



**LAW 52/2003  
of 22 August 2003  
on combating terrorism**

Law on combating terrorism (giving effect to the Council Framework Decision 2002/475/JAI, of 13 June 2002) – Twelfth amendment to the Criminal Procedure Code and fourteenth amendment to the Criminal Code.

This Law has been amended by Laws 59/2007, 25/2008, 17/2011, 40/2015 and Law 16/2019.

**Law 16/2019 introduces the fifth amendment to Law 52/2003 and transposes Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism, which replaces Council Framework Decision 2002/475/JHA and amends Council Decision 2005/671/JHA**

Pursuant to article 161(c) of the Portuguese Constitution and to be effective as a general rule of the Republic, the Parliament enacts as follows:-

Article 1  
**Purpose**

The purpose of this Law is to make provision about and punish terrorist acts and organisations by transposing the Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism, which replaces the Council Framework Decision 2002/475/JHA and amends the Council Decision 2005/671/JHA.

Article 2  
**Terrorist organisations**

(1) A terrorist group, organisation or association is deemed to be any structure of two or more persons who, acting in concert, aim at endangering the national integrity and independence, obstructing, altering or subverting the operation of the State institutions as laid down in the Constitution, at compelling the public authority to perform, abstain from performing or tolerate any act, or at intimidating certain persons, groups of persons or the population through \_

- (a) An offence against life, limb, physical integrity or personal freedom;
- (b) An offence against the safety of a transport system and communications, including information systems, telegraph, telephone, radio or television;



- (c) An offence which intentionally causes common danger through fire, explosion, release of radioactive substances or toxic or asphyxiating gas, flood or avalanche, dismantling of infrastructure facilities, contamination of food and water supplies for human consumption, or widespread of disease, plague, noxious plants or animals;
- (d) Acts which, in whole or in part, definitively or over a period of time, cause the destruction of, render ineffective the operation of, or interfere with, any means or ways of communication, public facilities or other facilities designed to satisfy the vital needs of the population;
- (e) Research into, and development of, biological or chemical weapons;
- (f) Offences which entail the use of nuclear energy, fire weapons, biological or chemical weapons, explosive substances or devices, fire devices of any nature, letters or letters bomb,

where, given their nature or the context in which they are committed, these offences are likely to seriously disrupt either the State or the population, the intimidation of which is sought thereby.

(2) Any person who promotes or sets up, adheres to, or gives support to, a terrorist group, organisation or association, in particular by supplying information or material resources, shall be sentenced to imprisonment for a term not less than 8 years but not over 15 years.

(3) Any person who leads or directs a terrorist group, organisation or association shall be sentenced to imprisonment for a term not less than 15 years but not over 20 years.

(4) Any person who performs preparatory acts the effect of which is the setting up of a terrorist group, organisation or association shall be sentenced to imprisonment for a term not less than 1 year but not over 8 years.

(5) The custodial sentence may be specially mitigated or the penalty may not be imposed if the offender freely renounces his or her activities, prevents or mitigates the danger deriving therefrom, or specifically assists in the finding of evidence decisive to identify or to bring to justice other responsible persons.

*(as last amended by Law 16/2019 of 14 February 2019)*



### Article 3

#### **Other terrorist organisations**

- (1) The groups, organisations and associations referred to in Article 2(1) are equivalent to groupings of two or more persons who, acting in concert, through the performance of the acts listed in that article, aim at damaging any State's integrity or independence, obstructing, altering or subverting the operation of the institutions of that State or any international public organisation, compelling the respective authorities to perform, abstain from performing, or tolerate any act, or intimidating certain groups of persons or populations.
- (2) The provisions of Article 2(2) to (5) apply accordingly.

### Article 4

#### **Terrorism**

- (1) Any person who performs the acts listed in Article 2(1), with the same intent as specified therein, shall be sentenced to imprisonment for a term not less than 2 years but not over 10 years, or to a sentence corresponding to the committed offence increased by one third in its minimum and maximum limits in case it is equal to, or heavier than, the said custodial sentence. The imposed sentence must not exceed the limit referred to in Section 41(2) of the Criminal Code.
- (2) Any person who commits an offence of aggravated theft, robbery, extortion, computer and communications fraud, electronic falsification or forgery of document with a view to committing one of the acts listed in Article 2(1) shall be sentenced to the penalty applicable to the committed offence increased by one third in its minimum and maximum limits.
- (3) Any person who, by any means whatsoever, disseminates a message to the public inciting to the commission of the acts listed in article 2(1), pursuant to the purpose defined therein, shall be sentenced to imprisonment for a term not less than 1 year but not over 5 years.
- (4) Where the acts provided for in the preceding paragraph have been committed using an electronic communication accessible through the Internet, the offender shall be sentenced to imprisonment for a term not less than 1 year but not over 6 years.
- (5) Any person who, with the purpose to be recruited for the commission of acts listed in article 2(1) and pursuant to the purpose defined therein, accedes to or obtains access



