

**立法會保安事務委員會**

**《聯合國（反恐怖主義措施）條例》（第 575 章）**

**主旨**

本文件就議員於二零零三年一月十六日會議席上提出下列的事項，載列政府的回應—

- (a) 在《聯合國（反恐怖主義措施）條例》（條例）（第 575 章）通過之前，就該條例提出的關注，以及政府如何顧及該等關注；
- (b) 在進行第一階段反恐怖主義立法工作，制定條例時的待決事項，以及政府將會如何處理該等事項；
- (c) 海外司法管轄區有否修訂其反恐怖主義法例；以及
- (d) 有關加拿大及澳洲政府向其國會報告反恐怖主義個案的統計數字的規定。

**在通過條例前就條例提出的關注，  
以及政府如何顧及該等關注**

2. 有關在通過條例前就條例提出的關注，以及政府如何顧及該等關注，現以表列的方式撮載於附件 A。

**在第一階段反恐怖主義立法工作，制定條例的待決事項，  
以及政府將會如何處理該等事項**

3. 正如法案委員會二零零二年七月九日的報告（立法會 CB(2)2537/01-02 號文件）所提述，政府曾作出下述承諾—

- (a) 將優先考慮提交修訂條例草案，以處理凍結恐怖分子非資金財產的事宜，和訂定執法的權力。就這方面，我們已於二零零三年一月十六日的會議，向議員滙報將會提交《2003 年聯合國（反恐怖主義措施）（修訂）條例草案》，就上述事宜訂定條文；

- (b) 有關法案委員會認為應刪除條例第 18 條所訂賠償條文中有關“嚴重錯失”的規定，保安局將進行檢討，並會在上文第 3(a)段所述的修訂條例草案中加入改善條文（如有的話）。我們已完成有關檢討，並已將檢討結果詳載於提交二零零三年一月十六日會議的文件（立法會 CB(2)846/02-03(04)號文件）；
- (c) 保安局局長根據該條例第 16(2)條轉授權力時，只會將有關權力轉授予保安局的高級人員。保安局局長的意向一直是將權力轉授予保安局的高級人員；到目前為止，保安局局長並未轉授其任何有關權力；以及
- (d) 定期檢討條例所載的反恐怖主義措施，以確保該等措施切合國際趨勢。就這方面，請議員參閱下文第 5 至 6 段，該兩段載列我們搜集到有關數個海外司法管轄區修訂反恐怖主義法例的條文，以及我們觀察所得的資料。

4. 我們在二零零三年一月十六日的會議席上已向議員匯報，《2003 年聯合國（反恐怖主義措施）（修訂）條例草案》將會建議修訂條例第 10 條（該條禁止為恐怖分子組織招募成員），以改進條文的措辭和訂定合適的思想原素。事實上，我們在條例通過前，曾提出有關第 10 條的委員會審議階段修正案，然而，由於技術問題，修正案未獲通過。

#### **海外司法管轄區有否修訂其反恐怖主義法例**

5. 我們參閱過互聯網上提供的資料，現將數個普通法司法管轄區（包括澳洲、加拿大、新加坡、英國及美國）的反恐怖主義法例的重要條文表列於英文版的附件 B，於較近期制定的新條文則以粗體顯示以供參照。

6. 我們察悉某些司法管轄區訂定了新的恐怖主義罪行，並加強了執法權力，以增加其打擊恐怖主義的能力。

## 有關加拿大和澳洲政府向其國會報告 反恐怖主義個案的統計數字的規定

### 加拿大

7. 加拿大的《反恐怖主義法令》(Anti-Terrorism Act)規定，律政司須就該法令第 83.28 和 83.29 條在上一年度的運作，擬備周年報告，並須將報告提交國會省覽。

8. 該法令第 83.28 條訂明，在得到律政司事前的同意，和平人員為調查恐怖主義罪行，可單方面向法官申請命令以搜集有關資料。法官如信納以下情況，可作出該項命令：(i)有合理理由相信有人干犯恐怖主義罪行，而有關資料相當可能因應作出該項命令而獲得；或(ii)有合理理由相信有人將會干犯恐怖主義罪行，並有合理理由相信某人具有直接和重要的資料。該法令第 83.29 條訂明，根據第 83.28 條作出命令的法官如相納該命令提述的人規避接受該命令、或準備潛逃、或不出席有關盤問，又或不按該命令的規定出席整項盤問過程，可發出拘捕令，以拘捕該人。

9. 上述的周年報告內容須包括按照第 83.28 條徵求律政司同意提出申請的次數、發出同意的次數、按照第 83.28 條發出搜集資料命令的數目，以及按照第 83.29 條發出的拘捕令所拘捕的人數。

10. 該法令並規定加拿大的律政司須就第 83.3 條上在一年度的運作，擬備周年報告，並將報告提交國會省覽。第 83.3 條訂明，在得到律政司事前的同意，和平人員基於合理理由相信有恐怖活動將會進行，並基於合理理由懷疑有需要規定某人具結或拘捕某人以防止恐怖活動的進行，可向省法院法官呈交資料。接收資料的省法院法官可命令該人接受其問話。如情況緊急，未能向法官呈交資料，或已呈交資料而傳票已發出，而和平人員基於合理理由懷疑有需要拘留某人以防止恐怖活動的進行，和平人員可無需拘捕令而拘捕該人，並將該人拘留，以安排該人出席省法院法官的聆訊。如某人已出席省法院法官的聆訊，法官須在某些情況下釋放該人。法官亦可命令該人具結不超過十二個月。如該人未有按命令具結或拒絕具結，法官可判處該人監禁不超過十二個月。法官可應和平人員、律政司或該人的申請，更改具結的條件。

11. 上述的周年報告內容須包括按照第 83.3 條徵求律政司同意呈交資料的次數、發出同意的次數、為施行第 83.3 條而發出傳票或拘捕令的個案數目、因安排聆訊而按照第 83.3 條未獲釋放人士的個案數目、按照第 83.3 條作出具結命令的個案數目和具結條件的類別、有關人士未有按命令具結或拒絕具結的次數和每個按照第 83.3 條判處監禁的個案所涉及的刑期，以及按照第 83.3 條更改具結條件的個案數目。

12. 該法令又規定加拿大的法律政策專員須就第 83.3 條在上一年度的運作，擬備周年報告，並將報告提交國會省覽。報告內容須包括未有拘捕令而作出拘捕的次數、每個被拘捕人士被拘留的時間，以及有關人士在未有拘捕令的情況下遭拘捕而其後獲釋放的個案數目。

13. 簡言之，上述各周年報告的內容關乎按照該法令行使執法權力的事宜。

## 澳洲

14. 澳洲保安及情報組織( Australian Security Intelligence Organization ) 是負責對付恐怖主義和收集情報的機關，該組織須按照《1979 年澳洲保安及情報組織法令》( Australian Security Intelligence Organization Act 1979 )，就其每年的工作向國會提交周年報告。而情報及保安檢察專員( Inspector-General of Intelligence and Security ) 則協助管理和檢討各情報機關的工作，亦同樣須按照《1986 年情報及保安檢察專員法令》( Inspector-General of Intelligence and Security Act 1986 )，就其每年的工作向國會提交周年報告。

15. 一如其他部門和機關，澳洲保安及情報組織和情報及保安檢察專員須出席參議院外交、國防及貿易委員會( Foreign Affairs, Defence and Trade Committee ) 的財政預算會議，有關會議通常於每年二月和十一月進行。委員會的成員來自政府、反對黨和國會其他的少數黨，他們可就各機關的工作向機關提出任何質詢。

保安局

二零零三年二月

**《聯合國（反恐怖主義措施）條例》（第 575 章）—  
對意見 / 關注的回應**

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
第 2 條 “恐怖主義行為” 的定義	“恐怖主義行為” 原有的定義涵蓋範圍過於廣泛，可能會壓制個人的公民和政治權利。	<p>政府已解釋，“恐怖主義行為” 的定義是參考英國《2001 年恐怖活動（聯合國措施）命令》和加拿大《反恐怖主義法令》中恐怖主義的定義而擬訂的。這項定義遵循國際的趨勢。</p> <p>政府已動議委員會審議階段修正案（修正案），（i）以“導致”一詞取代“涉及”一詞，及以“擬....”取代“為....而策劃的”，從而收緊“恐怖主義行為”的定義；以及（ii）把（b）段的豁免條文擴大，訂明對公眾人士的健康造成嚴重危險，或擬嚴重干擾基要服務、電子系統等的任何宣揚、抗議、持異見或工業行動，均不會構成“恐怖主義行為”。</p>
第 2 條 “財產” 原有的定義	“財產” 原有的定義涵蓋範圍過於廣泛。	政府已動議修正案，刪除“財產”的定義。“財產”將按照《釋義及通則條例》（第 1 章）內的定義解釋。
第 2 條 “武器” 的定義	“武器” 原有的定義可能涵蓋許多作軍事及非軍事雙重用途的物品。	政府已動議修正案，以（i）刪除“武器”定義內“經特別設計或製備以供用於或通常用於生產或維修(b)段所述的任何軍械或相關物料或（c）段所述的任何元件的任何物品”的原有條文；以及（ii）在定義的（a）段加入“先質”一詞；目的是清楚訂明，只有用以生產化學、生物、放射性或核子武器的主要物質，才屬於“武器”。

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
<p>第 2 條 “ 享有法律特權的品目 ” 的定義及關於 “ 免使自己入罪的特權 ” 的條文</p>	<p>必須保護法律專業保密權和免使自己入罪的特權。</p>	<p>政府已解釋，法律專業保密權和免使自己入罪的特權已受到普通法的保障。</p> <p>為顧及所提出的關注，政府已動議修正案，增訂 ( i ) “ 享有法律特權的品目 ” 的定義；以及 ( ii ) 第 2 ( 5 ) 條，訂明條例並不規定披露或授權搜查 / 檢取任何享有法律特權的品目，或限制免使自己入罪的特權。</p>
<p>第 2 條 有關 “ 新聞材料 ” 的條文</p>	<p>必須保護新聞材料。</p>	<p>政府已動議修正案，增訂第 2 ( 7 ) 條，訂明為免生疑問， “ 新聞材料 ” 應按照《釋義及通則條例》 ( 第 1 章 ) 第 XII 部處理。</p>
<p>第 4 和 5 條 行政長官指明人及財產為恐怖分子 / 與恐怖分子有聯繫者或恐怖分子財產</p>	<p>原有條文賦予行政長官行政權力，指明人及財產為恐怖分子 / 與恐怖分子有聯繫者或恐怖分子財產 ( 視屬何情況而定 ) 。這項權力過於廣泛。受影響者無從知道行政長官作出指明的理據。此外，指明公告原定有效三年，實在過長。</p>	<p>政府已動議修正案，訂立兩種指明機制：</p> <p>( i ) 根據新訂第 4 條，行政長官可在憲報刊登公告，指明被聯合國指定的恐怖分子 / 與恐怖分子有聯繫者或恐怖分子財產；以及</p> <p>( ii ) 根據新訂第 5 條，行政長官可向原訟法庭提出申請，要求作出命令，指明非聯合國指定的恐怖分子 / 與恐怖分子有聯繫者或恐怖分子財產。法庭在其信納上述的人或財產是恐怖分子 / 與恐怖分子有聯繫者或恐怖分子財產的情況下，方可作出命令。行政長官須安排在憲報刊登這項命令。命令的有效期已由三年縮短為兩年。除非為施行本條文而訂定的法院規則另有指明，否則，行政長官的申請須是在各方之間提出的申請。</p>

