

**Legislative Council Panel on Security**

**United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)**

**Purpose**

This note sets out the Administration's response to the following issues raised by Members at the meeting on 16 January 2003 -

- (a) concerns raised in respect of the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) (Cap. 575) before its passage, and how the Administration addressed the concerns;
- (b) how the Administration will deal with the outstanding issues of enacting the Ordinance in the stage one anti-terrorism legislative exercise;
- (c) whether the anti-terrorism laws in overseas jurisdictions have been revised; and
- (d) requirements for the Canadian and Australian governments to report to their parliaments on statistics on anti-terrorism cases.

**Concerns raised in respect of the Ordinance before its passage and how the Administration addressed the concerns**

2. A table summarizing the main concerns raised in respect of the Ordinance before its passage and how we addressed the concerns is at **Annex A**.

**How the Administration will deal with the outstanding issues of enacting the Ordinance in the stage one anti-terrorism legislative exercise**

3. As set out in the report of the Bills Committee of 9 July 2002 (referenced CB(2)2537/01-02), we have undertaken to -

- (a) give priority consideration to introducing an amendment bill to deal with the freezing of non-fund terrorist property and the provision of enforcement powers. In this regard, we had briefed Members at the meeting on 16 January 2003 that we would introduce a United Nations (Anti-Terrorism Measures)(Amendment) Bill 2003 (the Amendment Bill) to provide for these matters;

- (b) conduct a review regarding the Bills Committee's view that the requirement for "serious default" should be removed from the compensation provision in section 18 of the Ordinance, and to include improvements, if any, in the amendment bill mentioned in paragraph 3(a) above. We have completed the review in question and detailed the result in a separate paper (referenced CB(2)846/02-03(04)) submitted to the meeting of 16 January 2003;
- (c) observe that in exercising the delegation of power under section 16(2), the Secretary for Security will only delegate such power to senior officers of the Security Bureau. It remains our intention that the delegations will be made only to senior officers of the Bureau. The Secretary has thus far not made any such delegations; and
- (d) review the anti-terrorism measures set out in the Ordinance periodically to ensure that they are in line with the international trend. In this respect, Members may wish to refer to paragraphs 5 and 6 below for our findings and observations on the revisions of the anti-terrorism laws in some overseas jurisdictions.

4. As we briefed Members at the meeting on 16 January 2003, the Amendment Bill will also include a proposed amendment to section 10 of the Ordinance on the prohibition on recruitment of members of terrorist groups, by improving the language of the provision and providing for the appropriate mens rea. In fact, we proposed the amendment as a Committee Stage amendment before the passage of the Ordinance. However, the amendment was not approved due to a technicality.

#### **Whether the anti-terrorism laws in overseas jurisdictions have been revised**

5. Based on information available on the Internet, we have tabulated at **Annex B** the salient provisions of the anti-terrorism laws of a number of common law jurisdictions, namely, Australia, Canada, Singapore, the United Kingdom and the United States. New provisions enacted relatively recently are highlighted in bold form for easy reference.

6. We have noted that some jurisdictions have introduced new terrorism offences and enhanced enforcement powers to increase their capability to combat terrorism.

## **Requirements for the Canadian and Australian governments to report to parliaments on statistics on anti-terrorism cases**

### Canada

7. The Canadian Anti-Terrorism Act requires the Attorney General of Canada to prepare and cause to be laid before Parliament an annual report for the previous year on the operation of sections 83.28 and 83.29 of the Act.

8. Section 83.28 provides that a peace officer may with the prior consent of the Attorney General, for the purposes of an investigation of a terrorism offence, apply ex parte to a judge for an order for the gathering of information. The judge may make the order if satisfied that (i) there are reasonable grounds to believe that a terrorism offence has been committed, and relevant information is likely to be obtained as a result of the order; or (ii) there are reasonable grounds to believe that a terrorism offence will be committed, and there are reasonable grounds to believe that a person has direct and material information. Section 83.29 provides that the judge who made the order under section 83.28 may issue a warrant for the arrest of the person named in the order if satisfied that the 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.

9. The annual report should include the number of consents to make an application that were sought, and the number that were obtained, by virtue of section 83.28; the number of orders for gathering of information that were made under section 83.28; and the number of arrests that were made with a warrant issued under section 83.29.

