

REPUBLIC OF SOUTH AFRICA

ANTI-TERRORISM BILL

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No. 24076 of 15 November 2002)
(The English text is the official text of the Bill)*

(MINISTER FOR SAFETY AND SECURITY)

[B 12—2003]

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BILL

To give effect within the Republic to the relevant international instruments relating to terrorism; to provide for offences relating to terrorist acts; and for measures designed to combat terrorism; and to provide for matters connected therewith.

PREAMBLE

WHEREAS there is a world-wide occurrence of acts of terrorism in all its forms and manifestations;

AND WHEREAS terrorism is an international problem which 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 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 terrorist acts are under any circumstances unjustifiable, no matter what considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature may be invoked to justify them;

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 Republic supports the efforts of the international and regional communities to eliminate terrorism;

AND WHEREAS the Republic recognises its obligation to prevent its territory becoming a stage for the planning, organisation or execution of terrorist acts and its obligation to prevent terrorist elements from infiltrating or taking up residence on its soil, or being received, harboured, trained, or funded, or offered any kind of help or facilities;

AND WHEREAS terrorism presents a serious threat to the security of the Republic and the safety of the public;

AND WHEREAS the United Nations Security Council has adopted resolutions binding on member states of the United Nations, to combat terrorism and in particular terrorist bombings and the financing of terrorism;

AND WHEREAS the United Nations has urged all states to enact appropriate domestic legislation necessary to implement the provisions of relevant conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to co-operate with and provide support and assistance to other States and relevant international and regional organisations to that end;

AND WHEREAS the Republic shares the commitment to prevent and combat terrorism with the African Union and the Non-Aligned Movement as expressed in various resolutions as well as the Organisation of African Unity's Convention on the Prevention and Combating of Terrorism;

AND MINDFUL that the Republic, has since 1994, become a legitimate member of the community of nations and is committed to bringing to justice persons who commit such terrorist acts; and to carrying out its obligations in terms of the international conventions on terrorism;

AND WHEREAS legislation is necessary in the Republic to prevent and combat terrorism, to criminalise terrorist acts, the financing of terrorist acts and the giving of support to terrorists, and to ensure that the jurisdiction of South African courts enables it to bring to trial the perpetrators of terrorist acts,

B E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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SCHEDULE 1

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SCHEDULE 2**CHAPTER 1****INTERPRETATION****Definitions**

1. In this Act, unless the context indicates otherwise— 15
- “**accountable institution**” means a person referred to in Schedule 1 to the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001);
- “**continental shelf**” means the continental shelf referred to in section 8 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);
- “**convention offence**” means an offence listed in Schedule 1; 20
- “**Director**” means a Director of Public Prosecutions as defined in section 1 of the National Prosecuting Authority Act, 1998 (Act No. 32 of 1998);
- “**Financial Intelligence Centre**” means the Financial Intelligence Centre established by section 2 of the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001); 25
- “**internationally protected person**” means a person who enjoys immunities and privileges in terms of sections 3 to 6 of the Diplomatic Immunities and Privileges Act, 2001 (Act No. 37 of 2001), or on whom such immunities and privileges have been conferred in terms of section 7 of that Act;
- “**judge**” means a Judge of the High Court; 30
- “**Minister**” means the Minister for Safety and Security;
- “**National Director**” means the National Director of Public Prosecutions appointed in terms of section 179(1) of the Constitution;
- “**police officer**” means a member of the South African Police Service as defined in the South African Police Service Act, 1995 (Act No. 68 of 1995), and includes a member of the South African National Defence Force while deployed in the Republic on police functions as contemplated in section 3(2)(b) of the Defence Act, 1957 (Act No. 44 of 1957); 35
- “**property**” means real or personal property of any description, whether tangible or intangible; 40
- “**terrorist act**” means an unlawful act, committed in or outside the Republic;
- “**terrorist organisation**” means an organisation declared as such under section 14 which is—
- (a) a convention offence; or
- (b) likely to intimidate the public or a segment of the public; 45

