



# **DÁIL ÉIREANN**

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## **AN BILLE UM CHEARTAS COIRIÚIL (CIONTA SCEIMHLITHEOIREACHTA) (LEASÚ), 2025 CRIMINAL JUSTICE (TERRORIST OFFENCES) (AMENDMENT) BILL 2025**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

## AN BILLE UM CHEARTAS COIRIÚIL (CIONTA SCEIMHLITHEOIREACHTA) (LEASÚ), 2025 —ROGHCHOISTE

### CRIMINAL JUSTICE (TERRORIST OFFENCES) (AMENDMENT) BILL 2025 —SELECT COMMITTEE

*Leasuithe  
Amendments*

#### SECTION 2

1. In page 3, between lines 13 and 14, to insert the following:

#### “Amendment of section 3 of Principal Act

2. Section 3 of the Principal Act is amended by the insertion of the following new definitions:

“ ‘crime against humanity’ means any of the acts specified in Article 7 of the Statute of the International Criminal Court;

‘genocide’ means any of the acts specified in Article 6 of the Statute of the International Criminal Court;

‘war crime’ means any of the acts specified in Article 8.2 of the Statute of the International Criminal Court.”.

—Matt Carthy.

2. In page 3, between lines 21 and 22, to insert the following:

“ ‘organising or facilitating travel for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F\*.”.

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 13.]

3. In page 3, between lines 25 and 26, to insert the following:

“ ‘providing training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F\*.”.

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 10.]

[SECTION 2]

4. In page 3, between lines 27 and 28, to insert the following:

“ ‘receiving training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F\*.”

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 10.]

5. In page 3, between lines 27 and 28, to insert the following:

“ ‘recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F\*.”

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 11.]

6. In page 3, between lines 27 and 28, to insert the following:

“ ‘travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide’ shall be construed in accordance with section 4F\*.”

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 12.]

7. In page 4, between lines 6 and 7, to insert the following:

- “(f) organising or facilitating travel for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (g) providing training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (h) receiving training in the armed forces of a state engaged in war crimes, crimes against humanity or genocide,
- (i) recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide, or
- (j) travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide.”

—Matt Carthy.

8. In page 4, between lines 13 and 14, to insert the following:

“(f) by the insertion of the following subsection after subsection (3):

“(4) For the purposes of this Act and notwithstanding any enactment (other than sections 5 and 6 of the Diplomatic Relations and Immunities Act 1967) or rule of law—

[SECTION 2]

- (a) the fact that a group is or forms part of a military or armed force or a police force maintained by or under the authority of the State or another state does not prevent the group from being a terrorist group, and
- (b) no privilege or immunity attaches to a person in relation to his or her actions by reason of the person having acted in the service of a state.”.”.

—Alan Kelly.

SECTION 3

9. In page 4, between lines 29 and 30, to insert the following:

“(2) Proceedings for the offence of terrorist-linked activity consisting of public provocation to commit a terrorist offence shall not succeed unless there is material evidence as to an intention on the part of the accused, formed prior to the distribution or publication concerned, to incite persons by those means to commit a terrorist activity.”.

—Alan Kelly.

*Section opposed.*

—Paul Murphy, Matt Carthy.

SECTION 5

10. In page 7, between lines 32 and 33, to insert the following:

**“Training for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide**

- 4F. (1) For the purposes of this Part, training in the armed forces of a state engaged in the commission of war crimes, crimes against humanity or genocide means intentionally providing instruction or training in the skills of—
- (a) making or using, for the purpose of committing, or contributing to, the commission of war crimes, crimes against humanity or genocide—
    - (i) firearms or explosives,
    - (ii) nuclear material,
    - (iii) biological weapons, chemical weapons or prohibited weapons, or
    - (iv) such other weapons, or noxious or hazardous substances, that may be used in the commission of war crimes, crimes against humanity or genocide as the Minister may prescribe,
  - or
  - (b) such other techniques or methods for the purpose of committing, or contributing to the commission of, war crimes, crimes against

humanity or genocide as the Minister may prescribe, knowing or believing that it is likely that the skills provided are intended to be used by a person receiving the instruction or training for the purpose of committing, or contributing to the commission of, war crimes, crimes against humanity or genocide.

- (2) The Minister may, if he or she considers it appropriate to do so, make regulations for the purposes of subsection (1) and he or she shall—
- (a) before making such regulations, consult with the Minister for Foreign Affairs, the Minister for Defence, the Commissioner of An Garda Síochána, and such other Minister of the Government as the Minister considers appropriate having regard to the weapons, substances, techniques or methods concerned, and
  - (b) in making such regulations, have regard to the following:
    - (i) the capability of the weapon, substance, technique or method concerned to cause the death of or serious bodily injury to persons or substantial material damage to property;
    - (ii) the capacity of the weapon, substance, technique or method concerned to be used for the purposes of committing war crimes, crimes against humanity or genocide and the likelihood of it being so used;
    - (iii) the extent to which instruction or training—
      - (I) in the making or use of the weapon or substance concerned, or
      - (II) in the use of the technique or method concerned,is required for the making or use, as the case may be, of that weapon, substance, technique or method for the purpose of committing, or contributing to the commission of, a war crime, a crime against humanity or genocide.”.”.

—Matt Carthy.

11. In page 7, between lines 32 and 33, to insert the following:

**“Recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide**

4F. For the purposes of this Part, recruitment for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide means the intentional recruitment of another person to serve in the armed forces of a state which is engaged in, or is reasonably suspected of having engaged in, a war crime, a crime against humanity or genocide.”.”.

—Matt Carthy.

[SECTION 5]

12. In page 7, between lines 32 and 33, to insert the following:

**“Travel for purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide**

4F. For the purposes of this Part, a person travels for the purpose of serving in the armed forces of a state engaged in war crimes, crimes against humanity or genocide if he or she travels from the state to a place other than the state for the purpose of participation in the armed forces of another state which is engaged in, or is reasonably suspected of having engaged in, genocide, crimes against humanity or war crimes.”.

—Matt Carthy.

13. In page 7, between lines 32 and 33, to insert the following:

**“Organising or facilitating travel for purpose of participation in the armed forces of another state which is engaged in genocide, crimes against humanity or war crimes**

4F. For the purposes of this Part, a person organises or facilitates travel for the purpose of participation in the armed forces of another state which is engaged in genocide, crimes against humanity or war crimes—

(a) if he or she—

(i) does any act—

(I) consisting of the making of an arrangement for the travel by any person to the State from a place other than the State, or

(II) that would facilitate the travel by any person to the State from a place other than the State,

or

(ii) causes any person to do such an act,

knowing that such travel is for a purpose referred to in section 4F\*,  
or

(b) if he or she—

(i) does any act—

(I) consisting of the making of an arrangement for the travel by any person from the State to a place other than the State, or

(II) that would facilitate the travel by any person from the State to a place other than the State,

or

(ii) causes any person to do such an act,

knowing that such travel is for a purpose referred to in

[SECTION 5]

section 4F\*.”.”.

—Matt Carthy.

[\*This is a reference to a section proposed to be inserted by amendment No. 12.]

SECTION 7

14. In page 8, between lines 21 and 22, to insert the following:

**“Amendment of section 42 of Principal Act**

7. Section 42 of the Principal Act is amended by the substitution of the following subsection for subsection (1)(a):

“(1) (a) constituting violations of international law as determined by the International Court of Justice or the International Criminal Court, or that are adopted by the institutions of the European Communities before or after the commencement of this section in accordance with the treaties of those communities, and”.”.

—Paul Murphy.

SECTION 8

*Section opposed.*

—Paul Murphy.