

APPENDIX TWO - A

Politics of Peace and Conflict

11th October, 2010

Seminar 2

"The outcome of just war theory is to justify rather than limit war."

1. Theory and the role

- AN INEVITABLE FEATURE
NEVERTHELESS
COMING UP
WHAT HAS GROWN
ALONG
- Morality in war, civilians and combatants
 - Armed power employment in defence of life → possible consequences?
 - Opposing concepts, reconciliation and its linkage with the theory

2. Permissibility of violence – *jus ad bellum* principle

- ESSENTIALLY ANY
WARFARE
IN THE PLETHORA
WAGING WAR
FOR INSTANCE
ANOTHER PRECON
DITION
THE ANTICIPATED
BENEFITS
ARMS MAY NOT
BE USED
- Misfortune and the lesser misfortune
 - Using force → conditions
 - Prerequisites
 - Just cause → elemental freedom
 - Last resort → peaceful means exhausted – once the war starts: the aim of individual and good of collectivity
 - Proportionality: Benefits ↔ damages (macro-proportionality: relation to *jus in bello* proportionality)
 - Probable success – purpose and the consequences

3. Legitimate authority

- ALL THIS SPEAKS
NIG. DOWER WHEN
MENTIONING
USUALLY THE
ATTACK TALKS ABOUT
- THIS HIGH T SPARK
HUM. INTERV. AKA
INST SERBIA..
SERBIA'S ARGUM...
SO, THESE ARE
CLAIMINGS
- Rightness of war → *jus ad bellum* → Nigel Dower
 - Constitution (laws) in a country → institutions and personnel → war decisions
 - The U.N Charter-Security Council-war decisions
 - Iain Attack, article 42 and unilateral use of force
 - Crucial tension 'self-defence (sovereignty) vs humanitarian intervention (hum. rights)
 - Sparking debates (Serbia and Montenegro and Kosovo and Metohija)
 - Humanitarian intervention' - NATO's just cause
 - Serbia's claim: internal issue, The Helsinki Final Act, U.N Charter and U.N Security Council Resolution 1244
 - Attitudes diametrically opposed- exposed difficulty, pressure and strain

4. *Jus in bello* principle

- A CROSSER LOOK
REVEALS
ONE OF THEM
MEANS THAT
PROHIBITED IS
BOMBING
- The principle → a must → criteria of war permissibility
 - Just war conduct → principle of distinction: acts of war → enemy combatants. Campaign would be against them. Prohibition of killing non-combatants

APPENDIX TWO - B

PROHIBITED IS

- Forbidden: bombing civilian residential areas with no military target, terrorism and reprisal against civilians

ANOTHER SEE'S
JUST WAR CONDUCT

Proportionality: Reaching military advantage → Attack launched → only military objective → causing no incidental civilian injuries clearly excessive. No action is allowed if endangering the vulnerable would exceed an army aim.

THE LAST CRITERION
RECAPITULATES

Military necessity and intention: Defeat of the enemy, minimum force and avoiding collateral damage

GENERATING
A MILIEU OF

- Limiting the unnecessary
- Admissible pressure → aim of just war theory. Iain Attack: limiting and constrain use of armed force.

INDEED THIS IS A
SORT OF

→ Control mechanism → just war theory → functioning of coercion → protecting international law.

WHAT MAKES
FEATURES AN
INTEGRATED

- *Jus ad bellum* principle (a war is fair or not) and *jus in bello* (way of waging war)
- Questionable attention → aftermath of war → strategy of ending military operations → *jus post bellum* principle.

NOT MUCH AFTER
ACTION IS PAID TO

Questions for discussion:

What are deficiencies (if any) of institutionalization of international system?

Is there any necessity for re-evaluation?

What effect would the potential restructuring have on the core of just war definition?