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
第 6 條 凍結資金	原定的三年凍結期過長。保安局局長不應以相同理由再次凍結同一筆資金。條例亦應容許取用被凍結資金作合法用途。	<p>政府已動議修正案，以 (i) 把凍結期由三年縮短為兩年；以及 (ii) 增訂第 6(5) 條，訂明除非有關理由已有關鍵性的改變，否則保安局局長不得再度凍結同一筆資金。</p> <p>政府亦已動議修正案，增訂第 15 條，訂明保安局局長根據第 6 或 8 條給予的特許，容許被凍結資金用作受影響者的合理生活和法律開支。政府也贊同何俊仁議員的修正案，被凍結資金亦可用以支付根據《僱傭條例》(第 57 章) 需要給予的費用。</p>
第 8 條 禁止向恐怖分子及與恐怖分子有聯繫者提供資金等	原有條文中“為施行本條”一語的涵義並不明確，應予刪去。	政府已動議修正案，以刪去“為施行本條”一語。
第 10 條 禁止為第 4(1) 及 (2) 條所指的廣告所指明的人招募等	“任何人不得……成為……人的成員”一語的涵義並不明確，而“以任何身分……擔當任何崗位”一語的涵蓋範圍太廣泛，會不必要地把完全不是恐怖分子成員的人包括在內。此外，應訂明適當的犯罪意圖。	<p>政府已動議修正案，以 (i) 訂明“任何人不得……成為……團體 (包括個人) 的成員”；(ii) 刪去“以任何身分……擔當任何崗位”一語；以及 (iii) 訂明犯罪意圖，使知悉或有合理理由相信進行招募的組織是指明恐怖分子組織的人須負上刑事責任。</p> <p>基於技術性原因，有關修訂不獲通過。政府已計劃在進行第二階段的反恐怖主義立法工作時，對第 10 條作出上述修訂。</p>

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
<p>第 11 條 禁止虛假的作出恐怖主義行為的恐嚇</p>	<p>第 11 條不屬於聯合國安全理事會第 1373 號決議的範圍，並可能壓制新聞自由。</p>	<p>政府已解釋，第 10 條旨在把蓄意散播虛假的作出恐怖主義行為的恐嚇，意圖導致公眾恐慌及對公眾造成混亂的行為列為刑事罪行，第 10 條不會壓制新聞自由。</p> <p>政府接納了周梁淑怡議員提出的修正案，即訂明第 10 條涵蓋“導致公眾人士或部分公眾人士恐慌”的行為。</p>
<p>第 12 條 對某財產是恐怖分子財產的知悉或懷疑的披露</p>	<p>“有合理理由懷疑”這個客觀的意念元素會對金融界造成沉重負擔。此外，對律師施加披露的規定，會影響傳統的律師與當事人之間的關係。</p>	<p>政府已動議修正案，(i) 以“懷疑”取代“有合理理由懷疑”這意念元素；以及(ii) 增訂第 12(4) 條，以保障按照僱主所訂程序向指定職員作出披露的前線或初級職員。</p> <p>正如上文所述，政府亦已動議修正案，以便(i) 在第 2 條增訂“享有法律特權的品目”的定義；以及(ii) 增訂第 2(5) 條，訂明條例並不規定披露任何享有法律特權的品目，或授權搜查 / 檢取任何享有法律特權的品目，或限制免使自己入罪的特權。</p>
<p>第 13 條 充公某些恐怖分子財產</p>	<p>充公財產的法律程序所採用的舉證準則應是“適用於在法院進行的民事法律程序的舉證準則”，而非原有第 13(4) 條所訂的“相對可能性的衡量”。</p> <p>有人關注第 13 條關於充公財產的條文，是否符合《基本法》第六條及第一百零五條所訂的財產權保障規定。</p>	<p>政府已動議修正案，在第 13(4) 條中，以“適用於在法院進行的民事法律程序的舉證準則”取代“相對可能性的衡量”。</p> <p>政府已向法案委員會提交文件（立法會 CB(2)2459/01-02(01)號文件），重申第 13 條符合《基本法》第六條及第一百零五條的規定，尤其是不會構成《基本法》第一百零五條所訂明，政須作出補償的“徵用”財產。《基本</p>



條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
		<p>法》第一百零五條下“deprivation”一詞，按中文本的用語“徵用”來理解，可以指國家或政府為防務或社會經濟的發展而收回或徵用財產的作為。第 13 條並不符合“徵用”財產一詞的狹義，因為這項條文屬預防性質，用以沒收恐怖分子財產。</p> <p>即使較廣義地理解“徵用”一詞，以歐洲人權法學來看，基於公眾利益，“徵用”也不包括按相稱的原則屬合理的預防性質的沒收行動。在這方面，第 13 條以沒收恐怖分子財產作為預防措施，旨在對付恐怖主義這個全球性問題，特別是資助恐怖分子活動的問題。</p> <p>除了上述重要的公眾利益必須保護外，相稱的原則亦要求，干預私人財產擁有權的方法與尋求達至的目標，須有合理的相稱關係。根據歐洲人權法學中有關沒收或充公財產的原則，我們應研究是否已訂立程序，讓財產擁有人的行為與違法行為之間的關係得到合理的考慮，而擁有人可向負責的機關提出辯解。就此而言，除非法院根據有關法院規則，信納涉及的財產屬恐怖分子財產，並符合第 13 條所訂準則，否則不會根據第 13 條發出充公令。由此可見，條例會有充分的、符合相稱原則的程序上保障措施，以保護有關各方的權利。</p>
第 14 條 罪行	任何人如有合理辯解而不按照第 6(7) 條的規定把凍結通知的副本送交資金擁有人，不應被視為違反規定。	政府已動議修正案，以修訂第 14(3) 條，訂明任何人無合理辯解而違反第 6(7) 條所指的規定，即屬犯罪。

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
	有關法人團體須承擔責任的原有條文並不清晰。	政府亦已動議修正案，以刪去有關法人團體須承擔責任的原有條文。法人團體的董事及高級人員是否須負上刑事責任的問題，會按照《刑事訴訟程序條例》（第 221 章）第 101E 條處理。
第 16 條 轉授	行政長官在條例下的職能，只應轉授予公職人員。	政府已解釋，條文的用意是讓行政長官把他在條例下的職能轉授予公職人員。政府亦已動議對第 16 條作出修訂，以清楚訂明有關職能只會轉授予公職人員。
第 17 條 向原訟法庭提出的申請	應提供途徑，讓分別受第 5 及 6 條所述指明命令和凍結通知影響的人士提出上訴。	<p>政府已動議修正案，以 (i) 訂明受影響人士可向原訟法庭申請，就根據第 5 條的單方面申請而作出的指明命令提出上訴；(ii) 把可以就當局根據第 5 條指明財產或根據第 6 條凍結資金提出上訴的人涵蓋範圍擴大，以包括任何受影響人士；(iii) 訂明根據第 6 或 8 條採取的凍結行動影響所及的人士，可向原訟法庭提出上訴，要求保安局局長給予特許，或更改保安局局長所給予的特許，以動用被凍結的資金。</p> <p>政府亦已動議修正案，以增訂第 2(7) 條，訂明受影響人士可根據《高等法院條例》（第 4 章）第 14 條，就原訟法庭基於各方之間的法律程序而根據第 5、13、17 或 18 條作出的判決或命令，向上訴法庭提出上訴申請。</p>

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
第 18 條 賠償	政府應向被錯誤指明為恐怖分子 / 與恐怖分子有聯繫者，或財產被錯誤指明為恐怖分子財產的受屈人士作出賠償。	<p>政府已解釋，根據普通法，受屈人士有權向政府索償。</p> <p>政府接受議員的建議，並已動議修正案，增訂第 18 條所述的法定賠償機制，如政府在取得第 5 或 6 條所指的有關指明曾犯嚴重錯失，而受影響人士已由於有關指明及錯失而蒙損失，則政府須向受影響人士作出賠償。此機制是參照《販毒（追討得益）條例》（第 405 章）和《有組織及嚴重罪行條例》（第 455 章）的類似條文而制定。</p> <p>政府明白議員認為難以證明政府曾犯“嚴重錯失”，因此已承諾徵詢有關決策局和部門的意見，以檢討賠償條文，並在條例實施後的六個月內向議員匯報。檢討結果已詳載於在二零零三年一月提交議員的文件。</p>
第 19 條 規例	關於凍結非資金財產及執法權力的條文，應透過修訂條例草案而非附屬法例訂定。	<p>政府留意到，在主體條例訂定條文，以授權政府為不同目的擬訂規例的做法，並非罕見。這些規例為附屬法例，須經立法會審議。</p> <p>政府已承諾會優先考慮就有關事宜提出修訂條例草案。為此，政府已在二零零三年一月十六日的保安事務委員會會議上說明，會提出《2003 年聯合國（反恐怖主義措施）（修訂）條例草案》，以涵蓋有關事宜，包括凍結恐怖分子非資金財產和訂定需要的執法權力。</p>

條次	就條例草案原有條文提出的意見 / 關注	政府對所提出意見 / 關注的回應
第 21 條 除非法庭另有命令否則在各方之間的法律程序須在公開法庭進行	應確保受政府的指明及充公行動影響的人得到公開和公正的聆訊。	政府已動議修正案，增訂第 21 條，列明就根據第 5、13、17 及 18 條所採取行動而提出的各方之間的法律程序，須在公開法庭進行，除非法庭另有命令，基於香港特區的保安、防衛或對外關係或秉行公正的理由，法律程序須在內庭或以非公開形式進行。
原有附表 2 和 3 證據及資料；懷疑是恐怖分子財產的財產的檢取及扣留	原有附表 2 和 3 所賦予的執法權力過於廣泛。	政府已動議修正案，刪除附表 2 和 3。

