

SPAIN

Definition and Prosecution of Terrorist Acts

Spanish law specifically defines terrorist offences and establishes harsher penalties for them than for ordinary offences. For example, murder carries a sentence of 15 to 20 years. Murder for terrorist ends carries a sentence of 20 to 30 years. The Penal Code also prohibits many different types of collaboration with intent to commit terrorist actions. Collaborating with terrorists or terrorist groups is punishable by five to 10 years' imprisonment and fines equivalent to 18 to 24 months salary.

Spain's procedural legislation provides for certain steps to be taken in connection with the investigation of terrorist activities. Under an organic law, and with the requisite court order and adequate parliamentary oversight, the rights related to maximum duration of preventative detention and the secrecy of communications may be suspended for certain person in connection with the investigation of terrorist offenses. Detainees suspected of terrorist activities may also be held incommunicado.

Prosecution of terrorist offences can be carried out through ordinary or summary proceedings. Spanish courts are competent to try cases involving terrorist offences which are committed by Spanish nationals and foreigners outside the national territory.

The Penal Code provides penalties for individuals or groups who illegally store weapons or munitions or illegally possess explosive, flammable, incendiary, or similar devices. It also criminalizes the illegal manufacturing, trafficking, or shipping of any substances to be used by terrorists or terrorist groups. Sentences can range from 6 to 10 years' imprisonment.

Prevention of Terrorism – Security Measures

In the wake of September 11, Spain has adopted a specific plan of action which will be implemented in the event of a terrorist attack with conventional weapons. Additionally, it has adopted preventive and rapid-response measures to neutralize a terrorist attack or attempted attack with chemical or biological materials. Finally, Spain has implemented a preventive plan for studying and gaining knowledge about the ideology, objectives, modus operandi of the various terrorist organizations. Spanish Law assigns specific tasks to select agencies in an effort to prevent terrorist and other illegal acts. The Spanish Police are responsible for immigration control. The Civil Guard is responsible for customs, taxation and financial control and for action to prevent and prosecute smuggling, drug trafficking and fraud.

Laws Pertaining To Biology

Laws concerning the protection of workers from exposure to biological agents at work include the Royal Decree 664/1997 which defines agents to which regulations apply. It also implements in Spain the provisions of Directive 90/679/EEC (CIS 91-29, as amended by 93/88/EEC (CIS 94-783) and 95/30/EC) which stipulates the obligations of employers, various provisions for health and veterinary establishments other than diagnostic laboratories; and special measures applying to industrial procedures, laboratories and animal-housing locations. The Annex contains a list of occupations where exposure is likely; a classification of biological agents (bacteria, viruses, parasites, fungi); labels to indicate biological hazards; and containment recommendations (general, industrial processes, practical recommendations for vaccination). Also, Law No. 15/1994 establishes the regime for the confined usage, voluntary liberation and merchandising of genetically modified organisms with the aim to prevent risks for the human health and for the environment.

Financing of Terrorism and Money-Laundering

Select provisions of the Spanish Penal Code criminalize the act of financing terrorist groups and activities. The code provides that anyone who attempts a crime against property in order to obtain funds for the armed groups, organizations or terrorist groups shall be punished with a penalty at the level next highest to the one prescribed for the offence committed. It also allows for the freezing and seizure of assets used to commit terrorist acts.

Financial institutions play a vital role in preventing the financing of terrorists. These institutions must refrain from conducting any transaction in which the issuer or recipient of funds might be a terrorist or have ties to terrorist organizations. Said institutions are also required to notify the Executive Service of the Committee for the prevention of Money Laundering and Currency Offence of any activities that might be criminal in nature.

The Committee for the Prevention of Money Laundering and Currency Offences is responsible for preventing money-laundering (which includes criminal activities connected with armed bands or organizations, or terrorist groups. The Committee is chaired by the Secretary of State for Economic Affairs, and is made up of representatives of a range of bodies and institutions. In performing its functions, the Committee is supported by two bodies:

1. The Executive Service, which falls within the purview of the Bank of Spain and has a unit known as the National Police Brigade for the Investigation of Currency Offences (BIDM);
2. The Secretariat, which is a component of the Ministry for Economic Affairs, the Spanish authority responsible for ensuring compliance with European Community regulations concerning the freezing of assets connected with terrorism.

Additionally, the Committee of Ministries approved legislation designed to create a terrorism financing oversight committee. This committee would be empowered to block bank accounts and other assets linked to terrorists or terrorist organizations. This committee will also be a collegiate body chaired by the Secretary of State for Security, whose members will be representatives of the Attorney-General's Office and of the Ministries of Justice and of the Interior, and of the Ministry for Economic Affairs, appointed by the relevant department heads.

Information Sharing

Spain is part of several international agreements that provide for the rapid and efficient exchange of information in the following areas:

- Transferring information about terrorist groups and movements of their activities.
- Exchanging information through liaison officers in other countries.
- Exchanging techniques and experiences with other services involved in combating terrorists.
- Exchanging information and analysis with a view to assessing terrorist threats.

BIBLIOGRAPHY OF SPANISH LAWS

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1. Spanish Penal Code, Articles 573, 576
2. Organic Law 10/1995
3. Organic Law 1/1992
4. Organic Law 6/1965
5. Spanish Constitution, Article 55

Laws Pertaining To Biology

1. Royal Decree No. 491/1998, 12 March 1998
2. Order adapting to technical progress Royal Decree 664/1997 concerning the protection of workers from risks related to exposure to biological agents at work, 25 March 1998
3. Royal Decree No. 664/1997 on the protection of workers from risks related to exposure to biological agents at work, 12 May 1997
4. Law No. 15/1994
5. Decree No. 824/1993, 28 May 1993

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1. Spanish Penal Code, Articles 13, 326, 334, 589, 301, 575
2. Law 40/1979, Article 2
3. Law 41/1999
4. Law 19/1993, Article 3