APPENDIX TWO - C

Seminars - attendance — see nr 3...APPENDIX ONE - M

1st - Monday - 4th Oct. 2010 - ATTENDED

2nd - Monday - 11th Oct. 2010 - ATTENDED - MY PRESENTATION

3rd - Monday - 18th Oct. 2010 - ATTENDED -

4th - Monday - 25th Oct. 2010 - ATTENDED -

5th - Monday - 1st Nov. 2010 - ATTENDED -

6th - Monday - 8th Nov. 2010 - ATTENDED -

7th - Monday - 15th Nov. 2010 - ATTENDED -

8th - Monday - 22nd Nov. 2010 - ATTENDED

9th - Monday - 29th Nov. 2010 - ATTENDED

10th - Monday - 6th Dec. 2010 - ATTENDED

11th - Monday - 13th Dec. 2010 - ATTENDED

12th - Monday - 20th Dec. 2010 - ATTENDED

Seminar on 20th Dec. 2010

was the last seminar

— see nr 2...APPENDIX ATTENDANCE ONE

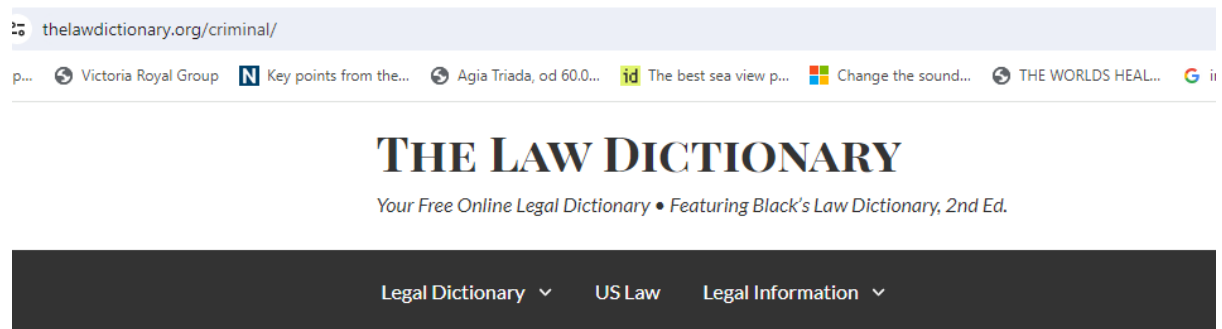
see nr 1...APPENDIX ATTENDANCE ONE

APPENDIX TWO - D

CRIMINAL Definition & Legal Meaning

Definition & Citations:

the name given to a person who has committed a serious crime. The word can also mean wicked.



The screenshot shows a web browser with the address bar displaying "thelawdictionary.org/criminal/". The browser's tab bar shows several open tabs, including "Victoria Royal Group", "Key points from the...", "Agia Triada, od 60.0...", "The best sea view p...", "Change the sound...", "THE WORLDS HEAL...", and "G i". The website header features the title "THE LAW DICTIONARY" in a large, bold, serif font, followed by the subtitle "Your Free Online Legal Dictionary • Featuring Black's Law Dictionary, 2nd Ed." in a smaller, italicized font. Below the header is a dark navigation bar with three menu items: "Legal Dictionary" with a dropdown arrow, "US Law", and "Legal Information" with a dropdown arrow.

CRIMINAL Definition & Legal Meaning

Definition & Citations:

the name given to a person who has committed a serious crime. The word can also mean wicked.

Source: <https://thelawdictionary.org/criminal/>

APPENDIX TWO - E

dictionary.com/browse/dishonesty

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 DEFINITIONS  dishonesty

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dishonesty

[dis-on-uh-stee] [SHOW IPA](#)  

[See synonyms for dishonesty on Thesaurus.com](#)

noun, plural dis-hon-es-ties.

- 1 lack of honesty; a disposition to lie, cheat, or steal.
- 2 a dishonest act; fraud.

APPENDIX TWO - F

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English[Grammar](#)[English-Spanish](#)



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Meaning of *intention* in English

intention

noun [C or U]

