

**Law No. 52/2003 of 22 August (updated version)****ANTI-TERRORISM LAW**

Contains the following changes:

- Rectif. No. 16/2003 of 29 October
- Law No. 59/2007, of September 4
- Law No. 25/2008 of June 5
- Law No. 17/2011 of May 3
- Law No. 60/2015 of June 24
- Law No. 16/2019 of February 14
- Law No. 79/2021 of 24 November

**SUMMARY**

**Anti-terrorism Law (in compliance with Council Framework Decision 2002/475/JAI of 13 June)  
- twelfth amendment to the Code of Criminal Procedure and fourteenth amendment to the Criminal Code**

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Law No. 52/2003 of 22 August

Anti-Terrorism Law (in compliance with Council Framework Decision No. 2002/475/JAI of 13 June) - Twelfth amendment to the Code of Criminal Procedure and fourteenth amendment to the Criminal Code.

The Assembly of the Republic decrees, pursuant to article 161(c) of the Constitution, to be valid as the general law of the Republic, the following:

**Article 1****Subject**

The purpose of this Law is to predict and punish terrorist acts and organisations, transposing into the domestic legal order Council Directive (EU) 2017/541 of 15 March 2017 on combating terrorism, which replaces Council Framework Decision 2002/475/JAI and amends Council Decision 2005/671/JAI.

*It contains the amendments introduced by the following diplomas:*

- Law No. 16/2019 of 14 February 2019

*Previous versions of this article:*

- 1st version: Law No. 52/2003, of August 22

**Article 2****Terrorist organisations**

1 - The entire group, organisation or terrorist association shall be considered the whole grouping of two or more persons who, acting in concert, aim at harming national integrity and independence, preventing, altering or subverting the functioning of the institutions of the State provided for in the Constitution, forcing the public authority to act, refraining from committing it or tolerating it, or to intimidate certain persons, groups of people or the general population by:

- a) Crime against the life, physical integrity or freedom of persons;
  - (b) crime against the security of transport and communications, including computer, telegraph, telephone, radio or television;
  - (c) crime of intent production of common danger, through fire, explosion, release of radioactive substances or toxic or asphyxiating gases, flood or avalanche, construction collapse, contamination of food and water intended for human consumption or spread of harmful disease, pest, plant or animal;
  - (d) acts which destroy or make it impossible to function or avoid their normal purposes, definitively or temporarily, in whole or in part, means or routes of communication, public service facilities or for the supply and satisfaction of vital needs of the population;
  - (e) research and development of biological or chemical weapons;
  - (f) crimes involving the use of nuclear energy, firearms, biological or chemical, explosive substances or devices, incendiary means of any nature, orders or booby-trapped letters;
- where, by their nature or the context in which they are committed, such crimes are likely to seriously affect the State or the population intended to be intimidated.

2 - Whoever promotes or founds a terrorist group, organization or association, to join or support them, in particular by providing information or material means, shall be punished with imprisonment from 8 to 15 years.

3 - Whoever heads or directs a terrorist group, organization or association is punished with imprisonment from 15 to 20 years.

4 - Those who perform preparatory acts of the constitution of a terrorist group, organization or association shall be punished with imprisonment from 1 to 8 years.

5 - The penalty may be particularly mitigated or the punishment does not take place if the agent voluntarily abandons his activity, removes or considerably reduces the danger caused by it or concretely assists in the collection of decisive evidence for the identification or capture of other persons responsible.

*It contains the changes introduced by the following diplomas:*

- Rectif. No. 16/2003 of 29 October
- Law No. 25/2008 of 5 June

*Previous versions of this article:*

- 1st version: Law No. 52/2003, of August 22
- 2nd version: Rectif. No. 16/2003 of 29 October

### **Article 3**

#### **Other terrorist organisations**

1 - The groups, organisations and associations provided for in paragraph 1 of the preceding Article shall be treated as groupings of two or more persons who, acting in concert, aim, by means of the facts described therein, to undermine the integrity or independence of a State, to prevent, alter or subvert the functioning of the institutions of that State or of an international public organisation, force the respective authorities to perform an act, to refrain from practicing or to tolerate it, or to intimidate certain groups of people or populations.

2 - The provisions of paragraphs 2 to 5 of the preceding article shall apply accordingly.

### **Article 4**

#### **Terrorism**

1 - Whoever commits the facts provided for in Article 2(1), with the intention referred to therein, shall be punished with imprisonment from 2 to 10 years, or with the penalty corresponding to the crime committed, aggravated by one third at its minimum and maximum limits, if it is equal to or greater than that, and the penalty imposed may not exceed the limit referred to in Article 41(2) of the Criminal Code.

