

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,075, 23 ta' Ottubru, 2018
Taqsimha C

Nru. 64

23. 10. 2018

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Ottubru, 2018.

A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 17th October, 2018.

ATT sabiex jemenda l-Kodiċi Kriminali, Kap. 9, l-Att kontra *Money Laundering*, Kap. 373 u l-Att dwar Vittmi tal-Kriminalità, Kap. 539, sabiex jittrasponi d-Direttiva 2017/541/UE tal-Parlament Ewropew u tal-Kunsill 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.

AN ACT to amend the Criminal Code, Cap. 9, the Prevention of Money Laundering Act, Cap. 373 and the Victims of Crime Act, Cap. 539, to transpose Directive 2017/541/EU of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jemenda l-Kodiċi Kriminali, Kap. 9, l-Att kontra Money Laundering, Kap. 373 u l-Att dwar Vittmi tal-Kriminalità, Kap. 539, sabiex jittrasponi d-Direttiva 2017/541/UE tal-Parlament Ewropew u tal-Kunsill 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.

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

1. It-titolu fil-qosor ta' dan l-Att huwa Att tal-2018 li jemenda Titolu fil-qosor. Liġijiet Kriminali dwar it-Terroriżmu.

TAQSIMA I
Emendi għall-Kodiċi Kriminali

2. Din it-Taqsima temenda l-Kodiċi Kriminali, u għandha Emendi għall-Kodiċi Kriminali. Kap. 9. tinqara u tinftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kodiċi".

3. Fis-subartikolu (3) tal-artikolu 23B tal-Kodiċi, it-tifsira Emenda tal-artikolu 23B tal-Kodiċi. 'proprjetà' għandha tiġi sostitwita b'dan li ġej:-

" "proprjetà" tfisser assi ta' kull tip, kemm tangibbli kif ukoll intangibbli, mobbli kif ukoll immobbli, irrispettivament minn kif jinkisbu, u dokumenti jew strumenti legali ta' kwalunkwe forma, fosthom elettronici jew digitali, li jkunu xhieda ta' dritt għal assi ta' dan it-tip jew interess fihom, inkluż, iżda mhux limitati għal, krediti bankarji, ċekkijiet tal-vjaġġaturi, ċekkijiet bankarji, ordnijiet ta' flus, ishma, titoli, *bonds*, *drafts* u

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ittri ta' kreditu".

Emenda tal-
artikolu 328A
tal-Kodiċi.

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

(a) il-paragrafu (j) tas-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala l-paragrafu (k) u minnufih wara l-paragrafu (i) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(j) tfixkil jew interferenza ta' sistema tal-informatika, interferenza skont it-tifsira tal-artikolu 337Ċ(1)(ee) u tfixkil jew interferenza illegali ta' *data* skont it-tifsira tal-artikolu 337Ċ(1)(g);";

(b) il-paragrafu (k) kif enumerat mill-ġdid għandu jiġi sostitwit b'dan li ġej:

"(k) it-theddida tal-għemil ta' xi wiehed mill-atti fil-paragrafi (a) sa (j):".

Emenda tal-
artikolu 328B tal-
Kodiċi.

5. L-artikolu 328B tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-proviso tal-paragrafu (a) tas-subartikolu (3) tiegħu, il-kliem "tikkonsisti biss fl-atti msemmija fl-artikolu 328A(2)(j)" għandhom jiġu sostitwiti bil-kliem "tikkonsisti biss fl-atti msemmija fl-artikolu 328A(2)(k)";

(b) il-paragrafu (a) tas-subartikolu (3) tiegħu, minbarra l-proviso tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(a) meta l-imsemmija parteċipazzjoni jew involviment ikunu jikkonsistu fid-direzzjoni tal-grupp terroristiku, il-piena ta' prigunerija għal żmien mhux inqas minn ħmistax (15) il-sena u mhux iżjed minn tletin (30) sena:".

Emenda tal-
artikolu 328Ċ tal-
Kodiċi.