UK  /ɪnˈten.ʃən/ US  /ɪnˈten.ʃən/

B2

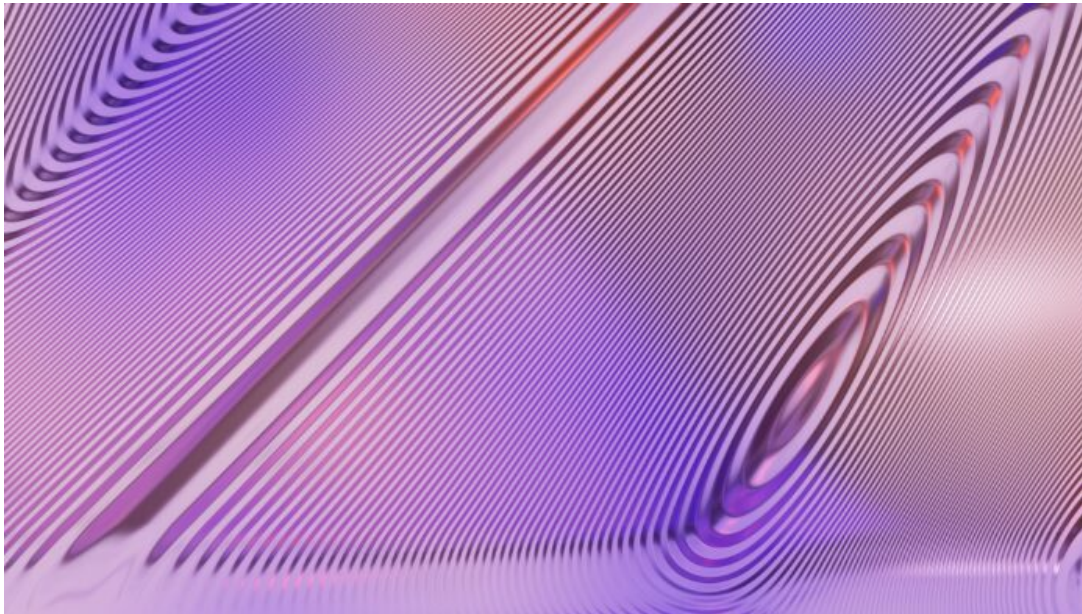
something that you want and plan to do:

- [+ to infinitive] *It wasn't my intention **to** exclude her from the list - I just forgot her.*
- *I've no intention **of** changing my plans just to fit in with his.*

APPENDIX TWO - G

malevolent-A Comprehensive Guide.

By **Torry Mastery** -



Malevolent, a term that carries a weight of darkness and maleficence, is a concept deeply rooted in human history and psychology. **In this extensive exploration spanning over 3000 words, we delve into the multifaceted world of malevolence, tracing its origins, dissecting its psychological underpinnings, and contemplating its presence in the human experience.**

Malevolent, an adjective laden with ominous connotations, is often used to describe individuals, actions, or intentions that harbor ill will, malice, or a desire to cause harm. It is a word that conjures images of sinister motives and wicked deeds, a shadowy presence in the human psyche that has fascinated, perplexed, and repelled us throughout the ages.

The roots of malevolence can be traced to the earliest chapters of human history. From ancient myths and legends featuring malevolent gods and demons to the dark deeds of historical figures who committed heinous acts, malevolence has been a recurring theme in our narratives. In many cultures, the struggle between malevolent forces and benevolent ones is a central theme, reflecting our enduring fascination with the battle between good and evil.

One of the most intriguing aspects of malevolence is its presence in the human psyche. Psychologists and scholars have long sought to understand the origins and manifestations of malevolent behavior. What drives individuals to harbor malicious intent or engage in harmful actions? Are malevolent tendencies inherent, or are they shaped by external influences and life experiences?

Psychological research suggests that malevolence can manifest in various forms, ranging from interpersonal aggression to more extreme acts of violence. Some theorists argue that certain personality traits, such as narcissism, psychopathy, and sadism, may predispose individuals to engage in malevolent behavior. These traits are often



associated with a lack of empathy, a sense of entitlement, and a willingness to exploit others for personal gain or pleasure.

However, it's essential to recognize that not all malevolence is rooted in personality disorders or psychopathology. Social and environmental factors can also play a significant role in shaping malevolent behavior. Factors such as childhood trauma, exposure to violence, and societal norms that condone aggression can contribute to the development of malevolent tendencies.

Malevolence is not limited to individuals; it can also be a collective phenomenon. History is replete with examples of malevolent ideologies and movements that have led to mass atrocities and widespread suffering. The rise of totalitarian regimes, religious extremism, and hate-based ideologies highlights the capacity for malevolence to permeate entire societies.

In the realm of literature and art, malevolence has been a rich source of inspiration. Villains in literature, film, and mythology often embody malevolent traits, becoming iconic symbols of evil. These characters captivate our imaginations, challenging our moral sensibilities and offering a lens through which we explore the darker aspects of human nature.

Malevolence also raises profound ethical and philosophical questions. How do we confront and address malevolent behavior in society? What are the moral implications of punishment and rehabilitation for individuals who commit malevolent acts? These questions prompt us to reflect on issues of justice, accountability, and the potential for redemption.

