be tried in a Finnish court,
 - (3) the offence was committed aboard a Finnish vessel while on the high seas or in territory not belonging to any State or aboard a Finnish aircraft while it was in or over such territory,
 - (4) the offence was committed aboard a vessel or aircraft while it was in scheduled traffic between points in Finland or between a point in Finland and a point in Denmark, Iceland, Norway or Sweden,
 - (5) the offence is to be tried as a criminal case in accordance with the Military Court Procedure Act (326/1983), or
 - (6) there is a statutory provision to the effect that the President of the Republic or Parliament is to order any charges to be brought.

Section 13 - Foreign judgment

(1) Charges may not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union and

- (1) the charge was dismissed,
 - (2) the defendant was found guilty but punishment was waived,
 - (3) the sentence was enforced or its enforcement is still in progress or
 - (4) under the law of the State where the judgment was passed, the sentence has lapsed. (814/1998)
- (2) The provisions of subsection 1 notwithstanding, the Prosecutor-General may order that the charge be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities and
- (1) under section 3, the offence is deemed to be directed at Finland,
 - (2) the offence is an offence in public office or a military offence referred to in section 4,
 - (3) the offence is an international offence referred to in section 7, or
 - (4) pursuant to section 10, the offence is deemed to have been committed also in Finland. However, the Prosecutor-General shall not order charges to be brought for

an offence that has been partially committed in the territory of that member state of the European Union where the judgment was passed. (814/1998)

[subsection 3 has been repealed; 515/2003]

Section 14 - Reference provision

Separate provisions apply to extradition on the basis of an offence and to other international legal assistance and to the immunity in certain cases of persons participating in court proceedings or a criminal investigation.

Section 15 - Treaties and customary international law binding on Finland

If an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland when compared with the provisions of this chapter, such a restriction applies as agreed. The provisions in this chapter notwithstanding, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply.

NB: Unofficial translation
© Ministry of Justice, Finland

The Criminal Code of Finland
(39/1889, amendments up to 940/2008 included)

Chapter 34 a – Terrorist offences (17/2003)

Section 1 – Offences made with terrorist intent

(1) A person who, with terrorist intent and in a manner that is conducive to causing serious harm to a State or an international organisation

(1) makes an unlawful threat, a false report of a danger, the aggravated invasion of public premises referred to in chapter 24, section 4, subsection 2, or the nuclear energy use offence referred to in chapter 44, section 10, shall be sentenced to imprisonment for at least four months and at most three years, (1370/2007)

(2) intentionally commits the offence of imperilment, an intentional explosives offence, a violation of the provisions on dangerous objects, or the public incitement to an offence referred to in chapter 17, section 1, shall be sentenced to imprisonment for at least four months and at most four years, (1370/2007)

(3) commits an aggravated theft or an aggravated theft for temporary use directed against a motor vehicle suitable for public transport or the transport of goods, sabotage, traffic sabotage, endangerment of health, aggravated damage to property, aggravated firearms offence or an export offence referred to in the Act on the Export and Transit of Defence Supplies (242/1990) shall be sentenced to imprisonment for at least four months and at most six years,

(4) violates a ban on chemical weapons, violates a ban on biological weapons or engages in intentional aggravated pollution of the environment committed in the manner referred to in chapter 48, section 1, subsection 1(1) shall be sentenced to imprisonment for at least four months and at most eight years,

(5) commits aggravated assault, aggravated trafficking in human beings, the taking of a hostage, aggravated sabotage, aggravated endangerment of health, a nuclear weapon offence or hijacking shall be sentenced to imprisonment for at least two and at most twelve years, (1161/2005)

(6) commits the offence of killing shall be sentenced to imprisonment for at least four and at most twelve years, or

(7) commits homicide shall be sentenced to imprisonment for at least eight years or for life.

(2) A person who commits murder with terrorist intent shall be sentenced to life imprisonment.

(3) An attempt is punishable.

Section 2 – Preparation of an offence to be committed with terrorist intent

A person who, in order to commit an offence referred to in section 1, subsection 1(2)-(7) or subsection 2,

(1) agrees with another person or prepares a plan to commit such an offence,

(2) prepares, keeps in his or her possession, acquires, transports, uses or gives to another an explosive, a chemical or biological weapon or a toxin weapon, a firearm or a dangerous object or substance, or

(3) acquires equipment or materials for the preparation of a nuclear explosive, a chemical or biological weapon or a toxin weapon or acquires formulas or diagrams for their production,

shall be sentenced for *preparation of an offence to be committed with terrorist intent* to a fine or to imprisonment for at most three years.

Section 3 – Directing of a terrorist group

(1) A person who directs a terrorist group, the activity of which has involved the commission of an offence referred to in section 1, subsection 1(2)-(7) or section 1, subsection 2 or a punishable attempt at such an offence or the offence referred to in section 2 shall be sentenced for *directing of a terrorist group* to imprisonment for at least two and at most twelve years.

(2) A person who directs a terrorist group in the activity of which only the offence referred to in section 1, subsection 1(1) has been committed shall be sentenced to imprisonment for at least four months and at most six years.