10. The Act also requires that the Attorney General of Canada prepare and cause to be laid before Parliament an annual report for the previous year on the operation of section 83.3. Section 83.3 provides that a peace officer may with the prior consent of the Attorney General lay an information before a provincial court judge if the peace officer believes on reasonable grounds that a terrorist activity will be carried out, and suspects on reasonable grounds 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. A provincial court judge receiving an information may cause the person to appear before him. If either by reason of exigent circumstances it would be impracticable to lay an information or an information has been laid and a summons has been issued, and the peace officer suspects on reasonable grounds that the detention of the person in custody is necessary to prevent a terrorist activity, the peace officer may arrest the person without warrant and cause the person to be detained in custody, to be taken before a provincial court judge.

Where a person is taken before a provincial court judge, the judge shall order the person be released on certain grounds. The judge may also order that person enter into a recognizance for a period not exceeding 12 months. If the person fails or refuses to enter into the recognizance, the judge may commit the person to prison for a term not exceeding 12 months. The judge may, on application of a peace officer, the Attorney General or the person, vary the conditions fixed in the recognizance.

11. The annual report should include the number of consents to lay an information that were sought, and the number that were obtained, by virtue of section 83.3; the number of cases in which a summons or a warrant of arrest was issued for the purposes of section 83.3; the number of cases where a person was not released under section 83.3 pending a hearing; the number of cases in which an order to enter a recognizance was made under section 83.3 and the types of conditions that were imposed; the number of times that a person failed or refused to enter into a recognizance and the term of imprisonment imposed under section 83.3 in each case; and the number of cases in which the conditions fixed in a recognizance were varied under section 83.3.

12. The Act further requires the Solicitor General of Canada to prepare and cause to be laid before Parliament an annual report for the previous year on the operation of section 83.3. The report should include the number of arrests without warrant and the period of the arrested person's detention in custody in each case; and the number of cases in which a person was arrested without warrant and was released.

13. In essence, the annual reports cover the exercise of certain enforcement powers under the Act.

### Australia

14. The Australian Security Intelligence Organization (ASIO), which is responsible for countering terrorism and intelligence service is required under the Australian Security Intelligence Organization Act 1979 to furnish to the Parliament an annual report on its activities each year. The Inspector-General of Intelligence and Security (IGIS), who helps oversee and review the activities of intelligence agencies, is similarly required under the Inspector-General of Intelligence and Security Act 1986 to furnish to the Parliament an annual report on his activities each year.

15. As with all other departments and agencies, ASIO and IGIS are required to attend Senate Estimates examinations by the Foreign Affairs, Defence and Trade Committee that typically take place in February and November each year. This Senate Committee is composed of Government, Opposition and minor party members of Parliament and they are able to question each agency on any issue they wish to raise relevant to the agency's activities.

Security Bureau  
February 2003

**United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) –  
Addressing comments/concerns**

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration’s response addressing comments/concerns raised</b>
Section 2 – definition of “terrorist act”	The coverage of the original definition of “terrorist act” was too wide and might suppress an individual’s civil and political rights.	<p>The Administration explained that the definition of “terrorist act” was based on the definition of terrorism under the United Kingdom Terrorism (United Nations Measures) Order 2001 and the Canadian Anti-terrorism Act. The definition followed the international trend.</p> <p>The Administration moved Committee Stage Amendments (CSAs) to (i) tighten the definition of “terrorist act” by replacing such words as “involve” with “cause” and “designed” with “intended”; and (ii) to extend the exemption provision under paragraph (b) to the effect that any advocacy, protest, dissent or industrial action creating serious risk to public health and intended to seriously interfere with essential services, electronic systems etc will not constitute “terrorist act”.</p>
Section 2 – original definition of “property”	The coverage of the original definition of “property” was too wide.	The Administration moved CSAs to delete the definition of “property”. “Property” will be interpreted in accordance with its definition in the Interpretation and General Clauses Ordinance (Cap. 1).
Section 2 – definition of “weapons”	The original definition of “weapons” might cover many goods used for both military and	The Administration moved CSAs to (i) delete the original provision of “any goods specially designed or