The presence of malevolence in the human experience underscores the importance of cultivating empathy, compassion, and ethical values. It reminds us of the fragility of human relationships and the need for vigilance against the corrosive influence of malevolent forces. It calls on us to confront the darkness within ourselves and in society and to strive for a more just and compassionate world.

In conclusion, malevolence is a concept that has left an indelible mark on human history, psychology, and culture. It is a complex and multifaceted phenomenon that both fascinates and disturbs us. As we navigate the complexities of the human experience, malevolence serves as a stark reminder of the enduring struggle between good and evil, and the need to confront and address the darker aspects of our nature.

As we venture further into the enigmatic territory of malevolence, we find ourselves in a realm that transcends mere definitions and enters the complex and multifaceted domain of human behavior, morality, and the human condition. This narrative journey takes us beyond the confines of key features, allowing us to contemplate the intricate tapestry of malevolence in the broader context of our lives, society, and the profound questions it raises.

Malevolence, as we have explored, is a concept that elicits a visceral reaction—a mingling of fear, repulsion, and fascination. It represents the shadow side of human nature, the capacity for cruelty and harm that lurks within us all. It is a concept that forces us to confront uncomfortable truths about ourselves and the world we inhabit.



In the vast landscape of human experience, malevolence is not an isolated phenomenon; rather, it exists on a continuum of human behavior. At one end of the spectrum lie acts of minor cruelty or thoughtlessness that may harm others but do not rise to the level of malevolence. These actions often result from ignorance, indifference, or a failure of empathy rather than a deliberate intent to cause harm.

However, as we move along the continuum, we encounter behaviors and actions that unmistakably embody malevolence. These are acts characterized by a conscious and willful desire to inflict suffering, pain, or harm on others. They may be driven by motives such as revenge, sadistic pleasure, or a thirst for power and control. Such acts challenge our understanding of human morality and the boundaries of ethical conduct.

Malevolence is not limited to individuals; it can also manifest within groups, institutions, and even entire societies. History bears witness to the collective malevolence of totalitarian regimes, extremist ideologies, and hate-fueled movements that have caused immense suffering and devastation. These dark chapters in human history serve as stark reminders of the potential for malevolence to spread like a contagion, infecting the collective psyche and leading to widespread harm.

One of the perplexing aspects of malevolence is its capacity to coexist with qualities that we typically associate with humanity's higher nature. Individuals who engage in malevolent acts may display intelligence, charisma, and even charm, masking their dark intentions behind a facade of normalcy. This duality challenges our ability to discern malevolence in others and highlights the complexity of human nature.

Moreover, malevolence raises fundamental questions about the nature of evil and the origins of malevolent behavior. Is malevolence an inherent aspect of human nature, or is it a product of environmental and social influences? Psychologists, philosophers, and scholars have grappled with these questions for centuries, seeking to unravel the complex interplay of factors that give rise to malevolent behavior.

In the realm of psychology, the study of malevolence intersects with the exploration of personality disorders and psychopathology. Individuals who exhibit traits such as narcissism, Machiavellianism, and sadism may be more prone to engage in malevolent behavior. However, it is essential to avoid oversimplification, as malevolence is not solely the domain of those with diagnosable disorders. It can emerge in individuals from diverse backgrounds and psychological profiles.

The presence of malevolence in our lives challenges us to grapple with issues of justice, accountability, and moral responsibility. How do we respond to individuals who commit malevolent acts? What is the appropriate balance between punishment and rehabilitation? These questions underscore the complexity of moral decision-making and the tension between retribution and redemption.

Malevolence also prompts us to reflect on the fragility of human relationships and the importance of empathy and compassion. In a world where malevolent forces can sow discord and division, the bonds of empathy become essential in bridging divides and fostering understanding. The ability to see the humanity in others, even in the face of malevolence, is a testament to our capacity for moral growth and resilience.



Furthermore, malevolence serves as a cautionary tale about the corrosive influence of unchecked power and ideology. It reminds us of the dangers of fanaticism and the potential for ideologies that dehumanize others to lead to acts of unspeakable cruelty. In a world where extremist ideologies continue to pose a threat, the study of malevolence is a sobering reminder of the need for vigilance and moral clarity.