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

(a) fis-subartikolu (1) tiegħu l-kliem "Kull min, bil-ħsieb li jagħmel xi wiehed mill-atti elenkati fl-artikolu 328A(2)(a) sa (i) jew fl-artikolu 328B –" għandhom jiġu sostitwiti bil-kliem "Kull min, bil-ħsieb li jagħmel xi wiehed mill-atti elenkati fl-artikolu 328A(2)(a) sa (j) jew fl-artikolu 328B jew fl-artikolu 328Ċ(2)(d)";

(b) il-paragrafu (ċ) tas-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:-

"(ċ) jagħmel ir-reat ta' falsifikazzjoni jew xi reat li hemm fis-sub-titoli I u II tat-Titolu V,";

(ċ) fl-aħħar tas-subartikolu (1) tiegħu, minflok il-kliem "fl-artikolu 328A(3)." għandhom jidhlu l-kliem "fl-artikolu 328A(3):" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:-

"Iżda għar-reati msemmijin f'dan is-subartikolu, mhux neċessarju li tiġi stabbilita rabta ma' xi reat ieħor elenkat f'dan is-subtitolu.";

(d) il-paragrafu (a) tas-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:-

"(a) pubblikament jipprovoka l-għemil ta' xi attivitajiet terroristiċi bi kwalunkwe mezz, inkluż iżda mhux limitat għad-distribuzzjoni jew it-tqeghid għad-dispożizzjoni b'xi mezz ieħor, *online* jew *offline*, ta' messaġġ lill-pubbliku, bl-intenzjoni li jinċita t-twettiq ta' reat terroristiku, fejn tali mgħiba, direttament jew indirettament, bħal per eżempju bil-glorifikazzjoni ta' atti terroristiċi, tippromwovi t-twettiq ta' reati terroristiċi, u b'hekk toħloq periklu li jitwettaq jew jitwettqu wieħed jew aktar minn tali reati;"

(e) il-paragrafu (d) tas-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(d) jivvjaġġa jew jittanta jivvjaġġa fl-Unjoni Ewropea jew 'l barra minnha, direttament jew billi jgħaddi fi transitu minn xi wieħed jew iżjed Stati Membri tal-Unjoni, sabiex iwettaq, jippjana jew jipprepara għal, jew jipparteċipa f'attivitajiet terroristiċi, jew jipparteċipa fl-attivitajiet ta' grupp terroristiku bl-għarfien tal-fatt li tali parteċipazzjoni ser tikkontribwixxi għall-attivitajiet kriminali ta' tali grupp, jew jipprovdi jew jirċievi taħriġ f'attivitajiet terroristiċi;"

(f) minnufih wara l-paragrafu (ċ) tas-subartikolu (2) tiegħu, għandu jiżdied dan is-subparagrafu ġdid li ġej:-

"(ċċ) jirċievi taħriġ jew struzzjonijiet mingħand persuna oħra, dwar il-produzzjoni jew l-użu ta' splussivi, armi tan-nar jew armi oħra jew ta' sustanzi tossiċi jew perikolużi, jew dwar metodi jew tekniki speċifiċi oħra, għall-fini li jitwettaq, jew li jsir kontribut għat-twettiq ta' attivitajiet terroristiċi;"

(g) is-subartikolu (4) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(4) Biex isir reat taħt dan l-artikolu jew taħt l-artikolu 328B, mhux meħtieġ li attivitajiet terroristiċi jkunu fil-fatt saru.";

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(h) minnufih wara s-subartikolu (4) tiegħu għandhom jiżdiedu is-subartikoli ġodda li ġejjin:-

"(5) Meta r-reat imsemmi fil-paragrafi (b) u (ċ) tas-subartikolu (2) jkun dirett lejn it-tfal, il-piena għandha tiżdied bi grad u m'għandiex tinghata fil-*minimum*.

(6) Sabiex jiġu assigurati t-tneħhija jew l-ibblukkjar fis ta' materjal *online* li jikkostitwixxi provokazzjoni pubblika għal-twertieq ta' attivitajiet terroristiċi kif provdut fis-subartikolu (2)(a), għandhom japplikaw, *mutatis mutandis*, id-dispożizzjonijiet tas-sub-titolu V tat-Titolu I tat-Tieni Ktieb, is-sub-titolu VII tat-Titolu I tat-Tieni Ktieb, l-artikolu 23 u l-artikolu 337G ta' dan il-Kodiċi."