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration’s response addressing comments/concerns raised</b>
	non-military purposes.	prepared for use, or normally used, in the manufacture or maintenance of any arms or related material mentioned in paragraph (b) or components mentioned in paragraph (c)” in the definition of “weapons”; and (ii) add “precursor” in paragraph (a) of the definition. The purpose is to make it clear that only key substances for the production of chemical, biological, radiological or nuclear weapons will fall within the definition of “weapons”.
Section 2 – definition of “items subject to legal privilege” and provision on “privilege against self-incrimination”	It was necessary to protect legal professional privilege and the privilege against self-incrimination.	<p>The Administration explained that legal professional privilege and the privilege against self-incrimination were already protected under common law.</p> <p>To address concerns, the Administration moved CSAs to add (i) the definition of “items subject to legal privilege”; and (ii) a new section 2(5) specifying that nothing in the Ordinance shall require disclosure or authorize the search/seizure of any items subject to legal privilege, or restrict the privilege against self-incrimination.</p>
Section 2 – provision on “journalistic materials”	It was necessary to protect journalistic materials.	The Administration moved CSAs to add a new section 2(7) stating for the avoidance of doubt that “journalistic materials” should be handled in accordance with Part XII of the Interpretation and General Clauses Ordinance (Cap. 1).

Section	Comments/concerns raised on the original provision in the Bill	Administration's response addressing comments/concerns raised
<p>Sections 4 and 5 – specification by Chief Executive (CE) of persons and property as terrorists/terrorist associates and terrorist property</p>	<p>The administrative power given by the original provision to the CE to specify persons and property as terrorists/terrorist associates and terrorist property, as the case may be, was too wide. The affected persons would have no knowledge of the grounds for the CE's specification. In addition, the original specification period of three years was too long.</p>	<p>The Administration moved CSAs to provide for two systems of specification –</p> <ul style="list-style-type: none"> <li>(i) under the new section 4, the CE may specify terrorists/terrorist associates or terrorist property designated by the United Nations by publishing a notice in the Gazette; and</li> <li>(ii) under the new section 5, the CE may apply to the Court of First Instance for an order to specify terrorists/terrorist associates or terrorist property not designated by the United Nations. The Court shall only make the order if it is satisfied that the persons or property are terrorists/terrorist associates or terrorist property. The CE shall cause the order to be published in the Gazette. The specification period has been shortened from three to two years. The CE's applications shall be made inter partes unless otherwise specified in the rules of court to be made.</li> </ul>
<p>Section 6 – freezing of funds</p>	<p>The original freezing period of three years was too long. The Secretary for Security (S for S) should not re-freeze the same funds based on the same grounds. There should also be provision allowing the use of the frozen funds for legitimate purposes.</p>	<p>The Administration moved CSAs to (i) shorten the freezing period from three to two years; and (ii) add a new section 6(5) providing that S for S shall not re-freeze the same funds unless there has been a material change in the grounds.</p>

Section	Comments/concerns raised on the original provision in the Bill	Administration's response addressing comments/concerns raised
		<p>The Administration also moved CSAs to add a new section 15 specifying that the licence granted by S for S under sections 6 or 8 would enable the use of the frozen funds for the reasonable living and legal expenses of the affected persons. The Administration further agreed to the Hon Albert Ho's CSA that the frozen funds could also be used for the payments liable to be made under the Employment Ordinance (Cap. 57).</p>
<p>Section 8 – prohibition on making funds, etc. available to terrorists and terrorist associates</p>	<p>The meaning of “for the purposes of this section” in the original provision was unclear and should be deleted.</p>	<p>The Administration moved CSAs to delete “for the purpose of this section”.</p>
<p>Section 10 – prohibition on recruitment, etc. to persons specified in notices under section 4(1) and (2)</p>	<p>The meaning of “a person shall not .... become a member of .... a person” was unclear, the coverage of “to serve in any capacity with” was too wide and would unnecessarily involve persons who were not at all terrorist members, and appropriate mens rea should be provided for.</p>	<p>The Administration moved CSAs to (i) make it clear the “a person shall not .... become a member of a body of persons (including individuals)”; (ii) delete “to serve in any capacity with”; and (iii) provide for the mens rea such that a person who knows or has reasonable grounds to believe that the recruiting organization is a specified terrorist organization will be criminalized.</p> <p>The CSAs were not approved due to some technical reasons. The Administration has planned to amend section 10 to the above effect in the stage two anti-terrorism legislative exercise.</p>