In conclusion, malevolence is a concept that transcends mere definitions and enters the realm of human complexity and morality. It challenges us to confront uncomfortable truths about ourselves and the world we inhabit. As we navigate the intricacies of the human experience, malevolence serves as a stark reminder of the enduring struggle between good and evil and the imperative to grapple with the darker aspects of our nature. It calls on us to cultivate empathy, seek justice, and strive for a more compassionate and morally principled world in the face of malevolent forces.

As we continue our contemplation of malevolence, we embark on a journey that takes us deeper into the recesses of human psychology, philosophy, and the intricate web of human interactions. Beyond the boundaries of key features, we delve into the myriad nuances and complexities that define the phenomenon of malevolence, shedding light on its impact on individuals, communities, and the broader human experience.

Malevolence, as we have explored, represents a profound challenge to our understanding of human behavior and ethics. It raises questions that reverberate throughout the annals of philosophy and psychology, inviting us to grapple with the enigma of malevolent intent and actions.

One of the enduring mysteries of malevolence is the apparent paradox it presents. How can individuals who possess the capacity for empathy, compassion, and cooperation also harbor the potential for malevolence? This paradox underscores the multifaceted nature of human psychology and the intricate interplay of light and darkness within the human soul.

Psychologists have long sought to unravel the psychological underpinnings of malevolence. They explore the complex tapestry of personality traits, motivations, and cognitive processes that underlie malevolent behavior. For example, the study of narcissism sheds light on the self-centered tendencies that can lead individuals to prioritize their own desires over the well-being of others. Similarly, the examination of sadism reveals the pleasure some individuals derive from inflicting pain and suffering on others.

Yet, it is essential to recognize that malevolence is not a monolithic phenomenon. It exists along a spectrum, ranging from minor acts of cruelty to extreme acts of violence. The motivations and triggers for malevolence vary widely, and understanding these nuances is crucial for developing strategies to prevent and address malevolent behavior.

In the realm of philosophy, malevolence challenges our notions of moral responsibility and free will. It prompts us to contemplate the factors that influence moral decision-making and the boundaries of individual agency. Philosophers wrestle with questions of whether malevolent acts are the result of inherent character flaws, external circumstances, or a combination of both.



The presence of malevolence in society raises ethical dilemmas that demand our attention. How do we balance the principles of justice, accountability, and rehabilitation when dealing with individuals who commit malevolent acts? The tension between punitive measures and restorative justice underscores the complexity of addressing malevolent behavior in a fair and equitable manner.

Furthermore, malevolence is not limited to individual actions; it can permeate entire communities and societies. History bears witness to the devastating consequences of collective malevolence, from genocides and ethnic conflicts to the proliferation of hate-based ideologies. These examples underscore the urgency of addressing the root causes of malevolent behavior and promoting a culture of empathy and cooperation.

Malevolence also intersects with the realm of power dynamics and social hierarchies. Individuals who wield power and authority may be more prone to engage in malevolent behavior, whether in the form of oppression, exploitation, or cruelty. The study of malevolence invites us to scrutinize the ethical implications of power imbalances and the role they play in fostering malevolent actions.

In the realm of literature and storytelling, malevolence remains a perennial theme that captivates our imaginations. Villains in literature, film, and mythology often embody malevolent traits, serving as foils to the heroes who embody virtuous qualities. These narratives challenge our moral sensibilities and offer a lens through which we explore the complexities of human nature.

Moreover, malevolence serves as a cautionary tale about the fragility of human relationships and the importance of nurturing empathy and compassion. It reminds us of the potential for malevolent forces to sow discord, division, and mistrust. In a world rife with social and political tensions, the study of malevolence is a sobering reminder of the need for vigilant self-examination and moral introspection.

As we conclude this narrative journey through the labyrinth of malevolence, we are left with a profound sense of the enduring challenge it presents to humanity. Malevolence is not a problem to be solved but a phenomenon to be understood and managed. It calls on us to confront the duality of human nature, to acknowledge the potential for darkness within us all, and to strive for a world where empathy, compassion, and cooperation prevail over malevolent impulses. In the face of malevolence, we are reminded of the enduring struggle between the forces of light and darkness and the imperative to navigate the complexities of the human experience with wisdom, courage, and moral clarity.

Torry Mastery

<https://www.dotcommagazine.com>

At DotCom Magazine, we call Torry The Queen of The Water. In her spare time, Torry loves to surf and swim. Torry has surfed on four continents, and can be seen driving early mornings with her surfboard



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offender

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English Dictionary

Summary

Definitions

Synonyms ▶

Definition of 'offender'

offender

(əˈfendər ⓘ)

Word forms: offenders ⓘ

1. countable noun

An **offender** is a person who has committed a crime.