2 - Whoever commits a crime of aggravated theft, theft, extortion, computer and communications fraud, abuse of a guarantee card or card, device or payment data, computer fraud, counterfeiting of cards or other payment devices, use of counterfeit cards or other payment devices, acquisition of counterfeit cards or other payment devices, preparatory acts of counterfeiting or falsification of documents with a view to committing them facts provided for in Article 2(1), shall be punished with the penalty corresponding to the crime committed, aggravated by one third in its minimum and maximum limits.

3 - Whoever, by any means, spreads message to the public inciting the practice of the facts provided for in Article 2(1), with the intention referred to in it, shall be punished with imprisonment from 1 to 5 years.

4 - When the facts provided for in the preceding paragraph are committed by means of electronic communication, accessible by internet, the agent shall be punished with imprisonment from 1 to 6 years.

5 - Whoever, for the purpose of being recruited for the purposes of the facts provided for in Article 2(1), with the intention referred to therein, accesses or obtains access, through a computer system or by any other means, to the messages referred to in paragraph 3 and makes use of them in the practice of their preparatory acts, shall be punished with imprisonment up to 3 years or fine of up to 360 days.

6 - Whoever, by any means, recruits others for the purposes of the facts provided for in Article 2(1), with the intention referred to therein, shall be punished with imprisonment from 2 to 5 years.

7 - Whoever, by any means, trains or instructs another person, receives from another person or acquires training, instruction or knowledge on his own training, instruction or knowledge, on the manufacture or use of explosives, firearms or other harmful or dangerous weapons and substances, or on other specific methods and techniques for the practice of the facts provided for in Article 2(1), with the intention referred to therein, he is punished with imprisonment from 2 to 5 years.

8 - Whoever, in a public meeting, through a media, by disclosure of writing or other means of technical reproduction, reward or praise another person, group, organization or association for the practice of the facts provided for in Article 2(1), in an appropriate way to create danger of the practice of another crime of the same kind, shall be punished with imprisonment up to 3 years or with penalty of fine of up to 360 days.

9 - When the facts provided for in the preceding paragraph are committed by electronic means of communication, accessible by Internet, the agent shall be punished with imprisonment up to 4 years or with a fine of up to 480 days.

10 - Who, by any means, travels or tries to travel to a territory other than their State of residence or nationality, with a view to giving, receiving or acquiring logistical support, training, instruction or knowledge, on the manufacture or use of explosives, firearms or other harmful or dangerous weapons and substances, or on other specific methods and techniques for the practice of facts provided for in Article 2(1), with the intention referred to therein, shall be punished with imprisonment of up to 5 years.

11 - Whoever, by any means, travels or tries to travel to a territory other than his State of residence or nationality, with a view to adhering to a terrorist organization or committing facts provided for in Article 2(1), with the intention referred to therein, shall be punished with imprisonment up to 5 years.

12 - Whoever organizes or facilitates the trip or travel attempt provided for in the preceding numbers, is punished with imprisonment up to 4 years.

13 - The penalty may be especially mitigated or the punishment does not take place if the agent voluntarily abandons his activity, removes or considerably reduces the danger caused by it, prevents the result that the law wants to avoid, or concretely assist in the collection of decisive evidence for the identification or capture of other responsible.

*Contains the amendments introduced by the following diplomas:*

- Law No. 25/2008 of June 5
- Law No. 17/2011, of May 3
- Law No. 60/2015 of 24 June
- Law No. 16/2019 of 14 February
- Law No. 79/2021 of 24 November

*Previous versions of this article:*

- 1st version: Law No. 52/2003, of August 22
- 2nd version: Law No. 25/2008, of June 5
- 3rd version: Law No. 17/2011, of May 3
- 4th version: Law No. 60/2015, of June 24
- 5th version: Law No. 16/2019, of February 14, 14

## **Article 5**

### **International terrorism**

1 - Whoever commits the facts provided for in Article 2(1) with the intention referred to in Article 3(1) shall be punished with the penalty of 2 to 10 years, or with the penalty corresponding to the crime committed, aggravated by one third in its minimum and maximum limits, if equal to or greater than that.

2 - The provisions of paragraphs 2 to 13 of the previous article shall apply accordingly.

*It contains the amendments introduced by the following diplomas:*

- Law No. 17/2011 of May 3
- Law No. 60/2015 of 24 June

*Previous versions of this article:*

- 1st version: Law No. 52/2003, of August 22
- 2nd version: Law No. 17/2011, of May 3rd

### **Article 5a Financing of terrorism**

1 - whoever, by any means, directly or indirectly, provides, collects or owns funds or assets of any kind, as well as products or rights that may be transformed into funds, with the intention of being used or knowing that they may be used, in whole or in part, in the planning, preparation or practice of the offences provided for in Article 2(1), either with the intention referred to therein or with the intention referred to in Article 3(1) and article 4(3), 7, 10, 11 and 12, shall be punished with imprisonment from 8 to 15 years.

2 - In the case of an act constituting the infringement provided for in the preceding paragraph, it is not necessary for the funds to come from third parties, nor that they have been delivered to whom they are intended, or that they have been or are intended to be actually used to commit the facts provided for therein, the agent is aware that they are intended for terrorist organisations or individual terrorists.

