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June 17, 2002

Ms Doris Chan
Clerk to Bills Committee
Legislative Council
Hong Kong Special Administrative Region of the PRC
Central
Hong Kong

Dear Ms Chan:

Re: Comments on the United Nations (Anti-Terrorism Measures) Bill

I am pleased to provide you with my personal comments on the above-mentioned Bill.

A. Scheme for Specifying and Revoking 'Terrorist, Terrorist Associate and Terrorist Property' Notices (s. 4, 16)

1. The Administration has not chosen a scheme involving prior judicial authorization; instead, the specifications of 'terrorist', 'terrorist associate' and 'terrorist property' are made by the executive on an undemonstrated basis of "reasonable grounds to believe". It is left to affected individuals to bring applications before a judge to have the Chief Executive's specification reviewed in the Court of First Instance (CFI).

2. In considering whether this is an acceptable scheme, it is important to note the implications of specifying someone as a 'terrorist' or 'terrorist associate' and something as 'terrorist property'. It is to be noted that these implications follow irregardless of whether the specified individual has already been convicted and punished for the offences forming the basis of the specification. The implications are many and serious:

(a) all property of a specified terrorist and terrorist associate is liable to be seized and forfeited (s. 13, Schedule 3: s. 2);

(b) all property of a specified terrorist and terrorist associate is liable to be restrained, without prior judicial authorization, and forfeited (ss. 5, 13, 19);

(c) the homes, vehicles and bodies of specified terrorists and terrorist associates are liable to be searched without warrant for the purpose of identifying terrorist property (Schedule 3: s. 2);

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(d) when terrorist property is found on an aircraft, ship, vehicle, or in any place or premises, all other persons on or in the same aircraft, ship, vehicle, place or premises may be detained and searched (Schedule 3: s. 2);

(e) all specified terrorists and terrorist associates can be detained and searched by an authorized officer at any time (on the reasonable assumption that the specified person will generally have some kind of property in his or her physical possession) (Schedule 3: s. 2(f));

(f) all persons who have had commercial dealings with a specified terrorist or terrorist associate (whether they knew that person's specified status or not) may have to forfeit any property given to them by the specified persons (s. 2: part (b)(ii) of "terrorist property", s. 13);

(g) all persons who have had commercial dealings with specified persons will have legal duties to report their knowledge of or reasonable grounds to suspect the existence of terrorist property (s. 11).

3. Given the significant implications for human rights and property rights of both specified and non-specified individuals, the scheme must provide sufficient safeguards to prevent abuse and undue impairment of rights. In principle, there is nothing inherently wrong with the executive listing of specified persons and property. Indeed many countries have chosen to implement Security Council Resolution 1373 in this manner. This kind of system offers a very expeditious means of securing the objectives of Resl'n 1373 and has an effective way of integrating with the existing system of designation used by the Security Council Committee. But such a system will only be acceptable if it provides adequate in-built safeguards. Imposing the burden of proof on the government to justify its specification when an application is brought by an affected person is a good and necessary safeguard. However, having regard to all the serious implications of the proposed system, I believe there are more safeguards that should be in place:

(a) The three year expiry period is too long. One of the most important purposes of having an expiry date is that it forces the Administration to review its original determination and to correct any errors originally made. This error-correction function is essential and should not have to wait three years. As well, a short expiry period will also force the Administration to keep its list current with the designations of the Security Council Committee or any other body or country. ***It is recommended that the expiry period be shortened to one or two years at most.***

(b) When an application is brought under s. 16, it is clear that the Secretary for Justice carries the burden of proof to justify the continued specifications. However, it is not clear what the standard of proof should be. ***If it is intended that the standard should be the civil standard of balance of probabilities, then it is best to spell this out, possibly right after the words "unless it is satisfied" in s. 16(2)(b).*** One reason for this is that these proceedings are rather extraordinary, and I am sure the judiciary would appreciate as much guidance as possible. But more importantly, I think by spelling out this standard, it highlights the important onus on the government to produce admissible evidence to

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convince a judge that the Chief Executive (CE) had reasonable grounds to believe. In other words, the nature of the review should not be to simply 'rubber-stamp' the reasons given by the CE but to assess the credibility and truth-worthiness of the evidence tendered to determine if grounds to believe genuinely existed and whether those grounds were reasonable.