This led to a large number of convicted offenders being released from prison.

More Synonyms of **offender**[Collins COBUILD Advanced Learner's Dictionary.](#)[Copyright © HarperCollins Publishers](#)

APPENDIX TWO - H

Learning English:
reported speech

This week's Learning English blog looks at the differences between direct speech and reported speech, when we speak about what someone has said.

APPENDIX TWO - I

<https://www.dictionary.com/browse/plot>

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MEANINGS

GAMES

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WRITING

WORD OF THE DAY



DEFINITIONS ▾

plot

plot [plot] SHOW IPA  See synonyms for: **plot / plotted / plotting** on Thesaurus.com Elementary Level*noun*

1 a secret plan or scheme to accomplish some purpose, especially a hostile, unlawful, or evil purpose:
a plot to overthrow the government.

(b) he or she, with reasonable cause, suspects that before a warrant of arrest could be obtained the person will either abscond for the purpose of avoiding justice or will obstruct the course of justice, or

S.6

(c) he or she, with reasonable cause, suspects that before a warrant of arrest could be obtained the person would commit an arrestable offence, or

(d) the person ordinarily resides at that dwelling.

(3) Without prejudice to any express amendment or repeal made by this Act, this section shall not affect the operation of any enactment or rule of law relating to powers of search or powers of arrest.

7.—(1) Any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender. Penalties for assisting offenders.

(2) Where a person has committed an arrestable offence, any other person who, knowing or believing him or her to be guilty of the offence or of some other arrestable offence, does without reasonable excuse any act with intent to impede his or her apprehension or prosecution shall be guilty of an offence.

(3) If, upon the trial on indictment of an arrestable offence, it is proved that the offence charged, or some other offence of which the accused might on that charge be found guilty, was committed but it is not proved that the accused was guilty of it, the accused may be found guilty of an offence under *subsection (2)* of which it is proved that he or she is guilty in relation to the offence charged, or that other offence.

(4) A person committing an offence under *subsection (2)* with intent to impede another person's apprehension or prosecution shall be liable on conviction on indictment to imprisonment according to the gravity of the offence that the other person has committed or attempted to commit, as follows:

(a) if that offence is one for which the sentence is fixed by law, or for which the maximum sentence is imprisonment for life, he or she shall be liable to imprisonment for a term not exceeding ten years;

(b) if it is one for which a person of full capacity and not previously convicted may be sentenced to imprisonment for a term of fourteen years, he or she shall be liable to imprisonment for a term not exceeding seven years;

(c) if it is not one included in *paragraph (a)* or *(b)* but is one for which a person of full capacity and not previously convicted may be sentenced to imprisonment for a term of ten years, he or she shall be liable to imprisonment for a term not exceeding five years;

(d) in any other case, he or she shall be liable to imprisonment for a term not exceeding three years.

(5) Where a person is charged with an offence under *subsection (2)*, no further proceedings in the matter (other than any remand in custody or on bail) shall be taken except by or with the consent of the Director of Public Prosecutions.

APPENDIX TWO - J

S.7

(6) The references in the following provisions, namely subsection (1) of section 13 (which relates to a plea of guilty in the District Court of an indictable offence) and subsection (1) (f) of section 29 (which relates to bail in the case of certain offences) of the Criminal Procedure Act, 1967, to an accessory before or after the fact shall be construed as references to aiding, abetting, counselling or procuring the commission of an offence, and to an offence under *subsection* (2).

(7) The First Schedule to the Criminal Justice Act, 1951 (which specifies the indictable offences which may be tried summarily with the consent of the accused) is hereby amended by the insertion of the following reference:

“24. An offence under *section 7 (2)* of the *Criminal Law Act, 1997*.”.

Penalty for
concealing offence.

8.—(1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed and that he or she has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding three years.

(2) No proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

(3) The compounding of an offence shall not be an offence otherwise than under this section.

(4) The First Schedule to the Criminal Justice Act, 1951 (which specifies the indictable offences which may be tried summarily with the consent of the accused) is hereby amended by the insertion of the following reference:

“25. An offence under *section 8* of the *Criminal Law Act, 1997*.”.

