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19/04/2016

1) Brief overview Danish legislation on terrorism

2) Financing of terrorism

- Act on money laundering and financing of terrorism
- Criminal code – terror and financial assistance to terror
- Supreme Court case - fighters and lovers

3) New bill: A crime to receive funds from terror organisations

1. Overview - Criminalization of terror acts:

- Specific acts of terrorism/UN CT conventions (2002)
- Criminalized acts that *potentially* can lead to terror – including financing (2006)
- Foreign fighters (2015 – 2016)



2. Financing of terrorism

Act Prevent Money Laundering and Financing of Terrorism, 2007

Banks, financial institutions, etc. obligations:

- Internal procedures and management control
- Know your customer – I.d of costumers
- Attention – indicators: e.g. large or unusual transactions; unwilling to i.d, etc.
- Investigate
- Notify public prosecutor
- Keep information for 5 years

“Financing of terrorism” means financing of terrorism as defined in section 114 and 114 b in the Criminal Code

Section 114 – terror – up to life imprisonment

- Serious criminal offence: homicide, assault etc.
- intimidate a population or unlawfully to compel Danish authorities to do or to abstain from doing any

Providing funds to a terrorist organization

Section 114b.

A person is liable to imprisonment for any term not exceeding 10 years if he:

- (i) directly or indirectly grants financial support to;
- (ii) directly or indirectly provides or collects funds for; or
- (iii) directly or indirectly makes money, other financial assets or financial or other similar services available to

a person, a group of persons or an association that commits or intends to commit acts falling within the scope of section 114.”

Expanded complicity rule

Normal complicity rule - section § 23: if a person contributes to a criminal act by instigation, advice or action.

Broad scope - e.g. if someone in word or in deed encourages, incites or tempts another person to commit a criminal offence.

Mental requirement: A person will be liable to punishment for participation:

- if he had the intention (mens rea) that a crime will be committed
- the participation/assistance must be aimed at a specific offence

Section 114 b – expanded complicity

Reduced intent requirement

An offense to contribute funds to ‘terrorist’ group – both it’s illegal and legal activities, including humanitarian work

Attorney General - 2006:

‘We will not accept a system where people can send money to the other side of the world and simply close their eyes to what is happening.’

Or more polemical: no one should be allowed to stay in the peaceful Denmark and be a romantic revolutionary - if the reality is that the person is sponsoring terrorism.’

Danish Supreme Court Fighters and Lovers



Intended to transfer

- 10.000 DKK (1.400 USD) to PFLP and FARC

1) PFLP and FARC terror organisations – §114

2) Complicity – No §23 - Yes §114 b

½ years suspended sentence

3. Receiving funds from a terror organization

- A person who receives financial support for the *establishment* or *operation* of an institution or organization
- From a group or association that commits or intends to commit acts covered by § 114
- Punishable with imprisonment for up to 6 years

E.g. If a terror organization donates funds for civil society in DK e.g. supporting educational or health purposes – e.g. kindergarten, schools, nursing homes, sport clubs, libraries, relief agencies; churches and mosques