

MALTA

**ATT Nru L tal-2021**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

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

**ACT No. L of 2021**

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

23 ta' Lulju, 2021

**ATT Nru L tal-2021**

*ATT sabiex jemenda ligijiet 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, hareġ b'ligi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda Titolu fil-qosor. Ligijiet 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 haġa 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".

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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-verzjoni 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 "ikkawżat minn reat kriminali" 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 jiġu kkunsidrati meta tingħata għajjnuna legali lill-

vittmi."

**10.** Il-paragrafu (ċ) tal-artikolu 12 tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

Emenda tal-artikolu 12 tal-Att prinċipali.

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

(b) fis-subparagrafu (vi) tiegħu minnufih wara l-kliem "kura medika" għandha tiġi miżjuda l-kelma "immedjata".

**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".

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 489 tal-14 ta' Lulju, 2021.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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I assent.

(L.S.)

**GEORGE VELLA**  
**President**

23rd July, 2021

**ACT No. L of 2021**

*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".

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

Amendment of article 328C of the Code.

(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 the following 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.

Cap. 12. (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."

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 Victims 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 "directly caused by a criminal offence" 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

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legal aid to the victim."

Amendment of  
article 12 of the  
principal Act.

**10.** Paragraph (c) of article 12 of the principal Act shall be amended by the following:

(a) the words "victim support services" shall be substituted by the words "for victim support services, 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".

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Passed by the House of Representatives at Sitting No. 489 of the 14th July 2021.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*