

CRIMINAL RESPONSIBILITY FOR TERRORIST ACTIVITY: EXPERIENCE OF EUROPEAN UNION COUNTRIES



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Abstract. The article presents a comparative legal analysis of criminological and criminal legislation on counteraction to terrorist activity in foreign countries. The features of criminalization of terrorist activity in accordance with the legislation of EU countries are presented. It is noted that a feature of modern anti-terrorism legislation of EU countries is its constant strengthening, which is explained by the improvement of forms and methods of conducting terrorist activities. It is noted that the system of anti-terrorism legislation in EU countries is represented by three main models: complex, criminal law and criminological. Some experience in

combating terrorism in Germany, France, Spain, the Netherlands and the United Kingdom is noteworthy.

Keywords: *terrorism, terrorist act, terrorist community, counter-measures, terrorist activity, criminal responsibility, imprisonment.*

Introduction

Terrorism, which is unfortunately becoming an integral part of the political and economic processes in the world and is a growing threat to public and national security, is becoming a mass phenomenon from single manifestations. In today's context, there is an escalation of terrorist activity not only of extremist organizations, individuals, but of entire states. This complicates the nature of their actions, increases the oddity and cruelty of terrorist acts.

In this context, it is appropriate to draw attention to the need for a thorough and scrupulous study of the laws of foreign countries, which establishes responsibility for engaging in terrorist activities, which is especially important in terms of quality organization of international cooperation in the fight against international terrorism.

Status of research. To varying degrees, aspects of terrorism and anti-terrorism are present in the scientific works of foreign authors such as R. Hunter, R. Beisner, S. Guk, M. Keldor, A. Conte, G. Allison, R. Firi, P. Davis, B. Jenkins, M. Cren, R. Maley, A. Shayley, P. Bourdieu, W. Laker, J. Nemes, J. Dispo, J. Bell, J. Poland, C. Dobson.

The **purpose** of the article is to study the criminal law of the European Union states, which establishes responsibility for terrorist activity, to analyze its contents, as well as to use foreign experience of legal regulation of combating terrorism.

Presentation of the main material. International terrorism is one of the most serious threats to the European security.

Despite large-scale anti-terrorist activities in Italy, Austria, France, the United Kingdom, Spain, the situation on the continent has not been generally improved.

Comparative analysis of foreign legislation in the field of anti-terrorist activity shows that in France, Germany, the United Kingdom, the vector of the measures aimed at strengthening responsibility for terrorism is focused on strengthening the criminal policy on terrorism, including by cutting financial sources that support terrorism by virtue of increasing criminal responsibility and larger volumes of preventive measures of criminal nature. It should be noted that the system of anti-terrorist legislation of the European Union

states is represented by three basic models: complex, criminal-legal and criminological.

Regulation of the counter-terrorism measures, both in the specialized criminological laws and in the criminal law provisions, is a distinctive feature of the **complex** model. For example, in France, in addition to the regulation of the responsibility for terrorism in the articles of the Criminal Code, there have been adopted special laws on counter-terrorism ("On application of the European Convention on the Suppression of Terrorism in the territory of France" (1977) and "On the fight against terrorism and attacks on the state security" (1986).

According to Art. 421-1 of Chapter I "On Terrorist Acts" of Section II, "On Terrorism" of the Book IV "Crimes and Misdemeanors against the Nation, State and Public Peace" of the Criminal Code of **France** – the following criminal acts shall be deemed as terrorist acts subject to the condition they are intentionally associated with any individual or a collective operation performed in order to disrupt public order by intimidation or fear-mongering: intentional assault on a person's life and inviolability of a person, abduction and imprisonment of persons, theft of a plane, ship or other vehicle, responsibility for which is stipulated in Book II of the Criminal Code of France; theft, extortion, destruction or damage of the property, cyber-crimes under Book III of the Criminal Code; the criminal acts of combat groups and disbanded movements and aiding in performance of a terrorist attack, falsifying or obtaining documents issued by the government by fraud; crimes related to weapons, explosives or nuclear materials, as provided for in certain articles of the Defense Code and the National Security Code; money laundering offenses provided for in Chapter IV of Book III of this Code; misdemeanors under article 465-1 of the Financial Code of France [1, p. 194-195]. In case of commission of abovementioned crimes, the maximum punishment for them should be increased: from 30 years of imprisonment - to life imprisonment; from 20 years to 30 years; from 15 years to 20 years; from 10 years to 15 years; from 7 years to 10 years; from 5 years to 7 years; from 3 years to 6 years (art. 421-3). The same punishment provides for art. 421-2-1 of the Criminal Code of France for complicity in a terrorist act.