## Overseas anti-terrorism legislation

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
Legislation (date of commencement)	<p><b>Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002</b> (which replaces the Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001) made under the Charter of the United Nations Act 1945 (commencement date to be fixed by Proclamation)</p> <p><b>Suppression of the Financing of Terrorism Act 2002</b> (most sections have commenced since 5 and 6 July 2002 respectively)</p> <p><b>Security Legislation Amendment (Terrorism) Act 2002</b> (most sections have commenced since 5 July, 6 July and 2 August 2002 respectively)</p> <p><b>Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002</b> (different sections have commenced since 3 July and 8 September 2002 respectively)</p>	<p>United Nations Suppression of Terrorism Regulations made under the United Nations Act (2 October 2001)</p> <p>Anti-Terrorism Act (different sections have commenced since 24 December 2001, 12 June 2002 and 6 January 2003 respectively)</p>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001 made under the United Nations Act 2001 (13 November 2001)</p> <p><b>Terrorism (Suppression of Financing) Act 2002</b> (not yet commenced)</p>	<p>The Terrorism (United Nations Measures) Order 2001 made under the United Nations Act 1946 (10 October 2001)</p> <p>Terrorism Act 2000 as amended by the Anti-Terrorism, Crime and Security Act 2001 (The Terrorism Act 2000 has commenced operation since 19 February 2001, amendments made by the Anti-Terrorism, Crime and Security Act 2001 have commenced operation since 20 December 2001)</p> <p>Anti-Terrorism, Crime and Security Act 2001 (most sections have commenced from 20 December 2001 to 7 July 2002)</p>	<p>USA Patriot Act 2001 (26 October 2001)</p> <p>Immigration and Nationality Act as amended by the USA Patriot Act 2001 (26 October 2001)</p> <p>United States Code as amended by the USA Patriot Act (26 October 2001)</p> <p><b>Terrorist Bombings Convention Implementation Act 2002</b> (25 June 2002)</p> <p><b>Suppression of the Financing of Terrorism Convention Implementation Act 2002</b> (25 June 2002)</p>

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	<b>Australian Security Intelligence Organization Legislation Amendment (Terrorism) Act 2002</b> (not yet commenced)  <b>Telecommunications Interception Legislation Amendment Act 2002</b> (5 July 2002)				

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
Definition of terrorist act, terrorism, terrorist, etc.	<p><b>Suppression of the Financing of Terrorism Act 2002</b></p> <p><b><u>Schedule 1 adds the following to the Criminal Code</u></b></p> <p><b>‘terrorist act’ means an action or threat of action where:</b></p> <p><b>(a) the action falls within subsection (2) and does not fall within subsection (2A); and</b></p> <p><b>(b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and</b></p> <p><b>(c) the action is done or the threat is made with the intention of:</b></p> <p><b>(i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or part of a State, Territory or foreign country; or</b></p> <p><b>(ii) intimidating the public or a section of the public.</b></p> <p><b>(2) Action falls within this subsection if it:</b></p> <p><b>(a) causes serious harm that is physical harm to a person; or</b></p>	<p>Anti-Terrorism Act</p> <p>“terrorist activity” means</p> <p>(a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:</p> <p>(i) the offences referred to in subsection 7(2) that implement the <i>Convention for the Suppression of Unlawful Seizure of Aircraft</i>, signed at The Hague on December 16, 1970,</p> <p>(ii) the offences referred to in subsection 7(2) that implement the <i>Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation</i>, signed at Montreal on September 23, 1971,</p> <p>(iii) the offences referred to in subsection 7(3) that implement the <i>Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents</i>, adopted by the General Assembly of the United Nations on December 14, 1973,</p>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001</p> <p>“terrorist act” means the use or threat of action –</p> <p>(a) where the action –</p> <p>(i) involves serious violence against a person;</p> <p>(ii) involves serious damage to property;</p> <p>(iii) endangers a person’s life;</p> <p>(iv) creates a serious risk to the health or the safety of the public or a section of the public;</p> <p>(v) involves the use of firearms or explosives;</p> <p>(vi) involves releasing into the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to –</p> <p>(A) any dangerous, hazardous, radioactive or harmful substance;</p> <p>(B) any toxic chemical; or</p> <p>(C) any microbial or other biological agent, or toxin;</p> <p>(vii) is designed to disrupt any public computer system or the provision of services directly related to</p>	<p>The Terrorism (United Nations Measures) Order 2001</p> <p>Defines "terrorism" to mean the use or threat of action where :</p> <p>(a) the use or threat is designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause;</p> <p>(b) the action involves serious violence against a person; serious damage to property; endangers a person’s life other than that of the person committing the action; creates a serious risk to the health or safety of the public or a section of the public; or is designed seriously to disrupt an electronic system;</p> <p>(c) the use of threat of action falling within (b) which involves the use of firearms or explosives is terrorism whether or not it involves serious damage to property.</p> <p>Terrorism Act 2000</p> <p>(1) "terrorism" means the use or threat of action where-</p> <p>(a) the action falls within subsection (2),</p>	<p>United States Code Title 18</p> <p><u>Sec. 1182(3)(B) defines “terrorist activity” as:</u></p> <p>Any activity which is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:</p> <p>(I) The highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).</p> <p>(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.</p> <p>(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of Title 18) or upon the liberty of such a person.</p> <p>(IV) An assassination.</p> <p>(V) The use of any –</p> <p>(a) biological agent, chemical agent, or nuclear weapon or device, or</p>

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	<p>(b)causes serious damage to property;</p> <p>(ba)causes a person’s death;</p> <p>(c) endangers a person’s life, other than the life of the person taking the action; or</p> <p>(d) creates a serious risk to the health or safety of the public or a section of the public; or</p> <p>(f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:</p> <p>(i) an information system; or</p> <p>(ii) a telecommunications system; or</p> <p>(iii) a financial system; or</p> <p>(iv) a system used for the delivery of essential government services; or</p> <p>(v) a system used for, or by, an essential public utility; or</p> <p>(vi) a system used for, or by, a transport system.</p> <p>(2A) Action falls within this subsection if it:</p> <p>(a) is advocacy, protest, dissent or industrial</p>	<p>(iv) the offences referred to in subsection 7(3.1) that implement the <i>International Convention against the Taking of Hostages</i>, adopted by the General Assembly of the United Nations on December 17, 1979,</p> <p>(v) the offences referred to in subsection 7(3.4) or (3.6) that implement the <i>Convention on the Physical Protection of Nuclear Material</i>, done at Vienna and New York on March 3, 1980,</p> <p>(vi) the offences referred to in subsection 7(2) that implement the <i>Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation</i>, supplementary to the <i>Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation</i>, signed at Montreal on February 24, 1988,</p> <p>(vii) the offences referred to in subsection 7(2.1) that implement the <i>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation</i>, done at Rome on March 10, 1988,</p>	<p>communications infrastructure, banking and financial services, public utilities, public transportation or public key infrastructure;</p> <p>(viii)is designed to disrupt the provision of essential emergency services such as the police, civil defence and medical services; or</p> <p>(ix) involves prejudice to public security or national defence; and</p> <p>(b) where the use or threat is intended or reasonably regarded as intending to –</p> <p>(i) influence the Government or any other government; or</p> <p>(ii) intimidate the public or a section of the public.</p> <p><b>Terrorism (Suppression of Financing) Act 2002</b></p> <p>“terrorist” means any person who –</p> <p>(a) commits, or attempts to commit, any terrorist act; or</p> <p>(b) participates in or facilitates the commission of any terrorist act,</p>	<p>(b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and</p> <p>(c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.</p> <p>(2) Action falls within this subsection if it-</p> <p>(a) involves serious violence against a person,</p> <p>(b) involves serious damage to property,</p> <p>(c) endangers a person's life, other than that of the person committing the action,</p> <p>(d) creates a serious risk to the health or safety of the public or a section of the public, or</p> <p>(e) is designed seriously to interfere with or seriously to disrupt an electronic system.</p> <p>(3)The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.</p> <p>"terrorist" means a person who-</p> <p>(a) has committed an offence</p>	<p>(b) explosive, firearm or other weapon or dangerous device,</p> <p>with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.</p> <p>(VI) A threat, attempt, or conspiracy to do any of the foregoing.</p> <p><u>Section 2331(1)</u></p> <p>“international terrorism” means activities that –</p> <p>(A)involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;</p> <p>(B)appear to be intended –</p> <p>(i) to intimidate or coerce a civilian population;</p> <p>(ii) to influence the policy of a government by intimidation or coercion; or</p> <p>(iii) to affect the conduct of a government by mass destruction, assassination or kidnapping; and</p> <p>(C)occur primarily outside the</p>



