

**Selected provisions of the Slovak Penal Code giving effect to the criminalization requirements of Article 2 of the International Convention for the Suppression of Acts of Nuclear Terrorism (ISCANT)**

**Section 3  
Territorial Jurisdiction**

(1) The criminal liability of an act committed on the territory of the Slovak Republic shall be assessed pursuant to this Act.

(2) A criminal offence shall be deemed committed on the territory of the Slovak Republic if an offender

a) committed an act on its territory, either in part or entirely, if the violation or endangering of an interest protected by this Act occurred or was supposed to occur, either in whole or in part, outside of its territory, or

b) committed an act outside the territory of the Slovak Republic, if the violation or endangering of an interest protected by this Act was intended to take place, or such a consequence was supposed to occur, either in whole or in part, on its territory.

(3) The criminal liability of an act committed outside the territory of the Slovak Republic, aboard a vessel sailing under the State flag of the Slovak Republic or aboard an aircraft registered in the Aircraft Registry of the Slovak Republic, shall also be assessed pursuant to this Act.

**Personal Jurisdiction**

**Section 4**

The criminal liability of an act committed outside the territory of the Slovak Republic by a Slovak national or a foreign national who has been granted permanent residence in the Slovak Republic shall also be assessed under this Act.

**Section 5**

The criminal liability of a particularly serious crime, if the act was committed outside the territory of the Slovak Republic against a Slovak national and the act is punishable in the place of its commission or if the place of the commission of an act is not liable to any criminal competency, shall also be assessed pursuant to this Act.

**Section 5a**

The criminal liability of the illegal production of narcotic and psychotropic substances, poisons or precursors, their possession and trafficking (Section 171 and 172), counterfeiting, alteration and unlawful production of money and securities (Section 270), introduction of counterfeit, altered and illegally produced money and securities (Section 271), production and possession of counterfeiting equipment (Section 272), counterfeiting, alteration and illegal production of duty stamps, postage stamps, stickers and stamps (Section 274), counterfeiting and alteration of control technical measures for the identification of goods (Section 275), establishment, plotting and supporting of terrorist groups or its members (Section 297), illegal production and possession of nuclear materials, radioactive substances, hazardous chemicals and hazardous biological agents and toxins (Section 298 and 299), plotting against the Slovak Republic (Section 312), terror (Section 313 and 314), wrecking activities (Section 315 and 316), sabotage (Section 317), espionage (Section 318), attacks on a public authority (Section 321), attack on public officials (Section 323), counterfeiting and alteration of a public

document, official seal, official lock, official symbol and official mark (Section 352), endangering confidential and classified information (Section 353), trafficking (Section 355), threats to peace (Section 417), genocide (Section 418), terrorist attack (Section 419), certain forms of participation in terrorism (Section 419b), terrorist financing (Section 419c) and travel for the purpose of terrorism (Section 419d), attacks against humanity (Section 425), use of prohibited means of combat and clandestine warfare (Section 426), looting in the area of military operations (Section 427), abuse of internationally recognised identifications and state symbols (Section 428), war atrocities (Section 431), persecution of the population (Section 432), and war injustice (Section 433) shall also be assessed pursuant to this Act even when such a criminal offence was committed outside the territory of the Slovak Republic by a foreign national to whom permanent residence in the territory of the Slovak Republic was not granted.

#### Section 6

(1) The criminal liability of an act committed outside the territory of the Slovak Republic by a foreign national who was not granted permanent residence in the territory of the Slovak Republic shall also be assessed pursuant to this Act, even if

- a) the act is punishable under the law effective in the territory where it was committed,
- b) the offender was apprehended or arrested in the territory of the Slovak Republic, and
- c) was not extradited to another State for criminal prosecution.

(2) However, the offender referred to in Subsection 1 may not be imposed a more severe punishment than that stipulated by the law of the State on the territory where the criminal offence was committed.

#### Section 7

##### **Jurisdiction under International Treaties**

(1) The criminal liability of an act is assessed under this Act even if an international treaty, that was ratified and declared in a manner set by law and by which the Slovak Republic is bound, stipulates it.

(2) The provisions of Section 3 through 6 shall not apply if such is not admissible by an international treaty that was ratified and declared in a manner set by law, by which the Slovak Republic is bound.

#### Section 14

##### **Attempted Criminal Offence**

(1) Any conduct that leads directly to the completion of a criminal offence and which the offender committed with the intention of the commission of a criminal offence, if the completion of the criminal offence did not occur, is defined as an attempted criminal offence.

(2) An attempted criminal offence is punishable under the criminal penalty set for a completed criminal offence.