According to the Law No 2004-204 of 9 March 2004, the Criminal Code of France was

supplemented by art. 421-2, which provides for the responsibility for an individual form of terrorism - ecoterrorism, which means proliferation of the substances likely to pose a threat to human or animal health, or to the environment with a terrorist aim in the atmosphere, the earth, in foodstuffs or waters, including territorial sea. Commission of the appropriate criminal offense is punishable by twenty years' imprisonment, as well as a fine in the amount of 350 thousand euros. In case of a death of at least one person, ecoterrorism will entail life imprisonment and a fine in the amount of 750 thousand euros [1].

In addition, according to art. 422-5 of the Criminal Code, criminal responsibility is also provided for a legal person for the criminal acts defined by Chapter II "On terrorism". In addition to the fine provided for in article 131-38, there may be imposed the penalties provided for in art. 131-39 (termination or prohibition to engage in certain activities, appointment of judicial supervision, prohibition to issue checks, etc.). Under art. 422-6 of the Criminal Code additional punishment is applied in the form of confiscation of all or part of the property with regard to the natural or legal persons guilty of committing a terrorist act. [1, p.198-199].

Italian legislator has chosen a similar approach, having provided criminal liability for the terrorist crimes in the Criminal Code of Italy, as well as in the Law "Against Terrorism". The latter has criminalized actions of an organizational and preparatory nature, which have a tendency to turn into terrorist acts, as well as actions constituting terrorist financing. As in the majority of foreign legislations, there is no clear definition of terrorism in the Italian anti-terrorist law. In particular, Art. 1 of this Law refers to associations the purpose of which is to commit acts of terrorism and to destroy the democratic order. Along with this, in art. 270-1 of the Criminal Code of Italy there has been established criminal responsibility for the establishment of an organization for the purpose of committing an act of terrorism and sabotage of public order. According to this article, anyone who encourages, creates, organizes or directs an association, promotes it, performs acts of violence to violate the democratic rule of law shall be punished by imprisonment for a term up to 15 years [2]. Italian lawyers distinguish in the Italian

criminal law, which is focused on the fight against terrorism, the following directions which, in their opinion, allow to fight against them successfully: bringing to criminal responsibility of persons participating in the associations which aim to carry out terrorist acts and violate the constitutional order in the state (Law of 1980), as well as the persons participating in the Mafia-type associations (Law of 1982) and associations that produce and trade narcotic substances (Law of 1990); bringing to criminal responsibility of persons involved in money laundering. Development of Italian anti-money laundering legislation, especially in recent years, has been influenced by international cooperation, in particular its development has been influenced by the Strasbourg European Convention of 1990, which Italy ratified in 1993 by Law No. 328/1993 [3, p. 36-37].

The criminal-legal model of counter-action to promotion of terrorist activity provides for its criminalization only within the framework of criminal law. For example, the Criminal Code of *Spain* includes the appropriate crimes into Book II, "Crimes and Punishment" of Chapter XXII "Crimes Against Public Order" of Chapter VII, "On Terrorist organizations and groups, and on terrorist crimes" which consists of part 1, "On terrorist organizations and groups" (art. 571) and part 2 "On terrorist crimes" (articles 572–580). According to part 3 of art. 571 of the Criminal Code of Spain, groupings characterized by the definitions given in § 2 part 1 article. 570-1 and § 2 part 1 art. 570-2, are recognized as terrorist groups or organizations the purpose of which is to violate the constitutional order and commit grave violation of the public order by performance of any offense mentioned in paragraph 2 "On terrorist crimes".

