

ACTS SUPPLEMENT

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Act 9 *Anti-Terrorism (Amendment) Act* **2015**

THE ANTI - TERRORISM (AMENDMENT) ACT, 2015

ARRANGEMENT OF SECTIONS

Section.

1. Amendment of section 2 of the Anti-Terrorism Act, 2002.
2. Amendment of section 7 of principal Act.
3. Insertion of new section 9A.
4. Insertion of new sections 17A and 17B.
5. Insertion of new section 32A.
6. Miscellaneous amendments to the principal Act.
7. Amendment of Second schedule.

THE ANTI - TERRORISM (AMENDMENT) ACT, 2015

An Act to amend the Anti-Terrorism Act, 2002 to harmonise the definition of “funds” with that contained in the International Convention For the Suppression of the Financing of Terrorism, 1999; to amend the definitions of “terrorism” and “acts of terrorism” to include the international aspects envisaged by the Convention; and for related purposes.

DATE OF ASSENT: 19th June, 2015.

Date of Commencement: 19th June, 2015.

BE IT ENACTED by Parliament as follows:

1. Amendment of section 2 of the Anti-Terrorism Act, 2002

The Anti-Terrorism Act, 2002, in this Act referred to as the principal Act, is amended in section 2—

- (a) by inserting immediately after the definition of “explosive or other lethal device” the following definition—

““funds” includes assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in such assets, including, but not limited to, bank credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit;”;

- (b) by inserting immediately after the definition of “security officer” the following definition—

““services” includes financial services, or the provision of lodging, training, expert advice or assistance, safe-houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation;”.

2. Amendment of section 7 of principal Act.

Section 7 of the principal Act is amended—

- (a) by substituting for subsection (1), the following—

“(1) Subject to this Act, a person who engages in or carries out any act of terrorism commits an offence and is, on conviction—

- (a) liable to suffer death, if the offence directly results in the death of any person; and
- (b) in any other case, liable to imprisonment for life.”;

- (b) in subsection (2)—

- (i) by inserting immediately after “Government” the following—

“or an international organization”;

- (ii) by substituting for paragraph (b), the following—

“(b) direct involvement or complicity in the murder, kidnapping, abducting, maiming or attack, whether actual, attempted or threatened, on the person, official premises, private

accommodation, or means of transport or diplomatic agents or other internationally protected persons;”;

(iii) by substituting for paragraph (d), the following—

“(d) intentional and unlawful provision or collection of funds or services, or providing or receiving training, whether attempted or actual, with the intention or knowledge that any part of the funds or services or training may be used to carry out any of the terrorist activities under this Act;”;

(iv) in paragraph (g), by deleting the entire paragraph;

(v) in paragraph (h), by inserting immediately after “bomb” the following—

“and generally providing weapons to terrorist organisations;”; and

(vi) by inserting immediately after paragraph (j) the following new paragraphs—

“(k) any act of violence aimed at causing the death of a civilian not engaged in armed conflict;

(l) endangering the life of a person, other than the person committing the act of terrorism;

(m) creating a serious risk to the health or safety of the public or a section of the public;

(n) causing serious damage to property;

(o) releasing any dangerous, hazardous, toxic or radioactive substance or microbial or other biological agents or toxins into the environment;

- (p) interfering with an electronic system resulting in the disruption of the provision of communication, financial, transport or other essential or emergency services;
- (q) any act prejudicial to national security or public safety;
- (r) possessing property for commission of acts of terrorism;
- (s) arranging for the retention or control of property belonging to a terrorist;
- (t) knowingly dealing in property owned or controlled by terrorist organisations;
- (u) soliciting or giving support to terrorist organisations;
- (v) committing an act of terrorism in a foreign state;
- (w) promoting any offence under this Act;
- (x) unlawful possession of materials for promoting terrorism such as audio or video tapes, written literature or electronic literature;
- (y) any act that constitutes a crime in accordance with agreements, protocols and treaties described in the annex to the International Convention For the Suppression of the Financing of Terrorism, 1999.”

3. Insertion of new section 9A.

The principal Act is amended by inserting immediately after section 9, the following—

“9A. Terrorism financing.

(1) A person who willingly collects or provides funds, directly or indirectly, by any means, with the intention that such funds will be used, or in the knowledge that such funds are to be used, in full or in part, by a person or a terrorist organisation, to carry out a terrorist act, commits an offence.

(2) A person commits an offence under this section regardless of whether the funds are actually used to commit an offence or not, and regardless of whether the funds are linked to a specific act of terrorism or not.

(3) A person who attempts to participate or participates, by inciting, aiding, organizing or directing others to commit, or conspiring to commit an offence under this section, commits an offence.

(4) A person who commits an offence under this section is, on conviction, liable to imprisonment for twenty years or to a fine not exceeding five hundred currency points, or both.”

4. Insertion of new sections 17A and 17B.

The principal Act is amended by inserting immediately after section 17, the following—

“17A. Freezing or seizure of funds and property.

(1) The Financial Intelligence Authority may, cause the freezing or seizing of funds or property where it is satisfied that the funds are or the property is intended for terrorism activities.

(2) Where the Financial Intelligence Authority causes the freezing or seizing of funds or property under Sub section (1), the Financial Intelligence Authority shall, immediately inform the Director of Public Prosecutions in any case not later than forty eight hours after the time of freezing or seizing.

(3) After receipt of the information under sub section (2), the Director of Public Prosecution shall apply to court for an order freezing or seizing such funds or property and the court shall make a determination expeditiously.

17B. Forfeiture of funds or property on conviction

(1) Where a person is convicted of an offence under this Act, the court may order that the funds or property used to commit the offence, be forfeited to the State.

(2) The court shall, before making an order under subsection (1), give a person who has an interest in the funds or property, an opportunity to be heard.

(3) A court shall not make an order under subsection (1), where a person claiming an interest in the funds or property applies to be heard unless an opportunity has been given to that person to show cause why the order should not be made.

(4) Property forfeited to the State shall vest in Government.”

5. Insertion of new section 32A.

The principal Act is amended by inserting immediately after section 32, the following—

“32A. Regulations.

The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes and provisions of this Act.”

6. Miscellaneous amendments to the principal Act.

The principal Act is amended by substituting for all references to “money” wherever they appear, the word “funds”.

7. Amendment of Second schedule.

Amend the second schedule by inserting three other terrorist organizations as follows—

5. Boko Haram
6. Al-Shabaab
7. Islamic Maghreb