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Translated from Spanish

TITLE XXII

Offences against public order

CHAPTER V

Possession, trafficking and stockpiling of weapons, ammunition or explosives

Article 566

1. Any person who manufactures, sells or assembles a stockpile of weapons or ammunition not authorized by law or by the competent authority shall be punished as follows:

(1) In the case of weapons or munitions of war or chemical, biological, nuclear or radiological weapons or anti-personnel mines or cluster munitions, the penalty for the instigators and organizers shall be imprisonment for 5 to 10 years, and for those who cooperate in the undertaking, imprisonment for 3 to 5 years;

(2) In the case of regulated firearms or ammunition therefor, the penalty for instigators and organizers shall be imprisonment for 2 to 4 years, and for those who cooperate in the undertaking, imprisonment for 6 months to 2 years;

(3) The same penalties shall apply, respectively, to trafficking in weapons or munitions of war or defence, or chemical, biological, nuclear or radiological weapons or anti-personnel mines or cluster munitions.

2. The penalties set forth in subparagraph (i) of the preceding paragraph shall be imposed on any person who develops or uses chemical, biological, nuclear or radiological weapons or anti-personnel mines or cluster munitions, or who initiates military preparations for their use, or who fails to destroy such weapons in breach of international treaties and conventions to which Spain is a party.

Article 567

1. The manufacture, sale or possession of any weapon of war, irrespective of model or class, even if the weapons are in disassembled pieces, is considered to constitute stockpiling of such weapons. The manufacture, sale or possession of chemical, biological, nuclear or radiological weapons or anti-personnel mines or cluster munitions is considered to constitute stockpiling of such weapons.

Stockpiling of weapons, in its sales aspect, includes both acquisition and disposal.

2. “Weapons of war” are those defined as such in the provisions regulating national defence. “Chemical, biological, nuclear or radiological weapons”, “anti-personnel mines” and “cluster munitions” are those defined as such in international treaties and conventions to which Spain is a party.

“Development of chemical, biological, nuclear or radiological weapons, anti-personnel mines or cluster munitions” is understood to mean any activity consisting in scientific or technical research or study aimed at creating a new chemical, biological, nuclear or radiological weapon, anti-personnel mine or cluster munition or the modification of an existing one.

3. “Stockpiling of regulated weapons” is understood to mean the manufacture, sale or collection of five or more such weapons, even if they are in disassembled pieces.

4. With respect to ammunition, judges and courts, taking into account the quantity and type thereof, shall determine whether the ammunition in question constitutes a stockpile for the purposes of the present chapter.

CHAPTER VII

Terrorist organizations and groups and terrorist offences

Section 1. Terrorist organizations and groups

Article 571

For the purposes of the present Code, a terrorist organization or group shall be any group which has the characteristics set out in the second part of paragraph 1 of article 570 bis and in the second part of paragraph 1 of article 570 ter and which has as its purpose or objective the commission of any of the offences provided for in the following section.

Article 572

1. Any person who promotes, forms, organizes or directs a terrorist organization or group shall be punished by imprisonment for 8 to 15 years and general disqualification from public honours, office or employment for the duration of the sentence.

2. Any person who participates actively in, or forms part of, a terrorist organization or group shall be punished by imprisonment for 6 to 12 years and general disqualification from public honours, office or employment for the duration of the sentence.

Section 2. Terrorist offences

Article 573

1. The commission of any serious offence against life or physical integrity, freedom, moral character, sexual freedom or sexual inviolability, property, natural resources or the environment or public health; offences involving catastrophic risk or arson; forgery of documents; offences against the Crown; attacks with or possession, trafficking in or stockpiling of weapons, ammunition or explosives, as provided for in the present Code, or the seizure of aircraft, ships or other means of collective transport of persons or goods, shall be considered terrorist offences when carried out for any of the following purposes:

(1) Subverting the constitutional order, or suppressing or seriously destabilizing the operation of the political institutions or the economic or social structures of the State, or compelling public authorities to carry out an act or to refrain from doing so;

(2) Seriously disturbing the public peace;

(3) Seriously destabilizing the operation of an international organization;

also be considered terrorist offences when such acts are committed for any of the purposes referred to in the preceding paragraph;

(4) Provoking a state of terror among the population or among a segment thereof.

2. The computer-related offences defined in articles 197 bis and 19 ter and 264 to 264 quater shall be considered terrorist offences when the acts are committed for any of the purposes referred to in the preceding paragraph.