Trial of offences.

9.—(1) Where a person is arraigned on an indictment—

- (a) he or she shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;
- (b) he or she may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he or she might be found guilty on that indictment;
- (c) if he or she stands mute of malice or will not answer directly to the indictment, the court shall order a plea of not guilty to be entered on his or her behalf, and he or she shall then be treated as having pleaded not guilty.

(2) If, on an indictment for murder, the evidence does not warrant a conviction for murder but warrants a conviction for any of the following offences—

APPENDIX TWO - K

[2006.]

Criminal Justice Act 2006.

[No. 26.]

Pr.6

69.—Each provision of the Explosives Act 1875 specified in *Schedule 2* to the *Criminal Justice Act 2006* is amended in the manner specified in the third and fourth columns opposite the mention of that provision in the first column of that Schedule.

Other amendments
of Explosives Act
1875.

PART 7

ORGANISED CRIME

70.—(1) In this Part—

Interpretation (*Part 7*).

“act” includes omission and a reference to the commission or doing of an act includes a reference to the making of an omission;

“criminal organisation” means a structured group, however organised, that—

- (a) is composed of 3 or more persons acting in concert,
- (b) is established over a period of time,
- (c) has as its main purpose or main activity the commission or facilitation of one or more serious offences in order to obtain, directly or indirectly, a financial or other material benefit;

“Irish ship” has the meaning it has in section 9 of the *Mercantile Marine Act 1955*;

“serious offence” means an offence for which a person may be punished by imprisonment for a term of 4 years or more;

“structured group” means a group that—

- (a) is not randomly formed for the immediate commission of a single offence, and
- (b) does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

(2) For the purposes of this section facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

71.—(1) Subject to *subsections (2) and (3)*, a person who conspires, whether in the State or elsewhere, with one or more persons to do an act—

Offence of
conspiracy.

- (a) in the State that constitutes a serious offence, or
- (b) in a place outside the State that constitutes a serious offence under the law of that place and which would, if done in the State, constitute a serious offence,

is guilty of an offence irrespective of whether such act actually takes place or not.

(2) *Subsection (1)* applies to a conspiracy committed outside the State if—

- (a) the offence, the subject of the conspiracy, was committed, or was intended to be committed, in the State or against a citizen of Ireland,
- (b) the conspiracy is committed on board an Irish ship,
- (c) the conspiracy is committed on an aircraft registered in the State, or
- (d) the conspiracy is committed by an Irish citizen or a stateless person habitually resident in the State.

(3) *Subsection (1)* shall also apply to a conspiracy committed outside the State in circumstances other than those referred to in *subsection (2)*, but in that case the Director of Public Prosecutions may not take, or consent to the taking of, proceedings for an offence under *subsection (1)* except in accordance with *section 74(3)*.

(4) A person charged with an offence under this section is liable to be indicted, tried and punished as a principal offender.

(5) A stateless person who has his or her principal residence in the State for the 12 months immediately preceding the commission of a conspiracy is, for the purposes of *subsection (2)*, considered to be habitually resident in the State on the date of the commission of the conspiracy.

Organised crime.

72.—(1) A person who, for the purpose of enhancing the ability of a criminal organisation to commit or facilitate—

- (a) a serious offence in the State, or
- (b) in a place outside the State, a serious offence under the law of that place where the act constituting the offence would, if done in the State, constitute a serious offence,

knowingly, by act—

- (i) in a case to which *paragraph (a)* applies, whether done in or outside the State, and
- (ii) in a case to which *paragraph (b)* applies, done in the State, on board an Irish ship or on an aircraft registered in the State,

participates in or contributes to any activity of the organisation is guilty of an offence.

(2) In proceedings for an offence under *subsection (1)*, it shall not be necessary for the prosecution to prove that—

- (a) the criminal organisation concerned actually committed a serious offence in the State or a serious offence under the law of a place outside the State where the act constituting the offence would, if done in the State, constitute a serious offence, as the case may be,
- (b) the participation or contribution of the person concerned actually enhanced the ability of the criminal organisation concerned to commit or facilitate the offence concerned, or

- (c) the person concerned knew the specific nature of any offence that may have been committed or facilitated by the criminal organisation concerned.

(3) In determining whether a person participates in or contributes to any activity of a criminal organisation, the court may consider, *inter alia*, whether the person—

- (a) uses a name, word, symbol or other representation that identifies, or is associated with, the organisation, or

- (b) receives any benefit from the organisation.

