

# SLOVAK REPUBLIC

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## THE PROVISIONS OF THE CRIMINAL CODE<sup>1</sup> CONCERNING TERRORISM<sup>2</sup>

### Section 129 Group of person and association

[...]

(4) For the purposes of this Act, a “terrorist group” means a structured group of at least three persons existing for a certain period of time for the purposes of committing a criminal offence of terror or criminal offence of terrorism.

[...]

(6) Support of criminal group or terrorist group means the intentional acting consisting in providing of means, services, cooperation, or creation of other conditions for the purpose of

- establishing or contriving of existence of such a group, or
- commission of criminal offences in paragraph 3 or 4 by such a group.

### Section 297 Establishing, contriving and supporting a terrorist group

Any person who establishes or contrives a terrorist group, is its member, is active for it or supports it shall be liable to a term of imprisonment of five years to ten years.

### Section 419 Terrorism

(1) Any person, who with the intention to destabilize or destroy constitutional, political, economic or social order of a State or order of international organization, or to force a government of a State or an international organization in order to act or omit to act something, threatens with commission or commits the crime against life, health of people, their personal liberty or property, or without any authorization produces, obtains, owns, possesses, transports, supplies or in some other way uses the explosive, nuclear, biological or chemical weapons, or carries out illicit research or development of such arms or arms prohibited by law or international treaty, shall be liable to a term of imprisonment of twenty to twenty-five years or a life imprisonment sentence.

(2) The offender shall be liable to a life imprisonment if he/she commits the crime referred to in paragraph 1

- and causes by it death to more persons,
- on a protected person,
- against the armed forces or armed corps,

<sup>1</sup> Act No. 300/2005 Coll. Criminal Code.

<sup>2</sup> ©Ministry of Justice of the Slovak Republic, January 2007.



For further information please see the Country profiles on counter-terrorism capacity at [www.coe.int/gmt](http://www.coe.int/gmt).

Pour plus de renseignements, veuillez consulter les Profils nationaux sur la capacité de lutte



- d) as a member of dangerous grouping, or
- e) during a crisis situation.

**Other related provisions of the Criminal Code:**

**Subdivision Four  
Circumstances excluding unlawfulness of an act**

**Section 30  
Performing the duties of an agent**

(1) An act otherwise considered as criminal, whereby an agent appointed in compliance with this Act endangers or infringes an interest protected under this Act in the course of disclosing a criminal offence or identifying its perpetrator, shall not constitute a criminal offence if he was forced to perform such act by the criminal group or the terrorist group in which he operates, or performed it out of fear for his life or health, or the life or health of a close person.

(2) The provision of paragraph 1 shall not apply if the agent commits the criminal offence of premeditated murder pursuant to Section 144, murder pursuant to Section 145, rape pursuant to Section 199, sexual violence pursuant to Section 200, sexual abuse pursuant to Section 201, general endangerment pursuant to Section 284 paragraphs 2 to 4, endangering the safety of an aircraft or vessel pursuant to Section 291, hijacking an aircraft to a foreign country pursuant to Section 293, high treason pursuant to Section 311, plotting against the Slovak Republic pursuant to Section 312, terror pursuant to Sections 313 and 314, diversion acts pursuant to Sections 315 and 316, sabotage pursuant to Section 317, espionage pursuant to Section 318, genocide pursuant to Section 418, terrorism pursuant to Section 419, or acts against humanity pursuant to Section 425, or if he causes grievous bodily injury or death through an act defined in paragraph 1.

(3) Acts otherwise defined as criminal in Sections 332 to 335 and Section 336 paragraph 2, carried out in compliance with the Code of Criminal Procedure in order to disclose criminal offences or identify the perpetrators of criminal offences defined in Sections 326, 328 to 331, or in Section 336 paragraph 1, shall not constitute criminal offences.

**Section 39  
Exceptional reduction of custodial penalties**

(1) If, given the circumstances of the case or personal situation of the offender, the court believes that the imposition of a custodial penalty pursuant to this Act would be inappropriately harsh and that a shorter-term punishment would be sufficient to protect the society, it may reduce the term of imprisonment below the minimum rate set out in this Act.

(2) The court may also reduce the term of imprisonment below the minimum rate set out in this Act also when sentencing an offender

- e) who has made a particularly significant contribution to clarifying the criminal offence of corruption according to the relevant sections of Chapter VIII Division Three of this Act, the criminal offence of establishing, masterminding or supporting a criminal group pursuant to Section 296, the criminal offence of establishing, contriving or supporting a terrorist group pursuant to Section 297, or a particularly serious felony committed by an organised group, a criminal group or a terrorist group, or to identifying or convicting perpetrators of such criminal offences by providing evidence thereof in criminal proceedings, if the court believes that, considering the nature and degree of the crime committed, the purpose of punishment can be achieved also by a reduced penalty; custodial penalty may not be reduced below the minimum rate for a person who organised, instigated or commissioned a crime of which he has submitted evidence in criminal proceedings.