According to part 1 of art. 571 of the Criminal Code of Spain, a person who promotes, establishes, organizes or manages a terrorist group or organization shall be punished by imprisonment for a term from 8 to 14 years and a special ban on holding public offices and posts for a term from 8 to 15 years. According to part 2 of this article, "persons who take an active part in the activities of a terrorist group or organization and belong to the number of its members, shall be punished by imprisonment for a term from 6 to 12 years, as well as special deprivation of the right to hold public offices

and posts for a term from 6 to 14 years» [4, p.241].

Art. 573 of the Criminal Code of Spain provides for criminal liability in the form of imprisonment for a term from 6 to 10 years for storage of weapons or ammunition, possession or storage of explosive, flammable or toxic substances and devices, their components, as well as their production, transportation or delivery by any means, their location or use, if those acts have been carried out by persons who participate, act as an employee or assist terrorist organizations or groups identified in the preceding articles.

Part 1 of art. 576-1 of the Criminal Code of Spain provides for a punishment in the form of imprisonment for a term from 5 to 10 years and a fine in the amount from 18 to 24 monthly rates for any direct or indirect use of any valuables or goods to promote terrorist activity (terrorist financing). Severe punishment can be imposed if valuables or goods have been used to commit specific acts of terrorism.

Part 3 of art. 576-1 of the Criminal Code of Spain provides for criminal liability of a legal entity in the form of a fine for commission of terrorist crimes [4, p.243].

According to art. 578 of the Criminal Code of Spain, exaltation or justification of crimes stipulated in art. 571-577 of the Criminal Code of Spain, as well as of the persons who have committed these crimes, discrediting, contempt or humiliation of victims of terrorist crimes or their families performed through any media shall be punishable by imprisonment for a term from 1 to 3 years.

According to part 1 of art. 579 of the Criminal Code of Spain, dissemination by any media of messages and slogans in order to incite others to commit terrorist acts shall be punishable by imprisonment for a period from six months to 2 years. In addition, part 2 of this article provides for the possibility of imposing additional punishment in the form of full deprivation of rights for a term from 6 to 20 years after serving a sentence of imprisonment for persons convicted of terrorist crimes. The same rule (part 4) enshrines the right of a court to impose less severe punishments for an appropriate crime if the perpetrator voluntarily ceases his criminal activity and appears before the competent authorities with a confession about the acts committed and, in addition, actively assists the competent institutions in

preventing the crime or provide substantial evidence for the identification or detention of other perpetrators, or assist in the cessation or development of terrorist organizations or groups in which he had participated or contributed [4, p.244-245].

Art. 580 of the Criminal Code of Spain provides for an obligation to recognize as an aggravated circumstance in the form of recidivism the judicial decisions or decisions of foreign courts, made previously concerning commission of terrorist crimes.

§ 278d of the Criminal Code of **Austria** which provides for responsibility for financing of terrorism is also noteworthy. In particular, it states that anyone who provides or collects property with the intent to use them, albeit in part, to carry out: a) air piracy or the intentional threat to air safety, b) kidnapping to blackmail or threat (c) the encroachment on the life, health or freedom of a person who is under the international legal protection or a violent attack which can endanger the health, life or liberty of this person, his home, office or transport or so threaten him [5].

In **Germany** there is no special law that consolidates all or at least basic rules on responsibility for terrorism. The main source of legal norms aimed at regulating the issues of counter-terrorism is the German Criminal Code of May 15, 1871. § 129a of the Criminal Code of Germany provides for responsibility for creation of terrorist groups. According to this provision, a terrorist group is defined as an association whose activities are aimed at committing serious crimes, which in particular include: murder (§ 211) and manslaughter (§ 212); genocide (§ 6 of the Code of International Criminal Law); kidnapping for ransom; hostage-taking; destruction of particularly important means of production; setting fire; explosions; abuse of ionizing radiation; assault (creation of danger) on road, water, air and rail transport; damage to public enterprises and devices; creating a dangerous situation in construction. Creating or participating in such an association entails imprisonment for a term from 1 and 10 years. Supporting such an association or recruitment of new members or assistants shall be punishable by imprisonment for a term from 6 months to 5 years [6, p.138-139].