to the messages referred to in paragraph 3 above through a computer system or any other means and makes use thereof for purposes of committing the respective preparatory acts, shall be sentenced to imprisonment for a term up to 3 years or to a fine up to 360 days.

(6) Any person who, by any means whatsoever, recruits another person for the commission of the acts listed in article 2(1) and pursuant to the purpose defined therein, shall be sentenced to imprisonment for a term not less than 2 years but not over 5 years.

(7) Any person who, by any means whatsoever, trains or instructs another person, receives from another person or acquires directly training, instruction or knowledge on the manufacture or use of explosives, fire weapons or other weapons and noxious or dangerous substances, or on other specific methods and techniques for purposes of committing acts listed in article 2(1) and pursuant to the purpose defined therein, shall be sentenced to imprisonment for a term not less than 2 year but not over 5 years.

(8) Any person who, during a public meeting, through the media, in writing or by any other technical means of reproduction, addresses a reward or commendation to another person, group, organisation or association by reason of the commission the acts listed in article 2(1) in a manner adequate to cause danger of commission of another criminal offence of the same type, shall be sentenced to imprisonment for a term up to 3 years or to a fine up to 360 days.

(9) Where the acts provided for in the preceding paragraph are committed by using electronic means of communication accessible through the Internet, the offender shall be sentenced to imprisonment for a term up to 4 years or to a fine up to 480 days.

(10) Any person who, by any means whatsoever, travels or attempts to travel to a territory other than his or her State of residence or nationality with a view to giving, receiving or acquiring directly logistic support, training, instruction or knowledge on the manufacture or use of explosives, fire weapons or other weapons and noxious or dangerous substances, or on other specific methods and techniques for purposes of committing acts listed in article 2(1) and pursuant to the purpose defined therein, shall be sentenced to imprisonment for a term up to 5 years.

(11) Any person who, by any means whatsoever, travels or attempts to travel to a territory other than his or her State of residence or nationality with a view to adhering to a terrorist organisation or to committing acts listed in article 2(1) and pursuant to the purpose defined therein, shall be sentenced to imprisonment for a term up to 5 years.

(12) Any person who organises or facilitates the travel or the attempt to travel as laid down in the preceding paragraphs shall be sentenced to imprisonment for a term up to 4 years.



(13) The custodial sentence may be specially mitigated or punishment may not be imposed if the offender freely renounces his or her activities, prevents or seriously mitigates the danger caused thereby, prevents the result which the law aims at avoiding, or specifically assists in the finding of evidence decisive to identify and bring to justice other responsible persons.

*(as amended by Law 16/2019 of 14 February 2019)*

#### Article 5

### **International terrorism**

(1) Any person who commits the acts listed in Article 2(1), pursuant the intent referred to in Article 3(1), shall be sentenced to imprisonment for a term not less than 2 years but not over 10 years, or to a penalty corresponding to the committed offence increased by one third in its minimum and maximum limits in case it is equal to, or heavier than, the said custodial sentence.

(2) The provisions of paragraphs (2) to (13) of the preceding article apply accordingly.

*(as amended by Law 60/2015 of 24 June)*

#### Article 5-A

### **Financing of terrorism**

(1) Any person who, by any means whatsoever, directly or indirectly, provides, receives or detains funds or property of any type, as well as products or rights likely to be transformed into funds, to be used or knowing they may be used, in part or totally, for the planning, the preparation or the commission of the criminal offences listed in article 2(1) pursuant to the purpose stated therein or in article 3(1) or to the purposes stated in article 4 (3), (6), (7), (10), (11), (12), shall be sentenced to imprisonment for a term not less than 8 years but not over 15 years.

(2) For an act to be considered a criminal offence under the preceding paragraph, the funds are not required to derive from third persons, nor to have been used or intended to be used in the commission of the acts described therein. The fact that the offender is



aware the funds are to be channelled to terrorist organisations or individuals shall be considered as sufficient grounds thereto.