3. The remainder of the offences defined in the present chapter shall also be considered terrorist offences.

Article 573 bis

1. The terrorist offences referred to in paragraph 1 of the preceding article shall be punishable by the following penalties:

- (1) Imprisonment for the maximum term provided for in the present Code if the act causes the death of a person;
- (2) Imprisonment for 20 to 25 years when, in cases of abduction or unlawful detention, no information is given regarding the whereabouts of the person concerned;
- (3) Imprisonment for 15 to 20 years if the act causes an abortion, as defined in article 144; injury, as defined in articles 149, 150, 157 or 158; the abduction of a person; or destruction or a fire, as defined in articles 346 and 351, respectively;
- (4) Imprisonment for 10 to 15 years if the act causes any other injury or if a person is unlawfully detained, threatened or coerced.
- (5) A penalty in the upper half of the sentencing range stipulated for the offence, with the possibility that the maximum allowable sentence may be imposed, in the case of any other of the offences referred to in paragraph 1 of the preceding article.

2. A penalty in the upper half of the sentencing range shall be imposed if the act is committed against any of the persons referred to in article 550, paragraph 3, or against a member of the security forces or the armed forces or against a public employee serving in a penitentiary institution.

3. The terrorist offences referred to in paragraph 2 of the preceding article shall be punishable by the maximum allowable penalty provided for in the applicable articles.

4. The offence of public disorder provided for in article 557 bis, and the offences of rebellion and sedition, when committed by a terrorist organization or group or by an individual under the aegis of such an organization or group, shall be punishable by the maximum allowable sentence applicable to such offences.

Article 574

1. The stockpiling of weapons or ammunition, the possession or stockpiling of explosive, inflammable, incendiary or asphyxiating substances or devices or of their components, as well as their manufacture, trafficking, transport or supply in any form, or the mere placing or use of such substances or of the appropriate means or devices, shall be punished by imprisonment for 8 to 15 years when the acts are committed for any of the purposes set forth in article 573, paragraph 1.

2. A penalty of 10 to 20 years' imprisonment shall be imposed in the case of nuclear, radiological, chemical or biological weapons, substances or devices, or any other weapons, substances or devices of similar destructive power.

3. Any person who develops chemical or biological weapons, or seizes, possesses, transports or provides to others or handles nuclear materials, radioactive elements or materials or equipment producing ionizing radiation, for the same purposes as stipulated in paragraph 1 shall also be punished by imprisonment for 10 to 20 years.

Article 575

1. Any person who, for the purpose of training for the commission of any of the offences defined in the present chapter, receives military or combat training or indoctrination or training in techniques for the development of chemical or biological weapons, or for the development or preparation of explosive, flammable, incendiary or asphyxiating substances or devices or substances or devices

specifically intended to facilitate the commission of any such offences, shall be punished by imprisonment for 2 to 5 years.

2. The same penalty shall be imposed on any person who, for the same purpose of training to commit any of the offences defined in the present chapter, carries out any of the activities referred to in the preceding paragraph.

It shall be understood that this offence has been committed by any person who, for such purpose, habitually accesses one or more communications services accessible to the public online or content accessible via the Internet, or an electronic communications service whose content is aimed at inciting or serves to incite individuals to join a terrorist organization or group or to collaborate with any such groups or their aims. Such acts shall be understood to have been committed in Spain when the contents are accessed from Spanish territory.

This offence shall also be deemed to have been committed by anyone who, for the same purpose, acquires or has in his or her possession documents that are intended to or, because of the nature of their content, serve to incite individuals to join a terrorist organization or group or to collaborate with any such groups or in their aims.

3. The same penalty shall be imposed on any person who, for the same purpose, or for the purpose of collaborating with a terrorist organization or group, or of committing any of the offences covered by the present chapter, moves to or takes up residence in a foreign territory.

Article 576

1. Any person who, by any means, directly or indirectly, collects, acquires, possesses, uses, converts, transmits or carries out any other activity with assets or securities of any kind with the intention that they will be used, or in the knowledge that they will be used, in full or in part, in order to carry out any of the offences included in the present chapter, shall be punished by imprisonment for 5 to 10 years and a fine of 3 to 5 times the value of the assets or securities.

2. If the assets or securities are actually placed at the disposal of a person responsible for a terrorist offence, the maximum allowable sentence may be imposed. If the assets or securities are used for the execution of specific terrorist acts, the act shall be punishable as co-perpetration or complicity, as applicable.

3. In the event that the conduct referred to in paragraph 1 has been carried out through an attack against property or through extortion, forgery of documents or the commission of any other offence, the act shall be punishable by the maximum allowable sentence applicable to the act, without prejudice to the additional imposition of the applicable penalty as set forth in the preceding paragraphs.

4. Any person who, being specifically obligated by law to collaborate with the authorities in the prevention of terrorist financing activities, causes, through gross negligence in the fulfilment of such obligations, any of the acts described in paragraph 1 to go undetected or unimpeded shall be punished by a penalty of one or two degrees less than the minimum penalty provided for therein.

Article 577

1. Any person who carries out, collects or facilitates any act of collaboration in the activities or aims of a terrorist organization, group or element, or in the commission of any of the offences included in the present chapter, shall be punished by imprisonment for 5 to 10 years and a fine calculated on the basis of a period of 18 to 24 months.