Emenda tal-artikolu 328D tal-Kodiċi.

7. L-artikolu 328D tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:-

"328D. Kull min ixewwex, jgħin jew jassisti f'xi reat taħt dan is-sub-titolu, ikun ħati ta' reat u jehel, meta jinsab ħati, il-piena stabbilita għal dak ir-reat li jkun ġie mxewwex, mgħejjun jew assistit."

Emenda tal-artikolu 328Ġ tal-Kodiċi.

8. Fis-subartikolu (2) tal-artikolu 328Ġ tal-Kodiċi, il-kliem "fl-artikolu 328F(1)." għandhom jiġu sostitwiti bil-kliem "fl-artikolu 328F(1):" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:-

"Iżda għall-finijiet ta' dan l-artikolu u tal-artikolu 328F ma jkunx meħtieġ illi l-fondi jiġu użati, kollha jew in parti, għat-twertieq ta' jew kontribuzzjoni lejn xi reat kif provdut, u lanqas ma għandu jkun neċessarju illi l-ħati jkun jaf għal liema reat speċifiku ser jintużaw il-fondi."

Emenda tal-artikolu 328J tal-Kodiċi.

9. Fis-subartikolu (2) tal-artikolu 328J tal-Kodiċi, il-kliem "fis-subartikolu (1)." għandhom jiġu sostitwiti bil-kliem "fis-subartikolu (1):" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:-

"Iżda, minkejja d-dispożizzjonijiet tas-subartikolu (1), xejn ma għandu jipprekludi l-istituzzjoni ta' proċeduri kriminali kontra l-persuni naturali msemmin fis-subartikolu (1), li jaġixxu ta' awturi, inċitaturi jew aċċessorji f'xi reati taħt dan is-sub-titolu".

Emenda tal-artikolu 328K tal-Kodiċi.

10. Minnufih wara l-paragrafu (ċ) tal-artikolu 328K tal-Kodiċi għandhom jiżdiedu l-paragrafi li ġejjin:

"(d) skwalifika mill-elegibilità għal fondi pubbliċi jew għajnuna mill-Istat;

(e) tqegħid taħt superviżjoni ġudizzjarja:

Iżda għall-finijiet tas-subartikolu (e), l-awtoritajiet ġudizzjarji jistgħu jagħmlu użu mis-servizzi offruti mill-Uffiċċju għall-Irkupru tal-Assi kif stabbilit bil-liġi."

11. Minnufih wara l-proviso tal-paragrafu (f) tal-artikolu 328M tal-Kodiċi, għandhom jiżdiedu s-subartikolu u l-proviso ġodda li ġejjin:-

Emenda tal-artikolu 328M tal-Kodiċi.

"(ġ) Meta reat jaqa' taħt il-ġurisdizzjoni ta' Malta jew ta' xi Stat Membru wieħed u meta kwalunkwe wieħed mill-Istati Membri kkonċernati jista' jwettaq prosekuzzjoni valida abbażi tal-istess fatti, l-Istati Membri kkonċernati għandhom jikkooperaw sabiex jiddeċiedu liema minnhom se jmexxi l-prosekuzzjoni kontra dawk li jwettqu r-reat, billi jittieħed kont tal-fatturi li ġejjin:

(i) l-Istat Membru għandu jkun dak fejn ikun twettaq ir-reat;

(ii) l-Istat Membru għandu jkun dak li tiegħu min jikkommetti reat ikun ċittadin jew residenti;

(iii) l-Istat Membru għandu jkun il-pajjiż ta' orġini tal-vittmi;

(iv) l-Istat Membru għandu jkun dak li fit-territorju tiegħu jkun instab min ikkommetta r-reat:

Iżda għall-fini ta' dan il-paragrafu, kooperazzjoni bejn l-Istati Membri tista' tiġi ffacilitata billi jirrikorru għall-Eurojust;

"Eurojust" għandha l-istess tifsir mogħti lilha bid-Deciżjoni tal-Kunsill 2002/187/JHA tat-28 ta' Frar 2002 tal-Unjoni Ewropea."

12. Minnufih wara l-artikolu 328M tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

Żjieda ta' artikolu ġdid 328MA mal-Kodiċi.