The key act of counter terrorism in **Belgium** is the Criminal Code [7]. Art. 137 of this Code provides for criminal liability for a "terrorist crime". The peculiarity of this rule is

that the target of a criminal act covers not only the aim of serious destabilization or destruction of political, economic and social foundations of the country, but also of international organizations. There is also a list of actions belonging to the category of general *corpus delicti* (murder, hostage-taking, seizure of aircrafts or ships, arms trade, ammunition storage, etc.), which in case of the aforementioned purpose become a terrorist crime. Art. 139 provides for responsibility for creation of a terrorist group. Article 140 criminalizes participation in a terrorist group, setting forth the responsibility for providing information or material resources (as well as any form of financing). At the same time, participation will entail responsibility, even if it could only have contributed to the commission of the crime. For the said actions there has been provided a responsibility in the form of imprisonment for a term from 5 to 10 years and a fine in the amount from 100 to 5 thousand euros. § 2 art. 140 provides for increased liability for the leader of a terrorist group - imprisonment for the term of from 15 and 20 years and a fine in the amount of from 1 thousand and 200 thousand euros.

In 2013, Belgian Criminal Code was supplemented by a number of *corpus delicti* that criminalize certain acts as terrorist crimes. Article 140 para.2 provides for a punishment in the form of imprisonment for a term from 5 to 10 years (and a fine in the amount from 100 euros to 5 thousand euros) for disseminating information that induces (the law adds – "directly or indirectly") to commit a terrorist crime. The same type of liability is envisaged for recruitment for terrorist activity (article 140 para.3). Similar liability is envisaged (article 140 para.4) for providing instructions (or training) for the manufacture or use of explosives (other dangerous substances), firearms (other weapons). Article 140 para.5 stipulates imprisonment for a term from 5 to 10 years for instruction or training aimed at preparing terrorist crimes. The law of 12 July 2015 introduced an article 140 para.6 which provides for liability for the "jihad tourism" (imprisonment for a term from 5 to 10 years and a fine in the amount of from 100 euros to 5 thousand euros). Any person who has left Belgium to participate in terrorist activities or any person who enters Belgium for the same purposes shall be criminally punishable. The

same law provides for such a measure as deprivation of citizenship.

Paragraph 15 art. 4 of the Criminal Code of **the Netherlands** defines the meaning of the notion of a terrorist crime: "A terrorist crime is a crime committed with the objective of causing fear in (part of) the Dutch population, forcing a Dutch government or an institution situated in the Netherlands or organization of the European Union, to do something, not to do something or to tolerate certain actions, or to seriously disrupt or destroy the fundamental political, constitutional, economic and social structures of the Netherlands, an institution situated in the Netherlands or an organization of the European Union" [8].

Art. 83 of the Criminal Code defines what crimes, in case there is an appropriate purpose, may be qualified as terrorist (for example, crimes against security of the state, which cover articles 92-96 of the Criminal Code), and art. 83a establishes the notion of "terrorist intent", for which intimidation and destabilization of major political institutions is also very important.

At the same time art. 114a of the Criminal Code of the Netherlands provides that crimes committed with a terrorist intent entail double punishment. And if a crime involves a punishment in the form of imprisonment for the term up to 15 years, then it may be increased to 20 years, or life imprisonment may be imposed. Similar rules are also reflected in the articles 120a, 130a, 176a, 304a, 415a of the Criminal Code of the Netherlands. That is, the legislator only adds *that corpus delicti* defined previously (which is not directly related to the terrorist crime) in case of a special purpose provides for more repressive measures of responsibility [9].

With a purpose of further counter-terrorism, the Parliament of the Netherlands adopts the Law of 24 June 2004 [10] (abbreviated as the Law on Terrorism), under which a number of amendments were made to the Criminal Code of the Netherlands [9].

Under the said law, the expanded disposition of art. 140 of the Criminal Code of the Netherlands provides for responsibility for participating in an organization the purpose of which is to commit crimes. Its amendment pertained inclusion to the notion of "participation" of elements such as the provision of financial or other material support, as well as raising funds or recruiting for the benefit of a criminal organization.