(4) For the purposes of this section, facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.

(5) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 5 years or both.

73.—(1) A person who commits a serious offence for the benefit of, at the direction of, or in association with, a criminal organisation is guilty of an offence.

Commission of offence for criminal organisation.

(2) In proceedings for an offence under *subsection (1)*, it shall not be necessary for the prosecution to prove that the person concerned knew any of the persons who constitute the criminal organisation concerned.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.

74.—(1) Proceedings for an offence under *section 71* or *72* in relation to an act committed outside the State may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

Proceedings relating to offences committed outside State.

(2) Where a person is charged with an offence referred to in *subsection (1)*, no further proceedings in the matter (other than any remand in custody or on bail) may be taken except by or with the consent of the Director of Public Prosecutions.

(3) The Director of Public Prosecutions may take, or consent to the taking of, further proceedings against a person for an offence in respect of an act to which *subsection (1)* of *section 71* applies and that is committed outside the State in the circumstances referred to in *subsection (3)* of that section if satisfied—

- (a) that—

- (i) a request for a person's surrender for the purpose of trying him or her for an offence in respect of that act has been made under Part II of the Extradition Act 1965 by any country, and
- (ii) the request has been finally refused (whether as a result of a decision of the court or otherwise),

or

(b) that—

- (i) a European arrest warrant has been received from an issuing state for the purpose of bringing proceedings against the person for an offence in respect of that act, and
- (ii) a final determination has been made that the European arrest warrant should not be endorsed for execution in the State under the European Arrest Warrant Act 2003 or that the person should not be surrendered to the issuing state concerned,

or

- (c) that, because of the special circumstances (including, but not limited to, the likelihood of a refusal referred to in *paragraph (a)(ii)* or a determination referred to in *paragraph (b)(ii)*), it is expedient that proceedings be taken against the person for an offence under the law of the State in respect of the act.

(4) In this section “European arrest warrant” and “issuing state” have the meanings they have in section 2(1) of the European Arrest Warrant Act 2003.

Evidence in proceedings under this Part.

75.—(1) In any proceedings for an offence under *section 71*—

- (a) a certificate that is signed by an officer of the Department of Foreign Affairs and states that—

- (i) a passport was issued by that Department of State to a person on a specified date, and

- (ii) to the best of the officer’s knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence concerned is alleged to have been committed, unless the contrary is shown, and

- (b) a certificate that is signed by the Director of Public Prosecutions or by a person authorised by him or her and that states that any of the matters specified in *paragraph (a)*, *(b)* or *(c)* of *section 74(3)* is evidence of the facts stated in the certificate, unless the contrary is shown.

(2) A document purporting to be a certificate under *subsection (1)* is deemed, unless the contrary is shown—

- (a) to be such a certificate,

- (b) to have been signed by the person purporting to have signed it, and

- (c) in the case of a certificate signed with the authority of the Minister for Foreign Affairs or the Director of Public Prosecutions, to have been signed in accordance with the authorisation.

76.—(1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or any other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Liability for offences by bodies corporate.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

77.—A person who is acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence under—

Double jeopardy.

(a) *section 71* consisting of the act, or the conspiracy to do an act, that constituted the offence, or

(b) *section 72* consisting of the act that constituted the offence,

of which the person was so acquitted or convicted.

78.—The Act of 1967 is amended—

Amendment of Act of 1967.

(a) in section 13(1), by the insertion of “or an offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*” after “the offence of murder under section 6 or 11 of the Criminal Justice (Terrorist Offences) Act 2005 or an attempt to commit such offence”, and

(b) in section 29(1), by the insertion of the following paragraph after paragraph (k):

“(l) an offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*.”.

79.—The Schedule to the Bail Act 1997 is amended by the insertion of the following after paragraph 28:

Amendment of Schedule to Bail Act 1997.

“Organised
Crime.

28A.—An offence under *section 71, 72 or 73* of the *Criminal Justice Act 2006*.”.

PART 8

MISUSE OF DRUGS

80.—In this Part “Act of 1977” means Misuse of Drugs Act 1977.

Definition.

81.—(1) Section 15A of the Act of 1977 is amended by the insertion of the following subsection after subsection (3):

Amendment of section 15A of Act of 1977.