

THE AFRICAN MODEL ANTI-TERRORISM LAW

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MODEL ANTI-TERRORISM LAW

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MODEL ANTI-TERRORISM LAW

PREAMBLE (OPTIONAL AND RELEVANT FOR THOSE MEMBER STATES WHO USE PREAMBLES IN THEIR NATIONAL LAWS)

WHEREAS terrorism in all its forms and manifestations is an international problem that threatens the peace, stability, security and development of nations and can only be eradicated with the full and committed cooperation of all member states of the United Nations and the African Union;

AND WHEREAS the member states of the United Nations and the African Union have solemnly reaffirmed their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed;

AND WHEREAS terrorism is condemned in a number of international instruments which place an obligation on states to adopt legislation to give effect to those instruments;

AND WHEREAS the United Nations and the African Union have called upon all States to take steps to prevent and counteract, through appropriate domestic measures, money laundering, the financing and support of terrorism and terrorist entities;

AND WHEREAS the United Nations and the African Union have urged all States to enact appropriate domestic legislation necessary to implement the provisions of relevant international instruments to ensure that their courts/tribunals have jurisdiction to try the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other states and relevant international and regional organizations to that end;

AND WHEREAS legislation is necessary in ... **[name of country]** to prevent and combat terrorism, to criminalize terrorist acts, money laundering, the financing and support of terrorism and terrorist entities, and to ensure that the courts/tribunals of ... **[name of country]** have jurisdiction to try suspected perpetrators of terrorist acts;

AND REAFFIRMING that the fight against terrorism must be carried out in accordance with international law, including international human rights, refugee, and humanitarian law.

NOW BE IT ENACTED by the Parliament of ... **[name of country]** as follows:

PART I
TITLE, COMMENCEMENT DATE AND DEFINITIONS

1. **Long Title**

A Law [An Act] to give effect within ... **[name of country]** to the 1999 OAU Convention on the Prevention and Combating of Terrorism and the Protocol thereto, the AU Plan of Action on the Prevention and Combating of Terrorism in Africa, the AU decision of July 2009 to Combat the Payment of Ransom to Terrorist Groups, the AU decision of July 2010 on the Prevention and Combating of Terrorism, various United Nations and other international instruments relating to the combating of terrorism and the United Nations General Assembly and Security Council Resolutions, on terrorism, which are binding on member States; and to provide for related or incidental matters thereto.

2. **Short Title**

This Law [Act] may be cited as the Anti-Terrorism Law [Act].

3. **Commencement date**

This Law [Act] shall come into force on...**[insert date]**

4. **Definitions**

In this Law [Act], unless the context otherwise indicates -

- i) **“Accountable entity”** shall mean any of the natural or legal persons referred to in Schedule 2 of this law[Act];
- ii) **“act”** and **“action”** shall include omissions;
- iii) **“aircraft”** shall mean any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface and includes all dirigibles such as airships, balloons, gliders and aeroplanes of fixed or movable wings;
- iv) **“aircraft in flight”** shall be deemed to include any period from the moment when all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board;
- v) **“aircraft in service”** shall mean the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while the aircraft is in flight.
- vi) **“Anti-Terrorism Conventions”** shall mean any of the following Conventions:
 - (a) Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September, 1963;
 - (b) Hague Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December, 1970;
 - (c) Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention of 2010)

- (d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the UN General Assembly on 14 December, 1973;
 - (e) International Convention against the Taking of Hostages, adopted by the General Assembly on 17 December, 1979;
 - (f) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 26 October 1979 (including the amendments of 2005);
 - (g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February, 1988;
 - (h) Convention for the Suppression of Unlawful Acts against Maritime Navigation, done at Rome on 10 March, 1988;
 - (i) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March, 1988;
 - (j) Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal on 1 March, 1991;
 - (k) International Convention for the Suppression of Terrorist Bombings, adopted by the UN General Assembly on 15 December, 1997;
 - (l) International Convention for the Suppression of the Financing of Terrorism, adopted by the UN General Assembly on 9 December, 1999;
 - (m) International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the UN General Assembly on 13 April 2005;
 - (n) OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July, 1999;
 - (o) Protocol to the OAU Convention on the Prevention and Combating of Terrorism, adopted at Addis Ababa on 8 July, 2004;
 - (p) Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, signed at London on 14 October 2005;
 - (q) Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, signed in London on 14 October 2005;
 - (r) Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol of 2010).
- vii) **“civil aircraft”** shall mean any aircraft other than an aircraft used in military, customs or police service;
 - viii) **“Commissioner of Police”** shall mean the official responsible for the police service;
 - ix) **“Constitution”** shall mean the Constitution of ... **[name of country]**;
 - x) **“Convention offences”** shall mean offences created in fulfilment of ... **[name of country’s]** international obligations in terms of instruments dealing with terrorist and related activities referred to in Chapter 2 of this law [Act];
 - xi) **“Court/tribunal”** shall mean [the High Court or] any competent court/tribunal of law in ... **[name of country]**;

- xii) **“Director of Public Prosecutions”** shall mean the official responsible for public prosecution;
- xiii) **“Designated non-financial businesses and professions”** shall refer to the category of accountable entities defined in Schedule 2 subsections 14.
- xiv) **“Entity”** shall mean a person, organization, trust, partnership, fund, or an incorporated or unincorporated body;
- xv) **“Explosive or other lethal device”** shall mean:
 - (a) an explosive or other incendiary weapon or device –
 - (i) that is designed, or
 - (ii) that has the capability,to cause death, serious bodily injury or substantial material damage; or
 - (b) a weapon or device –
 - (i) that is designed, or
 - (ii) that has the capability,to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents, toxins or similar substances or radiation or radioactive materials;
- xvi) **“Fixed platform”** shall mean an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration, or exploitation of resources or for economic purposes but does not include a ship;
- xvii) **“Financial entity”** shall mean any person or entity that conducts as a business one or more of the activities or operations listed in schedule 2 subsections (1) to (13) of this law [Act].
- xviii) **“financing of terrorism”** shall mean an act by any person who by any means, directly or indirectly, wilfully, provides or collects funds, or attempts to do so, with the intention that they should be used or in the knowledge that they are to be used in full or in part:
 - (a) to carry out a terrorist act, or
 - (b) by a terrorist, or
 - (c) by a terrorist entity.
- xix) **“freezing”** or **“seizure”** shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by any competent court/tribunal.
- xx) **“infrastructure facility”** shall mean any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, energy, fuel or communications;
- xxi) **“Internationally protected person”** shall mean:
 - (a) Head of State, including any member of a collegial body performing the functions of a Head of State, Head of Government, or Minister responsible for Foreign Affairs, whenever such person is in a foreign State, and includes a member of his/her family accompanying him/her; or
 - (b) any representative or official of a State; or official or other agent of an international organization of an intergovernmental character, who, at the time when and in the place where, a crime against him/her, his/her official

premises, his/her private accommodation or his/her means of transport is committed, is entitled under international law, to special protection from attack on her/his person, freedom or dignity as well as on his/her family forming part of his/her household;

- xxii) **“Judge”** shall mean a Judge of the High Court or any competent court/tribunal.
- xxiii) **“Listed person or entity”** shall mean any person or entity identified by the United Nations Security Council and/or the African Union List of Terrorist persons or entities as being a person or entity-
 - (a) which commits, or attempts to commit, any terrorist and related activity or participates in or facilitates the commission of any terrorist and related activity; or
 - (b) against whom Member States of the United Nations must take the actions specified in Resolutions of the said Security Council, in order to combat or prevent terrorist acts.
- xxiv) **“Minister”** shall mean the Minister responsible for national security or any other Minister to whom the administration of this law[Act] has been assigned;
- xxv) **“Money laundering”** shall mean-
 - (a) the conversion or transfer of property by any person who knows or should have known that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of such property or of assisting any person who is involved in the commission of the predicate offence to evade the legal consequences of his/her actions;
 - (b) the concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property by any person who knows or should have known that such property is the proceeds of crime;
 - (c) the acquisition, possession or use of property by any person who knows or should have known that such property is the proceeds of crime.
- xxvi) **“Nuclear facility”** shall mean:
 - (a) any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;
 - (b) any plant or conveyance being used for the production, storage, processing or transport of radioactive material;
- xxvii) **“Nuclear material”** shall mean:
 - (a) plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238;
 - (b) uranium-233;
 - (c) uranium enriched in the isotopes 235 or 233;
 - (d) uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or
 - (e) any material containing one or more of the foregoing.
- xxviii) **“offence of political character”** shall mean an offence committed as part of a political movement with the object of influencing the policy of the governing party of the state or in furtherance of a political struggle.

