

SWEDEN

Criminalizing Terrorist Acts

Sweden has made efforts to establish terrorist acts as serious criminal offenses. “Sweden has ratified all of the international criminal law conventions for the suppression of terrorism, except for the International Convention for the Suppression of the Financing of Terrorism [signed in 2001, but not yet ratified].” “All acts that constitute an offence within the scope of and as defined in the international criminal law conventions for the suppression of terrorism are therefore criminalized in Sweden.”

As mentioned above, Swedish legislation does not reference specific criminal offenses for terrorist acts. 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.” These crimes all carry penalties of life imprisonment. Under Swedish Penal Code, Chapter 23, Section 1, an *attempt* to commit these crimes is also punishable. Under Section 2, terrorists can also be charged with *preparation or conspiracy* to commit these crimes, depending on the circumstances.

In addition to these provisions, Sweden has also committed to implement the EU Framework Decision on Combating Terrorism. European Community Regulation No. 467/2001 details the procedures followed by European Union States, including Sweden, to freeze accounts and assets at banks and financial institutions.

The Penal Code of Sweden provides for broad jurisdiction over both citizens and foreigners who commit crimes. “Chapter 2 of the Swedish Penal Code states that crimes committed in Sweden shall be adjudged in accordance with Swedish law and by a Swedish court.” Swedish courts have jurisdiction over crimes committed outside of Sweden provided the crime was committed by: “(1) a Swedish citizen or an alien domiciled in Sweden; (2) an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or is Danish, Finnish, Icelandic, or Norwegian citizen and is present in Sweden; or (3) any other alien, who is present in the Realm, and the crime under Swedish law can result in imprisonment for more than six months.”

Suppressing Recruitment of Members of Terrorist Groups

Sweden has several laws that discourage recruitment by members of terrorist groups, including the *preparation* and *conspiracy* provisions of Swedish Penal Code, Chapter 23, Section 2 (detailed above). “A person who recruits others for military or comparable service without the authority of the Government can be sentenced for unlawful recruiting.” It is also a criminal act to incite rebellion by publicly urging or enticing others to commit a criminal act (either orally or through publication).

Denying Access To Weapons of Mass Destruction

Sweden has enacted various laws to control exports of weapons and prevent critical materials from getting into the hands of terrorists. The Military Equipment Act, No. 1300, 1992 (amended up to and including Act No. 68, 1996) prohibits production or supply of military equipment without a valid permit, and Swedish authorities, entities, and persons are prohibited from supplying such equipment abroad. The Act on Penalties for the Smuggling Goods punishes unlawful exportation; manufacture or supply of military equipment without permit is punished by not more than two years in case of intentional action, not more than 6 month in case of negligence.

The Law on Strategic Products No. 397, 1998 provides that equipment that can be used for the manufacture of biological or chemical weapons and of biological agents and chemical precursors may

not be manufactured in Sweden unless a permit is granted. The Ordinance on control of products with dual-use and of technical assistance, No. 1217, 7 December 2000 controls strategic products in accordance with Council Regulation (EC) no. 1334/2000 of 22 June 2000 which sets up a Community regime for the control of exports of dual-use goods and technologies. The Ordinance also controls the 'production by synthesis, [i.e.] through chemical reaction or through biological or biotechnical processes (biosynthesis)', and it entitles the Inspectorate for Strategic Products to issues regulations regarding import, export, and transfer permits in accordance with EC regulation. It provides that notification to the customs authority of the export or transfer of dual-use goods does not need to be made if the permitted export or transfer regards biological agents.

The Military Equipment Ordinance No. 1301, 1992 (amended up to and including Act No. 124, 1997) defines obligations to provide information on type, quantity, invoice, and final destination by any person or entity that 'produces, prepares, uses, acquires, disposes of or stores' military equipment or critical substances. The National Inspectorate of Strategic Products collects this information about the transfer abroad of the right to manufacture military equipment or of cooperation agreements entered into with persons or entities abroad and about the ownership in foreign legal entities involved in the development, manufacture, marketing or sale of military equipment.

Laws Relating to Biology

Regulation AFS 1991:2 on work with risk of infections, 1991, gives advice on how to deal with contamination likely to occur in workplaces. Particularly exposed workers are nursing home staff, rescue staff, hospital staff, people working with children, social workers, workers in refugee services, police, people working with microbiological organisms, workers with animals, and workers in the food industry and industries dealing with biological material. The Biological Agents Directive AFS 1993:18, 25 November 1993 (modifying notification AFS 1992:8, bringing it into conformity with EU directive 90/679/EEC) requires employers to keep a record of workers who have been exposed to biological agents.

Preventing, Suppressing and Criminalizing the Financing of Terrorism

Sweden is committed to preventing and suppressing the financing of terrorism. In 2001, Sweden signed the International Convention for the Suppression of the Financing of Terrorism, but has not yet ratified it. Sweden is also a member of the European Union's Financial Action Task Force on Money Laundering, and as such, "will take an active part in the implementation of the newly adopted special regulations."

Swedish legislation generally contains no references to specific criminal offenses for terrorist activities. However, the Swedish Act on International Sanctions, Section 8 implements European Community Regulation No. 2580/2001, Article 2 paragraph 1(b) and Article 3(a) -- which criminalize "the willful act of making any funds available to terrorists or terrorist groups."