3 - The penalty is particularly mitigated or no punishment takes place if the agent voluntarily abandons his activity, removes or considerably reduces the danger caused by him or assists concretely in the collection of decisive evidence for the identification or capture of other persons responsible.

*It contains the amendments introduced by the following diplomas:*

- Law No. 60/2015 of 24 June
- Law No. 16/2019 of 14 February

*Previous versions of this article:*

- 1st version: Law No. 25/2008, of June 5
- 2nd version: Law No. 60/2015, of June 24

## **Article 6**

### **Criminal liability of legal persons and the like**

Legal persons and similar entities are generally liable for the crimes provided for in this Law.

*It contains the amendments introduced by the following diplomas:*

- Law No. 59/2007 of 4 September

*Previous versions of this article:*

- 1st version: Law No. 52/2003, of August 22

### **Article 6-A Final**

#### **decision statement condemning**

The courts shall send to the Counter-Terrorism Coordination Unit, as soon as possible and in electronic form, certificates of final sentencing decisions given in cases brought by the commission of terrorist offences, terrorist organisations, international terrorism and terrorist financing.

*Added by the following diploma: [Law No. 60/2015 of 24 June](#)*

## **Article 7**

### **subsidy law**

The provisions of the Criminal Code and its supplementary legislation shall apply in the alternative to

the matter contained in this Law.

### Article 8 Application in space

1 - For the purposes of this Law, and unless otherwise treated or internationally agreed, Portuguese criminal law shall apply to acts committed outside the national territory:  
a) Where the crimes provided for in Articles 2 and 4 constitute;  
(b) where the crimes provided for in Articles 3, 5 and 5a constitute, provided that the agent is found in Portugal and cannot be extradited or surrendered in execution of a European arrest warrant.  
2 - The crimes provided for in point (a) of the preceding paragraph shall not apply to Article 6(2) of the Penal Code.

*It contains the amendments introduced by the following diplomas:*  
- Law No. 25/2008 of 5 June

*Previous versions of this article:*  
- 1st version: Law No. 52/2003, of August 22

### Article 9 Amendments to the Code of Criminal Procedure

Article 1 of the Code of Criminal Procedure, approved by Decree-Law No. 78/87 of 17 February and amended by Decree-Law No. 387-E/87 of 29 December, by Laws No. 17/91 of 10 January and 57/91 of 13 August, by Decree-Laws No. 343/93 of 1 October, 423/91, of 30 October, and 317/95 of 28 November, By Laws No. 59/98 of 25 August, 3/99 of 13 January and 7/2000 of 27 May, by Decree-Law No. 320-C/2000 of 15 December, and by Law No. 30-E/2000 of 20 December, shall have the following wording:

'Article 1

...

1st - ...

2nd - ...

a) Integrate the crimes provided for in Article 299 of the Penal Code and Articles 2 and 3 of Law No. 52/2003 of 22 August;

b) ...'

*Contém as alterações introduzidas pelos seguintes diplomas:*  
- Rectif. n.º 16/2003, de 29 de Outubro

*Versões anteriores deste artigo:*  
- 1ª versão: Lei n.º 52/2003, de 22 de Agosto

### Artigo 10.º Alterações ao Código Penal

O artigo 5.º do Código Penal, aprovado pelo Decreto-Lei n.º 400/82, de 23 de Setembro, e alterado pela Lei n.º 6/84, de 11 de Maio, pelos Decretos-Leis n.os 132/93, de 23 de Abril, e 48/95, de 15 de Março, pelas Leis n.os 65/98, de 2 de Setembro, 7/2000, de 27 de Maio, 77/2001, de 13 de Julho, 97/2001, 98/2001, 99/2001 e 100/2001, de 25 de Agosto, e 108/2001, de 28 de Novembro, e pelos Decretos-Leis n.os 323/2001, de 17 de Dezembro, e 38/2003, de 8 de Março, passa a ter a seguinte redacção:

'Artigo 5.º

[...]

1 - ...

a) Quando constituírem os crimes previstos nos artigos 221.º, 262.º a 271.º, 308.º a 321.º e 325.º a 345.º;

b) ...

c) ...

d) ...

e) ...

2 - ...'

Consultar o [Decreto-Lei n.º 48/95, 15 Março \(actualizado face ao diploma em epígrafe\)](#)

### Artigo 11.º Norma revogatória

São revogados os artigos 300.º e 301.º do Código Penal.

Aprovada em 26 de Junho de 2003.

O Presidente da Assembleia da República, João Bosco Mota Amaral.

Promulgada em 4 de Agosto de 2003.

Publique-se.

O Presidente da República, JORGE SAMPAIO.

Referendada em 8 de Agosto de 2003.

O Primeiro-Ministro, José Manuel Durão Barroso.