- xxix) **“Place of public use”** shall mean those parts of any building, land, street or waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and includes any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public;
- xxx) **“Police official”** shall mean any member of the national police service.
- xxxix) **“Proceeds”** shall mean any funds derived from or obtained, directly or indirectly, through the commission of an offence set out in Part II of this Law[Act];
- xxxii) **“Property”** shall mean assets of every kind, whether tangible or intangible, movable or immovable, however acquired, whether situated in [**name of country**] or elsewhere, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, money orders, shares, securities, bonds, drafts and letters of credit;
- xxxiii) **“Public transportation system”** shall mean all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;
- xxxiv) **“Radioactive material”** shall mean any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;
- xxxv) **“Ship”** shall mean any type of vessel whatsoever not permanently attached to the sea bed, and includes a hovercraft, hydrofoil, submarine or other floating craft but does not include a ship which has been withdrawn from navigation;
- xxxvi) **“Specified offence”** shall mean- -
- (a) an offence referred to in sections 5 to 20; or
 - (b) any activity outside [**name of Country**] which constitutes an offence under the law of another state and which would have constituted an offence referred to in paragraph (a), had that activity taken place in [**the name of country**];
- xxxvii) **“State or government facility”** shall include any permanent or temporary facility or conveyance that is used or occupied by:
- (a) a representative of any State or Government;
 - (b) the Head of State of any country;
 - (c) the Prime Minister or Minister of any country;
 - (d) members of Government;
 - (e) a member of the legislature of any country;
 - (f) members of the judiciary of any country;
 - (g) an official or employee of a Government or any other intergovernmental organization,
- in connection with his/her official duties;
- xxxviii) **“Suspicious transaction”** shall mean a transaction which is inconsistent with a customer’s known legitimate business or personal activities or with the normal business for that type of account or business relationship, or a complex, strange and unusual transaction or complex or unusual pattern of transaction:
- xxxix) **“terrorist act”** shall mean an act or omission, actual or threatened, inside or outside [**name of country**] that is an offence as set out in any of the United

- Nations and African Union instruments to which [name of country] is a party and includes an act, actual or threatened, that is intended, or can reasonably be regarded as being intended, to intimidate the public or any section of the public or compel a government or international organization to do or refrain from doing any act and to advance a political, religious or ideological cause, if the act;
- (a) involves serious violence against persons;
 - (b) involves serious damage to property;
 - (c) endangers a person’s life;
 - (d) creates a serious risk to the health or safety of the public or any section of the public;
 - (e) involves the use of firearms or explosives;
 - (f) involves exposing the public to any dangerous, hazardous, radioactive or harmful substance, any toxic chemical or any microbial or other biological agent or toxin;
 - (g) is designed to disrupt, damage, destroy any computer system or the provision of services directly related to communication infrastructure, banking and financial services, utilities, transportation or key infrastructure;
 - (h) is designed to disrupt the provision of essential emergency services such as the police, civil defence and medical services; or
 - (i) involves prejudice to public security or national security.
- xl) Notwithstanding the definition of “terrorist act” in xxxviii above or in any other provision in this Law [Act] or any other Law [Act], the following shall not be considered as terrorist acts:
- (a) any act described in xxxviii subsections (g) to (i) if the act is the result of advocacy, protest, dissent or industrial action and is not intended to result in the harm or conduct described in any of xxxviii subsections (a) to (h).
 - (b) the struggle waged by peoples in accordance with the principles of international law for their liberation or self determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces,
 - (c) acts covered by international humanitarian law, committed in the course of an international or non-international conflict by government forces or members of organized armed groups;
- Provided that a political, philosophical, ideological, racial, ethnic, religious or any similar motive, shall not be considered for any reason, including for purposes of prosecution or extradition, to be a justifiable defence in respect of an offence of which the definition of terrorist act forms an integral part.
- xli) **“Warship”** shall mean a ship belonging to the armed forces of a State and bearing distinguishing external marks, under the command of an officer duly commissioned by the Government of that State, and manned by a crew which is under regular armed services discipline.
- xlii) **“Weapon”** shall include a firearm, explosive, chemical, biological or nuclear weapon.

- xliii) “**Wire transfer**” shall mean any transaction carried out on behalf of an originator person(both natural and legal) through a financial entity by electronic means with a view to making an amount of money available to a beneficiary person at another financial institution.

PART II OFFENCES AND PENALTIES

CHAPTER I

Offence of terrorism and offences associated or connected with terrorist acts

5. **Offence of terrorism**
Any person who engages in a terrorist act commits an offence and is liable to...
[Insert maximum penalty].

6. **Offence of financing of terrorism**
 - (1) Any person who engages in the financing of terrorism commits an offence and is liable to **[insert maximum penalty].**
 - (2) The offence is committed irrespective of any occurrence of a terrorist act referred to in subsection (1) and section 5 above, or whether the funds have actually been used to commit such act.
 - (3) It shall also be an offence to:
 - (a) participate as an accomplice in an offence within the meaning of subsection (1) of this section;
 - (b) organize or direct others to commit an offence within the meaning of subsection (1) of this section.
 - (4) An attempt to commit the offence of financing of terrorism or aiding, abetting, facilitating or counseling the commission of any such offence shall be punished as if the offence had been completed.
 - (5) Participation in, association with or conspiracy to commit the offence of financing terrorism shall be punished as if the offence had been completed.

7. **Offence of money laundering**
 - (1) Any person who engages in money laundering commits an offence and is liable to **[insert maximum penalty].**
 - (2) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the elements of the offence of money laundering shall be punished with the same penalty specified in subsection (1) above.
 - (3) Knowledge, intent or purpose required as constituent elements of the offence may be inferred from objective factual circumstances. In order to prove the illicit origin of the proceeds it shall not be required to obtain the conviction of the predicate offence.
 - (4) The predicate offence shall include offences committed outside the national territory provided that they constitute offences in the state where they were

committed and would have constituted an offence if it had been committed in [**name of country**].

8. **Offences of financing of terrorism and money laundering by legal persons**

(1) Any legal person on whose behalf or for whose benefit money laundering and financing of terrorism has been committed by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on a power of representation of the legal person, an authority to take decisions on behalf of the legal person, or an authority to exercise control within the legal person, acting in such capacity, shall be punished by a fine of an amount equal to [**indicate multiplier**] times the fines specified for natural persons, irrespective of the conviction of those individuals as perpetrators of or accomplices to the offence.

The liability of the legal person shall not preclude the liability of the natural person.

(2) Notwithstanding subsection (1) above, a legal person may also be held liable where the lack of supervision or control over a natural person referred to in the said subsection had made possible the commission of money laundering or financing of terrorism for the benefit of the legal person by a natural person acting under its authority.

(3) Legal persons may additionally be:

- (a) barred permanently or for a maximum period of [**indicate number**] years from directly or indirectly carrying on certain business activities;
- (b) placed under court supervision;
- (c) ordered to close permanently or for a period of [**indicate number**] years their premises which were used for the commission of the offence;
- (d) wound up;
- (e) ordered to publicize the judgment.

9. **Offences associated or connected with terrorist acts**

(1) Any person who-

- (a) does anything which will, or is likely to enhance the ability of any entity to engage in a terrorist act, including to provide or offering to provide a skill or an expertise;
- (b) enters or remains in any country; or makes himself/herself available,

for the benefit of, at the direction of, or in association with any entity engaging in a terrorist act, and who knows or ought reasonably to have known or suspected, that such act was done for the purpose of enhancing the ability of such entity to engage in a terrorist act commits an offence and is liable to**[Insert maximum penalty]**

(2) Any person who-

- (a) provides or offers to provide any weapon to any other person for use by or for the benefit of an entity;
- (b) solicits support for or gives support to an entity;
- (c) provides, receives or participates in training or instruction, or recruits an entity to receive training or instruction;
- (d) recruits any entity;
- (e) collects or makes a document; or
- (f) possesses a thing,

connected with the engagement in a terrorist act, and who knows or ought reasonably to have known or suspected that such weapons, soliciting, training, recruitment, document or thing is so connected commits an offence and is liable to...**[insert maximum penalty]**.

(3) For purposes of this Law [Act], a person has knowledge of a fact if-

- (a) the person has actual knowledge of that fact; or
- (b) the court/tribunal is satisfied that –
 - i) the person believes that there is a reasonable possibility of the existence of that fact: and
 - ii) he/she fails to obtain information to confirm the existence of that fact.

(4) For purposes of this Law [Act], a person ought reasonably to have known or suspected a fact if the conclusions that he/she ought to have reached, are those which would have been reached by a reasonably diligent and vigilant person having both-

- (a) the general knowledge, skill, training and experience that may reasonably be expected of a person in his/her position; and
- (b) the general knowledge, skill, training and experience that he/she in fact has.

(5) None of the foregoing shall prevent the provision of humanitarian assistance and other services of a similar nature, provided this is done in an impartial manner and without any adverse distinctions.

CHAPTER 2

Convention offences

10. Hijacking of aircraft

Any person on board an aircraft in flight who unlawfully, by the use of force or by threat or any other form of intimidation, seizes the aircraft or exercises control of it commits an offence and is liable to . . . **[insert maximum punishment]**

11. Destroying, damaging or endangering the safety of aircraft

(1) Any person who unlawfully and intentionally-

- (a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight;

(b) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.
commits an offence.

- (2) It shall be an offence for any person who unlawfully and intentionally places, or causes to be placed, on an aircraft in service any device or substance which is likely to destroy the aircraft or is likely to so damage it as to render it incapable of flight or as to be likely to endanger its safety in flight; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act -
- (a) may constitute an offence under subsection (1); or
- (b) may constitute attempting or conspiring to commit or abetting the commission of such offence.
- (3) A person who commits an offence under this section shall be liable to . . .
[insert maximum punishment]

12. **Other acts endangering or likely to endanger the safety of aircraft**

- (1) Any person who unlawfully and intentionally destroys or damages any property to which this section applies or interferes with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight commits an offence.
- (2) Subsection (1) above applies to any property used for the provision of air navigation facilities including land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.
- (3) It shall also, subject to subsection (4) below, be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of an aircraft in flight.
- (4) It shall be a defence for a person charged with an offence under subsection (3) to prove –
- (a) that he/she believed and had reasonable grounds for believing that the information was true; or
- (b) that, when he/she communicated the information, they were lawfully employed to perform duties which consisted of or included the communication of information and that he/she communicated the information in good faith in the performance of those duties.