"Tnaqqis ta' piena.

328MA.II-piena mogħtija taħt dan is-sub-titolu tista' titnaqqas b'żewġ gradi jekk il-ħati:

(a) jieqaf mill-attività terroristika; u

(b) jipprovdi lill-awtoritajiet amministrattivi jew ġudizzjarji informazzjoni li huma ma kinux kapaċi jiksbu mod ieħor, li tgħinhom sabiex:

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- (i) jipprevjenu jew inaqqsu l-effetti tar-reat;
- (ii) jidentifikaw jew iressqu quddiem il-gustizzja l-persuni l-oħra li wettqu r-reat;
- (iii) isibu provi; jew
- (iv) jipprevjenu reati ulterjuri msemija fl-artikoli 328A sa 328D u 328F."

TAQSIMA II

Emendi għall-Att kontra *Money Laundering*

Emendi għall-Att kontra *Money Laundering* Kap. 373.

13. Din it-Taqsima temenda l-Att kontra *Money Laundering*, u għandha tinqara u tinftiehem haġa waħda mal-Att kontra *Money Laundering*, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att".

Emenda tal-artikolu 27A tal-Att.

14. Is-subartikolu (1) tal-artikolu 27A tal-Att għandu jiġi sostitwit b'dan li ġej:

"(1) Fit-twettiq tal-funzjonijiet tiegħu taħt l-artikolu 16(1)(k)(i), il-Korp jista' jiskambja kull informazzjoni li tista' tkun rilevanti fl-ipproċessar jew l-analisi ta' informazzjoni jew f'investigazzjonijiet dwar operazzjonijiet jew attivitajiet finanzjarji li jkollhom x'jaqsmu ma' *money laundering* jew l-attività kriminali sottostanti, jew finanzjament tat-terroriżmu u l-persuni li jkunu involuti:

Izda l-Korp għandu japplika u jagħmel użu minn mezzi, mekkaniżmi u teknoloġiji adatti, protetti u siguri sabiex jikkoopera u jiskambja informazzjoni hekk kif provdut f'dan is-subartikolu."

TAQSIMA III

Emendi għall-Att dwar Vittmi tal-Kriminalità

Emendi għall-Att dwar Vittmi tal-Kriminalità Kap. 373.

15. Din it-Taqsima temenda l-Att dwar Vittmi tal-Kriminalità, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Vittmi tal-Kriminalità, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att".

Emenda tal-artikolu 12 tal-Att.

16. Minnufih wara s-subparagrafu (v) tal-paragrafu (b) tal-artikolu 12 tal-Att, għandhom jiżdiedu s-subparagrafi ġodda li ġejjin:-

"(vi) trattament mediku konformi mis-sistema nazzjonali tal-kura tas-saħħa sakemm ikun meħtieġ dan it-trattament;

(vii) miżuri ta' protezzjoni, fejn tingħata attenzjoni partikolari lir-riskju ta' intimidazzjoni u ritaljazzjoni u lill-ħtieġa

li jiġu protetti d-dinjità u l-integrità fiżika tal-vittmi tat-terroriżmu, inkluż matul l-interrogazzjoni u meta jagħtu x-xhieda."

17. Fl-aħħar tal-proviso tas-subartikolu (1) tal-artikolu 13 tal-Att, il-kliem "mwettaq kontra l-vittma." għandhom jiġu sostitwiti bil-kliem "mwettaq kontra l-vittma:" u minnufih wara għandu jidher il-proviso ġdid li ġej:

Emenda tal-artikolu 13 tal-Att.

"Iżda wkoll, vittma skont it-tifsira tal-artikolu 2 li hu residenti fit-territorju ta' Malta, għandu jingħata kull assistenza u appoġġ kif provdut f'dan l-artikolu, anke jekk ir-reat ikun ġie mwettaq fi Stat Membru ieħor tal-Unjoni Ewropea." .

Għanjiet u Raġunijiet

L-għanjiet u raġunijiet ta' dan l-Abbozz huma sabiex jitttrasponi d-dispożizzjonijiet tad-Direttiva 2017/541/UE tal-Parlament Ewropew u tal-Kunsill 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 tal-15 ta' Marzu 2017, fil-qafas leġislattiv nazzjonali Malti.