(3) The custodial sentence shall be specially mitigated or the punishment may not be imposed if the offender freely renounces his or her activities, prevents or considerably mitigates the danger caused thereby or specifically assists in the finding of evidence decisive to identify and bring to justice other responsible persons.

*(as amended by Law 16/2019 of 14 February 2019)*

#### Article 6

### **Criminal liability of legal or assimilated persons**

The legal persons and assimilated entities are held liable, in general terms, for the criminal offences provided for in this Law.

*(as amended by Law 59/2007 of 04 September 2007)*

#### Article 6-A

### **Communication of the final enforceable judgement**

Certificates of the final enforceable judgements rendered in the scope of proceedings launched by reason of the commission of criminal offences of terrorism, terrorist organisations, international terrorism and financing of terrorism shall be forwarded by the courts to the Anti-terrorism Coordination Unit, as soon as possible and in electronic format.

*(Wording introduced by Law 60/2015 of 24 June)*

#### Article 7

### **Subsidiary Law**



The provisions of the Criminal Code and the statutory provisions ancillary thereto shall apply to the matter covered by this Law.

#### Article 8

#### **Applicability in place**

- (1) For the purposes of this Law, and unless otherwise provided for in any international treaty or convention, the Portuguese criminal law applies to acts committed outside the national territory\_
- (a) where they correspond to the offences falling within Articles 2 and 4;
  - (b) where they correspond to the offences falling within Articles 3, 5 and 5-A, provided the offender is located in Portugal and is not liable of extradition or surrender in execution of a European arrest warrant.
- (2) The provisions of article 6(2) of the Criminal Code shall not apply to the offences falling within subparagraph (a) of the preceding paragraph.
- (as amended by Law 25/2008 of 5 June 2008)*

#### Article 9

#### **Amendments to the Criminal Procedure Code**

Article 1 of the Criminal Procedure Code, as approved by Order in Council 78/87 of 17 February 1987, and as amended by Order in Council 387-E/87 of 29 December 1987, Law 17/91 of 10 January 1991, Law 57/91 of 13 August 1991, Order in Council 343/93 of 1 October 1993, Order in Council 423/91 of 30 October 1991, Order in Council 317/95 of 28 November 1995, Law 59/98 of 25 August 1998, Law 3/99 of 13 January 1999, Law 7/2000 of 27 Mai 2000, Order in Council 320-C/2000 of 15 December 2000, and Law 30-E/2000 of 20 December 2000, shall read as follows-

«Article 1

[...]

(1).....

(2).....



- (a) *corresponding to the offences falling within article 299 of the Criminal Code and Articles 2 and 3 of Law 52/2003 of 22 August 2003;*
- (b) *....»*
- (wording given by Rectification No. 16/2003 of 29 October 2003)*

#### Article 10

### **Amendments to the Criminal Code**

Article 5 of the Criminal Code, as approved by Order in Council 400/82 of 23 September 1982, and as amended by Law 6/84 of 11 May 1984, Order in Council 132/93 of 23 April 1993, Order in Council 48/95 of 15 March 1995, Law 65/98 of 2 September 1998, Law 7/2000 of 27 May 2000, Law 77/2001 of 13 July 2001, Laws 97/2001, 98/2001, 99/2001 and 100/2001 of 25 August 2001, Law 108/2001 of 28 November 2001, Order in Council 323/2001 of 17 December 2001, and Order in Council 38/2003 of 8 March 2003, shall read as follows\_

«Article 5

[...]

(1) ....

- (a) *where they correspond to the offences falling within articles 221, 262 to 271, 308 to 321 and 325 to 345;*
- (b) ....
- (c) ....
- (d) ....
- (e) ....

(2)....»

#### Article 11

### **Repealing rule**

Articles 300 and 301 of the Criminal Code are hereby repealed.

Approved on 26 June 2003

The President of the Parliament, Mr. João Bosco Mota Amaral.

Enacted on 4 August 2003.





**MINISTÉRIO PÚBLICO  
PORTUGAL**

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PROCURADORIA-GERAL DA REPÚBLICA  
GABINETE DE DOCUMENTAÇÃO  
E DIREITO COMPARADO

For publication.

The President of the Republic, Mr. JORGE SAMPAIO.

Submitted to referendum on 8 August 2003.

The Prime Minister, Mr. José Manuel Durão Barroso.