13. **Acts of violence at airports serving international civil aviation**

Any person who unlawfully and intentionally, using any device, substance or weapon-

- (a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or
- (b) destroys or seriously damages the facilities of an airport serving international civil aviation or an aircraft not in service located thereon or disrupts the services of the airport,

where such an act endangers or is likely to endanger safety at that airport, commits an offence and is liable to . . . **[insert maximum punishment]**

14. **Endangering the safety of maritime navigation and fixed platforms located on the continental shelf**

- (1) Any person who intentionally –
 - (a) seizes, or exercises control over, a ship or a fixed platform by force or threat of force or other form of intimidation;
 - (b) commits an act of violence against a person on board a ship or a fixed platform, which act is likely to endanger the safe navigation of that ship or fixed platform;
 - (c) destroys a ship or a fixed platform;
 - (d) causes damage to a ship, its cargo or a fixed platform so as to endanger, or to be likely to endanger, the safe navigation of that ship, or as the case may be, the safety of the fixed platform;
 - (e) places, or causes to be placed, on a ship or fixed platform, by any means whatsoever, a device or substance, which –
 - (i) in the case of a ship, is likely to destroy the ship or cause damage to that ship or its cargo as to endanger the safe navigation of that ship;
 - (ii) in the case of a fixed platform, is likely to destroy the fixed platform or to endanger its safety;
 - (f) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation which act is likely to endanger the safe navigation of a ship;
 - (g) communicates information which he/she knows to be false thereby endangering the safe navigation of a ship;
 - (h) injures or kills any other person in connection with the commission, or attempted commission, of any of offences described in paragraphs (a), (b), (c), (d), (e), (f), or (g),
 commits an offence and is liable to . . . **[insert maximum punishment]**
- (2) Any person who, with the intention of compelling any other person to do, or refrain from doing any act, threatens to commit any of the offences described in paragraphs (b), (c), (d) or (f) of subsection (1), in relation to a ship or fixed platform, which threat is likely to endanger the safe navigation of the ship or the safety of the fixed platform, commits an offence and is liable to . . . **[insert maximum punishment]**.
- (3) The Master of a ship registered in **[name of country]** who has reasonable grounds to believe that any person has committed an offence

under this section against, or on board that ship, may forthwith arrest and detain such person.

- (4) The Master may, subject to subsections (5) and (6) below, deliver a person arrested and detained under subsection (3), to the appropriate authorities in any State which is declared by the Minister, by Order published in the Gazette/official journal, to be a party to the Convention for the Suppression of Unlawful Acts.
- (5) Before delivering a person arrested and detained under subsection (3) to the appropriate authorities of any State referred to subsection (4) above, the Master shall notify those authorities of his/her intention to do so.
- (6) Where the Master delivers a person arrested and detained under subsection (3) to the appropriate authorities referred to in subsection (4) above, he/she shall furnish to those authorities, the evidence in his/her possession supporting the commission of an offence under this Law [Act] by that person.
- (7) Where the Master of the ship registered in any State referred to in subsection (4) above delivers to a police officer in **(name of country)**, a person arrested and detained on that ship on suspicion of having committed an act corresponding to an offence under this Law[Act], it shall be the duty of such police officer to take such person into custody, unless the police officer has reasonable grounds to believe that such a person has not committed the offence as alleged. Where a police officer refuses to take such person into custody, he/she shall give written reasons for such refusal.
- (8) The Master of a ship registered in ... **(name of country)** who fails, without reasonable cause, to comply with subsection (5) or (6) above commits an offence and shall be liable to **[insert maximum punishment]**

15. **Offences against internationally protected persons**

- (1) Any person who intentionally –
 - (a) commits murder, kidnapping or other attack on the person or liberty of an internationally protected person;
 - (b) commits a violent attack on the official premises, private accommodation or means of transport, of an internationally protected person in a manner likely to endanger his/her person or liberty;
 - (c) threatens to commit any such an attack;
 commits an offence and is liable to . . . **[insert maximum punishment]**
- (2) In any proceedings brought under subsection (1) above, it shall not be necessary for the prosecution to prove that the defendant knew, at the time of the alleged crime, the identity of the internationally protected person,

the capacity in which he was internationally protected or that he/she was entitled under international law to special protection from attack.

16. **Hostage taking**

- (1) Any person who-
 - (a) seizes and detains another person (hereinafter referred to as “the hostage”); and
 - (b) threatens to kill, injure or continue to detain the hostage, unless a State, an international intergovernmental organization, a natural or juridical person or a group of persons, does or abstains from doing any act as an explicit or implicit condition for the release of the hostage,
- (2) commits an offence and is liable to . . . **[insert maximum punishment]**
- (2) Any person or entity who directly or indirectly pay or contribute to the payment of a ransom in return for the release of the hostage commit an offence and is liable to . . . **[insert maximum punishment]**
- (3) The Director of Public Prosecutions, where he/she is satisfied that it is likely that the money for the payment of ransom for the release of the hostage may be paid out of any account with any bank, may make an urgent *ex parte* application to any competent court/tribunal for an order freezing the account under the conditions contemplated under section 53 for a specified period not exceeding one month.

17. **Offences relating to nuclear material and nuclear facilities**

Any person who, without lawful authority-

- (a) intentionally receives, possesses, uses, transfers, alters, disposes, or disperses nuclear material, in such a manner so as to cause or be likely to cause death or serious injury to any person or substantial damage to property or to the environment;
- (b) steals nuclear material;
- (c) embezzles or fraudulently obtains nuclear material;
- (d) intentionally carries, sends, or moves nuclear material into or out of . . . **[name of country]**;
- (e) does any act which is directed against a nuclear facility or which interferes with the operation of a nuclear facility with the intention or in the knowledge that the act is likely to cause death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances;
- (f) does any act constituting a demand for nuclear material, by the threat of the use of force, by the use of force or by any other form of intimidation;

- (g) threatens –
 - (i) to use nuclear material to cause death or serious injury to any person or substantial damage to any property or to the environment or to commit an offence under subsection (e) above;
 - (ii) to commit an offence under subsection (a) or subsection (e) in order to compel a natural or legal person, an international organization or State to do or refrain from doing any act;

commits an offence and is liable to . . . **[insert maximum punishment]**.

18. **Terrorist bombings**

Any person who, intentionally, delivers or places, discharges or detonates an explosive or other lethal device in, into or against –

- (a) a place of public use,
 - (b) a State or government facility,
 - (c) a public transportation system,
 - (d) an infrastructure facility,
 - (e) any other place where such an event is likely to cause deaths or bodily disability,
- with intent to –
- (i) cause death or serious bodily injury,
 - (ii) cause extensive damage to such place, facility or system, and where such destruction results in or is likely to result in major economic loss,

commits an offence and is liable to . . . **[insert maximum punishment]**.

19. **Offences relating to unmarked plastic explosives**

- (1) Subject to subsection (3), any person who manufactures, imports, transports, keeps, stores, possesses, transfers, purchases, sells, supplies or exports any unmarked plastic explosives commits an offence
- (2)
 - (a) The marking of plastic explosives shall be done in such a manner as to achieve homogeneous distribution in the finished product.
 - (b) The minimum concentration of a detection agent in the finished product at the time of manufacture shall be in accordance with the Technical Annex to the Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- (3) Subsection (1) shall not apply-

- (a) for 15 years after 8 May 1998 in respect of the transportation, keeping, storage, possession, transfer or transmission of any unmarked plastic explosives manufactured in, or imported into, (**insert name of country**) before that date by or on behalf of an organ of state performing military or police functions; or
- (b) in respect of the manufacture, importation, transportation, keeping, storage, possession, transfer, sale, supply or transmission of any unmarked plastic explosives in limited quantities as may be determined in writing by the competent official-
 - (i) solely for use in-
 - (aa) research into or development or testing of new or modified explosives;
 - (bb) training in the detection of explosives; or
 - (cc) the development or testing of equipment for the detection of explosives; or
 - (ii) solely for forensic purposes, and under such conditions as may be prescribed by law.

20. **Offences associated or connected with financing of specified offences**

- (1) Any person who, directly or indirectly, in whole or in part, and by any means or method-
 - (a) acquires property;
 - (b) collects property;
 - (c) uses property;
 - (d) possesses property;
 - (e) owns property;
 - (f) provides or makes available, or invites a person to provide or make available property;
 - (g) provides or makes available, or invites a person to provide or make available any financial or other service;
 - (h) provides or makes available, or invites a person to provide or make available economic support; or
 - (i) facilitates the acquisition, collection, use or provision of property, or the provision of any financial or other service, or the provision of economic support,
 - intending that the property, financial or other service or economic support, as the case may be, be used, or while such person knows or ought reasonably to have known or suspected that the property, service or support concerned will be used, directly or indirectly, in whole or in part-
 - (i) to commit or facilitate the commission of a specified offence;
 - (ii) for the benefit of, or on behalf of, or at the direction of, or under the control of an entity which commits or attempts to commit or facilitates the commission of a specified offence; or

- (iii) for the benefit of a specific listed person or entity, is guilty of an offence, and on conviction liable to **[insert maximum punishment]**.
- (2) Any person who, directly or indirectly, in whole or in part, and by any means or method-
- (a) deals with, enters into or facilitates any transaction or performs any other act in connection with property which such person knows or ought reasonably to have known or suspected to have been acquired, collected, used, possessed, owned or provided-
 - (i) to commit or facilitate the commission of a specified offence;
 - (ii) for the benefit of, or on behalf of, or at the direction of, or under the control of an entity which commits or attempts to commit or facilitates the commission of a specified offence; or
 - (iii) for the benefit of a specific listed person or entity; or
 - (b) provides financial or other services in respect of property referred to in paragraph (a), commits an offence and is liable to **[insert maximum punishment]**.
- (3) Any person who knows or ought reasonably to have known or suspected that property is property referred to in subsection (2) (a) and enters into, or becomes concerned in an arrangement which in any way has or is likely to have the effect of-
- (a) facilitating the retention or control of such property by or on behalf of-
 - (i) an entity which commits or attempts to commit or facilitates the commission of a specified offence; or
 - (ii) a specific listed person or entity;
 - (b) converting such property;
 - (c) concealing or disguising the nature, source, location, disposition or movement of such property, the ownership thereof or any interest anyone may have therein;
 - (d) removing such property from a jurisdiction; or
 - (e) transferring such property to a nominee, commits an offence and is liable to **[insert maximum punishment]**.