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BILL
entitled

AN ACT to amend the Criminal Code, Cap. 9, the Prevention of Money Laundering Act, Cap. 373 and the Victims of Crime Act, Cap. 539, to transpose Directive 2017/541/EU of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

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 (Terrorism) (Amendment) Act, 2018.

PART I
Amendments to the Criminal Code

Amendments to 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 23B of the Code.

3. In sub-article (3) of article 23B of the Code, the definition "property" shall be substituted by the following:

" "property" means assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, 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, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit;"

Amendment of article 328A of the Code.

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

(a) paragraph (j) of sub-article (2) thereof shall be renumbered as paragraph (k) and immediately after paragraph (i) thereof there shall be added the following new paragraph:

(j) illegal system interference as defined in article 337C(1)(ee) and illegal data interference as defined in article 337C(1)(g);";

(b) paragraph (k) as renumbered shall be substituted by the following:

"(k) threatening to commit any of the acts in paragraphs (a) to (j):".

5. Article 328B of the Code shall be amended as follows:

Amendment of article 328B of the Code.

(a) in the proviso to paragraph (a) of sub-article (3) thereof, the words "consists only of the acts mentioned in article 328A(2)(j)" shall be substituted by the words "consists only of the acts mentioned in article 328A(2)(k)";

(b) paragraph (a) of sub-article (3) thereof, excluding the proviso thereof, shall be substituted by the following:

"(a) where the said participation or involvement consists in directing the terrorist group, to the punishment of imprisonment of not less than fifteen (15) years but not exceeding thirty (30) years:".

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

Amendment of article 328C of the Code.

(a) in sub-article (1) thereof the words "Whosoever, with the intention of committing any of the acts listed in article 328A(2)(a) to (i) or in article 328B" shall be substituted by the words "Whosoever, with the intention of committing any of the acts listed in article 328A(2)(a) to (j) or in article 328B or in article 328C(2)(d)";

(b) paragraph (c) of sub-article (1) thereof shall be substituted by the following:-

"(c) commits an offence of forgery or any of the offences under sub-titles I and II of Title V,";

(c) at the end of sub-article (1) thereof the words "laid down in article 328A(3)." shall be substituted by the words "laid down in article 328A(3):" and immediately thereafter there shall be added the following new proviso:-

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"Provided that for the offences referred to in this sub-article, it shall not be necessary to establish a link to another specific offence listed in this sub-title.";

(d) paragraph (a) of sub-article (2) thereof shall be substituted by the following:-

"(a) publicly provokes the commission of terrorist activities by any means including but not limited to the distribution, or otherwise making available by any means, whether online or offline, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, directly or indirectly, such as by the glorification of terrorist acts, advocates the commission of terrorist offences, thereby causing a danger that one or more such offences may be committed;"

(e) paragraph (d) of sub-article (2) thereof shall be substituted by the following:

"(d) travels or attempts to travel within or outside the European Union, directly or by transiting through one or several Member States of the Union, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist activities or participation in the activities of a terrorist group with knowledge of the fact that such participation will contribute to the criminal activities of such a group or the providing or receiving of training in terrorist activities;" and

(f) immediately after paragraph (c) of sub-article (2) thereof there shall be added the following new sub-paragraph:

"(cc) receives training or instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing or contributing to the commission of terrorist activities;"

(g) sub-article(4) thereof shall be substituted by the following:

"(4) For the commission of an offence under this article or article 328B, it shall not be necessary that terrorist activities be actually committed."; and

(h) immediately after sub-article (4) thereof there shall be added the following new sub-articles:

"(5) Where the offence referred to in paragraphs (b) and

(c) of sub-article (2) is directed towards a child, the punishment shall be increased by one degree and shall not be awarded in its minimum.

(6) For the purpose of ensuring the prompt removal or blocking of online content constituting public provocation to commit a terrorist activities as defined in sub-article (2)(a), the provisions of sub-title V of Title I of Book Second, of sub-title VII of Title I of Book Second, of article 23 and of article 337G of this Code shall, *mutatis mutandis*, apply."