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	<p><b>action; and</b></p> <p><b>(b) is not intended:</b></p> <p><b>(i) to cause serious harm that is physical harm to a person; or</b></p> <p><b>(ii) to cause a person's death; or</b></p> <p><b>(iii) to endanger the life of a person, other than the person taking the action; or</b></p> <p><b>(iv) to create a serious risk to the health or safety of the public or a section of the public.</b></p>	<p>(viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the <i>Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf</i>, done at Rome on March 10, 1988,</p> <p>(ix) the offences referred to in subsection 7(3.72) that implement the <i>International Convention for the Suppression of Terrorist Bombings</i>, adopted by the General Assembly of the United Nations on December 15, 1997, and</p> <p>(x) the offences referred to in subsection 7(3.73) that implement the <i>International Convention for the Suppression of the Financing of Terrorism</i>, adopted by the General Assembly of the United Nations on December 9, 1999, or</p> <p>(b) an act or omission, in or outside Canada,</p> <p>(i) that is committed</p> <p>(A) in whole or in part for a political, religious or ideological purpose, objective or cause, and</p>	<p><b>and includes any person defined in regulations made under the United Nations Act to be a terrorist.</b></p> <p><b>“terrorist act” means the use or threat of action –</b></p> <p><b>(a) where the action -</b></p> <p><b>(i) involves serious violence against a person;</b></p> <p><b>(ii) involves serious damage to property;</b></p> <p><b>(iii) endangers a person's life;</b></p> <p><b>(iv) creates a serious risk to the health or the safety of the public or a section of the public;</b></p> <p><b>(v) involves the use of firearms or explosives;</b></p> <p><b>(vi) involves releasing to the environment or any part thereof, or distributing or otherwise exposing the public or any part thereof to –</b></p> <p><b>(A) any dangerous, hazardous, radioactive or harmful substance;</b></p> <p><b>(B) any toxic chemical; or</b></p> <p><b>(C) any microbial or other biological agent, or toxin;</b></p> <p><b>(vii) disrupts, or seriously interferes with, any</b></p>	<p>under any of sections 11, 12, 15 to 18, 54 and 56 to 63 of the Act, or</p> <p>(b) is or has been concerned in the commission, preparation or instigation of acts of terrorism.</p>	<p>territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.</p> <p>“domestic terrorism” means activities that –</p> <p>(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;</p> <p>(B) appear to be intended –</p> <p>(i) to intimidate or coerce a civilian population;</p> <p>(ii) to influence the policy of a government by intimidation or coercion; or</p> <p>(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and</p> <p>(C) occur primarily within the territorial jurisdiction of the United States.</p>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
		<p>(B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and</p> <p>(ii) that intentionally</p> <p>(A) causes death or serious bodily harm to a person by the use of violence,</p> <p>(B) endangers a person's life,</p> <p>(C) causes a serious risk to the health or safety of the public or any segment of the public,</p> <p>(D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or</p>	<p><b>public computer system or the provision of any service directly related to communications infrastructure, banking and financial services, public utilities, public transportation or public key infrastructure;</b></p> <p><b>(viii) disrupts, or seriously interferes with, the provision of essential emergency services such as the police, civil defence and medical services; or</b></p> <p><b>(ix) involves prejudice to public security or national defence; and</b></p> <p><b>(b) where the use or threat is intended or reasonably regarded as intending to -</b></p> <p><b>(i) influence or compel the Government, any other government, or any international organization to do or refrain from doing any act; or</b></p> <p><b>(ii) intimidate the public or a section of the public,</b></p> <p><b>and includes any action specified in the Schedule (i.e. any act or omission constituting an offence under the Hijacking of Aircraft and</b></p>		

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		<p>(E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),</p> <p>and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.</p>	<p><b>Protection of Aircraft and International Airports Act).</b></p>		

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		"terrorist group" means (a) an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity, or (b) a listed entity, and includes an association of such entities.			

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List of terrorists	<p><b>Charter of the United Nations (Terrorism and Dealings with Assets Regulations) as read with Schedule 3 of the Suppression of the Financing of Terrorism Act 2002</b> (provision similar to the repealed Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001)</p> <ul style="list-style-type: none"> <li>- Minister must list a person or entity as a proscribed person or entity in the Gazette if satisfied that the person or entity is mentioned in paragraph 1(c) of United Nations Resolution 1373</li> </ul>	<p>United Nations Suppression of Terrorism Regulations</p> <ul style="list-style-type: none"> <li>- Defines "listed person" to mean: <ul style="list-style-type: none"> <li>a. a person whose name appears on the list that the Committee of the Security Council of the United Nations, established by Resolution 1267 (1999) of October 15, 1999, establishes and maintains pursuant to that Resolution 1333 (2000) of December 19, 2000</li> <li>b. a person whose name is listed in the schedule to the Regulations</li> </ul> </li> <li>- A person whose name is listed in the schedule is a person who there are reasonable grounds to believe - <ul style="list-style-type: none"> <li>a. has carried out, attempted to carry out, participated in or facilitated the carrying out of a terrorist activity;</li> <li>b. is controlled directly or indirectly by any person conducting any of the activities set out in (a) above; or</li> <li>c. is acting on behalf of, or at the direction of, or in association with any person</li> </ul> </li> </ul>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001</p> <ul style="list-style-type: none"> <li>- Defines "terrorist" to mean any person who : <ul style="list-style-type: none"> <li>a. commits or attempts to commit any terrorist act; or</li> <li>b. participates in or facilitates the commission of any terrorist act, and includes any person set out in the schedule</li> </ul> </li> <li>- Schedule sets out a list of terrorists and terrorist organizations</li> </ul>	<p>Terrorism Act 2000</p> <p>The Secretary of State may by order add an organization to Schedule 2 as a proscribed organization if he believes that it is concerned in terrorism</p>	<p>Immigration and Nationality Act</p> <ul style="list-style-type: none"> <li>- Under section 219, the Secretary of State is authorized to designate an organization as a foreign terrorist organization if he finds that : <ul style="list-style-type: none"> <li>a. the organization is a foreign organization;</li> <li>b. the organization engages in terrorist activity; and</li> <li>c. the terrorist activity of the organization threatens the security of United States nationals or the national security of the United States.</li> </ul> </li> <li>- Seven days before making a designation, the Secretary shall by classified communication notify certain members of the House of Representatives, the Senate and relevant committees in writing of the intent to designate, the findings and the factual basis. Seven days thereafter, the Secretary shall publish the designation in the Federal Register.</li> <li>- Under section 212, a terrorist organization means an organization : <ul style="list-style-type: none"> <li>a. designated under section 219;</li> <li>b. otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or</li> </ul> </li> </ul>

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		<p>conducting any of the activities set out in (a) above.</p> <ul style="list-style-type: none"> <li>- The Governor in Council can make regulations under the United Nations Act to amend the schedule.</li> </ul> <p>Anti-Terrorism Act</p> <ul style="list-style-type: none"> <li>- The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Solicitor General of Canada, the Governor in Council is satisfied that there are reasonable grounds to believe that :               <ul style="list-style-type: none"> <li>a. the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or</li> <li>b. the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in paragraph (a).</li> </ul> </li> <li>- The Solicitor General may make a recommendation only if he has reasonable grounds to believe that the entity to which the recommendation relates is an entity referred to in paragraph (a) or (b).</li> </ul>			<p>upon the request of the Attorney General, as a terrorist organization, after finding that the organization engages in the activities described in that section, or that the organization provides material support to further terrorist activity; or</p> <p>c. that is a group of two or more individuals, whether organized or not, which engages in the activities described in that section.</p> <p>International Emergency Economic Powers Act; National Emergencies Act; United Nations Participation Act; United States Code</p> <ul style="list-style-type: none"> <li>- By the Executive Order on Terrorist Financing signed on 23 September 2001, the President declared a national emergency to deal with terrorism and ordered that all property of the foreign persons listed in the Annex to the Order that are in the United States or that thereafter come within the United States be blocked and that transactions with these persons be prohibited.</li> </ul>

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Offences	<p><b>Suppression of the Financing of Terrorism Act 2002</b></p> <p><b><u>Schedule 1 adds the following to the Criminal Code (offence 1)</u></b></p> <p><b>(1) A person commits an offence if:</b></p> <p style="padding-left: 40px;"><b>(a) the person provides or collects funds; and</b></p> <p style="padding-left: 40px;"><b>(b) the person is reckless as to whether the funds will be used to facilitate or engage in a terrorist act.</b></p> <p><b>(2) A person commits an offence under subsection (1) even if the terrorist act does not occur.</b></p> <p><b><u>Schedule 3 adds the following to the Charter of the United Nations Act 1945</u></b></p> <p><b>(offence 2 – provision similar to that as provided for under the repealed Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001)</b></p> <p><b>(1) A person commits an offence if:</b></p> <p style="padding-left: 40px;"><b>(a) the person holds an asset; and</b></p>	<p>United Nations Suppression of Terrorism Regulations</p> <ol style="list-style-type: none"> <li>1. knowingly provides or collects funds with the intention that the funds be used or in the knowledge that the funds are to be used by a listed person</li> <li>2. knowingly deals with assets owned or controlled by listed persons</li> <li>3. knowingly does anything that causes, assists or promotes any activity prohibited under offences 1 and 2 above unless he has a certificate issued by the Minister of Foreign Affairs</li> <li>4. fails to disclose the existence of property in possession or control that he has reason to believe is owned or controlled by or on behalf of a listed person or information about a transaction or proposed transaction in respect of such property</li> <li>5. a Canadian financial institution or an authorized foreign bank fails to determine on a continuing basis whether it is in possession or control of property owned or controlled by or on behalf of a listed person or fails to provide monthly report</li> </ol>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001</p> <ol style="list-style-type: none"> <li>1. provides or collects funds to any person by any means if he knows or has reasonable grounds to believe that the funds will be used to commit terrorist act or facilitate the commission of such act</li> <li>2. deals with property owned or controlled by terrorists or their associates, or provides financial services in relation to their property</li> <li>3. makes funds available to terrorists or their associates</li> <li>4. makes false threats of terrorist acts with the intention of inducing other persons a false belief that a terrorist act has been, is or will be carried out, such as : <ul style="list-style-type: none"> <li>- communicating information that he knows or believes to be false</li> <li>- placing article or substance</li> <li>- despatching article or substance by post, rail or other means</li> </ul> </li> <li>5. knowingly causes, assists or promotes, or does anything that is intended to cause, assist or promote actions prohibited</li> </ol>	<p>The Terrorism (United Nations Measures) Order 2001</p> <ol style="list-style-type: none"> <li>1. makes funds available to persons who commit or attempt to commit, facilitate or participate in the commission of acts of terrorism</li> <li>2. holder of suspected funds contravenes a direction of the Treasury not to make such funds available to any person</li> <li>3. intentionally engages in any activities knowing that the object or effect is to enable or facilitate the commission of the above offences</li> <li>4. fails to comply with conditions under a licence</li> <li>5. knowingly or recklessly makes statement or furnishes document or information that is false in a material particular, either for the purpose of obtaining a licence or in response to a direction</li> <li>6. removes document with intent to evade the Order</li> <li>7. without reasonable excuse discloses information or document outside the ambit of conditions set out in the</li> </ol>	<p>USA Patriot Act 2001</p> <ol style="list-style-type: none"> <li>1. harbours any person knowing or having reasonable grounds to believe that such person has committed or to be about to commit a terrorism offence</li> <li>2. provides material support for terrorism offence inside and outside the United States</li> <li>3. knowingly conceals or attempts to transport (or transfer) across US borders of currency and monetary instrument in excess of US\$10,000 with intent to evade specified currency reporting requirements</li> <li>4. false statement regarding the identity of customers of financial institutions</li> </ol> <p><b>Terrorist Bombings Convention Implementation Act 2002</b></p> <p><b>5. unlawfully detonates an explosive in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility, with intent to cause (1) death or serious bodily injury; or (2) extensive destruction of such place where such</b></p>