CHAPTER 3
Other offences

21. Offences relating to harbouring or concealment of persons committing specified offences

Any person who harbours or conceals any person, whom he/she knows, or ought reasonably to have known or suspected, to be a person who has committed a specified offence, as defined above, or who is likely to commit such an offence, is guilty of an offence and shall be liable to **[insert maximum punishment]**.

22. Duty to report presence of person suspected of intending to commit or having committed an offence and failure to so report

- (1) Any person who-
 - (a) has reason to suspect that any other person intends to commit or has committed an offence referred to in this Law [Act]; or
 - (b) is aware of the presence at any place of any other person who is so suspected of intending to commit or having committed such an offence,shall report as soon as reasonably possible such suspicion or presence, as the case may be, or cause such suspicion or presence to be reported to any police official.
- (2) Any person who fails to comply with the provisions of subsection (1)(a) or (b), commits an offence and is liable to **[insert maximum punishment]**.
- (3) Upon receipt of a report referred to in subsection (1), the police official involved shall take down the report in the manner directed by the Commissioner of Police, and forthwith provide the person who made the report with an acknowledgment of receipt of such report.
- (4) A person required to make a report in terms of subsection (1) concerning a suspicion that any other person intends to commit or has committed an offence referred to in section 6, may continue with and carry out any transaction to which such suspicion relates, unless directed in terms of subsection 5 not to proceed with such transaction.
- (5) If a police official authorized thereto by the Commissioner of police, after consulting with a person required to make a report contemplated in subsection (4), has reasonable grounds to suspect that a transaction referred to in that subsection may constitute an offence contemplated in section 6, that police officer may direct that person in writing, not to proceed with the carrying out of that transaction or any other transaction in respect of the property affected by that transaction for such a period as

may be determined by that police official, which may not be more than five days.

- (6) For the purposes of calculating the period of five days in subsection (5), Saturdays, Sundays and proclaimed public holidays shall be taken into account.

23. **Threat, attempt, conspiracy and inducing another person to commit offence**

Any person who-

- (a) threatens;
- (b) attempts;
- (c) conspires with any other person; or
- (d) aids, abets, induces, incites, instigates, instructs or commands, counsels or procures another person,

to commit an offence in terms of this Law [Act], is guilty of an offence, and shall be liable to **[insert maximum punishment]**.

24. **Offences relating to hoaxes**

- (1) (a) Any person who, with the intention of inducing in a person anywhere in the world a false belief that a substance, thing or device is, or contains, or is likely to be, or contains a noxious substance or thing or an explosive or other lethal device –
 - i) places that substance, thing or device in any place; or
 - ii) sends that substance, thing or device from one place to another, by post, rail or any other means whatsoever, is guilty of an offence and is liable to ...**[insert maximum penalty]**.
- (b) Any person who, directly or indirectly, communicates any information, which he/she knows, or ought reasonably to have known or suspected, or believes to be false, with the intention of inducing in a person anywhere in the world a belief that a noxious substance or thing or an explosive or other lethal device is likely to be present (whether at the time the information is communicated or later), in or at any place, is guilty of an offence and is liable to ...**[insert maximum penalty]**
- (2) For the purposes of this section, “substance” shall include any biological agent and any other natural or artificial substance (whatever its form, origin or method of production).

PART III

MEASURES TO PREVENT MONEY LAUNDERING AND FINANCING OF TERRORISM

CHAPTER 1

General preventive measures and transparency in financial transactions

25. **Obligation to declare or disclose physical cross-border transportation of currency and bearer instruments**
Any person who enters or leaves [**name of country**] shall declare currency or bearer negotiable instruments or e-money in an amount equal to or above [**indicate amount**]. The information so obtained shall be transmitted to the financial intelligence unit or other competent authority. The customs or other competent authority shall seize or restrain part of or the whole amount of the non-declared currency or bearer negotiable instruments if there is suspicion of money laundering or financing of terrorism or when there has been a false declaration or when there is suspicion of money laundering or financing of terrorism.
26. **Transparency in financial transactions**
- (1) No bank may be established in [**name of country**] if it maintains no physical presence within the country and is not affiliated with a regulated financial group subject to effective consolidated supervision.
 - (2) Financial entities shall not enter into or continue business relations with banks registered in jurisdictions where they are not physically present and are not affiliated with a regulated financial group subject to effective consolidated supervision.
 - (3) Financial entities shall not enter into or continue business relations with respondent financial entities in a foreign country if they permit their accounts to be used by banks registered in jurisdictions where they are not physically present and are not affiliated with a regulated groups subject to effective consolidated supervision.
 - (4) The Minister shall by regulations, orders and other legal instruments ensure that all persons or legal entities, including agents that provide a service for the informal transmission of money or value are duly licensed or registered and conform to the standards of transparency and accountability specified in the law[Act]. These regulations, orders and legal instruments shall stipulate the administrative, civil or/and criminal sanctions for any violations of their provisions.
27. **Transparency of legal persons and arrangements**
- (1) Legal persons established in [**name of country**] shall maintain adequate, accurate and current information on their beneficial ownership and control structure. This information shall be stored, maintained and updated by a central registration system.

- (2) The financial intelligence unit and any other competent authorities shall have access to the information referred to in subsection (1) above in a timely fashion.

28. **Identification of customers by financial entities and designated non-financial businesses and professions**

- (1) Financial entities and designated non-financial businesses and professions shall identify their customers and verify their identities by means of reliable independent source, documents, data or information, when:
- (a) establishing business relations;
 - (b) carrying out occasional transactions, when the customer wishes to carry out
 - a transaction in an amount equal or above **[state the amount]**, whether conducted as a single transaction or several transactions that appears to be linked. If the amount of the transaction is unknown at the time of the operation, the identification shall be done as soon as the amount becomes known or the threshold is reached, or
 - a domestic or international transfer of funds;
 - (c) doubts exist about the veracity or adequacy of previously obtained customer identification;
 - (d) there is a suspicion of money laundering or financing of terrorism.
- (2) Financial entities and designated non-financial businesses and professions shall collect information regarding the anticipated purpose and intended nature of the business relationship. Identification of natural persons and verification of their identity shall include the full name and address, date and place of birth. Identification of legal persons shall include obtaining and verifying information concerning the corporate name, head office address, identities of directors, proof of incorporation or similar evidence of their legal status, legal form and provisions governing the authority to commit the legal person. Identification of legal arrangements shall include obtaining and verifying the name of trustees, the settlor and the beneficiary of express trusts.
- (3) Financial entities and designated non-financial businesses and professions shall identify the beneficial owner and take all reasonable measures to verify his/her identify.
- (4) Financial entities and designated non-financial businesses and professions shall exercise ongoing due diligence with respect to the business relationship and closely examine the transactions carried out in order to ensure that they are consistent with their knowledge of their customer, his/her commercial activities and risk profile and, where required, the source of his/her funds.
- (5) With respect to cross-border correspondent banking relationships, financial entities shall:

- identify and verify the identification of respondent entities with which they conduct correspondent banking relationships;
 - collect information on the nature of the respondent entities' activities;
 - based on publicly available information, evaluate the respondent entities' reputation and the nature of supervision to which it is subject;
 - obtain approval from senior management before establishing a correspondent banking relationship;
 - evaluate the controls implemented by the respondent entity with respect to anti-money laundering and financing of terrorism; and
 - in the case of a payable through account, ensure that the respondent entity has verified its customer's identity, has implemented mechanisms for ongoing monitoring with respect to its clients, and is capable of providing relevant identifying information on request.
- (6) If financial entities and designated non-financial businesses and professions cannot fulfil their obligation of due diligence as described in subsections (1) to (5) above, they shall not establish or maintain the business relationship.

29. Obligations regarding wire transfers

- (1) Financial entities whose activities include wire transfers shall obtain and verify the full name, account number, and address, or in the absence of address, the national identity number or date and place of birth, including, when necessary, the name of the financial institution of the originator of such transfers. The information shall be included in the message or payment form accompanying the transfer. If there is no account number, a unique reference number shall accompany the transfer.
- (2) The entities referred to in subsection (1) shall maintain all such information and transmit it when they act as intermediaries in a chain of payments.
- (3) The competent authority may issue regulations regarding cross-border transfers executed as batch transfers and domestic transfers.
- (4) Subsections (1) and (2) shall not apply to transfers executed as a result of credit card or debit card transactions, provided that the credit card or debit card number accompanies the transfer resulting from the transaction, nor shall they apply to transfers between financial entities where both the originator and the beneficiary are financial entities acting on their own behalf.
- (5) If the entities referred to in subsection (1) receive wire transfers that do not contain the complete originator information they shall take measures to obtain and verify the missing information from the ordering entity or the beneficiary. Should they not obtain the missing information, they shall refuse acceptance of the transfer and report it to the financial intelligence unit.

