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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 19th March, 2013

No. F. 9(5)/2013-Legis.—The following Act of Majlis-e-Shoora

(Parliament) received the assent of the President on 18th March, 2013, is hereby published for general information:—

ACT NO. XIII OF 2013

An Act further to amend the Anti-terrorism Act, 1997

WHEREAS it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII of 1997) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title extent and commencement.—(1) This Act may be called the Anti-terrorism (Amendment) Act, 2013. -

(2) It shall come into force at once.

(213)

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2. Amendment of section 2, Act XXVIII of 1997.—In the Anti-terrorism Act, 1997 (XX VII of 1997), hereinafter referred to as, the said Act, in section 2,—

(a) after clause (0), the following new clause shall be inserted, namely:—

“(oa)

“money” includes coins or notes in any currency, postal orders, money orders, bank credits, bank accounts, letter of credit, travelers cheques, bank cheques, bankers draft, in any form, electronic, digital or otherwise and such other kinds of monetary instruments or documents as the Federal Government may by order specify;”;

(b) in clause (p), the words “acting under a distinctive name” shall be omitted;

(c) after clause (p), amended as aforesaid, the following new clause shall be inserted, namely:—

“(pa)

“property” means property of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes shares, securities, bonds and deeds and instruments evidencing title to, or an interest in, property of any kind and money;”; and

(d) in clause (@a),—

(i)

(iu)

in paragraph (i), in sub-paragraph (a), for the words “a prescribed organization” the words “an organization concerned in terrorism or a terrorist” shall be substituted;

in paragraph (ii),—

(a) in sub-paragraph (a), after semicolon the word “and” shall be added;

(b) in sub-paragraph (b), for commas, words and semicolon the phrase “and includes assets of any kind, whether tangible or intangible, movable or immovable, and legal documents or instruments in any form. whether written, electronic or digital, and shares, securities, bonds, drafts and letters of credit; and” a semicolon shall be substituted; and

(d) sub-paragraph (c) shall be omitted,

3. Amendment of section 6, Act XXVII of 1997.—In the said Act, in section 6,—

(a) in sub-section (1), in clause (b), after the word “sect” the words “or a foreign government or population or an international organization” shall be inserted;

(b) after sub-section (3), the following new sub-section shall be inserted, namely:—

“(3A) Notwithstanding anything contained in sub-section (1), an action in violation of a convention specified in the Fifth Schedule shall be an act of terrorism under this Act;’; and

(c) in sub-section (7), in clauses (a) and (b), for the words “a person” the words “an individual” shall be substituted and after the word “preparation” the words and commas, “facilitation, funding” shall be inserted,

4, Amendment of section 11A, Act XXVII of 1997.—In the said

Act, in section 11A,— -

(a) the existing provision shall be numbered as sub-section (1) thereof; and

(b) in sub-section (1), numbered as aforesaid, in clause (a), after the word “commits” the comma and word “facilitates” shall be inserted; and

(c) after sub-section (1), numbered and amended as aforesaid, the following new sub-section shall be added, namely: —

“(2) An organization shall fall within the meaning of sub-section (1) if it—

(a) is owned or controlled, directly or indirectly, by a terrorist or an organization referred in sub-section (1); or

(b) acts on behalf of, or at the direction of, a terrorist or an organization referred in sub-section (1).”.

5. Amendment of section LIE, Act XXVII of 1997.—In the said Act, in section I], in sub-section (1), for clause (0), the following shall be substituted, namely:—

“(b) its money or other property, if any, shall be frozen or seized.”

6. Amendment of section 11K, Act XXVII of 1997.—In the said Act, in section 11F, in sub-section (5), for the word “funds” the words, “money or other property” shall be substituted.

7. Amendment of section 11H, Act XXVII of 1997.—In the said Act. in section 11H, after the word “terrorism”, wherever occurring, the words “or by a terrorist or organization concerned in terrorism” shall be inserted.