(c) In cases where an application is granted under s. 16, it is unclear who has the decisive power to revoke a notice. Is it the CFI under s. 16(3)(b) or the CE under s. 4(6)? ***If it is intended to be the former, then sub-paragraph 4(6)(b)(ii) should be deleted to avoid confusion.*** From the point of view of safeguards, this is a necessary amendment.

(d) Under the present scheme, there is nothing to prevent the CE from re-specifying a person or property, which has already been the subject of a revocation order made by the CFI. Conceivably, rather than trying to appeal an unfavourable ruling [assuming such a right of appeal exists], the government could simply try to have the CE re-specify the person or property without there having been any material change in circumstances. Arguably such conduct could constitute an abuse of process, but realistically to achieve such vindication would require an applicant to bring another court proceeding. ***To prevent such abuses, it is recommended that there be some limits imposed on the ability of the CE to re-specify persons or property previously the subject of a revoked notice.*** Perhaps the most reasonable limit is to ***require that there be a material change in circumstances before the re-specification can take place***.

B. Scheme for Freezing Terrorist Funds

4. A scheme similar to the one used for specification is used for freezing terrorist funds. Given the nature of the power involved and the immediate interference with property rights, there are inherent difficulties with using a scheme, which does not require any prior judicial authorization, for freezing assets. Indeed, under the existing money laundering laws of Hong Kong (i.e. Drug Trafficking (Recovery of Proceeds) Ordinance & Organized and Serious Crimes Ordinance), restraint and charging orders can only be obtained with prior authorization from a judicial officer who makes his or her decision upon sworn information. Also, within the Bill itself, where it provides for the search and seizure of terrorist property in a specific place or premise, it contemplates the prior issuance of a warrant by a magistrate unless impracticable (see Schedule 3: s. 2). What makes the scheme even more alarming is that the Secretary for Security can freely delegate her powers to "any person" with or without restrictions (s. 15(3)).

5. From the Administration's perspective, the justification for using such a scheme would probably lie in the need to take expeditious and effective steps to restrain terrorist funds. As well, it might be pointed out that the practical effect of executing a direction to freeze involves little or no inference with an individual's bodily integrity or privacy – unlike search warrants. Accepting for the moment this justification (especially having regard to the latter point), if this scheme is to be credible, as with the specification scheme, there must be adequate safeguards to prevent abuse and minimize interference with rights. From this perspective, the present proposal is lacking in many respects:

(a) The only way to access frozen funds pending forfeiture or revocation is by way of "the authority of a licence granted by the Secretary for the purposes of this section" (s. 5(1)). In other words, there is no way to go before a court to try to obtain partial release of the funds (for legitimate purposes) or a variation of the conditions of the direction. The only option is to try to seek relief from the very adversarial party that sought the freeze in the first place. This is unacceptable from a natural justice point of view. ***Without a means to seek relief from an impartial arbiter, I believe the present scheme risks violating Article 10 (right to an independent and impartial tribunal) of the Hong Kong Bill of Rights and Article 35 (right of access to courts and judicial remedies) of the Basic Law.***

(b) The expression "authority of a licence…for the purposes of this section" is an ambiguous expression; it is given no elaboration in the Bill, and there seems to be no indication that such elaboration will be forthcoming in subsidiary legislation. There are a number of problems with this lack of direction:

1. Affected persons need to know if they can obtain a licence to access the funds for legitimate purposes (such as for paying reasonable living and legal expenses). The discretionary practice of releasing restrained or charged property for these purposes under the existing money laundering regime is well established (see Order 115, r. 4 of the Rules of the High Court). It is to be noted that the restraint power under the Bill is quite broad as it encompasses all property of a specified terrorist or terrorist associate – the property is tainted by mere association with the specified person. Thus, ***there is good reason to offer some mitigation from the possible harsh consequences of these measures from the point of view of legal representation and the innocent family dependents of the affected persons.***

2. Innocent third parties who have ignorantly had commercial dealings with terrorists and terrorist associates need to know if their acquired property is safe. The definition of 'terrorist property' is exceptionally broad and includes funds that were "used to finance or otherwise assist the commission of a terrorist act". It is conceivable that the money paid by a terrorist to a third party supplier of goods (e.g. plane, car, etc.) which are ultimately used in a terrorist act will be considered 'terrorist property' regardless of whether the supplier knew or had reasonable grounds to suspect the malevolent intentions of the purchaser. ***It is recommended that the funds acquired by innocent suppliers be exempted from the freezing scheme.***

3. ***The clause which qualifies the power to grant a licence, (i.e. "for the purposes of this section") is unclear and should be deleted.*** There is a risk that this clause will be used in an arbitrary fashion to prevent the access to frozen funds for legitimate purposes.