30. Special monitoring of certain transactions

- (1) Financial entities and designated non-financial businesses and professions shall pay special attention to all complex, unusual large transactions and all unusual patterns of transactions, which have no apparent economic or visible lawful purpose.

- (2) Financial entities and designated non-financial businesses and professions shall pay special attention to business relations and transactions with persons, including legal persons and arrangements, from or in countries that do not or insufficiently apply the relevant international standards to combat money laundering and financing of terrorism.
- (3) Financial entities and designated non-financial businesses and professions shall set forth in writing the specific information regarding transactions as referred to in subsections (1) and (2) and the identity of all parties involved. The report of this shall be maintained as specified in section 31 and shall be made available if requested by the competent authorities.

31. **Record-keeping**

Financial entities and designated non-financial businesses and professions shall maintain records of the following information and ensure that the records and underlying information are readily available to the competent authorities:

- (a) copies of documents evidencing the identities of customers, beneficial owners, obtained in accordance with the provisions of this law [Act], account files and business correspondence for a period of at least **[indicate minimum number of years]** after the business relationship has ended, and
- (b) information obtained in accordance with the provisions of this law[Act], to enable the reconstruction of transactions, attempted or executed by customers and the written reports established in accordance with section 30 for at least **[indicate minimum number of years]** following the attempt or execution of the transaction.

32. **Obligation to develop programmes to combat money laundering and financing of terrorism**

All financial entities and designated non-financial businesses and professions shall develop and implement programmes for the prevention of money laundering and financing of terrorism. Such programmes shall include the following:

- (a) internal policies, procedures and controls, including appropriate compliance management arrangements and adequate screening procedures to ensure high standards;
- (b) ongoing training for officials and employees to assist them in recognizing transactions and actions that may be linked to money laundering and financing of terrorism, and instruct them in the procedures to be followed in such cases;
- (c) internal audit arrangements to check conformity, compliance with and effectiveness of the measures taken to apply this Law[Act];

The Minister may by regulations determine the type and extent of measures to be taken and the consequences for non-compliance having regard to the risk of money laundering and financing of terrorism posed.

CHAPTER 2

Detecting of money laundering and financing of terrorism

33. **Establishment of financial intelligence unit**

- (1) A financial intelligence unit is hereby established and shall serve as a central, national agency responsible for receiving, requesting, analysing and disseminating information concerning suspected proceeds of crime and potential financing of terrorism as provided for by this law [Act].
- (2) The head of the financial intelligence unit shall be appointed by **[insert name of ministry]**. The composition, organization, operation and resources of the financial intelligence unit shall be established by regulations, orders and other legal instruments.
- (3) The staff of the financial intelligence unit shall be required to keep confidential any information received within the scope of their duties, even after the cessation of those duties within the unit. Such information may only be used for the purposes provided for in accordance with the law. Any breach of the obligations provided for under this provision shall be subject to such penalties and sanctions as shall be determined by regulations, orders or other legal instruments.
- (4) The financial intelligence unit may, spontaneously or upon request, share information with any foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations, regardless of the nature of the agency and subject to reciprocity.
- (5) The financial intelligence unit shall have the authority to obtain from any entity or person subject to the reporting obligations specified in section 34 below any additional information it deems useful for the accomplishment of its functions. The information shall be provided within the time limits set and the form specified by the financial intelligence unit.
- (6) The financial intelligence unit may request in relation to any report it has received, any additional information it deems useful for the accomplishment of its functions from:
 - police departments;
 - authorities responsible for the supervision of the entities and persons subject to this law[Act];
 - other administrative agencies of the state.
- (7) Whenever the financial intelligence unit determines that a financial entity or designated non-financial business and profession is not complying or has not complied with the obligations set out in this law[Act], it may apprise the relevant supervisory authority accordingly.

34. **Obligation to report suspicious activities**

- (1) An accountable entity which has in its possession or under its control property owned or controlled by or on behalf of, or at the direction of any entity which has committed, or attempted to commit, or facilitated the commission of a specified offence; or suspects that funds or property are

the proceeds of crime or are related or linked to, or are to be used for the financing of terrorism shall submit promptly and in accordance with the provisions of this section, a report setting forth its suspicions to the financial intelligence unit or other competent authorities. This obligation shall also apply to attempted transactions.

- (2) Accountable institutions shall refrain from carrying out transactions which they suspect to be related to money laundering or financing of terrorism until they have reported their suspicions to the financial intelligence unit.
- (3) Regulations, orders and other legal instruments shall define the procedures and form in which the reports shall be submitted.

35 **Action taken on suspicious activity reports**

Whenever the financial intelligence unit has reasonable grounds to suspect money laundering or financing of terrorism, it shall forward the relevant information to the police, Director of Public Prosecutions or other competent authority, which shall decide upon what further action to take.

36. **Obligations on business or employees to report**

- (1) A person who carries on a business or is in charge of or manages a business or who is employed by a business and who knows or ought reasonably to have known or suspected that-
 - (a) the business has received or is about to receive property which is connected to an offence relating to money laundering and the financing of terrorism and related activities;
 - (b) a transaction or series of transactions to which the business is a party-
 - (i) facilitated or is likely to facilitate the transfer of property which is connected to an offence relating to the money laundering or the financing of terrorism and related activities;
 - (ii) has no apparent business or lawful purpose;
 - (iii) is conducted for the purpose of avoiding giving rise to a reporting duty under this Law [Act]; or
 - (iv) relates to an offence relating to the financing of terrorist and related activities; or
 - (c) the business has been used or is about to be used in any way to facilitate the commission of an offence relating to the financing of terrorist and related activities,

shall, within the prescribed period after the knowledge was acquired or the suspicion arose, report to the police or other competent authorities in the manner determined in section 22(1), the grounds for the knowledge or suspicion and the prescribed particulars concerning the transaction or series of transactions.

- (2) Any person who fails, within the prescribed period, to report to the Police the prescribed information referred to in subsection (1), commits an offence and is liable to **[insert maximum punishment]**.

37. Prohibition of tipping-off

Under no circumstances shall any person or entity, their directors, officers, and employees acting under this law [Act] disclose to their customer or a third party that information was provided to the financial intelligence unit or any other competent authority or that a report concerning suspected money laundering or financing of terrorism will be, is being or has been submitted to the financial intelligence unit or any other competent authority or that money laundering or financing of terrorism investigation is being or has been carried out. This shall not preclude disclosures or communications regarding suspicious money laundering or financing of terrorism activities between and among directors, officers and employees of an accountable entity. Any person who violates this provision commits an offence and is liable to **[insert maximum punishment]**.

PART IV

MEASURES PERTAINING TO REPORTS AND MONITORING ORDERS

38. Powers of police in respect of reports

If the Commissioner of police, or an officer designated by him/her, after consulting an accountable entity, a reporting institution or a person required to make a report in terms of sections 34-35, has reasonable grounds to suspect that a transaction or a proposed transaction may involve the proceeds of unlawful activities or property which is connected to an offence relating to money laundering, the financing of terrorism and related acts, it may direct the accountable entity, reporting institution or person in writing not to proceed with the carrying out of that transaction or proposed transaction or any other transaction in respect of the funds affected by that transaction or proposed transaction for such a period as may be determined by the Commissioner of police, which may not be more than five (5) days, in order to allow him/her time –

- (a) to make the necessary inquiries concerning the transaction; and
- (b) determine if it is appropriate to inform the Director of Public Prosecutions.

39. Monitoring orders

- (1) A competent court/tribunal may, upon written application by the competent authorities, order an accountable entity to report to the said competent authorities, on such terms and in such confidential manner as may be specified in the order, all transactions concluded by a specified person with the accountable entity or all transactions conducted in respect

of a specified account or facility at the accountable entity, if there are reasonable grounds to suspect that-

- (a) that person has transferred or may transfer the proceeds of unlawful activities or property which is connected to an offence relating to money laundering, the financing of terrorism and related acts to the accountable entity or is using or may use the accountable entity for these purposes; or
 - (b) that account or other facility has received or may receive property which is connected to money laundering, the financing of terrorism and related acts or is being or may be used for these purposes.
- (2) An order in terms of subsection (1) lapses after three months unless extended in terms of subsection (3).
 - (3) The court/tribunal referred to in subsection (1) may extend an order issued in terms of subsection (1) for further periods not exceeding three (3) months at a time if-
 - (a) the reasonable grounds for the suspicion on which the order is based still exist; and
 - (b) the court/tribunal is satisfied that the interest of justice is best served by monitoring the person, account or facility referred to in subsection (1) in the manner provided for in this section.
 - (4) An application referred to in subsection (1) shall be heard and an order shall be issued without notice to or hearing the person or persons involved in the suspected terrorists activities.