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	<p>(b) the person:</p> <p>(i) uses or deals with the asset; or</p> <p>(ii) allows the asset to be used or dealt with; or</p> <p>(iii) facilitates the use of the asset or dealing with the asset; and</p> <p>(c) the asset is a freezable asset; and</p> <p>(d) the use or dealing is not in accordance with a notice issued by the Minister</p> <p>(2) Strict liability applies to (1)(d). It is a defence if the person proves that the use or dealing was solely for the purpose of preserving the value of the asset.</p> <p>(offence 3)</p> <p>(1) A person commits an offence if:</p> <p>(a) the person, directly or indirectly, makes an asset available to a person or entity; and</p> <p>(b) the person or entity to whom the asset is made available is a</p>	<p>Anti-Terrorism Act</p> <p>1. Everyone who, directly, or indirectly, wilfully and without lawful justification or excuse, provides or collects property intending that it be used or knowing that it will be used, in whole or in part, in order to carry out (a) an act or omission that constitutes a terrorist activity, or (b) any other act or omission intended to cause death or serious bodily harm to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict, if the purpose of that act or omission, by its nature or context, is to intimidate the public, or to compel a government or an international organization to do or refrain from doing any act, is guilty of an indictable offence.</p> <p>2. Every one who, directly or indirectly, collects property, provides or invites a person to provide, or makes available property or financial or related services (a) intending that they be used, or knowing that they will be used, in whole or in part, for the purpose of facilitating or carrying out any terrorist activity, or for the purpose of benefiting any person who is facilitating or carrying out such an activity, or (b) knowing that, in whole</p>	<p><b>Terrorism (Suppression of Financing) Act 2002</b></p> <p>1. Every person who, directly or indirectly, wilfully and without lawful excuse, provides or collects property with the intention that the property be used or knowing or having reasonable grounds to believe that the property will be used, in whole or in part, in order to commit any terrorist act, shall be guilty of an offence.</p> <p>2. Every person who, directly or indirectly, collects property, provides or invites a person to provide, or makes available property or financial or other related services (a) intending that they be used, or knowing or having reasonable grounds to believe that they will be used, in whole or in part, for the purpose of facilitating or carrying out any terrorist act, or for benefiting any person who is facilitating or carrying out such an activity; or (b) knowing or having reasonable grounds to believe that, in whole or in part, that they will be used by or will benefit any terrorist or terrorist entity, shall be guilty of an offence.</p> <p>3. Every person who (a) uses property, directly or indirectly, in whole or in part,</p>	<p>Order</p> <p>8. holder of funds fails to send a notice to the person whose funds they are or on whose behalf they are held</p> <p>9. a bank or building society fails to disclose to the Treasury knowledge or suspicion that one of its customer is a person committing acts of terrorism</p> <p>10. without reasonable excuse, refuses or fails to comply with direction of the Treasury to disclose information, or wilfully obstructs a person in the exercise of power</p> <p>Anti-Terrorism Act 2000</p> <p>11. A person commits an offence if he belongs or professes to belong to a proscribed organization.</p> <p>12. A person commits an offence if he (a) invites another to provide money or other property, and (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.</p> <p>13. A person commits an offence if he (a) receives money or other property, and</p>	<p>destruction results in or is likely to results in major economic loss.</p> <p>Suppression of the Financing of Terrorism Convention Implementation Act 2002</p> <p>6. unlawfully and wilfully provides or collects funds, directly or indirectly, with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, to carry out (1) an act which constitutes an offence within the scope of specified listed terrorism treaties; (2) any other act intended to cause death or serious bodily injury to a civilian or to specified others when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act.</p> <p>7. conceals or disguises the nature, location, source, ownership, or control of material support or resources to terrorists, or of any funds provided or collected or any proceeds of such funds.</p>



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	<p>proscribed person or entity; and (c) the making available of the asset is not in accordance with a notice issued by the Minister.</p> <p>(2) Strict liability applies to (1)(c).</p> <p><b>Security Legislation Amendment (Terrorism) Act 2002</b></p> <p><u>Schedule 1 adds the following to the Criminal Code</u></p> <p>(offence 4)</p> <p>- A person commits an offence if the person engages in a terrorist act.</p> <p>(offence 5)</p> <p>- A person commits an offence if the person provides or receives training and the training is connected with preparation for, the engagement of a person in, or assistance in a terrorist act, and the person knows of the connection.</p> <p>(offence 6)</p> <p>- A person commits an offence if the person provides or receives training and the training is</p>	<p>or in part, they will be used or will benefit a terrorist group, is guilty of an indictable offence.</p> <p>3. Every one, who (a) uses property, directly or indirectly, in whole or in part, for the purposes of facilitating or carrying out a terrorist activity, or (b) possesses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purposes of facilitating or carrying out a terrorist activity, is guilty of an indictable offence.</p> <p>4. No person in Canada or no Canadian outside Canada shall knowingly (a) deal directly or indirectly in any property that is owned or controlled by or on behalf of a terrorist group; (b) enter into or facilitate, directly or indirectly, any transaction, in respect of property referred to in (a); or (c) provide any financial or other related services in respect of property referred to in (a) to, for the benefit of or at the direction of a terrorist group.</p> <p>5. Every one who knowingly participates in or contributes to, directly or indirectly, any activity of a terrorist group for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a</p>	<p><b>for the purpose of facilitating or carrying out any terrorist act; or (b) possesses property intending that it be used or knowing or having reasonable grounds to believe that it will be used, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist act, shall be guilty of an offence.</b></p> <p><b>4. No person in Singapore and no citizen of Singapore outside Singapore shall (a) deal, directly or indirectly, in any property that he knows or has reasonable grounds to believe is owned or controlled by or on behalf of any terrorist or terrorist entity, including funds derived or generated from property owned or controlled, directly or indirectly, by any terrorist or terrorist entity; (b) enter into or facilitate, directly or indirectly, any financial transaction related to dealing in property referred to in (a); or provide any financial services or any other related services in respect of any property referred to in (a) to, or for the benefit, or on the direction or order of, any terrorist or terrorist entity.</b></p>	<p>(b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.</p> <p>14. A person commits an offence if he (a) provides money or other property, and (b) knows or has reasonable cause to suspect that it may be used, for the purposes of terrorism.</p> <p>15. A person commits an offence if he uses money or other property for the purposes of terrorism.</p> <p>16. A person commits an offence if he (a) possesses money or other property, and (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorism.</p> <p>17. A person commits an offence if (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorism.</p>	

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	<p><b>connected with preparation for, the engagement of a person in, or assistance in a terrorist act, and the person is reckless as to the existence of the connection.</b></p> <p><b>(offence 7)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person possesses a thing and the thing is connected with preparation for, the engagement of a person in, or assistance in a terrorist act, and the person knows of the connection.</b></li> </ul> <p><b>(offence 8)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person possesses a thing and the thing is connected with preparation for, the engagement of a person in, or assistance in a terrorist act, and the person is reckless as to the existence of the connection.</b></li> </ul> <p><b>(offence 9)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person collects or makes a document and the document is connected with preparation for, the engagement of a person in, or assistance in a terrorist</b></li> </ul>	<p>terrorist activity is guilty of an indictable offence.</p> <p>6. Every one who knowingly facilitates a terrorist activity is guilty of an indictable offence.</p> <p>7. Every one who commits an indictable offence under this or any other Act of Parliament for the benefit of, at the direction of or in association with a terrorist group is guilty of an indictable offence.</p> <p>8. Every one who knowingly instructs, directly or indirectly, any person to carry out any activity for the benefit of, at the direction of or in association with a terrorist group, for the purpose of enhancing the ability of any terrorist group to facilitate or carry out a terrorist activity, is guilty of an indictable offence.</p> <p>9. Every one who knowingly instructs, directly or indirectly, any person to carry out a terrorist activity is guilty of an indictable offence.</p> <p>10. Every one who knowingly harbours or conceals any person whom he or she knows to be a person who has carried out or is likely to carry out a terrorist activity, for the purpose of enabling the person to facilitate or carry out any terrorist activity, is guilty of an</p>		<p>18. A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property (b) by concealment, by removal from the jurisdiction, (c) by transfer to nominees, or(d) in any other way.</p> <p>19. A person commits an offence if he provides instruction or training in the making or use of (a) firearms, (b) radioactive material or weapons designed or adapted for the discharge of any radioactive material, (c) explosives, or (d) chemical, biological or nuclear weapons. A person commits an offence if he receives instruction or training in the making or use of the above weapons.</p> <p>20. A person commits an offence if he directs, at any level, the activities of an organization which is concerned in the commission of acts of terrorism.</p> <p>21. A person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the</p>	

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	<p><b>act, and the person knows of the connection.</b></p> <p><b>(offence 10)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person collects or makes a document and the document is connected with preparation for, the engagement of a person in, or assistance in a terrorist act, and the person is reckless as to the existence of the connection.</b></li> </ul> <p><b>(offence 11)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person does any act in preparation for, or planning, a terrorist act.</b></li> </ul> <p><b>(offence 12)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally directs the activities of an organization and the organization is a terrorist organization, and the person knows the organization is a terrorist organization.</b></li> </ul> <p><b>(offence 13)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally directs the activities of an organization</b></li> </ul>	<p>indictable offence.</p> <p>11. Every one commits an offence who, for any purpose prejudicial to the safety or interests of the State, approaches, inspects, passes over, is in the neighbourhood of or enters a prohibited place of at the direction of, for the benefit of or in association with a foreign entity or a terrorist group.</p> <p>12. Every one commits an offence who, in the vicinity of a prohibited place, obstructs, knowingly misleads or otherwise interferes with or impedes a peace officer or a member of Her Majesty's forces engaged on guard, sentry, patrol or other similar duty in relation to the prohibited place.</p> <p>13. Every person commits an offence who, without lawful authority, communicates to a foreign entity or a terrorist group information that the Government of Canada or of a province is taking measures to safeguard if (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and (b) the person intends, by communicating the information, to increase the</p>		<p>commission, preparation or instigation of an act of terrorism.</p> <p>22. A person commits an offence if (a) he collects or makes a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism, or (b) he possesses a document or record containing information of that kind.</p> <p>23. A person commits an offence if (a) he incites another person to commit an act of terrorism wholly or partly outside the UK, and (b) the act would, if committed in the UK, constitute one of the specified criminal offences.</p>	