CHAPTER 2

MEASURES RELATING TO OFFENCES

Offences and Penalties

2. (1) Any person who—
- (a) commits or threatens to commit a terrorist act; 5
 - (b) conspires with any person to commit or bring about a terrorist act; or
 - (c) incites, commands, aids, advises, encourages or procures any other person to commit or bring about a terrorist act,
- is guilty of an offence and liable on conviction to imprisonment which may include imprisonment for life. 10
- (2) Any person who knowingly facilitates the commission of a terrorist act is guilty of an offence and liable on conviction to imprisonment which may include imprisonment for life.
- (3) Any person who becomes or remains a member of a terrorist organisation after the date on which it is declared as such is guilty of an offence and liable on conviction to imprisonment for a period not exceeding 15 years. 15
- (4) Any person who knowingly does anything to support a terrorist organisation economically or in any other way is guilty of an offence and liable on conviction to imprisonment for a period not exceeding 15 years.
- (5) (a) Any person is guilty of an offence if he or she knowingly— 20
- (i) harbours or fails to report to the authorities the presence of a member of a terrorist organisation;
 - (ii) furnishes weapons, food, drink, transport or clothing to a member of a terrorist organisation;
 - (iii) receives any benefit from a terrorist organisation or any member of such an organisation; or 25
 - (iv) carries out any instruction or request by a terrorist organisation or any member of such an organisation on its behalf.
- (b) Any person convicted of an offence contemplated in paragraph (a) is liable to imprisonment for a period not exceeding 15 years. 30
- (6) Any person who fails to comply with section 15 or 16 is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 10 years or to both a fine and such imprisonment.
- (7) (a) Any person is guilty of an offence if he or she— 35
- (i) fails to comply with an instruction of a police officer in the exercise of his or her powers under section 6; or
 - (ii) wilfully obstructs a police officer in the exercise of those powers.
- (b) Any person convicted of an offence contemplated in paragraph (a) is liable to a fine, or imprisonment for a period not exceeding six months.

Offences relating to internationally protected persons 40

3. Whenever a person is convicted of an offence involving an act committed against the person or property of an internationally protected person, the court must treat the fact that the victim is an internationally protected person as an aggravating factor in passing sentence.

Jurisdiction in respect of offences 45

4. (1) A court of the Republic has jurisdiction in respect of any offence referred to in this Act, if—
- (a) the accused was arrested in the territory of the Republic, or in its territorial waters or on board a ship or aircraft registered in the Republic; or
 - (b) the offence was committed— 50
 - (i) in the territory of the Republic;
 - (ii) on board a vessel, a ship, an installation in the sea over the continental shelf or an aircraft registered in the Republic at the time the offence was committed;
 - (iii) by a citizen of the Republic or a person ordinarily resident in the Republic; 55

- (iv) against the Republic, a citizen of the Republic or a person ordinarily resident in the Republic;
 - (v) on board an aircraft in respect of which the operator is licensed in terms of the Air Services Licensing Act, 1990 (Act No. 115 of 1990), or the International Air Services Act, 1993 (Act No. 60 of 1993); or 5
 - (vi) against a government facility of the Republic abroad, including an embassy or other diplomatic or consular premises, or any other property of the Republic; or
 - (c) the evidence reveals any other basis recognised by law.
- (2) Whenever the National Director receives information that a person who is alleged to have committed an offence under this Act, may be present in the Republic, the National Director must— 10
- (a) order an investigation to be carried out in respect of that allegation;
 - (b) inform any other foreign States which might also have jurisdiction over the alleged offence promptly of the findings of the investigation; and 15
 - (c) indicate promptly to other foreign States, which might also have jurisdiction over the alleged offence, whether he or she intends to prosecute.
- (3) If a person is taken into custody to ensure the person's presence for the purpose of prosecution or extradition to a foreign State the National Director must, immediately after the person has been taken into custody, notify any foreign State which might have jurisdiction over the offence in question either directly or through the Secretary-General of the United Nations, of the— 20
- (a) fact that the person is in custody; and
 - (b) circumstances that justify the person's detention.
- (4) If the National Director declines to prosecute, he or she must notify any foreign State which might have jurisdiction over the offence in question accordingly. 25