8. Amendment of section 110, Act XX VII of 1997.—In the said Act, for section 110 the following shall be substituted, namely:—

“110. Seizure, freeze and detention.—(1) The Federal Government or a Provincial Government may, from time to time, designate an officer of the Government, by notification in the official Gazette, or direct any other person to freeze, seize or detain any money or other property for a period of fifteen days, if there are reasonable grounds to believe that—

(a) it is a terrorist property; or
(b) it is property of a person included in the Fourth Schedule.

(2) The refusal to effect freeze or seizure under this section without just cause shall be an offence under this Act and shall be liable on conviction to imprisonment of upto five years or fine upto five hundred thousand rupees, or both.

(3) If a legal person commits an offence under sub-section (4), it shall be liable to a fine of upto five million rupees and every director, officer or employee of such entity found guilty under sub-section (4) shall be punished in terms thereof,

(4) The officer or person effecting freeze or seizure shall, within . forty eight hours of the freeze or seizure, issue notice thereof to all persons concerned with the money or other property frozen or seized and cause publication of such notice in one English newspaper and one Urdu newspaper having wide circulation in the area.

(5) No prosecution, suit or other proceedings shall lie against the Government, or the officer or the person referred to in sub-section (1) for anything done or intended to be done in good faith to effect freeze or seizure under this section.

(6) The provisions of sub-sections (1) to (5) shall mutatis mutandis apply to a request received by the Federal Government from a foreign government to freeze, seize or detain a terrorist property or F PrpSty of a person included in the Fourth Schedule.”.

9. Amendment of section 11P, Act XXVII of 1997.—In the said Act, in section 11P,—

(a) in sub-section (1),—

(i). for the words “An authorized officer” the phrase “The officer or person referred to under sub-section (1) of section 110” shall be

substituted; and

(ii) for the word “cash” the words “money or other property frozen or” shall be substituted; and

(b) in sub-section (2),—

(i) in clause (a), for the word “cash” the words “money or other property” shall be substituted; and

(ii) in clause (c), for the words “cash was” the words “money or other property was frozen or” shall be substituted.

10. Amendment of section 11R, Act XXVII of 1997.—In the said Act, in section 11R,—

(a) the word “cash” wherever occurring, the words “money or other property” shall be substituted; and

(b) in sub-section (1), for the words “An authorized officer” the words “The officer or person referred to under sub-section (1) of section 110” shall be substituted.

11. Amendment of section 11S, Act XXVII of 1997.—In the said Act, in section 11S,—

(a) in the marginal note, the words, figure and letter “under section 11R” shall be omitted; and

(b) in sub-section (1), after the word “under” the words, figure and letter “section 11Q or” shall be inserted.

12. Amendment of section 11-T, Act XXVII of 1997.—In the said Act, in section 11T,—

(a) in the marginal note, for the word “Cash” the word “money or other property” shall be substituted;

(b) in sub-section (1),—

(i) for the word “cash” the words “money or other property” shall be substituted; and

(ii) for the word “the”, occurring for the first time, the words and commas “any addition, return,” shall be substituted,

(c) after sub-section (2), the following new sub-section shall be added namely:—

“(3) The Federal Government may, by rules made under this Act, prescribe the manner of administration of the fund and management or disposal of the money or property forfeited under this Act.”

13. Amendment of section 34, Act XXVIII of 1997.—In the said Act, in section 34, for the word “and” a comma shall be substituted and after the word + “Third” the words “and Fifth” shall be inserted.

14. Insertion of Fifth Schedule, Act XXVII of 1997.—In the said Act, after the Fourth Schedule the following new schedule shall be added, namely:—

“THE FIFTH SCHEDULE

[see section 6(3A))]

(a) Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on the 16th December, 1970;

(b) Convention for the Suppression of Unlawful Acts against the Safety Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;

(c) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including diplomatic Agents, adopted by the General Assembly of the United Nations on the 14th December, 1973;

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(i)

International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on the 17th December, 1979;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on the 24th February, 1988;

Convention for the suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on the 10th March, 1988;

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on the 10th March, 1988;

International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations at New York on the 15th December, 1997; and '

Such other convention as may be specified by the Federal Government by notification in the official Gazette".

IFTIKHAR ULLAH BABAR,
Secretary.

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