Acts of collaboration shall include, in particular, the provision of information on or surveillance of persons, property or facilities; the construction, fitting out, transfer or use of lodgings or warehouses;

the concealment, harbouring or transfer of persons; the organization of or attendance at training exercises; the provision of technological services; and any other equivalent form of cooperation or assistance in the activities of the terrorist groups or organizations, groups or persons referred to in the preceding paragraph.

Where the information on or surveillance of persons referred to above endangers the life, physical integrity, freedom or property of those persons, the penalty imposed in accordance with this paragraph shall be in the upper half of the sentencing range. If any of the legal assets in question is damaged, the act shall be punished as co-perpetration or complicity, as applicable.

2. The penalties provided for in the preceding paragraph shall be imposed on any person who carries out any recruitment, indoctrination or training activity which is aimed at or which, by its nature, could serve to incite individuals to join a terrorist organization or group or to commit any of the offences included in the present chapter.

The same penalties shall also be imposed on any persons who provide training or instruction in the manufacture or use of explosives, firearms or other noxious or dangerous weapons or substances, or in methods or techniques especially suited to the commission of any of the offences defined under article 573 with the intention of using them or in the knowledge that they are to be used for that purpose.

The penalties imposed shall be in the upper half of the sentencing range, with the possibility that the maximum allowable sentence may be imposed, when the acts provided for in the present paragraph are directed at minors or persons with disabilities in need of special protection or at women who are victims of trafficking carried out with the aim of compelling them to become spouses, partners or sexual slaves of the perpetrators of the offence, without prejudice to the additional imposition of the penalties that may be applicable to crimes against sexual freedom.

3. If the collaboration in the activities or aims of a terrorist organization or group, or in the commission of any of the offences included in the present chapter, is the result of gross negligence, the penalty shall be imprisonment for 6 to 18 months and a fine calculated on the basis of a period of 6 to 12 months.

Article 578

1. Public glorification or justification of the offences referred to in articles 572 to 577, or of persons who have participated in the execution of such acts or in the commission of acts that discredit, disparage or humiliate the victims of terrorist offences or their families, shall be punishable by imprisonment for 1 to 3 years and a fine calculated on the basis of a period of 12 to 18 months. The judge may also order as part of the sentence, for such period of time as the said judge may specify, one or more of the prohibitions provided for in article 57.

2. The penalties imposed in accordance with the preceding paragraph shall be in the upper half of the sentencing range when the acts have been carried out through the dissemination of services or contents accessible to the public through the communications media, the Internet, electronic communications services or the use of information technologies.

3. When the acts, in view of the circumstances in which they are carried out, serve to seriously disturb the public peace or create a serious feeling of insecurity or fear in society or part of it the penalty imposed shall be in the upper half of the sentencing range and may be increased to the maximum allowable penalty.

4. The judge or court shall order that any books, files, documents, articles or any other medium used to commit the offence should be destroyed, erased or rendered useless. Where the offence has been committed by means of information or communications technologies, the removal of the content shall be ordered.

If the acts have been committed through services or contents accessible via the Internet or electronic communications services, the judge or court may order the removal of the unlawful contents or services. The judge or court may also order hosting service providers to remove unlawful content, search engines to remove links pointing to such content and electronic communications service providers to prevent access to unlawful content or services, provided that one of the following circumstances applies:

- (a) The measure is proportionate to the seriousness of the act and the importance of the information and is necessary in order to prevent its dissemination.
- (b) The contents disseminated are exclusively or predominantly those referred to in the preceding paragraphs.

5. The measures provided for in the preceding paragraph may also be ordered by an investigating judge as an interim measure during the investigation of the case.

Article 579

1. Any person who, by any means, publicly disseminates messages or instructions which are intended or which, by reason of their content, serve to incite others to commit any of the offences included in the present chapter shall be punished by a penalty of one or two degrees less than the minimum penalty applicable to the offence in question.

2. The same penalty shall be imposed on any person who, publicly or in the presence of an assembly of persons, incites others to commit any of the offences included in the present chapter and on any person who asks another person to commit such an offence.

3. Other acts of provocation, conspiracy and proposal to commit any of the offences regulated in the present chapter shall also be punishable by a penalty of one or two degrees less than the minimum penalty applicable to the acts provided for in the present chapter.

4. In the cases provided for in the present article, the judges or courts may adopt the measures set out in paragraphs 4 and 5 of the preceding article.

Article 579 bis

1. Without prejudice to the penalties applicable under the preceding articles, any person responsible for any of the offences provided for in the present chapter shall also be punished, in proportion to the seriousness of the offence, the number of offences committed and the circumstances of the offender, with the penalties of general disqualification from public honours, office or employment or special disqualification from teaching, sports and leisure activities for a period of 6 to 20 years beyond the duration of the custodial sentence imposed, if any.