There was also adopted art. 140a, according to which participation in an organization aimed at committing terrorist crimes was punishable. Participation itself is punishable by a fine and imprisonment for the term up to 15 years, and leadership, creation, management of the organization – by a fine and life imprisonment or imprisonment for a term up to 20 years. Part 3 of art. 140a extends the said provision of art. 140 on the form of participation in the form of financing, recruitment and fundraising.

Art. 205 of the Criminal Code of the Netherlands which was amended in 2004 establishes responsibility for recruitment to a terrorist organization. In particular, part 1 establishes a general disposition defining any recruitment (without the King's authorization) for military service or armed combat (imprisonment for a term not exceeding 4 years and a fine). Part 3 introduces a qualifying feature – "commission of a terrorist crime". In this case, the term of punishment increases by one third. It should be noted that responsibility for recruitment will occur, even if it is not clear whether a recruited person wants to be engaged in an armed struggle or to contribute to the organization of the terrorist movement.

In 2004, there was introduced the criminal responsibility for a threat of a terrorist crime (up to 6 years of imprisonment and a fine). These actions can be named differently: political blackmail by terrorist methods. Adoption of art. 288a "Murder for the Purpose of Terrorism" under which this crime is punishable by life imprisonment or a term not exceeding 20 years and a fine became quite a severe measure. Art. 289a, which provides for liability for conspiracy to commit the said murder was introduced.

Dutch anti-terrorist legislation is in the process of development. Currently, a project has been developed to amend the Criminal Code of the Netherlands in the part of criminalization of being in a terrorist-controlled territory without any permission of the Minister of Justice and Security. There is an explanatory note to this piece of legislation. It explains that a significant number of Dutch people went to Syria and Iraq, where their stay led to (sometimes forced) involvement in terrorist activity in one form or another. The mere fact of their presence in these territories leads to associations with terrorist organizations,

which promotes their ideas. Many terrorist acts in Western Europe were carried out by persons who have visited Syria and Iraq. It is difficult to identify their degree of involvement in terrorist activity at the time of their stay in these countries [8].

In the Criminal Code of **Poland** crimes related to terrorist activities are listed in Chapter XXXII "Crimes Against Public Order". Thus, art. 255a provides for responsibility for distribution or publicly displaying the material that may contribute to commission of a crime of a terrorist nature with the intent to commit such a crime. Punishment for the said crime is provided in the form of imprisonment for a term from 3 months to 5 years.

According to § 2 art. 258 of the Criminal Code, anyone who participates in an organized group or association aimed at committing a crime of a terrorist character shall be punished by imprisonment for a term of from 6 months to 8 years. § 4 of this provision provides for liability (in the form of imprisonment for a term not shorter than 3 years) for creation or management of a group or association with a view to committing a terrorist crime.

There are no definitions of the crimes of terrorist nature in the Criminal Code of Poland.

Art. 259 of the Criminal Code provides an incentive provision, according to which there will be an exemption from the punishment for the crime, defined in art. 258, for a person who voluntarily refused to participate in a group or association and disclosed to the body authorized to investigate crimes all material circumstances of the act or prevented the commission of a planned crime [11, p. 100].

The criminological counter-terrorism system differs by the fact that its legal foundations, by virtue of the specific nature of the legal "family", are only enshrined in the rules of specialized laws. A bright example of it is **Britain**. Currently, the fight against terrorism in the UK is in line with the CONTEST (Counter-TERRORism STRategy) strategy and has a comprehensive approach. The first version of the strategy was adopted in 2003, its updated version (CONTEST 2) was adopted in 2009 and the last one is in 2011, although the main principles of the three versions are the same. CONTEST focuses not only on identification and prediction of the terrorist activity, but also on investigation of the causes of extremism in order to deprive

terrorist groups of the ability to recruit new fighters and public support.

The content of the CONTEST consists of four key elements, commonly referred to as "four P":

- «Prevention» aims to restrain the radicalization of society through extensive information and communication work. The concept of preventing terrorism is intended to deter people, who are actively sympathetic to terrorists, from committing acts of terrorism, and to eradicate the underlying motives of terrorism.