Bail

5. Notwithstanding anything to the contrary in any law, where an accused is in custody for an offence under this Act, the provisions relating to bail contained in the Criminal Procedure Act, 1977 (Act No. 51 of 1977), apply as if the accused were charged with an offence referred to in Schedule 6 to that Act. 30

Power to stop and search vehicle and person

6. (1) If, on application *ex parte* by a police officer of the South African Police Service or above the rank of director, it appears to the judge that it is necessary in order to prevent terrorist acts, the judge may issue a warrant for the stopping and searching of vehicles and persons with a view to preventing such acts, and such warrant applies for the period specified therein not exceeding 10 days. 35

(2) Under such warrant any police officer who identifies himself or herself as such may stop and search any vehicle or person for articles or things which could be used or have been used for or in connection with preparation for or the commission or instigation of any terrorist act. 40

(3) The police officer may seize any article or thing contemplated in subsection (2) and Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes required by the context in respect of any such article or thing.

(4) Section 29 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies in respect of the powers conferred upon police officers in terms of this section. 45

Consent of National Director to institute proceedings

7. (1) No prosecution under this Act may be instituted except with the consent of the National Director.

(2) A person alleged to have committed any offence under this Act may be arrested, or a warrant for the person's arrest may be issued and executed, and the person may be remanded in custody or on bail, even though the consent of the National Director has not yet been obtained. 50

(3) If a person is prosecuted for any offence contained in section 2(1) to (5), the National Director must communicate the final outcome of the proceedings promptly to the Secretary-General of the United Nations, so that he or she may transmit the information to other members of the United Nations. 55

CHAPTER 3

INVESTIGATIVE HEARINGS

Order for gathering information

8. (1) Subject to subsection (3), a police officer may, for the purpose of investigating an offence under this Act, apply *ex parte* to a judge for an order for the gathering of information. 5

(2) A police officer may make an application under subsection (1) only if the prior written consent of the National Director has been obtained.

(3) A judge to whom an application is made under subsection (1) may make an order for the gathering of information if there are reasonable grounds to believe that— 10

- (a) an offence in terms of this Act has been committed;
- (b) material information concerning the offence, or information that may reveal the whereabouts of a person suspected by the police officer of having committed the offence, is likely to be obtained as a result of the order; and
- (c) all other reasonably possible avenues for obtaining the information have been tried without success. 15

(4) An order made under subsection (3) may—

- (a) allow the examination, on oath or affirmation, of a person named in the order;
- (b) require the person to attend at a place, mentioned in the order, for the examination and to remain in attendance until excused by the presiding judge; 20
- (c) require the person to bring to the examination a particular thing in his or her possession or control and to produce it to the presiding judge;
- (d) designate another judge as the judge before whom the examination is to take place; and
- (e) include any other terms or conditions that are desirable, including terms or conditions for the protection of the interests of the person named in the order and of third parties or for the purposes of any ongoing investigation. 25

(5) A judge may vary the terms and conditions of an order for the gathering of information.

Warrant for arrest 30

9. (1) A judge contemplated in section 8(3) may issue a warrant for the arrest of the person named in an order for the gathering of information if the judge is satisfied, on information in writing and under oath, that the person—

- (a) is evading service of the order;
- (b) is about to abscond; or 35
- (c) did not attend the examination, or did not remain in attendance, as required by the order.

(2) A warrant issued under subsection (1) may be executed at any place in the Republic by any police officer having jurisdiction in that place.