Under Swedish Penal Code, Chapter 23, Section 2, financing of crimes (including terrorist acts) are covered under *preparation* or *conspiracy* to commit a crime. However, financing of terrorist acts may be treated as *aiding or instigating* the crime, if the act is attempted or completed, according to Swedish Penal Code, Chapter 23, Section 4. Under Swedish Penal Code, Chapter 23, Section 1 the penalty for attempting to commit a terrorist act will "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."

International Cooperation & Operational Information Exchange

Sweden is poised to cooperate in the global efforts to prevent terrorism: Sweden is a party to several bilateral agreements, EU resolutions, the Schengen Group, and all international treaties and protocols on preventing and eliminating terrorism.

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Sweden has in place several bilateral agreements related to terrorism. These include (1) Agreement between the Government of the Kingdom of Sweden and the Cabinet of Ministers of Ukraine Concerning Cooperation as Regards Measures to Combat Crime, Stockholm, 23 March 1999; (2) Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Hungary on Cooperation in Combating Organized Crime, Illegal Trafficking in Narcotic Drugs and Psychotropic Substances, Terrorism, and Other Forms of Serious Crime, Budapest 23 April 1997; (3) Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on Cooperation in Combating Crime, Moscow 19 April 1995; (4) Agreement on Police Cooperation with France with Respect to Combating Terrorism, Illegal Trafficking in Narcotic Drugs and Organized Crime, Paris 15 December 1989; and (5) Memorandum of Understanding with Spain on Cooperation in Combating Terrorism, Illegal Trafficking in Narcotic Drugs and Serious Organized Crime, Madrid 11 May 1989.

In addition to these agreements, “the European Council [has] agreed on a number of measures to intensify information exchange between member states, . . . including regular meetings of member States’ anti-terrorist units and their intelligence agencies.” As a member of the EU, Sweden has agreed to these measures.

At a regional level, the Schengen Agreement fosters cooperation among Sweden and its neighboring states. The Schengen Agreement allows people to move freely between Schengen member states, and strengthens border controls at exterior borders of entire area covered by Schengen Agreement. The member states have also agreed on visa policies, and to ensure security, all travel documents (including visas) conform to the EU security standards.

To further cooperation between nations, Sweden passed the Act Concerning International Legal Assistance in Criminal Matters in 2000. This act allows Swedish prosecutors and judges to assist in foreign criminal investigations. It also allows Sweden “to assist other countries, inter alia, with questioning in connection with preliminary investigations, the taking of evidence by a court and with procedural coercive measures such as attachment, confiscation, and search of premises.”

BIBLIOGRAPHY OF SWEDISH LEGISLATION

Criminalizing Terrorist Acts

1. Swedish Penal Code, Chapter 23, Section 2 (preparation to commit a crime).
2. Special Control of Foreigners (“government can expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or take part in crimes involving violence, threats or coercion for political purposes.”).

Weapons Control

1. The Penal Code of Sweden, Chapters 22, 23, and 36
2. The Weapons Act No. 67, 1996
3. Ordinance on Prohibition of Export of Certain Products which can be used for Mass Destruction No. 2060, 1994
4. The Penal Code of Sweden, Chapters 22
5. Law on control over products with dual-use and over technical assistance, No. 1064, 8 December 2000
6. Ordinance on control of products with dual-use and of technical assistance, No. 1217, 7 December 2000
7. The Law on Strategic Products No. 397, 1998
8. The Weapons Act No. 67, 1996
9. The Military Equipment Act, No. 1300, 1992 (Amended up to and including Act No. 68, 1996)
10. The Military Equipment Ordinance No. 1301, 1992 (Amendments up to and including Act No. 124, 1997)

Preventing, Suppressing and Criminalizing the Financing of Terrorism

1. International Convention for the Suppression of the Financing of Terrorism (signed 2001).
2. Swedish Penal Code, Chapter 23, Section 2 (financing of crimes covered under preparation to commit a crime).
3. Swedish Penal Code, Chapter 23, Section 4 (financing of terrorist acts will be treated as aiding or instigating the crime, if act is attempted or completed).
4. European Community Regulation No. 467/2001 (procedures followed by Sweden to freeze accounts and assets at banks and financial institutions).
5. Swedish Act on International Sanctions, Section 8 (implements European Community Regulation No. 2580/2001, Article 2 paragraph 1(b) and Article 3(a) criminalizes “the wilful act of making any funds available to terrorists or terrorist groups”).

International Cooperation & Operational Information Exchange

1. Act Concerning International Legal Assistance in Criminal Matters (2000: 562) (allows Swedish prosecutors and judges to assist in foreign criminal investigations).
2. Schengen Agreement (Schengen States allow people to move freely between them, increased border controls at exterior borders of entire area covered by Schengen Agreement).
3. European Framework Decision on Combating Terrorism (approved by Swedish Parliament).
4. Extradition for Criminal Offences Act, Article 6 (contains provisions on extradition of individuals for political offenses).
5. UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms (Sweden is a signatory to this Protocol).