(c) As remarked in relation to the specification scheme, the three year expiry date is much too long. Under the freeze scheme, there is a greater reason for imposing a

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shorter expiry period: the ability to forfeit 'terrorist property' under s. 13. In other words, a shorter expiry period will force the government to act diligently either in seeking forfeiture or to release frozen funds if there are insufficient grounds to bring a forfeiture case. ***It is recommended that freeze notices should expire at six months or a year unless proceedings have been brought under s. 13 to have the funds forfeited.***

(d) As with the specification scheme, there is a lack of clarity concerning who has the decisive power to revoke. ***It is recommended that subparagraph 5(2)(b)(ii) be deleted.***

(e) As remarked in relation to the specification scheme, where a court revokes a notice to freeze funds, there must be limits imposed on the ability of the Secretary for Security to re-freeze those same funds. ***It is recommended that the hurdle of finding a 'material change in circumstances' be added.***

(f) Not all funds frozen by notice will already be in an interest bearing account. As with seized funds (see s. 4 of Schedule 3), the Secretary for Justice should be given the power to direct that the funds be deposited into an interest bearing account. ***Without taking such steps to preserver the value of the asset, it could very well be that if the direction to freeze turns out to be unjustified, the government will be liable to pay the innocent party the interest that could have been earned during the period of restraint.***

C. Scheme for Freezing Property Other than Funds

6. The scheme for executive freezing of terrorist property other than funds suggested in s. 19 is similar to the scheme for freezing funds, but it suffers from the same deficiencies and has even more shortcomings given its lack of elaboration.

7. One fundamental difference in the two schemes is that under s. 19, property is frozen by way of subsidiary legislation made by the Secretary for Secretary rather than by way of written notice. One consequence of this difference is that s. 16, which provides for court review of the Secretary's decision, is unavailable to affected persons. Indeed it is unclear if there will be any means to have statutory judicial review of the freezing regulations. Section 19(2) states that the regulations may provide for applications to be made to, and orders to be made by, the CFI "for the purposes mentioned in subsection (1)". Those purposes would seem to include only the power to freeze subject to a licence – there is no obvious power to revoke mentioned in subsection (1). ***It is recommended that there be greater clarification in the main body of the legislation as to the availability of judicial review***.

8. There is a complete absence of any safeguards in s. 19, and there is no indication that safeguards will be forthcoming in the regulations. It is recommended that provisions be added either in the main body of the legislation or in the regulations to ensure adequate safeguards against the abuse of executive power and undue interference with rights. ***In particular, safeguards providing for a reasonable expiry period, notice to affected persons, judicial review and supervision, release of property for legitimate purposes, re-freezing of property only after a material change in circumstances, should be included.***

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9. Finally, ***I think the Administration should reconsider its approach of using regulations to freeze property other than funds***. It strikes that this move has been driven more by expediency than by logic or principle. I do not believe there is any essential difference between a scheme to freeze funds and a scheme to freeze property other than funds. Both involve such extreme powers that they deserve elaboration in primary legislation rather than mere subsidiary legislation. And the scheme for freezing other property requires elaboration **now** in order for legislators to make an informed decision as to whether to accept the Bill in its entirety. It should not be assumed that a scheme of this importance is a matter of mere detail to be worked out in the future.

D. The Prohibitions

10. In principle, I have some reservations about the imposition of the quasi-objective forms of liability in the offences set out in ss. 6 to 8. This is especially so when Resol'n 1373 only requires criminalization on purely subjective *mens rea* standards. Nevertheless, I recognize that these standards will not depart from the norm in Hong Kong in respect of existing money laundering offences.

11. Operative paragraph 1(a) of Resl'n 1373 requires all States to "prevent and suppress the financing of terrorist acts". I wonder if the Administration has done all that is possible to give effect to this requirement. Particularly, do the existing provisions do enough to prevent carelessness on the part of possible lending agents or institutions in identifying a terrorist or terrorist associate whose name appears on the CE's notices***? It may be necessary to create a regulatory offence to ensure that persons in a position to lend or leverage funds take reasonable care (at minimum) to check for the client's name on the CE's notices.*** Given that this would be an offence with a purely objective standard of *mens rea*, I would not impose any penal sanction but rather a significant fine to convey the need to exercise due diligence.