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	<p><b>and the organization is a terrorist organization, and the person is reckless as to whether the organization is a terrorist organization.</b></p> <p><b>(offence 14)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally is a member of an organization and the organization is a terrorist organization, and the person knows the organization is a terrorist organization.</b></li> </ul> <p><b>(offence 15)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally recruits a person to join, or participate in the activities of, an organization and the organization is a terrorist organization, and the person knows the organization is a terrorist organization.</b></li> </ul> <p><b>(offence 16)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally recruits a person to join, or participate in the activities of, an organization and the organization is a terrorist organization, and the</b></li> </ul>	<p>capacity of a foreign entity or a terrorist group to harm Canadian interests or is reckless as to whether the communication of the information is likely to increase the capacity of a foreign entity or a terrorist group to harm Canadian interests.</p> <p>14. Every person commits an offence who, intentionally and without lawful authority, communicates to a foreign entity or a terrorist group information that the Government of Canada or of a province that is taking measures to safeguard if (a) the person believes, or is reckless as to whether, the information is information that the Government of Canada or of a province is taking measures to safeguard; and (b) harm to Canadian interests results.</p> <p>15. Every person commits an offence who, intentionally and without lawful authority, communicates special operational information to a foreign entity or a terrorist group if the person believes, or is reckless as to whether, the information is special operational information.</p> <p>16. Every person commits an offence who, at the direction</p>			

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	<p><b>person is reckless as to whether the organization is a terrorist organization.</b></p> <p><b>(offence 17)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally provides training to, or intentionally receives training from, an organization and the organization is a terrorist organization, and the person knows the organization is a terrorist organization.</b></li> </ul> <p><b>(offence 18)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally provides training to, or intentionally receives training from, an organization and the organization is a terrorist organization, and the person is reckless as to whether the organization is a terrorist organization.</b></li> </ul> <p><b>(offence 19)</b></p> <ul style="list-style-type: none"> <li>- <b>A person commits an offence if the person intentionally receives funds from, or makes funds available to, an organization and the organization is a terrorist organization, and the</b></li> </ul>	<p>of, for the benefit of or in association with a foreign economic entity, fraudulently and without colour of right and to the detriment of Canada's economic interests, international relations or national defence or national security (a) communicates a trade secret to another person, group or organization; or (b) obtains, retains, alters or destroys a trade secret.</p> <p>17. Every person commits an offence who, at the direction of, for the benefit of or in association with a foreign entity or a terrorist group, induces or attempts to induce, by threat, accusation, menace or violence, any person to do anything or to cause anything to be done (a) that is for the purpose of increasing the capacity of a foreign entity or a terrorist group to harm Canadian interest; or (b) that is reasonably likely to harm Canadian interests.</p> <p>18. Every person commits an offence who, for the purpose of enabling or facilitating an offence under this Act, knowingly harbours or conceals a person whom he or she knows to be a person who has committed or is likely to commit an offence under this Act.</p>			

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	<p>person knows the organization is a terrorist organization.</p> <p>(offence 20)</p> <ul style="list-style-type: none"><li>- A person commits an offence if the person intentionally receives funds from, or makes funds available to, an organization and the organization is a terrorist organization, and the person is reckless as to whether the organization is a terrorist organization.</li></ul> <p>(offence 21)</p> <ul style="list-style-type: none"><li>- A person commits an offence if the person intentionally provides to an organization support or resources that would help the organization engage in a terrorist act and the organization is a terrorist organization, and the person knows the organization is a terrorist organization.</li></ul> <p>(offence 22)</p> <ul style="list-style-type: none"><li>- A person commits an offence if the person intentionally provides to an organization support or resources that would help the organization engage in a terrorist act and the</li></ul>				

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	<p>organization is a terrorist organization, and the person is reckless as to whether the organization is a terrorist organization.</p> <p>Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002</p> <p><u>The Schedule adds the following to the Criminal Code</u></p> <p>(offence 23)</p> <p>(1) A person commits an offence if:</p> <ul style="list-style-type: none"><li>(a) the person intentionally delivers, places, discharges or detonates a device; and</li><li>(b) the device is an explosive or other lethal device and the person is reckless as to that fact; and</li><li>(c) the device is delivered, placed, discharged, or detonated, to, in, into or against:<ul style="list-style-type: none"><li>(i) a place of public use; or</li><li>(ii) a government facility; or</li><li>(iii) a public transportation system; or</li><li>(iv) an infrastructure facility; and</li></ul></li></ul>				

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	<p>(d) the person intends to cause death or serious harm.</p> <p>(offence 24)</p> <p>(2) A person commits an offence if:</p> <ul style="list-style-type: none"><li>(a) the person intentionally delivers, places, discharges or detonates a device; and</li><li>(b) the device is an explosive or other lethal device and the person is reckless as to that fact; and</li><li>(c) the device is delivered, placed, discharged, or detonated, to, in, into or against:<ul style="list-style-type: none"><li>(i) a place of public use; or</li><li>(ii) a government facility; or</li><li>(iii) a public transportation system; or</li><li>(iv) an infrastructure facility; and</li></ul></li><li>(d) the person intends to cause extensive destruction to the place, facility or system; and</li><li>(e) the person is reckless as to whether that intended destruction results or is likely to</li></ul>				



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	<p>result in major economic loss.</p> <p>(3) Strict liability applies to (1)(c) and (2)(c)</p>				

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Penalties	<p><b>Suppression of the Financing of Terrorism Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 1:</b></li> </ul> <p><b>imprisonment for life</b></p> <ul style="list-style-type: none"> <li>- <b>for offences 2 and 3:</b></li> </ul> <p><b>imprisonment for 5 years</b></p> <p><i>[previous penalty for offences 2 and 3 under the repealed Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001 was 50 penalty units. Section 56 of the Interpretation Act 1987 as amended by the Statute Law (Miscellaneous Provisions) Act 1997 provides that the amount represented by each penalty unit is AU\$110. 50 penalty units mean AU\$5,500.]</i></p> <p><b>Security Legislation Amendment (Terrorism) Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 4:</b></li> </ul> <p><b>imprisonment for life</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 5:</b></li> </ul> <p><b>imprisonment for 25 years</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 6:</b></li> </ul> <p><b>imprisonment for 15 years</b></p>	<p>United Nations Suppression of Terrorism Regulations</p> <ul style="list-style-type: none"> <li>- for any of the above offences : <ul style="list-style-type: none"> <li>a. on conviction on indictment the maximum fine or imprisonment, or both</li> <li>b. on summary conviction the maximum fine or imprisonment, or both</li> </ul> </li> </ul> <p><i>[Under section 3 of the United Nations Act, any person who contravenes an order or regulation made under this Act is guilty of an offence and liable (a) on summary conviction, to a fine of not more than CA\$100,000 or to imprisonment of not more than one year; or to both; or (b) on conviction on indictment, to imprisonment for a term of not more than 10 years.]</i></p> <p>Anti-Terrorism Act</p> <ul style="list-style-type: none"> <li>- for offences 1 - 3: <ul style="list-style-type: none"> <li>imprisonment for not more than 10 years</li> </ul> </li> <li>- for offence 4 : <ul style="list-style-type: none"> <li>a. on summary conviction, to a fine of not more than CA\$100,000 or to imprisonment for a term of not more than one year, or</li> </ul> </li> </ul>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001</p> <p><i>[Under section 5 of the United Nations Act 2001, a person shall be liable on conviction to a fine not exceeding SG\$100,000 or to imprisonment for a term not exceeding 5 years, or to both.]</i></p> <p><b>Terrorism (Suppression of Financing) Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 1- 4:</b></li> </ul> <p><b>a fine not exceeding SG\$100,000 or to imprisonment for a term not exceeding 10 years, or to both</b></p>	<p>The Terrorism (United Nations Measures) Order 2001</p> <ul style="list-style-type: none"> <li>- for offences 1- 4 : <ul style="list-style-type: none"> <li>a. conviction on indictment fine or a term of imprisonment not exceeding 7 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory maximum or a term of imprisonment not exceeding 6 months, or both</li> </ul> </li> <li>- for offences 5 - 7 : <ul style="list-style-type: none"> <li>a. conviction on indictment fine or a term of imprisonment not exceeding 2 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory maximum</li> </ul> </li> <li>- for offences 8 - 10 : <ul style="list-style-type: none"> <li>on summary conviction a term of imprisonment not exceeding 6 months or fine not exceeding level 5, or both</li> </ul> </li> </ul> <p><i>["statutory maximum", as defined in Schedule 1 to the Interpretation Act 1978, means the prescribed sum within the meaning of section 32 of the</i></p>	<p>USA Patriot Act 2001</p> <ul style="list-style-type: none"> <li>- for offence 1: <ul style="list-style-type: none"> <li>fine or imprisonment for not more than 10 years, or both</li> </ul> </li> <li>- for offence 2: <ul style="list-style-type: none"> <li>fine or imprisonment for not more than 15 years, or both</li> </ul> </li> <li>- for offence 3: <ul style="list-style-type: none"> <li>imprisonment for not more than 5 years</li> </ul> </li> <li>- for offence 4: <ul style="list-style-type: none"> <li>fine or imprisonment for not more than 5 years, or both</li> </ul> </li> <li>- The Act increases the maximum terms of imprisonment for various terrorism offences to 20 years or life imprisonment.</li> <li>- The Act increases the penalty for intentionally damaging a protected computer from imprisonment for not more than 5 years to 10 years. It also raises the penalty for either intentionally or recklessly damaging a protected computer after having previously been convicted of computer abuse from imprisonment for not</li> </ul>