- «Pursuance» is aimed at identifying and destroying existing terrorist networks, disrupting their plans of operations. Intelligence plays a major role in identifying and controlling potential threats. There is also evidence and witness gathering in this area to ensure the conviction of terrorists.

- «Protection» consists in the reduction of the UK's vulnerability to terrorist attacks. This concept envisages extension of the border services to make it easier for terrorists to cross British borders. The concept also refers to the protection of key sections of infrastructure (state borders, transport networks, etc.), attacks on which can cause serious disruption.

- «Preparation» - is the final aspect of the CONTEST, the main point of which is that while it is impossible to prevent every single act of terrorism, crisis planning is needed to increase the state's ability to respond to acts of terrorism. Possible risks are foreseen for this purpose, crisis behavior scenarios are developed, training on how to apply them in practice are carried out [12, p.12-13].

UK counter-terrorism legislation consists of a voluminous document adopted in 2000 – The Terrorism Act [13].

Paragraph 1 of art. 1 of the Terrorism Act (Act), defines terrorism as the use or threat of action to influence the government or the International Non-Governmental Organization, to intimidate the population, and to promote political, religious or ideological beliefs. Paragraph 2 of art. 1 shows the features under which an act will be considered as a terrorist act: acts of violence, serious damage to property, leaving at risk the live of a person not performing the act, creating a high risk to the health or safety of the population, a significant disruption of the electronic system. Part 6 of the Act deals with terrorist crimes and criminal liability for them: art. 54 refers to conviction of a

person who receives or provides instruction for training, creation or use of firearms, chemical, nuclear or biological weapons, and explosives. In case of an indictment, the person shall be sentenced to imprisonment for a term not exceeding ten years or to a fine, or to both types of punishment, and in case of a summary proceedings - to imprisonment for a term up to six months or a fine, or to both types of punishment.

In 2001 there was adopted the Act on fight against terrorism and on crime and security [14].

Part 5 of this Act (Law) contains rules on religious and racial hatred. A person guilty of crimes related to inciting hatred and fear shall be liable to 7 years' imprisonment. Section 6 of the Law establishes responsibility for production, transfer, possession, use of weapons of mass destruction in the form of life imprisonment (Article 47). Art. 113 of the Law provides for the criminal responsibility for actions with the use of harmful substances intended to influence the government or to intimidate the population or part of the population. In summary proceedings, imprisonment for a term up to six months or a fine not exceeding the statutory maximum (or both) is imposed, and at conviction - imprisonment not exceeding 14 years or a fine (or both). The Law obliges any person to inform the constable about information concerning a terrorist act that he or she is aware of. Otherwise, he will be punished: in summary proceedings - in the form of imprisonment for a term up to 3 months or a fine (or both), and at conviction - imprisonment for a term up to 2 years or a fine (or both).

In 2006, there was drafted and introduced the Terrorism Act [15], which enshrined new *corpus delicti* for crimes related to terrorist activity. In England and Wales for publishing statements that could be understood by the public as support for terrorists, the guilty person could be punished by up to 12 months of imprisonment or a fine (or both) and at conviction upon summary judgment. - imprisonment for up to 7 years or a fine (or both). In Scotland and Northern Ireland, in case of a summary proceedings - maximum imprisonment could be 6 months or a fine (or both). For distribution of terrorist publications, the maximum punishment is imprisonment for a term up to 7 years.

Art. 5 of the Act provides for criminal liability for preparing to commit a terrorist act or for assisting another person in preparing for a terrorist attack. Criminal punishment for this crime is imposed in the form of life imprisonment. The law imposes a maximum sentence of up to 10 years or a fine (or both) for instructing or presence at the venue of the instructing. Art. 9 and art. 10 prescribes life imprisonment to the perpetrator for creation, possession, disposal and use of hazardous radioactive devices or materials. A person convicted of threats to use radioactive and nuclear devices or materials shall be sentenced to the same punishment (Article 14).

Some articles of the Terrorism Act of 2006 amend the Terrorism Act of 2000 by increasing the term of imprisonment, for example in art. 13 the maximum punishment for storage for terrorist purposes changed from 10 to 15 years.