2. Any person sentenced to a serious term of imprisonment for one or more of the offences included under the present chapter shall also be sentenced to probation for a term of 5 to 10 years, or for a term of 1 to 5 years if the term of imprisonment is less lengthy. Notwithstanding the foregoing, in the case of a single offence that is not serious and where the offender is a first-time offender, the court may or may not impose probation, depending on the danger posed by the offender.

3. In the offences provided for in the present chapter, judges and courts may, explaining their reasoning in the sentence, impose a penalty of one or two degrees less than the minimum penalty applicable to the offence in question when the person concerned has voluntarily ceased his or her criminal activities, confesses to the authorities the acts in which he or she has participated and actively cooperates with them in order to prevent the commission of the offence, or effectively assists in obtaining decisive evidence for the identification or capture of other persons responsible or to prevent the activities or the development of terrorist organizations or groups or other terrorist elements to which the person has belonged or with which he or she has collaborated.

4. Judges and courts may also impose a penalty one or two degrees less than the minimum penalty provided for in the present chapter for the offence in question when the act is objectively less serious, taking into account the means employed and the result produced.

Article 580

In all terrorist offences, a conviction by a judge or court in another country shall be treated in the same way as a sentence handed down by a Spanish judge or court for the purposes of considering recidivism as an aggravating circumstance.

Article 580 bis

Where, in accordance with the provisions of article 3 bis, a legal person is responsible for the offences set out in the present chapter, the following penalties shall be imposed:

- (a) If the offence when committed by a natural person is punishable by more than 2 years' imprisonment, a fine calculated on the basis of a period 2 to 5 years, or 2 to 4 times the amount of the damage caused if the resulting amount is higher.
- (b) In all other cases, a fine calculated on the basis of a period of 6 months to 2 years, or 2 to 3 times the amount of the damage caused if the resulting amount is higher.

In accordance with the rules laid down in article 66 bis, judges and courts may also impose the penalties set out in article 33, paragraph (7) (b) to (g).

TITLE XVII

Crimes against the security of the State

CHAPTER I

Offences involving catastrophic risk

Section 1. Offences involving nuclear energy and ionizing radiation

Article 341

Any person who releases nuclear energy or radioactive elements that endanger the life or health of persons or their property, even if no explosion occurs, shall be sentenced to imprisonment for a term of 15 to 20 years and special disqualification from public employment or office or from the practice of a profession or trade for a period of 10 to 20 years.

Article 342

Any person who is not covered by the previous article and who disrupts the operation of a nuclear or radioactive facility, or disrupts the execution of activities involving materials or equipment producing ionizing radiation, creating a serious threat to the life or health of persons, shall be punished by imprisonment for 4 to 10 years and special disqualification from public employment or office or the practice of a profession or trade for a period of 6 to 10 years.

Article 343

1. Any person who, through the discharge, emission or release into the air, soil or water of a quantity of materials or ionizing radiation, or through exposure by any other means to such radiation, endangers the life, physical integrity, health or property of one or more persons shall be punished by imprisonment

for 6 to 12 years and special disqualification from public employment or office or the practice of a profession or trade for a period of 6 to 10 years. The same penalty shall be imposed where such conduct endangers the quality of the air, soil or water or endangers animals or plants.

2. When the conduct described in the preceding paragraph produces, in addition to the risks mentioned therein, an injurious result constituting an offence, irrespective of its seriousness, judges or courts shall consider only the offence with the most serious penalty, applying the upper half of the sentencing range for that penalty.

3. Where, in accordance with the provisions of article 31 bis, a legal person is responsible for the offences set out in the present article, said person shall be liable to a fine calculated on the basis of a period of 2 to 5 years.

In accordance with the rules laid down in article 66 bis, judges and courts may also impose the penalties set out in article 33, paragraph 7 (b) to (g).

Article 344

The acts provided for in the preceding articles shall be punished by the lowest penalty applicable to the offence in question when it has been committed through gross negligence.

Article 345

1. Any person who, in violation of the law or other general provisions, acquires, possesses, traffics in, facilitates, processes, transforms, uses, stores, transports or disposes of nuclear materials or other dangerous radioactive substances that cause or may cause death or serious injury to persons or substantial damage to the quality of the air, soil or water or to plants or animals shall be punished by imprisonment for 1 to 5 years, a fine calculated on the basis of a period of 6 to 18 months and special disqualification from the practice of a profession or trade for a period of 1 to 3 years.

2. Any person who, without the required authorization, produces such materials or substances shall be punished with the maximum allowable penalty.

3. If the acts referred to in the preceding paragraphs are committed through gross negligence, the penalty imposed shall be the minimum allowable penalty stipulated therein.