(3) The criminal liability of the attempted criminal offence shall expire if an offender voluntarily

- a) stopped further conduct necessary for the completion of the criminal offence and eliminated the risk to an interest protected by this Act incurred from the performed attempt, or
- b) reported the attempted criminal offence to a law enforcement authority or the Police Force at such a time when the risk to an interest protected by this Act which occurred due to the attempted

commission could still be removed; members of the armed forces may report it to their superiors or the service authority. The person serving a prison sentence or in custody may also report it to a member of the Corps of Prison and Court Guard.

(4) The provisions of Subsection 3 shall have no effect on the criminal liability of an offender for another criminal offence that they have already committed by their conduct.

#### Section 20 **Accomplice**

If a criminal offence was committed by the joint conduct of two or more persons (accomplices), each is liable as if they had committed a criminal offence on their own.

#### Section 21 **Accessory**

(1) An accessory to a completed criminal offence or its attempt is a person who intentionally

- a) plotted or directed the commission of a criminal offence (organiser),
- b) instigated the commission of a criminal offence by another person (instigator),
- c) requested another person to commit a criminal offence (client), or
- d) provided another person with assistance to commit a criminal offence, in particular through the procurement of means, removal of barriers, providing advice, encouraging the resolve or vowing to assist after the completion of a criminal offence (accessory).

(2) The provisions on the criminal liability of an offender shall be applied to the criminal liability of an accessory, unless this Act stipulates otherwise.

#### Section 419 **Terrorist Attack**

(1) Whoever, with the intention to damage the constitutional establishment or defensibility of a country, damages or destroy the basic political, economic or social structure of a country or of an international organisation, seriously intimidate the population or coerce a government of a country or another public authority or international organisation to do, omit or tolerate something,

- a) threatens by committing or commits an attack endangering the life, health of people or their personal freedom,
- b) destroys, disables or damages a public facility, traffic system, telecommunication system, information system, including serious interference with the operation of an information system or interruption of the operation of an information system, fixed platform on undersea shallows, power installation, water-supply installation, healthcare facility or other important facility, public space or property, or threatens by such conduct,
- c) disrupts, disables or interrupts a supply of water, electric energy or other fundamental natural resource in order to put people in danger of death or grievous bodily harm or put another party's assets in danger of damage of a large extent, or threatens by such conduct,
- d) hijacks an aircraft, a ship, another means of passenger or freight transport or a fixed platform

on undersea shallows, or exercises control over such a means of transport or fixed platform, or destroys or seriously damages a navigation device or interferes with its operation or provides false information, thus putting the life or health of people and the safety of such means of transport in danger or putting another party's assets in danger of damage of a large extent, or threatens by such conduct,

e) requires, produces, obtains, stores, owns, possesses, imports, exports, transports, has it transported, delivers or otherwise uses an explosive, nuclear material, radioactive substance, chemical substance, biological agent or toxin, firearm, nuclear weapon, radiological weapon, biological weapon, chemical weapon or other weapon, means of combat or material of a similar nature, or performs research and development of a nuclear weapon, biological weapon, chemical weapon or other weapon or means of combat or an explosive, or a facility for the production, treatment, storage or use of nuclear materials, radioactive substances, chemical substances or biological agents and toxins, or threatens by such conduct, or

f) puts people in danger of death or grievous bodily harm or puts another party's assets in danger of damage of a large extent by causing fire or flood or a harmful effect of explosives, gas, electricity or other similarly hazardous substances or forces, or commits other similar dangerous conduct, or increases such danger or hinders the aversion or mitigation of it, or threatens by such conduct, shall be punished by a prison sentence of twenty to twenty-five years or a life prison sentence.

(2) A life prison sentence shall be imposed upon an offender if they committed an act referred to in Subsection 1

- a) and thus caused grievous bodily harm to several persons or the death of several persons,
- b) against a protected person,
- c) against armed forces or armed corps,
- d) as a member of a dangerous group, or
- e) in a crisis situation.

#### Section 419b

#### **Certain Forms of Participation in Terrorism**

(1) Whoever publicly incites the commission of any of the criminal offences of terrorism or publicly endorses any of the criminal offences of terrorism shall be punished by a prison sentence of three to ten years.

(2) Whoever

a) receives the knowledge of methods or techniques or acquires the skills for the production, storage, transport or use of explosives, firearms, nuclear weapons, biological weapons, chemical weapons, nuclear materials, radioactive substances, chemical substances, biological agents and toxins or other similarly harmful substances or hazardous substances for the purposes of committing any of the criminal offences of terrorism,

b) provides the knowledge of methods or techniques for the production, storage, transport or use of explosives, firearms, nuclear weapons, biological weapons, chemical weapons, nuclear materials, radioactive substances, chemical substances, biological agents and toxins or other similarly harmful substances or hazardous substances for the purposes of committing any of the criminal offences of

terrorism, or

c) asks another person to commit or participate in committing any of the criminal offences of terrorism, shall be punished by a prison sentence of seven to fifteen years.