

DEPARTMENT OF POLICE

NO. 2231

1 July 2022

PUBLICATION OF THE EXPLANATORY SUMMARY OF THE PROTECTION OF CONSTITUTIONAL DEMOCRACY AGAINST TERRORIST AND RELATED ACTIVITIES AMENDMENT BILL, 2022

1. Notice is hereby given in terms of Rule 276(1)(b) of the Rules of the National Assembly that the Minister of Police intends to introduce the Protection of Constitutional Democracy against Terrorist and Related Activities Amendment Bill, 2022 (Bill), in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.
3. The Bill aims to update the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004) (“the principal Act”) with regard to developments in international law, to give effect to certain Constitutional Court judgments and to address challenges experienced with conducting investigations and prosecutions. Particular provisions have been inserted to cater for foreign terrorist fighters and to address the sentencing of the financing of terrorism.
4. The proposals involve the amendment of certain definitions in the principal Act, and the insertion of some new offences related to maritime and aviation security. It is proposed to delete the motive requirement from the definition of “terrorist activity in the Act. The responsibility for the publication of United Nations Security Council Resolutions related to terrorism in a notice in the *Gazette*, and other appropriate means, is proposed to be placed with the Minister of Finance in terms of the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) and amendments thereof with the Director of the Financial Intelligence Centre.

5. The Bill simplifies the interpretation of the jurisdictional provision and expands the extradition provisions to all terrorism related offences in the principal Act.

6. The Bill also gives effect to the recommendations of the United Nations Counter-Terrorism Executive Directorate following a compliance visit to South Africa in respect of South Africa, as well as to recommendations made in a mutual assessment report of the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) and the Financial Action Task Force (FATF) after a compliance visit to South Africa, led by officials of the International Monetary Fund (IMF). In particular, it is proposed to repeal the exclusion that an armed struggle for liberation shall not be considered to be a terrorist activity.

A copy of the Bill can be found on the website of the Department of Civilian Secretariat for Police Service at <http://www.policeseecretariat.gov.za> and after introduction, may also be obtained from the Government Printers: Cape Town (Telephone number 021 405 7531).