40. **Information gathering orders**

- (1) To prevent and control terrorist activities, the appropriate security services may apply to a competent court/tribunal and obtain an order which will enable them to:
 - (a) intercept or conduct surveillance on the telephone, fax, radio, internet, electronic, postal and similar communications of a person or entities suspected of terrorism;
 - (b) enter into any premises in secret to enforce the interception order;
 - (c) install or remove instruments for intercepting information
- (2) The interception of information shall be carried out in accordance with the order and all information obtained shall be kept secret.
- (3) All communications service providers shall comply with any order to cooperate with the competent security services in order to prevent and control acts of terrorism.
- (4) Any person who:

- (a) refuses to allow access to a premise or fails to submit to a search order issued under this law /Act;
 - (b) assaults, obstructs, hinders or delays an official who is discharging a duty imposed by this law/Act;
 - (c) fails to comply with a lawful demand of a security officer in discharge of a duty under this law/Act;
 - (d) in relation to a search or inspection, furnishes information to a security officer which the person knows to be false
- commits an offence and is liable to ...[**insert maximum penalty**].

41. Reporting duty and obligations to provide information affected by confidentiality rules

- (1) Subject to subsection (2), no duty of secrecy or confidentiality or any other restriction on the disclosure of information, whether imposed by legislation or arising from the common law or agreement, shall affect compliance by an accountable entity, supervisory body, reporting institution, the Revenue Service or any other person with a provision of this Law [Act].
- (2) Subsection (1) shall not apply to the common law right to legal professional privilege as between an attorney and the attorney's client in respect of communications made in confidence between-
 - (a) the attorney and the attorney's client for the purposes of legal advice or litigation which is pending or contemplated or which has commenced; or
 - (b) a third party and an attorney for the purposes of litigation which is pending or contemplated or has commenced.

42. Protection of persons making reports

- (1) No action, whether criminal, civil, disciplinary or administrative shall lie against an accountable entity, reporting institution, supervisory body, the revenue services or any other person complying in good faith with a provision of this Law [Act], including any director, employee or other person acting on behalf of such accountable entity, reporting institution, supervisory body, the revenue services or such other person.
- (2) A person who has made, initiated or contributed to a report in terms of sections 34-35 or who has furnished additional information concerning such a report or the grounds for such a report in terms of a provision of this Law(Act) is competent, but not compellable, to give evidence in criminal proceedings arising from the report.
- (3) No evidence concerning the identity of a person who has made, initiated or contributed to a report in terms of sections 34-35 or who has furnished additional information concerning such a report or the grounds for such a report in terms of a provision of this law [Act], or the contents or nature of such additional information or grounds, shall be admissible as evidence in criminal proceedings unless that person testifies at those proceedings.

- (4) In any subsequent criminal proceedings, the court/tribunal may on its own motion or on an application made by the Director of public prosecutions or an application made by a person who made a report, if satisfied that the life of such a person is in danger, take the necessary measures to enable the withholding of the name and identity of the person. The measures that may be taken shall include:
- (a) holding the proceedings at a place to be decided by the court/tribunal;
 - (b) avoiding the mention of the names and addresses of the person in court orders and any records of the case;
 - (c) issuing any directions for ensuring that the identities and addresses of the person are not disclosed; and
 - (d) ordering that all or any of the proceedings pending before the court/tribunal shall not be published or disseminated in any manner.

43. **Admissibility as evidence of reports made to Police**

A certificate issued by an official of the police that information specified in the certificate was reported or sent to the police in terms of sections 34-35 is, subject to section 42(3), on its mere production in a matter before a court/tribunal admissible as evidence of any fact contained in it of which direct oral evidence would be admissible.

PART V JURISDICTION

44. **Grounds for the exercise of jurisdiction**

Where a person is alleged to have committed an offence under this Law [Act], proceedings in respect of that offence may be commenced in . . . [**name of country**] where the act constituting the offence –

- (a) is committed within . . . [**name of country**], including its territorial sea;
- (b) is committed by a national of . . . [**name of country**], or by a stateless person ordinarily resident in . . . [**name of country**];
- (c) is committed against –
 - (i) a national of . . . [**name of country**];
 - (ii) against an internationally protected person exercising functions on behalf of . . . [**name of country**];
- (d) is committed on board, or endangers the safety in flight of an aircraft –
 - (i) registered in . . . [**name of country**];
 - (ii) chartered by demise to a lessee whose principal place of business, or (if none), whose permanent residence is in . . . (**name of country**);

- (iii) which lands in . . . **[name of country]** with the person who committed the act still on board.
- (e) is committed against, or on board –
 - (i) a ship that is flying the flag of, or registered in . . . **[name of country]**;
 - (ii) a fixed platform located on the continental shelf of . . . **[name of country]**;
- (f) threatens the national security of . . . **[name of country]**;
- (g) is committed to compel the Government of . . . **[name of country]** to do or refrain from doing any act;
- (j) is committed against, or is directed towards, property belonging to the Government of . . . **[name of country]** outside . . . **[name of country]**.

45. **Further ground for the exercise of jurisdiction**

Where a person who is alleged to have committed an offence under this Law [Act] is present in . . . **[name of country]** and it is not intended to extradite that person, proceedings in respect of that offence may be commenced in . . . **[name of country]** .

46. **Further basis for jurisdiction in respect of offences under Part IV**

Where a person is alleged to have committed an offence under Part IV of this Law [Act], proceedings in respect of that offence may also be commenced in . . . **[name of country]** where the act constituting the offence is directed towards, or results in the commission of an offence under Part III –

- (a) within . . . **[name of country]**; or
- (b) against a national of . . . **[name of country]**; or
- (b) against property belonging to the Government of . . . **[name of country]** outside . . . **[name of country]**; or
- (d) in an attempt to compel the Government of . . . **[name of country]**, to do, or abstain from doing, any act.

PART VI PROSCRIPTION OF ENTITIES

47. **Procedure for proscribing entities**

- (1) If the competent authorities of . . . **[name of the Country]** have reasonable grounds to believe that an entity:
 - (a) has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist act; or

- (b) is knowingly acting on behalf of, at the direction of or in association with an entity referred to in subsection (a), they may recommend to the Director of Public Prosecutions that an order be made under subsection 2 declaring the entity to be a proscribed entity.
- (2) If the Director of Public Prosecutions has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in subsection (1)(a) or (b), he/she shall make an order, to be published in the Gazette/Official Journal, declaring the entity to be a proscribed entity.
- (3) Where either the United Nations Security Council decides, pursuant to Chapter VII of the United Nations Charter, that measures, including the freezing of property, shall be taken by States against an entity in the context of international terrorism, or the African Union declares it a listed terrorist entity, then the entity shall be deemed as having been declared a proscribed entity under subsection (2) and the name of the proscribed entity shall be published in the Gazette/Official Journal. The declaration as a proscribed entity shall take effect on publication.
- (4) A proscribed entity may apply to the Director of Public Prosecutions for revocation of the order.
- (5) The Director of Public Prosecutions shall, on receipt of an application, consider whether there are reasonable grounds for revoking the order. The Director of Public Prosecutions shall notify the applicant without delay of any decision taken with respect to the application.
- (6) Within sixty (60) days after receiving notice of the decision, the applicant may apply to a judge for judicial review of the decision.
- (7) In any application under subsection (6), the court/tribunal may receive any evidence – including information obtained from the government or institution or agency of a foreign State or an international organization – that, in the court/tribunal’s opinion is reliable and relevant, even if such evidence would not otherwise be admissible in law, and may base his/her decision on that evidence.
- (8) When an application is made under subsection (6), the court/tribunal shall, without delay
- (a) examine, in private, any security or intelligence reports considered in recommending or making an order in respect of the applicant and hear any other evidence or information that may be presented by or on behalf of the Director of Public Prosecutions and may, at the request of the Director of Public Prosecutions, hear all or part of that evidence or information in the absence of the applicant and any counsel representing the applicant, if the judge is of the opinion that the disclosure of the information would prejudice national security, damage the relations of [**name of country**] with any other State, endanger the safety of any person or significantly prejudice an investigation relating to a terrorist act;
- (b) provide the applicant with a statement summarizing the information available to the court/tribunal so as to enable the

applicant to be reasonably informed of the reasons for the decision, without disclosing any information the disclosure of which would, in the court/tribunal's opinion, prejudice national security, damage the relations of [**name of country**] with any other state, endanger the safety of any person or significantly prejudice an investigation relating to a terrorist act:

- (c) provide the applicant with a reasonable opportunity to be heard; and
 - (d) determine whether the decision is reasonable on the basis of the information available to the court/tribunal and, if found not to be reasonable, order that the applicant shall no longer be a proscribed entity.
- (9) The Director of Public Prosecutions shall publish in the Gazette/ Official Journal notice of the final order of a court/tribunal declaring that the applicant shall no longer be considered as a proscribed entity.
- (10) The Director of Public Prosecutions shall, from time to time, and, at least once every two years review all orders made under subsection (2) to determine whether there are still reasonable grounds, as set out in subsection (1), for the order to continue to apply to a proscribed entity, and if he/she determines that there is no such reasonable grounds, he/she shall revoke the order in respect of that entity.

PART VII

INVESTIGATIONS, ARRESTS AND SHARING OF INFORMATION

48. Investigating powers

Whenever the competent authorities receive information from an appropriate government body of a foreign State that a person who is alleged to have committed or is convicted of or is sentenced in respect of any offence in respect of which-

- (a) a court/tribunal in [**name of country**] has jurisdiction as referred to in part V; or
- (b) any court/tribunal in a foreign State may have jurisdiction, may be present in [**name of country**],

the competent authorities shall cause such measures to be taken as they may deem necessary to investigate the matter.