(3) A police officer who arrests a person in the execution of a warrant issued under subsection (1) must, without delay, cause the person to be brought before a judge who must promptly inform the person of the reason for being detained in custody. 40

Detention or release on bail or warning

10. (1) The judge contemplated in section 9(3) may order that the person referred to in section 9 be detained in custody or be released on bail or on warning. 45

(2) If the person is to be detained, the judge must inform the person that he or she has the right—

- (a) to retain and instruct a legal practitioner at any stage of the proceedings;
- (b) to communicate and be visited by his or her— 50
 - (i) spouse, partner or next of kin;
 - (ii) chosen religious counsellor; and
 - (iii) chosen medical practitioner.

Obligation to answer questions and produce things

11. (1) A person named in an order made under section 8 must answer questions put to him or her by the National Director or a person representing the National Director, and must produce to the presiding judge things that the person was ordered to bring, but may refuse if answering a question or producing a thing would disclose information that is protected by any law relating to non-disclosure of information or to privilege. 5

(2) The presiding judge must rule on any objection or other issue relating to a refusal to answer a question or to produce a thing.

(3) No person may be excused from answering a question or producing a thing under subsection (1) on the ground that the answer or thing may incriminate the person or subject the person to any proceedings or penalty, but— 10

(a) no answer given or thing produced; and

(b) no evidence derived from the answers given or things produced, may be used or received against the person in any criminal proceedings, other than a prosecution under section 319(3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or on a charge of perjury. 15

Order for custody of thing

12. The presiding judge, if satisfied that any thing produced during the course of the examination will be relevant to the investigation of any offence under this Act, may order that the thing be placed into the custody of the relevant police officer or someone acting on behalf of that police officer. 20

Power of court with regard to recalcitrant witness

13. (1) Section 189 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes required by the context in respect of a person contemplated in section 8. 25

(2) A person referred to in subsection (1) who refuses or fails to give the information contemplated in section 8, may not be sentenced to imprisonment as contemplated in section 189 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), unless the judge is satisfied that the furnishing of such information is necessary for the administration of justice or the maintenance of law and order. 30

CHAPTER 4

MEASURES TO COMBAT TERRORISM

Part 1

Combating Support for Terrorist Organisations

Declaration of terrorist organisation 35

14. (1) The Minister may declare an organisation to be a terrorist organisation by notice in the *Gazette* if that organisation is an international terrorist organisation in terms of a decision of the Security Council of the United Nations.

(2) Subject to this section, the Minister may also declare an organisation to be a terrorist organisation by notice in the *Gazette* if there are reasonable grounds for believing that the organisation or any of its members on its behalf has— 40

(a) claimed responsibility for a terrorist act; or

(b) committed a terrorist act; or

(c) endangered the security or territorial integrity of the Republic or another country. 45

(3) Before acting in terms of subsection (2) the Minister must publish a notice in the *Gazette* stating—

(a) that he or she intends to declare the organisation named in the notice as a terrorist organisation;

(b) the grounds for such declaration; and 50

(c) that the organisation or any member thereof may apply within 60 days to the High Court for an interdict prohibiting the proposed declaration.

(4) Any member of the organisation contemplated in subsection (3) may, within 60 days after the publication of a notice in terms of subsection (3), apply to the High Court for an interdict prohibiting the proposed declaration.

(5) If no application for an interdict has been made within the period of 60 days or if the Court refuses to grant the interdict, the Minister may declare the organisation to be a terrorist organisation by notice in the *Gazette*. 5

(6) If the Court grants the interdict the Minister may, on notice to the person who obtained the interdict, apply to the High Court for an order—

(a) revoking the interdict; and

(b) empowering the Minister to declare the organisation to be a terrorist organisation by notice in the *Gazette*. 10

(7) The notice in the *Gazette* contemplated in subsections (5) and (6) must state any details known to the Minister which might enable members of the public to identify the organisation, its office bearers and its members.

Determination by accountable institution 15

15. Whenever an organisation is declared a terrorist organisation in terms of section 14, every accountable institution must determine whether it is in possession or control of property owned or controlled by or on behalf of such organisation and must, if so, report that fact forthwith to the Financial Intelligence Centre.

