

Nru. 218

08. 06. 2021

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-1 ta' Ġunju 2021.

ATT sabiex jemenda liġijiet varji relatati ma' kontenut terroristiku online.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 1st June 2021.

AN ACT to amend various laws relative to online terrorist content.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda liġijiet varji relatati ma' kontenut terroristiku online.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament u bl-awtorità tal-istess, ħareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda Titolu fil-qosor. Liġijiet Kriminali dwar il-Ġlieda kontra t-Terroriżmu.

TAQSIMA I
Emendi għall-Kodiċi Kriminali

2. Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara Emendi tal-Kodiċi Kriminali. Kap. 9. u tinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

3. Is-subartikolu (2) tal-artikolu 328A tal-Kodiċi għandu jiġi Emenda tal-artikolu 328A tal-Kodiċi. emendat kif ġej:

(a) fil-paragrafu (f) tiegħu, minnufih wara l-kelma "bioloġiċi" għandha tiżdied il-kelma ", radjoloġiċi"; u

(b) fil-paragrafu (g) tiegħu, minnufih wara l-kelma "ta' armi bioloġiċi" għandhom jiżdiedu l-kliem ", radjoloġiċi, nukleari".

C 5584

Emenda tal-artikolu 328Ċ tal-Kodiċi.

4. L-artikolu 328Ċ tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (2) tiegħu, minnufih wara l-kliem "lil xi persuna oħra" għandhom jiżdiedu l-kliem "jew jistudja b'mod awtonomu"; u

(b) minnufih wara s-subartikolu (6) tiegħu għandhom jiżdiedu s-subartikoli ġodda li ġejjin:

"(7) Bil-għan li tiġi żgurata t-tneħħija ta' kontenut online ospitat barra t-territorju ta' Malta, liema kontenut online jikkostitwixxi provokazzjoni pubblika sabiex jitwettqu attivitajiet terroristiċi kif imfissra fis-subartikolu (2)(a), il-Pulizija tista' titlob lill-fornituri tas-servizz tal-internet li jospitaw tali kontenut online biex ineħħu tali kontenut online. It-talba mibgħuta lill-fornituri tas-servizz tal-internet għandu jkun fiha kawżi raġonevoli li għalihom tkun saret it-talba.

(8) Kwalunkwe deċiżjoni meħuda mill-Pulizija skont is-subartikolu (7) tista' tiġi kontestata skont l-artikolu 469A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

Kap. 12.

Emenda tal-artikolu 328D tal-Kodiċi.

5. Fil-verżjoni bl-Ingliż, fl-artikolu 328D tal-Kodiċi, il-kliem "the foregoing articles" għandhom jiġu mħassra.

Emenda tal-artikolu 328F tal-Kodiċi.

6. Fis-subartikolu (1) tal-artikolu 328F tal-Kodiċi, minnufih wara l-kliem "għall-finijiet ta' attivitajiet terroristiċi" għandhom jiżdiedu l-kliem "taħt l-artikolu 328A u reati marbuta ma' atti terroristiċi taħt l-artikolu 328Ċ".

TAQSIMA II

Emendi għall-Att dwar Vittmi tal-Kriminalità

Emendi tal-Att dwar Vittmi tal-Kriminalità. Kap. 539.

7. Din it-Taqsima temenda l-Att dwar Vittmi tal-Kriminalità u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Vittmi tal-Kriminalità, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

8. Fl-artikolu 2 tal-Att prinċipali, fil-paragrafu (a) tat-tifsira "vittma", minnufih wara l-kliem "li garrbet ħsara" għandhom jiżdiedu l-kliem "inkluż ħsara minn attivitajiet terroristiċi".

Emenda tal-artikolu 10 tal-Att prinċipali.

9. Fil-proviso għall-artikolu 10 tal-Att prinċipali, il-kliem "fi Stat Membru ieħor." għandhom jiġu sostitwiti bil-kliem "fi Stat Membru ieħor:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda wkoll li l-gravità u ċ-ċirkostanzi tar-reat għandhom jiġi kkunsidrati meta tinghata għajjnuna legali lill-vittmi."

10. Il-paragrafu (b) tal-artikolu 12 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 12 tal-Att prinċipali.

(a) minnufih wara l-kliem "servizzi ta' appoġġ għall-vittmi għandhom jiżdiedu l-kliem ", sakemm meħtieġ,"; u

(b) fis-subparagrafu (vi) tiegħu, minnufih wara l-kliem "trattament mediku" għandha tiżdied il-kelma "immedjat".