E. The Reporting Duty and Offence

12. The reporting obligation and offence in s. 11 follows the same format and standards proposed for similar offences in the Drug Trafficking and Organized Crimes (Amendment) Bill 2000. When considering s. 11, one quickly realizes some very significant problems when it comes to the disclosures expected of legal counsel in respect of the affairs of their clients. Given the very broad definition of 'terrorist property', whenever a specified terrorist or terrorist associate (and possibly members of their immediate family) retain a lawyer for any matter, that lawyer will have to disclose any information he or she comes across regarding the client's property. And given the 'tipping off' prohibition in s. 11(4), these disclosures will likely be secret. ***These obligations, if taken seriously, pose significant intrusions on the traditional solicitor-client relationship and will probably adversely affect the ability of specified persons to obtain confidential legal assistance. Such consequences may have Bill of Rights and Basic Law implications.***

13. Other jurisdictions have taken this problem quite seriously. For example, in Canada, following the introduction of similar reporting duties on lawyers in 2001, the law societies

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across the country applied for court exemptions in each province from having to comply with the obligations pending a court challenge to their constitutional validity. (See website of the Federation of Law Societies of Canada for more details: http://www.flsc.ca/english/whatsnew/whatsnew.htm) Many, if not all, of the courts hearing these applications granted these temporary exemptions. The comments by one of the judges in these cases are instructive in setting out the importance of the issue:

> In imposing a duty on legal practitioners to give secret reports of their clients' transactions to a government agency, the legislation clearly impinges on, and alters, the traditional relationship between solicitors, or counsel, and their clients. It does not merely override a lawyer's ethical duty of confidentiality – something that has always been possible in legal proceedings with respect to matters not subject to solicitor-client privilege – it strikes at the lawyer's duty of loyalty and the client's privilege against self-incrimination as well as the principle that lawyers should be independent of government. The duty of loyalty is affected not only by the obligation to make secret reports to government about a client's transactions and personal details but, also, because of the inevitable involvement of the lawyer's personal interests and potential liability to severe penalties when decisions whether to report are to be made. [*Federation of Law Societies of Canada* v. *Attorney General of Canada* (2002), 57 O.R. (3d) 383 at 400 (S.C.J., per Cullity J.)]

14. Recognizing the importance of this issue, ***it is recommended that there be an exemption from disclosure in situations where the legal advisor genuinely believes the disclosure will undermine the trust and confidentiality in the relationship that is essential to the effective representation of the client.***

F. Powers to Obtain Evidence and Information

15. ***Subsection 12(2) should make clear that Schedule 3 enables property "reasonably" suspected of being terrorist property to be seized and detained.*** At present, it seems to suggest that Schedule 3 tolerates a standard of mere suspicion, which is not true.

16. I have a number of concerns about the powers contained in Schedules 2 and 3. I generally think these powers go too far and risk being abused at the cost of infringing civil liberties and rights. I have a real concern that overly broad powers will be used not on a principled basis within the objectives of the legislation, but rather on arbitrary and irrational cause – particularly on racially motivated grounds. ***I believe race, gender, age, ethnic origin, and place of birth, either taken alone or in combination, can never form the basis of a reasonable suspicion for the purposes of exercising any of the powers in Schedules 2 and 3.*** In the anti-terrorism era, post September 11th, one of the negative by-products of the war against terrorism is the stigmatization and demonization of certain individuals based solely on their race and ethnic origin. This is unfortunate, and I think governments have a responsibility in their anti-terrorism efforts to ensure that this by-product does not materialize. ***To this end, I recommend that an overriding provision be added to the Bill (in the main part – not in the Schedule) clearly stating that the powers in Schedules 2 and 3 be exercised by authorized officers without any discrimination based on race, colour, sex, language, religion, national or social origin, and birth.*** Such a provision will ensure greater adherence to the requirements of Articles 1, 5, 14, and 23 of the Hong Kong Bill of Rights.