49. Powers of arrest

Where it appears on reasonable grounds from the investigation referred to in section 48 that extradition or criminal proceedings may be instituted against such person, that person may be arrested as contemplated in section [**insert section no and name and number of Act/Law in terms of which provisional arrest pending extradition may be done**], in order to ensure his/her presence at such proceedings. The provisions of this section shall be exercised subject to the

provisions of the criminal code and criminal procedure code **[insert name of the Act/Law dealing with arrest powers]**

50. Notifications on arrest

- (1) The Director of Public of Prosecutions shall, upon an arrest contemplated in section 48, promptly be notified thereof by the police official effecting such arrest.
- (2) Upon being notified in terms of section 48, the Director of Prosecutions shall promptly notify any foreign State that may have jurisdiction over the offence in question directly or through either the Secretary General of the United Nations or the Chairperson of the African Union Commission-
 - (a) of the fact that the person is in custody;
 - (b) of the circumstances that justify the person's detention; and
 - (c) whether he /she intends to prosecute the person,
 with a view to the surrender of such person to a foreign State for prosecution by that State, should the Director of Public Prosecutions decline to prosecute.
- (3) The provisions of this section shall be exercised subject to the provisions of the **[insert name of the Act[Law] dealing with extradition in the country]**.

51. Rights of an accused person

- (1) A person against whom measures referred to in the preceeding section are taken is entitled to the protection of his/her rights of fair trial and due process, including the right to legal counsel, as recognized under applicable provisions of international law, including international law of human rights, and shall be entitled:
 - (a) to communicate without delay with the nearest appropriate representative of the State of which he/she is a national or which is otherwise entitled to protect his/her rights or, in the case of a stateless person, the nearest representative of the State in the territory of which he/she was habitually resident;
 - (b) to be visited by a representative of the relevant State referred to in paragraph (a); and
 - (c) to be informed of his/her rights referred to in subparagraphs (a) and (b).
- (2) The applicability of subparagraphs (a) and (b) above shall be without prejudice to the right of any State having a claim to jurisdiction under sections 44 to 46 inviting the International Committee of the Red Cross to communicate with and visit the accused person.

52. **Sharing of information on terrorism with foreign jurisdictions**

- (1) The Minister may, upon request made by the competent authority of a foreign State, disclose to that authority any information in his/her possession or in the possession of any other government department or agency relating to any of the following matters:
 - (a) the actions or movements of terrorist entities or persons suspected of involvement in the commission of terrorist acts;
 - (b) the use of forged or falsified travel papers by persons suspected of involvement in the commission of terrorist acts;
 - (c) traffic in weapons, explosives or other lethal devices or sensitive materials by terrorist entities or persons suspected of involvement in the commission of terrorist acts;
 - (d) the use of telecommunication technologies by terrorists.
- (2) Notwithstanding the provisions of subsection (1), the disclosure referred to in that subsection shall only be made if it is not prohibited by the provisions of any law[Act] and will not, in the view of the Minister, be prejudicial to national security or public safety.

**PART VIII
FREEZING ORDERS AND DECLARATIONS OF FORFEITURE ON
CONVICTION**

53. **Freezing orders**

- (1) Any competent court/tribunal may, on *ex parte* application by the Director of Public Prosecutions to a judge in chambers, make an order prohibiting any person from engaging in any conduct, or obliging any person to cease any conduct, concerning property in respect of which there are reasonable grounds to believe that the property is owned or controlled by or on behalf of, or at the direction of-
 - (a) any entity which has committed, attempted to commit, participated in or facilitated the commission of a specified offence; or
 - (b) a specific entity identified in a notice issued by any competent authority under [**insert section and Law**].
- (2) An order made under subsection (1) may include an order to freeze any such property.
- (3) Any competent court/tribunal may make an interim order under subsection (1) pending its final determination of an application for such an order.

54. Declarations of forfeiture on conviction

- (1) Whenever any person is convicted of an offence under this Law[Act], the court/tribunal in passing sentence shall, in addition to any punishment which that court/tribunal may impose in respect of the offence, declare any property which is reasonably believed to have been used –
- (a) in the commission of the offence; or
 - (b) for the purpose of or in connection with the commission of the offence,
- and which was seized under any power exercised under section 53, or is in the possession or custody or under the control of the convicted person, to be forfeited to the State.
- (2) The court/tribunal which makes the declaration of forfeiture of property referred to in subsection (1), shall order the registrar of the Court/tribunal concerned or similar official in a lower court/tribunal to forthwith publish such declaration calling upon interested parties through the media and by notice in the Gazette/official journal to indicate their interest in the property concerned in any prescribed manner.
- (3) Any property forfeited under subsection (1) shall, if it was seized under any power exercised under section 53, be kept or, if it is in the possession or custody or under the control of the convicted person, be seized and kept–
- (a) for a period of 45 days after the date of the notice published in the Gazette/official journal; or
 - (b) if any person referred to in section 55 has, within the period contemplated in paragraph (a) made an application to the court/tribunal concerned regarding his/her interest in such property, until a final decision has been rendered in respect of any such application.

55. Interests of third parties with respect to forfeited property

- (1) A declaration of forfeiture in terms of section 54(1) shall not affect any interest, which any person other than the convicted person may have in the property in question, if the former proves:
- (a) that he/she acquired the interest in the property in good faith and for consideration, whether in cash or otherwise; and
 - (b) that-
 - (i) the circumstances under which he/she acquired the interest in that property were not of such a nature that he/she knew or ought reasonably to have known or suspected that it was property used as contemplated in section 54(1); or
 - (ii) he/she could not prevent the use of that property as contemplated in that section.

- (2) (a) Subject to the provisions of subsection (1), the court/tribunal concerned or, if the judge or judicial officer is not available, any judge or judicial officer of the court/tribunal, may at any time within a period of 3 years from the date of the declaration of forfeiture, on the application of any person, other than the convicted person, who claims that he/she has any interest in the property in question, inquire into and determine any such interest.
- (b) If the court/tribunal referred to in paragraph (a) finds –
- (i) that the property is wholly owned by the applicant, the court/tribunal shall set aside the declaration of forfeiture in question and direct that the property be returned to the applicant or, if the State has disposed of it, direct that the applicant be compensated by the State in an amount equal to the value of the property disposed of; or
 - (ii) that the applicant has an interest in the property –
 - (aa) the court/tribunal shall direct that the property be sold by public auction and that the applicant be paid out of the proceeds of the sale an amount equal to the value of his/her interest therein, but not exceeding the proceeds of the sale; or
 - (bb) if the State has disposed of the property, the court/tribunal shall direct that the applicant be compensated by the State in an amount equal to the value of his/her interest therein.
- (3) Any person aggrieved by a determination made by the court/tribunal under subsection 2, may appeal against the determination as if it were a conviction by the court/tribunal making the determination, and such appeal may be heard either separately or jointly with an appeal against conviction as a result of which the declaration of forfeiture was made, or a sentence imposed as a result of such conviction.

56. **Evidence in respect of declaration of forfeiture**

In order to make a declaration of forfeiture under section 54(1) or to determine any interest under section 55(2), the court/tribunal may refer to the evidence and proceedings at the trial or hear such further evidence, either orally or by affidavit, as it may deem fit.

**PART IX
EXTRADITION AND MUTUAL LEGAL ASSISTANCE IN CRIMINAL
MATTERS**

57. **Extradition**

- (1) The offences described in this Law [Act] shall be deemed to be extraditable offences under the [**insert Extradition Law/Act**], and accordingly, the provisions of that Law [Act] shall apply to, and in relation to, extradition in respect of those offences.
- (2) Where the Government of ... [**name of country**] accedes to request by a party to an anti-terrorism convention for the extradition of a person accused of an offence described in this Law/Act, the act constituting such offence shall, for the purposes of the [**Extradition Law/Act**], be deemed to have been committed not only in the place where it was committed but also within the jurisdiction of the requesting party to the anti-terrorism convention.

58. **Use of anti- terrorism convention as basis for extradition**

- (1) Where ... [**name of country**] is or becomes a party to an anti-terrorism convention and there is in force an extradition arrangement between the Government of ... [**name of country**] and another state which is also a party to that anti-terrorism convention, the extradition arrangement shall be deemed, for the purposes of the Extradition Law[Act], to include provision for extradition in respect of offences falling within the scope of the anti-terrorism convention.
- (2) Where... [**name of country**] is or becomes a party to an anti-terrorism convention and there is no extradition arrangement between the Government of ... [**name of country**] and another state which is a party to that anti-terrorism convention, the Minister may by Order/Regulation, published in the Gazette/Official Journal, treat the anti-terrorism convention, for purposes of the Extradition Law[Act], as an extradition arrangement between the Government of ... [**name of country**] and that state, providing for extradition in respect of offences falling within the scope of the anti-terrorism convention.

59. **Use of anti-terrorism convention as basis for mutual legal assistance in criminal matters**

- (1) Where ... [**name of country**] is or becomes a party to an anti-terrorism convention and there is in force an arrangement for mutual legal assistance in criminal matters between the Government of ... [**name of country**] and another State which is also a party to that anti-terrorism convention, the arrangement shall be deemed, for the purposes of the [**Mutual Legal**

Assistance in Criminal Matters Law/Act], to include provision for mutual legal assistance in criminal matters in respect of offences falling within the scope of the anti-terrorism convention.