In 2008, the Anti-Terrorism Act was adopted in order to increase police powers in this area [16]. The police had the right to: intercept materials for investigation, take DNA samples and fingerprints from suspected persons, confiscate property of convicted persons, register and monitor persons convicted of terrorism, unhindered entry into the premises for the purpose of apprehending suspected persons who were trying to hide. In England and Wales, the maximum period of detention could be increased from 28 to 42 days in certain circumstances. The Act supplemented the definition of terrorism by adding racial, political, religious and ideological reasons.

In the following years, amendments were introduced to previously adopted laws. In 2011, the Prevention of Terrorism Act [17] was adopted, canceling control orders and imposing restrictions on traffic, communication and financial activities through the "TPIM" notification system.

In 2015, the Counter-Terrorism and Security Act [18] was adopted to prohibit traveling abroad to commit a terrorist act and then return to the UK. The law establishes criminal liability for commission of such a crime. In the case of an indictment, the guilty person shall be sentenced to imprisonment for a term not exceeding 5 years or to a fine or to both; in summary proceedings in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or both; in summary proceedings in Northern Ireland, to

imprisonment for a term up to 6 months or a fine not exceeding the statutory maximum, or both; in summary proceedings in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.

The law extends the powers of the police to monitor the actions of persons who pose a security risk. There has been provided an opportunity to remove passports at the border to establish involvement in terrorism, as well as the procedure for temporary alienation and permission to return to the UK, to improve the security of air, water and maritime borders.

In April 2019, UK authorities intensified counter-terrorism measures by introducing a new law on fighting against terrorism and border security [19]. The law increases the maximum term of imprisonment for a number of crimes. For example, promotion of terrorism, distribution of publications of terrorist content and a number of other

activities on preparation for terrorist attacks will now be punishable by up to 15 years of imprisonment.

New legislative act gives to the Interior Minister additional powers, empowering him to determine, upon the consent of the Parliament, areas outside Britain within which subjects of the United Kingdom under the pretext of the need to protect them from the threat of terrorism, cannot stay in, or in which they cannot enter. And those Britons who do not follow these instructions and either penetrate the area or do not agree to leave it may face imprisonment for up to 10 years.

According to the provisions of the said act, it is illegal to express any support for prohibited organizations, as well as to publish an image of their flags, emblems or forms, which would allow to assume that the author of these statements and publications may either belong to or be a supporter of the prohibited organizations.

Conclusions

Terrorism is prosecuted by almost every state of the world. The basis for this is international law, which provides an opportunity to prosecute terrorists in any country, as well as national law, which is based on the rules of international law and takes into account the specificities and traditions of specific states.

According to the results of a comparative and legal study of the criminalization of terrorist activity in foreign countries, it has been established that by the beginning of the XXI century there have emerged three models of anti-terrorism legislation in the EU: complex (Italy, France), criminological (UK) and criminal-legal (Germany, Spain). In our opinion, the best integrated model for working out anti-terrorist legislation is the one that combines criminal-legal and criminological rules. Noteworthy is the experience of French and Spanish law on establishing the liability of a legal person that provides any assistance to terrorists for terrorist purposes (Articles 121-6 of the Criminal Code of France; Articles 576-1 of the Criminal Code of Spain); of no less interest is § 129a of the Criminal Code of Germany, which establishes responsibility for creation of terrorist groups; in addition, quite interesting is the experience of the Netherlands and the UK in criminalizing stay in terrorist-controlled territory in the absence of permission from relevant officials (the Minister of Justice and Security or the Interior Minister).

For Ukraine, the problematic aspects of the European security policy in the field of counter-terrorism, which are manifested at the present stage, are relevant given the necessity to take into account the European experience to improve the mechanisms of implementation of the state anti-terrorism policy, the development of the Concept of Countering Extremism and Terrorism. Active participation of Ukraine in the system of ensuring international security, as well as the increase of migration flows from the regions of terrorist activity, the instability of the internal political situation, put the issue of counter-terrorism into the plane of increased attention with regard to taking effective measures to prevent the terrorist threat.

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