Duty to report on property of terrorist organisation 20

16. (1) An accountable institution which or a person who has control over property owned by or on behalf of a terrorist organisation or information about a transaction or proposed transaction in respect of such property must, as soon as the person or accountable institution or person learns of this fact, report it to the Financial Intelligence Centre and provide the particulars required by the Centre. 25

(2) The director of the Centre may direct an accountable institution which has made a report in terms of subsection (1) to report—

(i) at such intervals as may be determined in the direction, that it is still in possession or control of such property; and

(ii) any change in the circumstances concerning the accountable institution's possession or control of that property. 30

Applicability of rules relating to confidentiality

17. (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, affects compliance by an accountable institution or any other person with sections 15 and 16. 35

(2) Subsection (1) does not apply to the common law right to legal professional privilege as between an attorney and client in respect of communications made in confidence for the purpose of legal advice or litigation which is pending or contemplated or which has commenced. 40

Protection of person making report

18. (1) No action, whether criminal or civil, lies against an accountable institution or any other person complying in good faith with section 15 or 16.

(2) A person who has made, initiated or contributed to a report in terms of section 15 or 16 or the grounds for such a report, is competent, but not compellable, to give evidence in criminal proceedings arising from the report. 45

(3) No evidence concerning the identity of a person who has made, initiated or contributed to a report in terms of section 15 or 16 or who has furnished additional information concerning such a report or the grounds for such a report in terms of this Act, or the contents or nature of such additional information or grounds, is admissible as evidence in criminal proceedings unless that person testifies at those proceedings. 50

*Part 2***Preservation and Forfeiture of Property of Terrorist Organisations****Application of Act 121 of 1998 to property of terrorist organisation**

- 19.** (1) The Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), applies to property belonging to or controlled by or on behalf of a terrorist organisation. 5
- (2) For the purposes of subsection (1)—
- (a) “instrumentality of an offence” as defined in section 1 of that Act is deemed to include property belonging to or controlled by or on behalf of a terrorist organisation declared under section 14; and
- (b) “proceeds of unlawful activities” as defined in section 1 of that Act is deemed to include property belonging to or controlled by or on behalf of a terrorist organisation declared under section 14. 10

CHAPTER 5**GENERAL PROVISIONS****Regulations** 15

- 20.** The Minister may make regulations concerning any—
- (a) matter that may or must be prescribed in terms of this Act; and
- (b) other matter which it is necessary or expedient to prescribe for the proper implementation of this Act.

Additions to Schedule 1 20

- 21.** The Minister may, by notice in the *Gazette*, add to Schedule 1 any convention offence contemplated in a Convention or Protocol dealing with terrorism which is approved by Parliament after the date on which this Act takes effect.

Amendment and repeal of laws

- 22.** The laws set out in Schedule 2 are hereby amended or repealed to the extent indicated in the third column of that Schedule. 25

Short title and commencement

- 23.** This Act is called the Anti-Terrorism Act, 2003, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

SCHEDULE 1**CONVENTION OFFENCES: SECTION 1**

- (a) Interfering with or seizure or exercising control of an aircraft as contemplated in Article 11 of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.
- (b) Seizure or exercising control of an aircraft as contemplated in Article 1 of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.
- (c) Performing acts of violence on or damaging or destroying an aircraft as contemplated in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.
- (d) Murdering, kidnapping or attacking an internationally protected person or endangering his or her person or liberty as contemplated in Article 1 of the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents, adopted by the General Assembly of the United Nations on 17 December 1973.
- (e) Receiving, possessing, using, transferring, altering, disposing or dispersing nuclear material as contemplated in Article 7 of the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980.
- (f) Performing an act of violence at an airport or destroying or damaging the facilities of an airport as contemplated in Article II of the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988.
- (g) Manufacturing unmarked explosives as contemplated in Article 2 of the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.
- (h) Delivering, placing, discharging or detonating an explosive or other lethal device as contemplated in Article 2 of the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.
- (i) Committing a terrorist act as contemplated in section 1 of the Organisation of African Unity Convention on the Prevention and Combating of Terrorism, adopted by the Organisation of African Unity in Algiers on 14 July 1999.
- (j) Providing or collecting funds to be used to carry out a terrorist act as contemplated in Article 2 of the International Convention on the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on 9 December 1999.