- (2) Where ... **[name of country]** becomes a party to an anti-terrorism convention and there is in force no arrangement for mutual legal assistance in criminal matters between the Government of ... **[name of country]** and another State which is also a party to that anti-terrorism convention, the Minister may, by Order /Regulation published in the Gazette /Official Journal, treat the anti-terrorism convention, for the purposes of the **[Mutual Legal Assistance in Criminal Matters Law/Act]**, as an arrangement between the Government of ... **[name of country]** and that state providing for mutual legal assistance in criminal matters in respect of offences falling within the scope of that anti-terrorism convention.

60. **Offences under this Law/Act deemed not to be of a political character**

Notwithstanding anything in the **[Extradition Law/Act]** or the **[Mutual Legal Assistance in Criminal Matters Law/Act]**, an offence under this Law[Act] or an offence under any other Law[Act] where the act or omission also constitutes a terrorist act shall, for the purposes of the **(Extradition Law/Act)** or the **[Mutual Legal Assistance in Criminal Matters Law/Act]**, be deemed not to be an offence of a political character.

61. **Denial of extradition request**

Notwithstanding the provisions of this Law [Act], no person shall be extradited pursuant to this Law[Act] where the Government of ... **[name of country]** has substantial grounds for believing that a request for extradition for an offence under this Law[Act] has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons or that the person would face the risk of torture or other forms of ill-treatment, a risk of arbitrary deprivation of life or a risk of enforced disappearance.

**PART X
GENERAL PROVISIONS**

62. **Consent of Director of Public Prosecutions to institute proceedings and reporting obligations**

- (1) No prosecution under this Law [Act] in respect of a specified offence shall be instituted without the written authority of the Director of Public Prosecutions.
- (2) The Director of Public Prosecutions shall communicate the final outcome of the proceedings promptly to-
 - (a) the Secretary General of the United Nations, and the Chairperson of the African Union Commission if a person is prosecuted for an offence referred to in sections 15,16,17 or 18, so that they may transmit the information to other member states.
 - (b) the Council of the International Civil Aviation Organization, if a person is prosecuted for an offence referred to in section 10;
 - (c) the Secretary General of the International Maritime Organization, if a person is prosecuted for an offence referred to in section 14; or
 - (d) the Secretary-General of the United Nations, and the Director General of the International Atomic Energy Agency if a person is prosecuted for an offence referred to in section 17

63. **Notification in respect of persons and entities identified by United Nations Security Council and the African Union**

The Minister shall, by Proclamation/Ordinance/Decree in the Gazette/Official journal, and other appropriate means of publication, give notice that the Security Council of the United Nations, under Chapter VII of the Charter of the United Nations, or the Chairperson of the African Union has identified a specific person or entity as being-

- (a) a person or an entity that commits, or attempts to commit, any terrorist and related acts or participates in or facilitates the commission of any terrorist and related acts; or
- (b) a person or an entity against whom Member States of the United Nations or African Union shall take the actions specified in Resolutions of the said Security Council or African Union, in order to combat or prevent terrorist and related acts.

64 **The non-applicability of statutes of limitations**

No statute of limitation or similar law/Act providing for the prescription of offences after the lapse of a specified period shall apply to any offences committed under this law [Act].

65. Repeal and Amendment of Laws and Transitional provisions

- (1) The laws[Acts] amended or repealed by this Law [Act]are indicated in schedule 1 to the extent indicated.
- (2) All criminal proceedings which immediately prior to the commencement of this Law[Act] were instituted in terms of the provisions of any Law [Act] repealed or amended by this Law[Act], and which proceedings have not been concluded before the commencement of this Law [Act], shall be continued and concluded, in all respects as if this Law [Act]had not been passed.
- (3) An investigation, or prosecution or other legal proceedings, in respect of conduct which would have constituted an offence under any Law [Act] repealed or amended by this Law [Act], and which occurred after the commencement of that Law[Act] but before the commencement of this Law [Act], may be conducted, instituted and continued as if this Law [Act] had not been passed.
- (4) Notwithstanding the repeal or amendment of any provision of any law[Act] by this Law [Act], such provision shall, for the purpose of the disposal of any criminal proceedings, investigation, prosecution or legal proceedings contemplated in subsections (2) or (3), remain in force as if such provision had not been repealed or amended.

66. Power to make regulations and orders

- (1) The Minister shall prescribe regulations/orders to ensure that all Non-profit organizations that collect, receive, grant or transfer funds as part of their charitable activities do not misuse this for purposes of financing terrorism.
- (2) The Minister may generally make regulations and orders to give effect to the provisions of this Law[Act].
- (3) Regulations and orders made under this section shall be subject to affirmative resolution of Parliament /National Assembly.

SCHEDULE 1

SCHEDULE OF LAWS AMENDED OR REPEALED

[In order to be effective, this law will require the repeal or amendment of several pieces of legislation. What follows below is a list of laws which are likely to be amended or repealed and the manner in which such repeal should be done. This list is not intended to be comprehensive but merely indicative of the laws. It will be necessary to indicate quite clearly in the schedule the exact nature and extent of the amendment or repeal. Thus, if it requires the addition of a new section, then the new section should be indicated in column 4 or if it entails the repeal and replacement of certain sections of a law, this too must be indicated in column 4. An example of this is provided in the table below].

The following laws are likely to be amended or repealed:

- i) Extradition law
- ii) Criminal Code
- iii) Criminal Procedure law
- iv) National Security law
- v) Law prohibiting the proliferation of weapons of mass destruction
- vi) Law dealing with organised crimes
- vii) Law dealing with Nuclear Energy
- viii) Law regulating financial intelligence
- ix) Law regulating the interception of the interception of communications
- x) Law regulating air transport
- xi) Law regulating shipping law
- xii) Law regulating the manufacture, trading in and possession of firearms, ammunition and explosives
- xiii) Immigration law

LAW OR ACT NO	YEAR	TITLE	EXTENT OF AMENDMENT OR REPEAL
Law No 20	2008	Criminal Procedure Law	The insertion in Schedule 3 of the following offences: “The offences referred to in sections 16, 17 and 18 (in so far as it relates to the aforementioned sections) of the Anti-Terrorism Law.
Law No 9	2007	Corruption and Economic Crime Law	1. The insertion in section 1 – (a) after the definition of “enterprise” of the following definition: “entity”

			<p>has a corresponding meaning with the expression in section 3 of the Anti-Terrorism Law.</p> <p>2. Insert after the definition of “property” the following definition: “property” associated with terrorist and related activities’ means property which was acquired, collected, used, possessed, owned or provided for the benefit of, or on behalf of, or at the direction of, or under the control of any entity which commits or attempts to commit or facilitates the commission of a specified offence as defined in the Anti-Terrorism Law.</p>

SCHEDULE 2

LIST OF ACCOUNTABLE ENTITIES

Shall be considered as an accountable entity, any person or entity that conducts as a business one or more of the activities or operations listed below for or on behalf of a customer:

- 1) acceptance of deposits and other repayable funds from the public (this includes private banking);
- 2) lending(This includes *inter alia*, consumer credit, mortgage credit, factoring with or without recourse, and finance of commercial transactions);
- 3) financial leasing (this excludes financial leasing arrangements in relation to consumer products);
- 4) transfer of money or value (This applies to financial activity in both the formal and informal sector e.g. alternative remittance activity. It however does not apply to any natural or legal person who provides financial institutions solely with message or other support systems for transmitting funds);
- 5) issuance and management of means of payment(e.g., credit and debit cards, cheques, traveler's cheques, money orders and bankers' draft, electronic money);
- 6) financial guarantees and commitments;
- 7) trading in:
 - money market instruments (such as cheques, bills, certificates of deposit and derivative products);
 - foreign exchange;
 - exchange, interest rate and index instruments;
 - transferable securities;
 - commodity futures trading.
- 8) participation in securities issues and the provision of financial services related to such issues;
- 9) individual and collective portfolio management;
- 10) safekeeping and administration of cash or liquid securities on behalf of other persons;
- 11) otherwise investing, administering or managing funds or money on behalf of other persons;
- 12) underwriting and placement of life insurance and other investment related insurance (by insurance firms or brokers)
- 13) money and currency changing;
- 14) It shall also include the following non-financial businesses and professions:
 - a) Casinos, including internet casinos.
 - b) Real estate agents
 - c) Dealers in precious metals and dealers in precious stones
 - d) Lawyers, notaries and other independent legal professionals when they prepare for, carry out or engage in transactions for their client concerning the following activities;
 - buying and selling of real estate,

- managing of client money, securities or other assets,
- management of bank, savings or securities accounts,
- organization of contributions for the creation, operation or management of companies, or
- creation, operation or management of legal persons or arrangements, and buying and selling of business entities.

e) Independent accountants.

f) Trust and company service providers, that are not covered elsewhere in this law, providing the following services to third parties on a commercial basis;

- acting as a formation and registration or management agent of legal persons;
- acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;
- providing a registered office; business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;
- acting as, or arranging for another person to act as, a trustee of an express trust;
- acting as, or arranging for another person to act as, a nominee shareholder for another person; and

15) any other activities, operations businesses or professions as determined by the Minister, who may also decide that, where any of the above activities or operations is exercised by a natural or legal person on an occasional or very limited basis, having regard to quantitative and absolute criteria, such that the risk of money laundering or terrorism financing is low, the provisions of this law[Act] shall not apply, fully or partly, to that natural or legal person.

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African Centre for the Studies and Research on Terrorism (ACSRT)

2011-06-30

The African Model Anti-Terrorism Law

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