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration’s response addressing comments/concerns raised</b>
Section 11 – prohibition against false threats of terrorist acts	Section 11 was outside the scope of UNSCR 1373 and might suppress freedom of press.	<p>The Administration explained that section 10 sought to criminalize wilful and deliberate acts to disseminate false threats of terrorist acts with the intention to cause alarm and create confusion to the public. Section 10 would not suppress freedom of press.</p> <p>The Administration accepted the Hon Mrs Selina Chow’s CSAs which made it clear that section 10 covered acts “causing alarm to the public or a section of the public”.</p>
Section 12 – disclosure of knowledge or suspicion that property is terrorist property	The objective mental element of “has reasonable grounds to suspect” would impose a heavy burden on the financial sector. In addition, the disclosure requirement as imposed on lawyers would affect traditional lawyer-client relationship.	<p>The Administration moved CSAs to (i) replace the mental element of “has reasonable grounds to suspect” with “suspects”; and (ii) add a new section 12(4) to protect frontline or junior staff who make disclosure to a person in accordance with the procedures established by their employers.</p> <p>As mentioned above, the Administration also moved CSAs to add (i) the definition of “items subject to legal privilege” under section 2; and (ii) a new section 2(5) specifying that nothing in the Ordinance shall require disclosure or authorize the search/seizure of any items subject to legal privilege, or restrict the privilege against self-incrimination.</p>

Section	Comments/concerns raised on the original provision in the Bill	Administration's response addressing comments/concerns raised
<p>Section 13 – forfeiture of certain terrorist property</p>	<p>The standard of proof in the forfeiture proceedings should be “the standard of proof applicable to civil proceedings in a court of law” instead of “the balance of probabilities” as provided for in the original section 13(4).</p> <p>There was concern as to whether the forfeiture provision under section 13 was consistent with the property right protection requirement under Articles 6 and 105 (BL 6 and 105) of the Basic Law.</p>	<p>The Administration moved CSAs to replace “the balance of probabilities” with “the standard of proof applicable to civil proceedings in a court of law” in section 13(4).</p> <p>As set out in a paper (referenced CB(2)2459/01-02(01)) submitted to the Bills Committee, the Administration affirmed that section 13 is consistent with BL 6 and 105, and in particular, section 13 does not constitute a “deprivation” (“徵用”) of property within the meaning of BL 105 for which compensation is payable. The term “deprivation” in BL 105, when construed in the light of the corresponding Chinese text “徵用”, arguably refers to the act where the state or the government resumes or acquires properties due to needs of defence or socio-economic development. Section 13 does not fall within the narrow meaning of “deprivation” (“徵用”) of property, since it is in the nature of preventive confiscation of terrorist property.</p> <p>Even if a broader meaning is given to the term “deprivation”, it does not, under European human rights jurisprudence, include preventive confiscation that can be justified under the principle of proportionality with</p>

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration's response addressing comments/concerns raised</b>
		<p>reference to the overriding public interest. In this regard, section 13 seeks to combat the global problem of terrorism and, more specifically, terrorism financing, by way of preventive confiscation of terrorist property.</p> <p>Apart from the protection of the above important public interest, the principle of proportionality requires that there be a reasonable relationship of proportionality between the means employed for the interference with private property rights and the aim sought to be realized. Under European human rights jurisprudence in relation to confiscation or forfeiture of properties, it is relevant to consider whether there are procedures which enable reasonable account to be taken of the link between the conduct of owner and breach of law and allow the owner to put his case to the responsible authorities. In this regard, a forfeiture order under section 13 will not be made unless the court, under relevant Rules of the High Court, is satisfied that the property concerned is terrorist property and falls within the criteria laid down in section 13. There will therefore be sufficient procedural safeguards in compliance with the principle of proportionality to protect the rights of the parties concerned.</p>

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration's response addressing comments/concerns raised</b>
Section 14 – offences	<p>A person who has a reasonable excuse not to send a copy of the freezing notice to the fund owner as required under section 6(7) shall not be construed as contravening the requirement.</p> <p>The original provision on the liability of a body corporate was unclear.</p>	<p>The Administration moved CSAs to amend section 14(3) to the effect that a person who, without reasonable excuse, contravenes a requirement under section 6(7) commits an offence.</p> <p>The Administration also moved CSAs to delete the original provision on the liability of a body corporate. The issue of criminality of directors and officers of a body corporate will be dealt with in accordance with section 101E of the Criminal Procedure Ordinance (Cap. 221).</p>
Section 16 – delegations	The CE should delegate his functions under the Ordinance only to public officers.	The Administration explained that the intention was for the CE to delegate his functions under the Ordinance only to public officers. The Administration also moved CSAs to section 16 to make it clear that delegations will be made only to public officers.
Section 17 – applications to Court of First Instance	Appeal avenues should be available to all persons affected by the specification orders and freezing notices under sections 5 and 6 respectively.	The Administration moved CSAs to (i) provide that the affected person could apply to the Court of First Instance to appeal against a specification order made upon an ex parte application under section 5; (ii) widen the scope of appellants in respect of property specified under section 5 or funds frozen under section 6 to include any affected person; and (iii) provide that a person affected by the freezing actions under section 6 or 8 could appeal to the

