

**SUPPLEMENT TO**  
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**GAZETTE**

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## THE SUPPRESSION OF TERRORISM (AMENDMENT) ACT, 2017

(Act No. 11 of 2017)



I ASSENT

MSWATI III  
KING OF SWAZILAND8<sup>th</sup> August, 2017

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**AN ACT  
ENTITLED**

**AN ACT** to amend the Suppression of Terrorism Act, 2008 so as to provide for the definition of the word "funds", to replace the definition of "terrorist act"; to provide for the judicial review of an order declaring certain entities to be specified and to provide for incidental matters.

**ENACTED** by the King and the Parliament of Swaziland.

***Short title and commencement.***

1. (1) This Act may be cited as the Suppression of Terrorism (Amendment) Act, 2017 and shall be read as one with the Suppression of Terrorism Act, 2008 (hereinafter referred to as the "Principal Act").

(2) This Act shall come into force on the date of publication in the Gazette.

***Amendment of section 2.***

2. (1) Section 2 of the Principal Act is amended as follows-

(a) by inserting in alphabetical order, new definitions as follows-

"act of terrorism" means terrorist act; and

"funds" means 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 cash, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;"

(b) by deleting the definition of the term "terrorist act" and replacing it with a new definition as follows -

“terrorist act” means -

- (1) an act or omission which constitutes an offence under this Act or within the scope of a counter-terrorism Convention; or
- (2) an act, attempted action or threat of action which -
  - (a) causes or is intended to cause death or bodily injury;
  - (b) causes or is intended to cause serious damage to property;
  - (c) endangers the life of any person;
  - (d) creates a serious risk to the health of the public or a section of the public;
  - (e) involves the use of firearms or explosives;
  - (f) involves releasing into the environment or distributing or exposing the public, or any part of the public, to -
    - (i) any dangerous, hazardous, radioactive or harmful substance;
    - (ii) any toxic chemical; or
    - (iii) any harmful microbial or other biological agent or toxin;
  - (g) is designed or intended to disrupt any computer system or the provision of services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;
  - (h) is designed or intended to disrupt the provision of essential emergency services such as police, civil defence or medical services; or
  - (i) constitutes the intentional taking of a hostage,and is committed for a political, religious or ideological purpose and -
  - (i) is intended to intimidate the public or a section of the public;
  - (ii) to compel a Government or an Intergovernmental Organisation to do or refrain from doing any act; or
  - (iii) to bring about the overthrow by force or violence, of a lawful Government.
- (3) Notwithstanding the provisions of subsection (2) an act which-
  - (a) disrupts any services; and
  - (b) is committed in pursuance of a protest, demonstration or stoppage of work, shall not be deemed to be a terrorist act within the meaning of this definition, so long as the act is not intended to result in any of the harm referred to in paragraphs (a), (b), (c) or (d) of subsection (2).

*Amendment of section 5.*

3. Section 5 of the Principal Act is amended as follows-

- (a) by inserting in subsection (2) in line two, between the words "possession of" and "literature", the words "an explosive device or"; and
- (b) by replacing the word "three (3)" in line four, between the words "exceeding" and "years" with the word "fifteen (15)".

*Amendment of section 11.*

4. (1) Section 11 of the Principal Act is amended by replacing subsection (2) with the following new subsection -

"(2) For the purposes of this section-

- (a) an offer to provide, or the provision of, forged or falsified travel documents to a member of a terrorist group;
- (b) the travelling or attempting to travel to a State other than the State of citizenship or residence of the person travelling or attempting to travel for the purpose of perpetrating, planning or participating in a terrorist act or the provision or receiving of terrorist training;
- (c) the wilful provision or collection of funds with the intention or knowledge that the funds are intended to be used to finance the travel of an individual to a State, other than the State of citizenship or residence of that individual, for the purpose of perpetrating, planning, preparing or participating in an act of terrorism or providing or receiving terrorist training;
- (d) the wilful arrangement, or other facilitation, including acts of recruitment in Swaziland or by a Swazi citizen of the travel of individuals who travel to a State other than the State of citizenship or residence for the purpose of perpetrating, planning, preparing for or participating in a terrorist act or the providing or receiving of terrorist training;
- (e) the wilful arrangement, or other facilitation, including acts of recruitment in Swaziland or by any person for the purpose of perpetrating, planning, preparing for or participating in a terrorist act or the providing or receiving of terrorist training within Swaziland; or,
- (f) the wilful provision or collection of funds with the intention or knowledge that the funds are intended to be used to finance the travelling within Swaziland of an individual or group of individuals, for the purpose of perpetrating, planning, preparing or participating in an act of terrorism or providing or receiving terrorist training, constitutes giving support to a terrorist group."

(2) Section 11 of the Principal Act is amended by inserting at the end of subsection (2), a new subsection (3) as follows-

"(3) For the purposes of this section, registered organisations engaged in essential humanitarian aid projects, are exempt from the provisions of this section."

*Amendment of section 28.*

5. Section 28 of the Principal Act is amended by replacing subsection (6) (e) with the following new subparagraph -

“(e) shall determine whether the decision is reasonable on the basis of the information available to the judge and, if found not to be reasonable, make an order that the Minister revokes the order made, or deemed to have been made, under subsection (2) in respect of the applicant.”