SCHEDULE 2

SCHEDULE OF LAWS AMENDED OR REPEALED: SECTION 22

Act No	Year	Title	Extent of amendment or repeal
74	1982	Internal Security Act	The repeal of the whole Act.
38	2001	Financial Intelligence Centre Act	<p>1. The substitution for the long title of the following long title:</p> <p>“To establish a Financial Intelligence Centre and a Money Laundering Advisory Council in order to combat money laundering activities <u>and the financing of terrorist acts</u>; to impose certain duties on institutions and other persons who might be used for money laundering purposes <u>and the financing of terrorist acts</u>; to amend the Prevention of Organised Crime Act, 1998, and the Promotion of Access to Information Act, 2000; and to provide for matters connected therewith.”.</p> <p>2. The insertion in section 1 after the definition of “supervisory body” of the following definition:</p> <p>“ ‘terrorist act’ means a terrorist act as defined in section 1 of the Anti-Terrorism Act, 2003.”.</p> <p>3. The substitution for section 3(1) of the following subsection:</p> <p>“(1) The principal objective of the Centre is to assist in the identification of the proceeds of unlawful activities <u>and the combating of money laundering activities and terrorist acts</u>.”.</p> <p>4. The substitution for section 18(1)(a)(i) of the following subparagraph:</p> <p>“(i) policies and best practices to identify the proceeds of unlawful activities and to combat money laundering activities <u>and terrorist acts</u>; and”.</p> <p>5. The substitution for the heading to Chapter 3 of the following heading:</p> <p>“<u>MONEY LAUNDERING AND FINANCING OF TERRORIST ACTS CONTROL MEASURES</u>; and”.</p> <p>6. The substitution in section 35(1) for paragraphs (a) and (b) of the following paragraphs, respectively:</p> <p>“(a) that person has transferred or may transfer the proceeds of unlawful activities to the accountable institution or is using or may use the accountable institution for money laundering purposes <u>or for the financing of terrorist acts or for the purpose of any transaction contemplated in section 29(1)(b)</u>; or</p> <p>(b) that account or other facility has received or may receive the proceeds of unlawful activities or is being or may be used for money laundering purposes <u>or for the financing of terrorist acts or for the purpose of any transaction contemplated in section 29(1)(b)</u>.”.</p>

MEMORANDUM ON THE OBJECTS OF THE ANTI-TERRORISM BILL, 2003

BACKGROUND

1. Recent acts of terrorism and international and regional obligations arising from acts of terrorism necessitate new legislation on terrorism in the Republic. The international and regional obligations are contained in a number of instruments on terrorism ratified by the Republic.

OBJECTS

2.1 The Bill seeks to provide for the international and regional obligations of the Republic as part of South African domestic law.

The Bill further seeks to provide for extended jurisdiction of the courts in relation to acts of terrorism, as required by the said international instruments and to give effect to the principle of “**extradite or prosecute**” as required by the relevant international instruments.

2.2 The Bill seeks to introduce measures to enable the Republic to act effectively against the financing of terrorism, including mechanisms regarding reporting of suspected incidents of financial and other support for terrorist organisations, as well as provisions on the seizure and forfeiture of terrorist property and the declaration of organisations as terrorist organisations.

2.3 The Bill also seeks to facilitate the investigation of terrorist acts by providing for investigative hearings and powers of search and seizure.

CONSULTATION

3. This Bill is the result of a comprehensive review of the law relating to terrorism conducted by the South African Law Commission during which extensive consultation took place.

FINANCIAL IMPLICATIONS FOR STATE

4. Since use is made of existing structures such as those contained in the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), and the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001), no significant financial implications for the State are foreseen.

PARLIAMENTARY PROCEDURE

5. The South African Police Service and the State Law Advisers are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provision to which the procedures set out in section 74 or 76 of the Constitution apply.

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