Section	Comments/concerns raised on the original provision in the Bill	Administration's response addressing comments/concerns raised
		<p>Court of First Instance for issue of a licence by S for S, or for variation of a license issued by S for S, for using the frozen funds.</p> <p>The Administration also moved CSAs to add a new section 2(7) to make it clear that the affected person could apply to the Court of Appeal in accordance with section 14 of the High Court Ordinance (Cap. 4) in respect of any judgment or order of the Court of First Instance arising from inter partes proceedings under section 5, 13, 17 or 18.</p>
Section 18 – compensation	The Government should pay compensation to the aggrieved persons who had been wrongly specified as terrorists/terrorist associates or whose property had been wrongly specified as terrorist property.	<p>The Administration explained that the right to claim damages from the Government was already available under common law.</p> <p>The Administration accepted Members' suggestion and moved CSAs to provide for a statutory compensation mechanism under the new section 18 whereby compensation would be paid to an affected person if there had been some serious default on the part of the Government in obtaining the specification under section 5 or 6, and the affected person had in consequence of the specification and default suffered loss. This is based on similar provisions in the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the Organized and Serious Crimes Ordinance (Cap. 455).</p>

Section	Comments/concerns raised on the original provision in the Bill	Administration's response addressing comments/concerns raised
		<p>Noting Members' view that it would be difficult to prove that there had been "serious default" on the part of the Government, the Administration had undertaken to review the compensation provision in section 18 in consultation with relevant bureaux and departments, and report to Members within six months of the commencement of the Ordinance. The result of the review has been set out in a paper (referenced CB(2)846/02-03(04)) submitted to Members in January 2003.</p>
Section 19 – regulations	Provisions on freezing of non-fund property and on enforcement powers should be introduced by way of an amendment bill instead of subsidiary legislation.	<p>The Administration noted that it was not uncommon to make provision in a principal ordinance to empower the Administration to draw up regulations for different purposes. Such regulations are subsidiary legislation subject to scrutiny by the Legislative Council.</p> <p>The Administration had undertaken to give priority consideration to introducing an amendment bill to provide for the matters. In this regard, the Administration had explained at the meeting of the Panel on Security on 16 January 2003 that it would introduce a United Nations (Anti-Terrorism Measures)(Amendment) Bill 2003 to cover, among other things, the freezing of non-fund terrorist property and the necessary enforcement powers.</p>

<b>Section</b>	<b>Comments/concerns raised on the original provision in the Bill</b>	<b>Administration's response addressing comments/concerns raised</b>
Section 21 – proceedings inter partes shall be held in open court unless otherwise ordered by court	The persons affected by the Government's specification and forfeiture actions should be assured of an open and fair hearing.	The Administration moved CSAs to provide for a new section 21 making it clear that proceedings inter partes in respect of actions under sections 5, 13, 17 and 18 shall be held in open court, unless the court otherwise orders that the proceedings shall be held in chambers or in camera in the interests of the security, defence or external relations of the HKSAR or the administration of justice.
original Schedules 2 and 3 – evidence and information; seizure and detention of property suspected to be terrorist property	The enforcement powers as provided for under the original Schedules 2 and 3 were too wide.	The Administration moved CSAs to delete Schedules 2 and 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><b>“terrorist” means any person who –</b></p> <p>(a) <b>commits, or attempts to commit, any terrorist act; or</b></p> <p>(b) <b>participates in or facilitates the commission of any terrorist act,</b></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>

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		<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>

	<u>AUSTRALIA</u>	<u>CANADA</u>	<u>SINGAPORE</u>	<u>UNITED KINGDOM</u>	<u>UNITED STATES</u>
	<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> </ul> <p><b>Suppression of the Financing of Terrorism Convention Implementation Act 2002</b></p> <ul style="list-style-type: none"> <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>	

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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>

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				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>

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	<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>		

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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>

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	<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>

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				<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>

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				<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>

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				<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>