(3) A person who is sentenced for directing of a terrorist group shall also be sentenced for an offence referred to in section 1 or the punishable attempt of such an offence or an offence referred to in section 2 that he or she has committed or that has been committed in the activity of a terrorist group under his or her direction.

Section 4 – Promotion of the activity of a terrorist group (832/2003)

(1) A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in sections 1 or 2 of a terrorist group

(1) supplies or seeks to supply a terrorist group with explosives, weapons, ammunition or substances or equipment intended for the preparation of these or with other dangerous objects or material,

(2) obtains or seeks to obtain or gives to a terrorist group premises or other facilities that it needs or means of transport or other implements that are especially important from the point of view of the activity of the group,

(3) obtains or seeks to obtain information which, if transmitted to a terrorist group, would be conducive towards causing serious harm to the State or an international organisation, or transmits, gives or discloses such information to a terrorist group,

(4) manages important financial matters of a terrorist group or gives financial or legal advice that is very important from the point of view of such a group, or

(5) commits an offence referred to in chapter 32, section 6 or 7,

shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *promotion of the activity of a terrorist group* to imprisonment for at least four months and at most eight years.

(1370/2007)

(2) What is provided above in subsection 1, paragraph [4] regarding legal advice does not apply to the performance of the functions of a legal counsel or attorney in connection with the pre-trial investigation of an offence, court proceedings or the enforcement of a sentence. (832/2003)

Section 4 a – Provision of training for the commission of a terrorist offence (1370/2007)

A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, arranges, attempts to arrange or provides training in the preparation or use of explosives, firearms or other arms or poisonous or other noxious substances or in another corresponding manner arranges, attempts to arrange or provides training, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *provision of training for the commission of a terrorist offence* to imprisonment for at least four months and at most eight years.

Section 4 b – Recruitment for the commission of a terrorist offence (1370/2007)

A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, establishes or organizes a terrorist group or recruits or attempts to recruit persons into a terrorist group or otherwise commit the terrorist offences referred to in said sections, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *recruitment for the commission of a terrorist offence* to imprisonment for at least four months and at most eight years.

Section 5 – The financing of terrorism

(1) A person who directly or indirectly provides or collects funds in order to finance, or aware that these shall finance

- (1) the taking of a hostage or hijacking,
- (2) sabotage, aggravated sabotage or preparation of an offence of general endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombing (Treaty Series 60/2002),
- (3) sabotage, traffic sabotage, aggravated sabotage or the preparation of an offence of general endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Treaty Series 43/1998), the Convention for the Suppression of Unlawful Act Against the Safety of Maritime Navigation (Treaty Series 11/1999) or the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Treaty Series 44/2000),
- (4) a nuclear explosives offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or other criminalised offence directed at a nuclear material or committed through the use of nuclear material, that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaty Series 72/1989), or
- (5) murder, homicide, killing, aggravated assault, deprivation of liberty, aggravated deprivation of liberty, aggravated trafficking in persons, taking of a hostage or aggravated disturbance of public peace or the threat of such an offence, when the act is directed against a person who is referred to in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (Treaty Series 63/1978), (1161/2005)

shall be sentenced for the *financing of terrorism* to imprisonment for at least four months and at most eight years.

(2) Also a person who directly or indirectly provides or collects funds in order to finance or aware that they are used to finance the offences referred to in section 1 shall be sentenced for the financing of terrorism.

(3) An attempt is punishable.

(4) What is provided in the foregoing in this section does not apply if the offence is punishable as an offence referred to in subsection 1, paragraphs (1) through (5) or an attempt of such an offence or complicity in such an offence or, according to sections 1 or 2, or a more severe sentence is provided elsewhere in law for it.

Section 6 - Definitions

(1) An offender has a *terrorist intent* if it is his or her intent to:

- (1) cause serious fear among the population,
- (2) unlawfully force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act,
- (3) unlawfully overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause particularly harm to the state economy or the fundamental social structures of the state, or
- (4) cause particularly extensive harm to the finances or other fundamental structures of an international organisation.

(2) A *terrorist group* refers to a structured group of a least three persons established over a period of time and acting in concert in order to commit offences referred to in section 1.

(3) An *international organisation* refers to an intergovernmental organisation or to an organisation which, on the basis of its significance and internationally recognised position, is comparable to an intergovernmental organisation.

Section 7 – Right of prosecution

The Prosecutor-General decides on the bringing of charges for offences referred to in this chapter. In so doing the Prosecutor-General shall also designate the person who is to bring the charges.

Section 8 – Corporate criminal liability

(1) The provisions on corporate criminal liability apply to the offences referred to in this chapter.

(2) The provisions on corporate criminal liability apply also to robbery, aggravated robbery, extortion or aggravated extortion committed in order to commit an offence referred to in section 1 or section 2, subsection 1(3) of this chapter as well as to forgery or aggravated forgery committed in order to commit the offence referred to in section 1, subsection 1, paragraphs (2)-(7) or subsection 2, section 2, subsection 1(3), or section 4 or 5 of this Act.