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	<ul style="list-style-type: none"> <li>- <b>for offence 7:</b> <b>imprisonment for 15 years</b></li> <li>- <b>for offence 8:</b> <b>imprisonment for 10 years</b></li> <li>- <b>for offence 9:</b> <b>imprisonment for 15 years</b></li> <li>- <b>for offence 10:</b> <b>imprisonment for 10 years</b></li> <li>- <b>for offence 11:</b> <b>imprisonment for life</b></li> <li>- <b>for offence 12:</b> <b>imprisonment for 25 years</b></li> <li>- <b>for offence 13:</b> <b>imprisonment for 15 years</b></li> <li>- <b>for offence 14:</b> <b>imprisonment for 10 years</b></li> <li>- <b>for offence 15:</b> <b>imprisonment for 25 years</b></li> <li>- <b>for offence 16:</b> <b>imprisonment for 15 years</b></li> </ul>	<p>to both</p> <ul style="list-style-type: none"> <li>b. on conviction on indictment, to imprisonment for a term of not more than 10 years</li> <li>- for offence 5: imprisonment for not more than 10 years</li> <li>- for offence 6: imprisonment for not more than 14 years</li> <li>- for offences 7 - 9: imprisonment for life</li> <li>- for offence 10: imprisonment for not more than 10 years</li> <li>- for offences 11 and 12: a. on summary conviction, to a fine of not more than CA\$2,000 or to imprisonment for a term of not more than 12 months, or to both</li> <li>b. on conviction on indictment, to imprisonment for a term of not more than 14 years</li> </ul>		<p><i>Magistrates' Courts Act 1980 i.e. £5,000.]</i></p> <p><i>["Level 5" means £5,000 on the standard scale pursuant to section 37(2) of the Criminal Justice Act 1982.]</i></p> <p>Terrorism Act 2000</p> <ul style="list-style-type: none"> <li>- for offence 11: a. conviction on indictment fine or a term of imprisonment not exceeding 10 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory minimum or a term of imprisonment not exceeding 6 months, or both</li> <li>- for offences 12 - 18: a. conviction on indictment fine or a term of imprisonment not exceeding 14 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory minimum or a term of imprisonment not exceeding 6 months, or both</li> </ul>	<p>more than 10 years to 20 years.</p> <p><b>Terrorist Bombings Convention Implementation Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>for offence 5:</b> <b>fine or death/imprisonment for any term of years or life, or both</b></li> <li><b>Suppression of the Financing of Terrorism Convention Implementation Act 2002</b></li> <li>- <b>for offence 6:</b> <b>fine or imprisonment for not more than 20 years, or both</b></li> <li>- <b>for offence 7:</b> <b>fine or imprisonment for not more than 10 years, or both</b></li> </ul>

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	<ul style="list-style-type: none"> <li>- <b>for offence 17:</b> <b>imprisonment for 25 years</b></li> <li>- <b>for offence 18:</b> <b>imprisonment for 15 years</b></li> <li>- <b>for offence 19:</b> <b>imprisonment for 25 years</b></li> <li>- <b>for offence 20:</b> <b>imprisonment for 15 years</b></li> <li>- <b>for offence 21:</b> <b>imprisonment for 25 years</b></li> <li>- <b>for offence 22:</b> <b>imprisonment for 15 years</b></li> </ul> <p><b>Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>for offences 23 and 24:</b> <b>imprisonment for life</b></li> </ul>	<ul style="list-style-type: none"> <li>- for offences 13 - 15: imprisonment for life</li> <li>- for offence 16: imprisonment for not more than 10 years</li> <li>- for offence 17: imprisonment for life</li> <li>- for offence 18: imprisonment for not more than 10 years</li> </ul>		<ul style="list-style-type: none"> <li>- for offence 19:               <ul style="list-style-type: none"> <li>a. conviction on indictment fine or a term of imprisonment not exceeding 10 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory minimum or a term of imprisonment not exceeding 6 months, or both</li> </ul> </li> <li>- for offence 20: on conviction on indictment to imprisonment for life</li> <li>- for offence 21:               <ul style="list-style-type: none"> <li>a. conviction on indictment fine or a term of imprisonment not exceeding 10 years, or both</li> <li>b. on summary conviction fine not exceeding the statutory minimum or a term of imprisonment not exceeding 6 months, or both</li> </ul> </li> <li>- for offence 22:               <ul style="list-style-type: none"> <li>a. conviction on indictment fine or a term of imprisonment not exceeding 10 years, or both</li> </ul> </li> </ul>	

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				<p>b. on summary conviction fine not exceeding the statutory minimum or a term of imprisonment not exceeding 6 months, or both</p> <p>- for offence 23:</p> <p>penalty corresponds to that for the specified criminal offences</p>	

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
Power to freeze funds	<p><b>Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002</b> (provision similar to that under the repealed Charter of the United Nations (Anti-Terrorism Measures) Regulations 2001)</p> <ul style="list-style-type: none"> <li>- Minister may list assets or classes of assets if he is satisfied that they are owned or controlled by a person or entity mentioned in paragraph 1(c) of United Nations Resolution 1373</li> </ul>	Nil	Nil	<p>The Terrorism (United Nations Measures) Order 2001</p> <p>The Treasury may direct funds to be frozen where it has reasonable grounds for suspecting a person on behalf of whom funds are held is, or may be, a person who commits etc acts of terrorism</p> <p>Anti-Terrorism, Crime and Security Act 2001</p> <p>The Treasury may make a freezing order to prohibit persons from making funds available to or for the benefit of a person or persons specified in the order, if (a) the Treasury reasonably believe that action to the detriment of the UK's economy has been or is likely to be taken by a person or persons, or action constituting a threat to the life or property of one or more nationals of the UK or residents of the UK has been or is likely to be taken by a person or persons; and (b) the person(s) is the government of a country or territory outside the UK or a resident of a country or territory outside the UK.</p> <p>A freezing order must be laid before the Parliament after being made and ceases to have effect at the end of a period of 28 days unless before the end of</p>	<p>USA Patriot Act 2001</p> <ul style="list-style-type: none"> <li>- amends the International Emergency Powers Act to authorize the President, when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, to confiscate foreign property that he determines has planned, authorized, aided, or engaged in such hostilities or attacks.</li> </ul>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
				that period the order is approved by a resolution of each House of Parliament.	
Reporting requirements	<p><b>Charter of the United Nations (Terrorism and Dealings with Assets Regulations)</b></p> <p><b><u>Schedule 2 adds the following to the Financial Transaction Report Act 1988</u></b></p> <p><b>(1A) Where:</b></p> <p><b>(a) a cash dealer is a party to a transaction; and</b></p> <p><b>(b) either:</b></p> <p><b>(i) the cash dealer has reasonable grounds to suspect that the transaction is preparatory to the commission of a financing of terrorism offence; or</b></p> <p><b>(ii) the cash dealer has reasonable grounds to suspect that information that the cash dealer has concerning the transaction may be relevant to investigation of, or prosecution of a person for, a financing of terrorism offence:</b></p> <p><b>the cash dealer, whether or not required to report the transaction under Division 1</b></p>	<p>Anti-Terrorism Act</p> <p>- Every person in Canada and every Canadian outside Canada shall disclose forthwith to the Commissioner of the Royal Canadian Mounted Police and to the Director of the Canadian Security Intelligence Service</p> <p>(a) the existence of property in their possession or control that they have reason to believe is owned or controlled by or on behalf of a listed person; and</p> <p>(b) information about a transaction or proposed transaction in respect of property referred to in paragraph (a).</p> <p>- Every person or entity shall report every financial transaction that occurs in the course of their activities and in respect of which there are reasonable grounds to suspect that the transaction is related to the commission of a money laundering offence or a terrorist activity financing offence.</p>	<p>United Nations (Anti-Terrorism Measures) Regulations 2001</p> <p>Every person in Singapore and any citizen of Singapore outside Singapore who (a) has possession, custody or control of any property belonging to any terrorist or any entity owned or controlled by any terrorist; or (b) has information about any transaction or proposed transaction in respect of any property belonging to any terrorist or any entity owned or controlled by any terrorist, shall immediately inform the Commissioner of Police or such other person as the Minister may delegate of that fact of information and provide such further information relating to the property, or transaction or proposed transaction, as the Commissioner or designated person may require.</p> <p><b>Terrorism (Suppression of Financing) Act 2002</b></p> <p><b>Every person in Singapore and every citizen of Singapore outside Singapore who (a) has possession, custody or control of any property belonging to any terrorist or terrorist</b></p>	<p>Terrorism Act 2000</p> <p>- Where a person believes or suspects that another person has committed offences 12 – 18, and bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment, that person shall disclose to a constable as soon as is reasonably practicable.</p> <p>- Where person in the financial sector knows or suspects or has reasonable grounds for knowing or suspecting that another person has committed offences 12 – 18; the information or other matter on which his knowledge or suspicion is based, or which gives reasonable grounds for such knowledge or suspicion, came to him in the course of a business in the financial sector, shall disclose the information or other matter to a constable or a nominated officer as soon as is practicable.</p>	<p>United States Code Title 31</p> <p><u>Section 5318(g)</u></p> <p>The Secretary of the Treasury may require any financial institution, and any director, officer, employee, or agent of any financial institution, to report any suspicious transaction relevant to a possible violation of law or regulation.</p> <p>USA Patriot Act 2001</p> <p>The Secretary of the Treasury, by 1 January 2002, is required to publish proposed regulations requiring registered brokers and dealers to file suspicious activity reports under section 5318(g) of the United States Code Title 31. [The proposed regulations were issued on 31 December 2001.]</p>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
	<p>or 3, must, as soon as practicable after forming the suspicion:</p> <ul style="list-style-type: none"><li>(c) prepare a report of the transaction; and</li><li>(d) communicate the information contained in the report to the Director.</li></ul>		<p>entity; or (b) has information about any transaction or proposed transaction in respect of any property belonging to any terrorist or terrorist entity, shall immediately inform the Commissioner of Police of that fact of information. The Commissioner of Police may require the person to furnish such further information or particulars as the Commissioner may think fit.</p>		