11. L-artikolu 13 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 13 tal-Att prinċipali.

(a) fil-proviso għas-subartikolu (1) tiegħu, minnufih wara l-kliem "aċċess għal servizzi ta' appoġġ għall-vittmi" għandhom jiżdiedu l-kliem "kif provdut fl-artikolu 12"; u

(b) fis-subartikolu (3) tiegħu, minnufih wara l-kliem "mingħajr ħlas" għandhom jiżdiedu l-kliem ", faċilment aċċessibbli".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jittrasponu bi sħiħ id-dispożizzjonijiet tad-Direttiva (UE) 2017/541 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Marzu 2017 dwar il-ġlieda kontra t-terroriżmu u li tissostitwixxi d-Deċiżjoni Kwadru tal-Kunsill 2002/475/ĠAI u li temenda d-Deċiżjoni tal-Kunsill 2005/671/ĠAI.

C 5586

**A BILL
entitled**

AN ACT to amend various laws relative to online terrorist content.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.

1. The short title of this Act is the Criminal Laws (Combating Terrorism) (Amendment) Act, 2021.

PART I

Amendments to the Criminal Code

Amendments of
the Criminal
Code.
Cap. 9.

2. This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code".

Amendment of
article 328A of
the Code.

3. Sub-article (2) of article 328A of the Code shall be amended as follows:

(a) in paragraph (f) thereof, immediately after the word "biological," there shall be added the word "radiological"; and

(b) in paragraph (g) thereof, immediately after the word "of biological" there shall be added the words ", radiological, nuclear".

Amendment of
article 328C of
the Code.

4. Article 328C of the Code shall be amended as follows:

(a) in paragraph (c) of sub-article (2) thereof,

immediately after the words "another person" there shall be added the words "or self-studies"; and

(b) immediately after sub-article (6) thereof there shall be added a new sub-articles:

"(7) For the purpose of ensuring the removal of online content hosted outside the territory of Malta, which online content constitutes a public provocation to commit terrorist activities as defined in sub-article (2)(a), the Police may request internet service providers hosting such online content to remove such online content. The request communicated to the internet service provider shall contain reasoned grounds for which such a request was made.

(8) Any decision taken by the Police in accordance with sub-article (7) may be challenged in terms of article 469A of the Code of Organization and Civil Procedure.".

Cap. 12.

5. In article 328D of the Code, the words "the foregoing articles" shall be deleted. Amendment of article 328D of the Code.

6. In sub-article (1) of article 328F of the Code, immediately after the words "for the purposes of terrorist activities" there shall be added the words "under article 328A and offences linked to terrorist acts under article 328C". Amendment of article 328F of the Code.

PART II

Amendments to the Victims of Crime Act

7. This Part amends the Victims of Crime Act and it shall be read and construed as one with the Victim of Crime Act, hereinafter in this Part referred to as "the principal Act". Amendments of the Victims of Crime Act. Cap. 539.

8. In article 2 of the principal Act, in paragraph (a) of the definition "victim", immediately after the words "suffered harm" there shall be added the words "including harm from terrorist activities". Amendment of article 2 of the principal Act.

9. In the proviso to article 10 of the principal Act, the words "reference to the victim." shall be substituted by the words "reference to the victim:" and immediately after there shall be added the following new proviso: Amendment of article 10 of the principal Act.

"Provided further that the severity and circumstances of the offence shall be taken into consideration when granting legal aid to the victim."

C 5588

Amendment
article 12 of the
principal Act.

10. Paragraph (b) of article 12 of the principal Act shall be amended as follows:

(a) immediately after the words "victim support services" there shall be added the words ", as long as necessary,"; and

(b) in sub-paragraph (vi) thereof, immediately before the words "medical treatment" there shall be added the word "immediate".

Amendment of
article 13 of the
principal Act.

11. Article 13 of the principal Act shall be amended as follows:

(a) in the proviso to sub-article (1) thereof, immediately after the words "access to victim support services" there shall be added the words "as provided in article 12"; and

(b) in sub-article (3) thereof, immediately after the words "free of charge" there shall be added the words ", easily accessible".

Objects and Reasons

The objects and reasons of this Bill are to fully transpose the provisions of Directive 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.