(3) However, when considering less than statutory penalty, the court may not impose

a) a custodial penalty of less than twenty years if the offender is convicted of criminal offence of premeditated murder pursuant to Section 144 paragraph 3, genocide pursuant to Section 418 paragraph 3, terrorism pursuant to Section 419 paragraph 2, acts against humanity pursuant to Section 425 paragraph 2, or war atrocity pursuant to Section 433 paragraph 2,...

### **Section 47** **Life imprisonment sentence**

(1) The court may impose the life imprisonment sentence only for a criminal offence which this act permits in Special Part of this Act and only under the conditions that

a) the imposition of such a punishment requires an effective protection of a society and  
b) there is no hope that the criminal offender could be reinsert by imprisonment sentence for twenty-five years.

(2) If the court condemns the criminal offender the criminal offence of premeditated murder pursuant to Section 144, murder pursuant to Section 145, wilful infliction of serious bodily injury pursuant to Section 155, illicit production of narcotics or psychotropic substances, poisons or precursors, possession and trafficking pursuant to Section 172 paragraphs 2, 3 or 4, human trafficking pursuant to Section 179, trafficking in children pursuant to Section 180 paragraphs 2 or 3, or pursuant to Section 181, taking a hostage pursuant to Section 185, abduction to a foreign country pursuant to Section 187, robbery pursuant to Section 188, extortion pursuant to Section 189 paragraph 2, 3 or 4, duress pursuant to Sections 190 or Section 191 paragraphs 2, 3 or 4, rape pursuant to Section 199, sexual violence pursuant to Section 200, sexual abuse pursuant to Section 201 paragraphs 2 or 3, ill-treatment pursuant to Section 208, general endangerment pursuant to Section 284, endangering the safety of an aircraft or vessel pursuant to Section 291, hijacking aircraft to a foreign country pursuant to Section 293, establishing, masterminding or supporting a criminal group pursuant to Section 296, establishing, contriving or supporting a terrorist group pursuant to Section 297, terror pursuant to Sections 313 or 314, illicit passing state boarder pursuant to Section 354 paragraphs 2, 3 or 4, smuggling illegal aliens pursuant to Section 355 paragraphs 3, 4 or 5, production of child pornography pursuant to Section 368, genocide pursuant to Section 418, terrorism pursuant to Section 419, acts against humanity pursuant to Section 425, although he/she was already sentenced twice for such criminal offences to unconditional life imprisonment sentence without the fulfilment of the conditions mentioned in paragraph 1. The court may impose to such an offender a life imprisonment sentence for twenty-five years only if the conditions mentioned in section 39 paragraphs 1 or 2 are fulfilled.

### **Section 83** **Confiscation of a thing**

(1) In case that the sanction of the forfeiture of a thing referred to in Section 60 paragraph 1 was not imposed, the court shall order the confiscation of such a thing if

d) the circumstances of the case justify the presumption that the thing could be used as a source to finance terrorism, or ...

## **Chapter Three** **Extinction of Punishability and of Penalty**

### **Effective contrition** **Section 85**

Punishability of criminal offences of spreading dangerous human infectious diseases pursuant to Section 163, endangering health by defective food or by other objects pursuant to Section 168, taking a hostage pursuant to Section 185, laundering the proceeds of crime pursuant to Sections 233, 234, breach of duties in the administration of another person's property pursuant to Section

238, violation of regulations governing the circulation of goods in relations with other countries pursuant to Section 254, violation of regulations governing the handling of controlled goods and technologies pursuant to Sections 255, 256 and 257, endangering foreign exchange management pursuant to Section 258, reporting distorted financial or commercial data pursuant to Section 260, damaging the financial interests of the European Communities pursuant to Section 263, endangering trade, bank, postal, telecommunications or tax secrecy pursuant to Section 264, tax and insurance fraud pursuant to Section 276, general endangerment pursuant to Section 284, damaging and endangering the operation of a public facility pursuant to Section 286, endangering or damaging the environment pursuant to Sections 300 and 301, high treason pursuant to Section 311, plotting against the Slovak Republic pursuant to Section 312, terror pursuant to Sections 313 and 314, diversion acts pursuant to Section 315 and 316, sabotage pursuant to Section 317, espionage pursuant to Section 318, endangering classified information pursuant to Sections 319 and 320, endangering confidential or exclusive information pursuant to Section 353, prison insurrection pursuant to Section 358, spreading alarming news pursuant to Sections 361 and 362, genocide pursuant to Section 418, terrorism pursuant to Section 419, acts against humanity pursuant to Section 425, and using prohibited means of combat and unlawful conduct of combat pursuant to Section 426 shall become extinct if the offender voluntarily

- a) prevented or remedied harmful consequences of the criminal offence, or
- b) reported the criminal offence in sufficient time to prevent its harmful consequences; such report must be filed with a body active in criminal proceedings or the Police Corps or, in case of members of the armed forces, also with their commanding officers or service body, and in case of sentenced and remand prisoners, with an officer of the Corps of Prison and Court Guard.