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17. I now turn to some of the specific problems I see with Schedules 2 and 3:

(a) ***It is unclear to what extent the power in s. 1 of Schedule 2, to compel the production of information and materials, abrogates the common law privilege against self-incrimination.*** While s. 12(1) of Part 5 and s. 1 of Schedule 2 indicate that the power is supposed to be exercised for "securing compliance with or detecting evasion of [the] Ordinance", this express limiting purpose is unhelpful in suggesting non-abrogation. This is because the use of self-incriminatory evidence in a subsequent prosecution against the incriminated person may in fact be a very effective way to secure compliance with the Bill. Another sign of abrogation is s. 2(6)(d) (at least insofar as prosecutions under the Bill are concerned), as this paragraph provides an exception to the non-disclosure of compelled information and materials for the purposes of proceedings for an offence under the Bill. Yet if the legislation intended to override the common law privilege, it could be made clearer. In addition, where this privilege is abrogated, serious thought must be given to whether some form of 'use immunity' should be conferred on a person forced to incriminate himself/herself. It may in fact be that direct use immunity is required for a fair trial under the dictates of Article 10 of the Hong Kong Bill of Rights (see *Lee Ming Tee* (2001 CFA)). If however it was not intended to abrogate the privilege against self-incrimination then this as well could and should be made clearer (e.g. having an express provision which states that nothing herein abrogates the privilege against self-incrimination).

(b) The powers provided in s. 2(1)(b) and (c) of Schedule 3 can be exercised without any articulated reasons and purely on the pretense of pursuing the purposes of the Bill. Such powers invite arbitrary and invidious treatment of people. I am most concerned about paragraph (b) which permits, for the purposes of the Bill, the detention and search of anyone arriving in and departing from the HKSAR. Officers exercising such powers are not required to think rationally and are not precluding from allowing erroneous stereotypical and discriminatory beliefs to inform their decision-making. ***In today's climate of constitutional and human rights, it is difficult to conceive of a search power more raw and unrestrained in nature. I have little doubt that if challenged in an appropriate case, these powers will be found to be inconsistent with the Bill of Rights and Basic Law, and any incriminating evidence obtained as a result of the rights infringement will likely be ruled inadmissible either under those instruments or the common law residual discretion.***

I do not believe it is answer to say that such powers already exist under the Dangerous Drugs Ordinance. Those statutory powers probably suffer from the same deficiencies. ***In light of these concerns, I recommend that all search powers in s. 2 of Schedule 3 be made subject (at minimum) to a standard of reasonable grounds to suspect evidence of an offence under the Bill or the presence of terrorist property.***

(c) The powers in s. 2(5) of Schedule 3, authorizing the use of force in executing search powers, are not qualified by any requirement that the force used be

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reasonable. It is not clear why there is this absent qualification when it is provided in s. 2(4) of Schedule 2 (e.g. "may use force as is reasonably necessary for that purpose"). If the absence was deliberate, can this at all be justified? ***It is my opinion that any search, even if authorized by law, will infringe the privacy rights in the Bill of Rights and Basic Law if executed in an unreasonable manner. Qualified language should be added to prevent unreasonable uses of the powers.***

(d) The search powers in Schedule 3 make no distinction between intrusive and non-intrusive searches of the person – they are treated all the same. I believe this is problematic. Intrusive searches, such as strip searches, body cavity searches, seizures of bodily samples, involve greater interferences with a person's dignity and bodily integrity. These searches deserve greater legal and judicial vigilance. I believe unless there exists very pressing reasons (e.g. personal safety, need to safeguard evidence or terrorist property), intrusive searches should only be done with prior judicial authorization. Such authorizations would allow for the imposition of strict limiting conditions to protect privacy interests and to minimize the level of intrusion to only what is necessary. ***I recommend that provisions be added in Schedule 3 to provide for the prior judicial authorization of intrusive bodily searches.***

(e) As with my comments in relation to frozen funds and property, I believe there needs to be a scheme for affected persons to apply for release of seized property pending forfeiture for legitimate purposes, e.g. to pay reasonable legal and living expenses of the applicant and his or her dependents. ***It is recommended that this jurisdiction to release all or part of the detained property be included in s. 3(4) of Schedule 3.***

G. Forfeiture of Terrorist Property

18. Section 13 provides a scheme of civil forfeiture of terrorist property. I have a number of comments and concerns about the scheme:

(a) There is some suggestion in s. 17 that some forfeiture hearings may be brought *ex parte* and *in camera*. I think that these types of hearings should be extremely exceptional. ***I believe the rules must be framed to ensure that the government takes all reasonable steps to notify interested persons about the potential forfeiture of alleged terrorist property***.