	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
Enforcement powers	<p><b>Security Legislation Amendment (Terrorism) Act 2002</b></p> <p><b><u>Schedule 2 adds the following to the Australian Protective Act 1987 and Crimes (Aviation) Act 1991 respectively</u></b></p> <ul style="list-style-type: none"> <li>- <b>To empower members of the Australian Protective Service (APS) to exercise their arrest without warrant powers to include terrorist-bombing and terrorism offences</b></li> <li>- <b>To empower members of the APS to exercise their arrest without warrant powers in relation to hijacking offences operating on intra-state flights</b></li> </ul> <p><b>Australian Security Intelligence Organization Legislation Amendment (Terrorism) Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>To provide the Australian Security Intelligence Organization (ASIO) with the power to seek a warrant to detain and question people for a period of up to 48 hours for the purposes of investigation of terrorism offences, based on reasonable grounds for believing that such action will substantially assist in the collection of intelligence that is important to a terrorism offence.</b></li> </ul>	<p>Anti-Terrorism Act</p> <ul style="list-style-type: none"> <li>- The Attorney General may make an ex parte application to the Federal Court for (a) a warrant authorizing the search and seizure of property subject to forfeiture, if the property is situated in Canada, or (b) a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, the property, if the property is situated outside Canada.</li> <li>- The Attorney General may apply to the Federal Court for an order of forfeiture in respect of (a) property owned or controlled by or on behalf of a terrorist group, or (b) property that has been or will be used, in whole or in part, to facilitate or carry out a terrorist activity.</li> <li>- A peace officer may, for the purposes of an investigation of terrorism offence that has been committed or will be committed, apply ex parte to a provincial court for an order for the gathering of information. The court may issue a warrant for the arrest of the person named in the order if that person is evading service of the order, is about to abscond, or did not attend the examination, or did not remain in attendance, as required by the order.</li> </ul>	<p><b>Terrorism (Suppression of Financing) Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>The Attorney General may make an ex parte application to a judge for (a) a warrant authorizing the search and seizure of property subject to forfeiture, if the property is situated in Singapore, or (b) a restraint order prohibiting any person from disposing of, or otherwise dealing with any interest in, that property, if the property is situated outside Singapore</b></li> <li>- <b>The Attorney General may apply to a judge for an order of forfeiture in respect of (a) property owned or controlled by or on behalf of any terrorist or terrorist entity; or (b) property that has been or will be used, in whole or in part, to facilitate or carry out a terrorist act.</b></li> </ul>	<p>Terrorism Act 2000</p> <ul style="list-style-type: none"> <li>- An authorized officer may seize any cash if he has reasonable grounds for suspecting that it is terrorist cash.</li> <li>- While the authorized officer continues to have reasonable grounds for his suspicion, cash seized may be detained for a period of 48 hours. The period for which cash may be detained may be extended by an order made by a magistrate's court.</li> <li>- Where cash is detained, an application for the forfeiture of the whole or part of it may be made to a magistrate's court. The court may order forfeiture of the cash or any part of it if satisfied that the cash or part of it is terrorist cash.</li> <li>- A constable may apply to a justice of peace for a warrant for the purposes of a terrorist investigation. The warrant authorizes any constable to enter premises, search the premises and any person found there, and to seize and detain any relevant material.</li> </ul>	<p>USA Patriot Act 2001</p> <ul style="list-style-type: none"> <li>- amends the Federal criminal code to authorize the interception of wire, oral, and electronic communications for the production of evidence of specified chemical weapons or terrorism offences, and computer fraud and abuse.</li> <li>- grants roving surveillance authority under the Foreign Intelligence Surveillance Act (FISA) after requiring a court order approving an electronic surveillance to direct any person to furnish necessary information, facilities, or technical assistance in circumstances where the court finds that the actions of surveillance target may have the effect of thwarting the identification of a specified person.</li> <li>- increases the duration of FISA surveillance permitted for non-US persons who are agents of a foreign powers.</li> <li>- permits seizure of voice-mail messages under a warrant.</li> <li>- expands the scope of subpoenas for records of electronic communications to include the length and types of service utilized,</li> </ul>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
	<p><b>Telecommunications Interception Legislation Amendment Act 2002</b></p> <ul style="list-style-type: none"> <li>- <b>To permit telecommunication interception warrants to be obtained to investigate certain offences, including terrorism offences</b></li> </ul>	<ul style="list-style-type: none"> <li>- A peace officer, may with the consent of the Attorney General, lay an information before a provincial court if he believes on reasonable grounds that a terrorist activity will be carried out, and suspects on reasonable ground that the imposition of a recognizance with conditions on a person, or the arrest of a person, is necessary to prevent the carrying out of the terrorist activity. The court may cause the person to appear before the court.</li> <li>- By reason of exigent circumstance, the peace officer suspects on reasonable grounds that the detention of the person in custody is necessary in order to prevent a terrorist activity, the peace officer may arrest the person without warrant and cause the person to be detained in custody.</li> </ul>		<ul style="list-style-type: none"> <li>- A constable may apply to a judge for an order for the purposes of terrorist investigation. The order may require a specified person (a) to produce to a constable within a specified period for seizure and retention any materials which he has in his possession, custody or power and to which the application relates; (b) to give the constable access to any material of the kind mentioned in (a) within a specified period; (c) to state to the best of his knowledge and belief the location of material to which the application relates if it is not in, and it will not come into, his possession, custody or power within the period specified under (a) or (b).</li> <li>- If the above order is not complied with, a constable may apply to a judge for a warrant authorizing any constable to enter premises, search the premises and any person found there, and seize and detain any relevant material.</li> <li>- A constable may apply to the court for an order requiring any person to provide an explanation of any material seized, or produced or made available</li> </ul>	<ul style="list-style-type: none"> <li>temporarily assigned network addresses, and the means and source of payment (including any credit card or bank account number)</li> <li>- amends the Communications Act of 1934 to permit specified disclosure to Government entities, except for records revealing cable subscriber selection of video programming from a cable operator.</li> <li>- permits electronic communication and remote computing service providers to make emergency disclosures to a governmental entity of customer electronic communications to protect life and limb.</li> <li>- authorized the Director of FBI to apply for a court order requiring production of certain business records for foreign intelligence and international terrorism investigations.</li> <li>- makes it lawful to intercept the wire or electronic communications of a computer trespasser in certain circumstances.</li> <li>- provides for nationwide service of search warrant for</li> </ul>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
				<p>to a constable.</p> <ul style="list-style-type: none"> <li>- For urgent cases, a police officer of at least the rank of superintendent may by a written order signed by him give to any constable the authority which may be given by a search warrant mentioned above.</li> <li>- A police officer may apply to a judge for an order requiring a financial institution to provide customer information for the purposes of a terrorist investigation.</li> <li>- A constable may arrest without a warrant a person whom he reasonably suspects to be a terrorist, in which case the person may be detained for 48 hours, photographed, measured or identified.</li> <li>- A constable may apply to a justice of peace for a warrant in relation to specified premises if there are reasonable grounds for suspecting that a person whom the constable reasonably suspects to be a terrorist. The warrant shall authorize any constable to enter and search the specified premises for the purpose of arresting the person. A constable may</li> </ul>	<p>electronic evidence.</p> <ul style="list-style-type: none"> <li>- amends Federal law governing monetary transactions to prescribe procedural guidelines under which the Secretary of the Treasury may require domestic financial institutions and agencies to take specified measures if the Secretary finds that reasonable grounds exist for concluding that jurisdictions, financial institutions, types of account, or transactions operating outside or within the United States, are of primary money laundering concern. Includes mandatory disclosure of specified information relating to certain correspondent accounts.</li> <li>- mandates establishment of due diligence mechanism to detect and report money laundering transactions through private banking accounts and correspondent accounts.</li> <li>- authorizes the forfeiture of money laundering funds from interbank accounts. Requires a covered financial institution, upon request of the appropriate Federal banking agency, to make available within 120 hours all pertinent information</li> </ul>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
				<p>search a person arrested to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.</p> <ul style="list-style-type: none"><li>- A constable may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist. A constable may seize and detain anything which he discovers in the course of a search of a person and which he reasonably suspects may constitute evidence that the person is a terrorist.</li><li>- For the purposes of searching for articles of a kind which could be used in connection with terrorism, any constable in uniform on authorization of a senior officer may stop a vehicle in an area or at a place specified in the authorization and to search the vehicle; the driver of the vehicle; a passenger in the vehicle; anything in or on the vehicle or carried by the driver or a passenger; or stop a pedestrian in an area or at a place specified in the authorization and to search the pedestrian; anything</li></ul>	<p>relating to anti-money laundering compliance by the institution or its customer. Grants the Secretary of the Treasury summons and subpoena powers over foreign banks that maintain a correspondent bank in the United States. Requires a covered financial institution to terminate within 10 business days any corresponding relationship with a foreign bank after receipt of written notice that the foreign has failed to comply with certain judicial proceedings.</p> <ul style="list-style-type: none"><li>- subjects to record and report requirements for money laundering instrument transactions.</li><li>- authorizes Federal application for restraining order to preserve the availability of property subject to foreign forfeiture or confiscation judgment.</li><li>- authorizes the Secretary of the Treasury to transfer suspicious financial records to other agencies or departments upon certification that the records are relevant to intelligence or counter-intelligence activities related to international terrorism.</li></ul>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
				<p>carried by him.</p> <p>- An examining officer may stop, question, detain and search a person if the person is at a port or in the border area and the examining officer believes that the person's presence at the port or in the area is connected with his entering or leaving Great Britain or Northern Ireland, or his travelling by air within Great Britain or within Northern Ireland; or if the person is on a ship or aircraft which has arrived at any place in Great Britain or Northern Ireland. For this purpose, the examining officer may search a ship or aircraft; search anything on a ship or aircraft; search anything which he reasonably believes has been, or is about to be, on a ship or aircraft. The examining officer may also examine goods which have arrived in or about to leave Great Britain or Northern Ireland on a ship or vehicle, and goods which have arrived in or are about to leave any place in Great Britain or Northern Ireland on an aircraft.</p>	<p>- subjects to mandatory record and reports on monetary instruments transactions any licenced sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system.</p> <p>- amends the Immigration and Nationality Act to broaden the scope of aliens ineligible for admission or deportable due to terrorist activities to include an alien who (1) is a representative of a political, social, or similar group whose political endorsement of terrorist acts undermines US anti-terrorist efforts; (2) has used a position of prominence to endorse terrorist activity, or to persuade others to support such activity in a way that undermines US anti-terrorist efforts; or (3) has been associated with a terrorist organization and intends to engage in threatening activities while in the United States.</p>

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				<p>Anti-Terrorism, Crime and Security Act 2001</p> <p>- The Secretary of State shall issue, and may from time to time revise, a code of practice relating to the retention by communications providers of communications data obtained by or held by them. The Secretary may enter into such agreements as he considers appropriate with any communication provider about the practice to be followed by that provider in relation to the retention of communications data obtained by or held by that provider. A code of practice or agreement may contain any such provision as appears to the Secretary of State to be necessary for the purposes of safeguarding national security or prevention or prosecution of offenders which may relate directly or indirectly to national security.</p>	<ul style="list-style-type: none"><li>- provides for mandatory detention until removal from the United States of an alien certified by the Attorney General as a suspected terrorist or threat to national security.</li><li>- permits DNA samples to be taken from any Federal prisoner convicted of a Federal terrorism offence.</li><li>- allows the FBI to request telephone tolls and transactional records, financial records, and consumer reports in any investigation to protect against international terrorism or clandestine intelligence activities.</li><li>- grants the FBI primary authority to investigate specified fraud and computer related activity for cases involving espionage, foreign counter-intelligence, information protected against unauthorized disclosure for reasons of national defence or foreign relations, or restricted data, except for offences affecting Secret Service duties.</li><li>- subjects to civil forfeiture all assets, foreign or domestic, of terrorist organizations.</li></ul>