

# Spain

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## Section 1: Summary of Domestic Legislation

- The core of Spain anti-terrorist legislation is based on ten separate Articles located in the second section of the Organic Law 10/1995 of 23 November, which constitutes the [Spanish Criminal Code](#).
  - Article 571 legally defines the crimes of arson and destruction as terrorist crimes when the author of the crime belongs, acts or collaborates with armed groups aiming to undermine the constitutional order or the public peace.
  - In those cases where the criminal act causes the death of a person, the sanction outlined in Article 572 can reach a maximum of 30 years imprisonment. In case of kidnapping, the penalty range from 15 to 20 years. For minor injures or coercion, the sanctions range from 10 to 15 years of prison. The prison terms are increased if the victims of terrorist action are government officials.
  - Article 573 criminalises the storage, manufacturing and transporting of weapons and explosive devices by members of terrorist groups.
  - Article 574 establishes increased penalties for any other crime in the Penal Code whose finality is that of undermining the constitutional order or public peace.
  - Article 575 also provides the maximum penalty for crimes against property when they are committed in order to fund terrorist organisations.
  - Article 576 refers to the crime of collaboration with a terrorist group, which included the act of surveillance of persons or facilities, provision of shelter, training, assistance with kidnapping and any other forms of cooperation – including financial- with the activities of terrorist organisations.
  - Article 577 sanctions any serious crime conducted in order to erode the constitutional order and the public peace with an increased penalty even if the perpetrator is not part of a terrorist organisation.
  - Article 578 refers to the acts of ‘provocation, conspiracy and proposition’ of terrorist crimes, whereas 579 allows the reduction of the sanction for these crimes when the terrorist confesses and collaborates with the authorities.
  - Finally, Article 580 allows for the enforcement of rulings and convictions of terrorist crimes by a foreign court or judge, which will be considered equal to those dictated by their Spanish counterparts.

- An important aspect of Spain's legislative response to terrorism is the compensation and assistance provided to the victims of terrorist acts. [Act 32/1999](#) of 8 October on the solidarity with the victims of terrorism, specifies that the Spanish state would provide funding for the medical treatment of those suffering physical or psychological injury as a result of a terrorist attack or, in case of death, financial aid to the closest relatives of the person.
- A more controversial legislative act that has been used in the fight against terrorism is the [Organic Law 6/2002](#) of 27 June on political parties, which permits the banning of political parties that undermine individual freedoms and the foundations of Spanish democracy. This would include the support for terrorist acts and/or collaboration with terrorist groups and has been used in 2003 to disband Batasuna, the Basque political party with links to the terrorist organisation ETA.
- [Act 34/2002](#) of 11 July obliges Internet suppliers and telecommunications operators to preserve their communication data for a period of twelve months and make them available to serious crime –including terrorism– investigators.
- The fight against the financing of terrorism is an important part of Spain's counter-terrorism policies. The most significant piece of legislation in this area is [Organic Law 12/2003](#) of 21 May on the prevention and freezing of terrorist funding. The law allows for state authorities to freeze funds suspected to be invested in the preparation of terrorist activities. It also permits the examination and blockade of banking transactions and other forms of financial flows directed towards entities involved in terrorism. A specialised body, the Commission for the Surveillance of Activities of Terrorist Funding is tasked with this mission.
- [The Organic Law 7/2003](#) of 30 June on the measures to reform the full and effective serving of sentences extended the maximum limit for serving terrorist crimes penalties and modified the conditions for the granting of penitentiary benefits and parole for this type of crimes.
- Following the Madrid attacks, the [Council of Ministers Resolution of 28 May 2004](#) established a specialised National Centre for Antiterrorist Coordination (CNCA). This non-operational body gathers and processes intelligence and police data on terrorism to produce analyses and threat evaluation reports for the use of practitioners and policy-makers.

## **Section 2: Relevant International Instruments and Obligations**

### ***Anti-Terrorism Instruments***

Spain has ratified all 13 [UN Conventions on Terrorism](#).

### ***Human Rights Instruments***

Spain is a state party to a number of international human rights instruments, full details of which can be found [here](#). The most important regional treaty is the [European Convention of Human Rights](#) (ECHR) 1950.

## Section 3: Useful reports

### ❖ CODEXTER Report

An overview on the Spanish counter-terrorism system has been collected by the [Council of Europe Committee of Experts on Terrorism \(CODEXTER\)](#) and can be consulted [here](#). The report outlines Spain's anti-terrorist legislation, institutional framework and international cooperation instruments.

### ❖ UN Counter-Terrorism Committee Reports

Spain has also submitted a number of reports to the [United Nations Counter-Terrorism Committee \(CTC\)](#) on the implementation of [Security Council Resolution 1373](#) (2001).

- The [first report](#) (2001) deals with the implementation of the dispositions on the prevention of terrorism financing and recruitment.
- A [supplementary report](#) (2002) provides further details on the existing mechanisms for the fight against the financing of terrorism, extradition of terrorist suspects and the organizational set up of the state's counter-terror administrative machinery.
- The [third report](#) (2003) refers to the legal provisions that criminalise the preparation of terrorist acts on Spanish territory for commission abroad and the ratification of conventions, codes and standards relevant to the implementation of resolution 1373.
- The [fourth report](#) (2004) refers more closely to the implementation of the UN Convention for the Suppression of the Financing of Terrorism, the institutional machinery and legislative framework on customs and border control and preventing the use of weapons by terrorists.

A 2007 [report](#) deals with the implementation of [Security Council Resolution 1624 \(2005\)](#) summarising Spanish legal measures to criminalise incitement to terrorism.

### ❖ Interpol report

A brief overview of the definition and prosecution of terrorist acts, laws pertaining to bioterrorism and the financing of terrorism and money-laundering is provided by this [Interpol report](#).