(b) There is no protection in the existing scheme for innocent third parties, e.g. innocent suppliers who were paid with funds or property for goods or services used in the commission of a terrorist act. This problem was previously mentioned with respect to frozen funds. ***It is recommended that there be included provisions for discretionary relief to innocent third parties holding terrorist property.***

(c) ***Subsection 13(5) can be worded more clearly by deleting the last clause, "as it applies to and in relation to section 24D(1) of the Drug Trafficking (Recovery***

of Proceeds) Ordinance (Cap. 405)". I do not believe it adds anything and only leads to confusion.

(d) It is not clear that there is any right of appeal from a forfeiture order. This is to be contrasted with rulings made under s. 16, wherein subsection 16(4) removes any doubt that the appeal rights in s. 14 of the High Court Ordinance apply. Given that that this is a civil forfeiture order, it is difficult to characterize the order as part of a 'sentence' for appeal purposes. ***It is recommended that a clear right of appeal be provided in the Bill for aggrieved persons.***

H. Other Issues

19. ***Retrospectivity***: The Bill fails to address the issue of retrospective application, which I foresee as I being a live issue. The central issue will be whether conduct which occurs prior to the coming into force of this Bill can be considered a 'terrorist act' for the purposes of the Bill. For example, will property linked to the September 11th attacks be subject to restraint, seizure or forfeiture under the Bill once passed? Under ordinary rules of interpretation, substantive provisions are presumed not to apply retrospectively unless the legislation clearly indicates otherwise.

20. I think this is a very difficult issue because retrospective application of laws having criminal or quasi-criminal consequences will likely have Bill of Rights implications (Art. 12). It may be that retrospective application will be unnecessary since the specification scheme by the CE avoids the need for such application. However, for property that is not specified, retrospectivity issues may arise.

21. ***Compensation***: Recently, there has been much discussion about including a provision for ordering compensation to innocent aggrieved persons. I believe this is a good idea as it acts as an important safeguard against improper use of the legislation. However, ***there are good reasons why the Administration should not adopt the schemes in the existing money laundering legal regime wholesale***:

(a) ***The existing scheme requires showing "some serious default on the part of any person concerned in the investigation or prosecution" as a pre-requisite to obtaining compensation. This requirement should not be included under this legislation.*** This is because the erroneous specification of an individual or property, or the erroneous restraint or seizure of property, in itself should be enough to constitute a serious default. In a system without any prior judicial authorization, a strict compensation system is needed to ensure self-compliance with the law. Another reason for not having this pre-requisite is that it may be very difficult for individuals to find 'serious default' or bad faith in a scheme which provides for quick and expeditious executive action at the highest level.

(b) ***If the 'serious default' requirement is removed than there is no reason to keep the proviso used in s. 29(3) of the Organized and Serious Crimes Ordinance.*** This proviso states that compensation should not be given if the investigation would have been continued, or the proceedings would have been instituted or continued if the serious default had not occurred.

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(c) The existing compensation schemes provide for only pecuniary and proprietary loss. ***In the context of anti-terrorism and the specification system used in the Bill, it is necessary to consider whether compensation should be extended to reputational loss.*** The specification system is quite extraordinary from the point of view of criminal justice. It publicly lists and stigmatizes individuals by name. If it turns out that the specification was unjustified, one can imagine the hurt and the damage to reputation and commercial relations felt by the specified person and his or her immediate family.

I. Complying with UN SC Resolution 1373

22. By virtue of Article 25 of the UN Charter, all decisions of the Security Council, whether made under Chapter VII or not, are binding on Member States. Action taken under Chapter VII may have the added dimension of being 'enforcement measures' which involve coercion and are immune from infringing the principle of non-interference/intervention in matters within the domestic jurisdiction of a state (Art. 2(7)). ***It is my opinion that the HKSAR has an obligation to carry out all the decisions contained in Resolution 1373, and particularly the decisions contained in paragraphs 1 and 2.***

23. While the Bill appears to implement most of the decisions relating to financing, terrorist property, and criminalization, there are still some areas of the Resolution which need to be addressed. ***Particularly, the decisions relating to the movement of certain individuals (para 2(g)), their presence in the Region (paras 2(c)(d)) and international cooperation (para. 2(f)) must be implemented.***

Thank you for this opportunity to provide you with my comments.

Yours truly,

Simon N.M. Young
Assistant Professor