7. Article 328D of the Code shall be substituted by the following:- Amendment of article 328D of the Code.

"328D. Whosoever incites, aids or abets any offence under this sub-title shall be guilty of an offence and shall be liable on conviction to the punishment laid down for the offence incited, aided or abetted."

8. In sub-article (2) of article 328G of the Code the words "laid down in article 328F(1)." shall be substituted by the words "laid down in article 328F(1):" and immediately thereafter there shall be added the following new proviso:- Amendment of article 328G of the Code.

"Provided that for the purposes of this article and of article 328F it shall not be necessary that the funds are in fact used, in full or in part, to commit or to contribute to any of the offences provided for, nor shall it be required that the offender knows for which specific offence the funds are to be used."

9. In sub-article (2) of article 328J of the Code the words "related to terrorist property." shall be substituted by the words "related to terrorist property:" and immediately thereafter there shall be added the following proviso:- Amendment of article 328J of the Code.

"Provided that notwithstanding the provisions of sub-article (1), nothing shall preclude the institution of criminal proceedings against the natural persons referred to in sub-article (1), who act as perpetrators, inciters or accessories in any of the offences under this sub-title".

10. Immediately after paragraph (c) of article 328K of the Code there shall be added the following new paragraphs: Amendment of article 328K of the Code.

"(d) exclusion from entitlement to public benefits or State aid;

(e) placing under judicial supervision:

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Provided that for the purposes of sub-article (e) of this article, the judicial authorities may make use of the services offered by the Asset Recovery Bureau as established by law."

Amendment of article 328M of the Code.

11. Immediately after the proviso to paragraph (f) of article 328M of the Code there shall be added the following new sub-article and proviso:-

"(g) Where the offence falls within the jurisdiction of Malta and any other Member State of the European Union and where such Member States can validly prosecute on the basis of the same facts, the said Member States shall cooperate in order to decide which one of them shall prosecute the offenders, having regard to the following factors:

(i) the Member State shall be that in the territory of which the offence was committed;

(ii) the Member State shall be that of which the offender is a national or resident;

(iii) the Member State shall be the country of origin of the victims;

(iv) the Member State shall be that in the territory of which the offender was found:

Provided that for the purposes of this paragraph cooperation between Member States of the European Union may be facilitated through recourse to Eurojust;

"Eurojust" shall have the same meaning assigned to it by Council Decision 2002/187/JHA of 28 February 2002 of the European Union."

Addition of new article 328MA to the Code.

12. Immediately after article 328M of the Code there shall be added the following new article:-

"Mitigation of punishment.

328MA. The punishment awarded under this sub-title may be reduced by up to two degrees if the offender:

(a) renounces terrorist activity; and

(b) provides the administrative or judicial authorities with information which they would not otherwise have been able to obtain, helping them to:

(i) prevent or mitigate the effects of the offence;

- (ii) identify or bring to justice the other offenders;
- (iii) find evidence; or
- (iv) prevent further offences referred to in articles 328A to 328D and 328F."

PART II

Amendments to the Prevention of Money Laundering Act

13. This Part amends the Prevention of Money Laundering Act, and it shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter in this part referred to as "the Act".

Amendments to the Prevention of Money Laundering Act. Cap. 373.

14. Sub-article (1) of article 27A of the Act shall be substituted by the following:

Amendment of article 27A of the Act.

"(1) In carrying out its functions under article 16(1)(k)(i), the Unit may exchange any information that may be relevant for the processing or analysis of information or to investigations regarding financial transactions or activities related to money laundering or the underlying criminal activity, or funding of terrorism and the persons involved:

Provided that the Unit shall apply and make use of appropriate, protected and secure channels, mechanisms and technologies, to cooperate and exchange information as provided in this sub-article."

PART III

Amendments to the Victims of Crime Act

15. 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 Act".

Amendments to the Victims of Crime Act. Cap. 539.

16. Immediately after sub-paragraph (v) of paragraph (b) of article 12 of the Act there shall be added the following new sub-paragraphs:-

Amendment of article 12 of the Act.

"(vi) medical treatment in accordance with the national healthcare system for as long as such treatment is necessary;

(vii) protection measures, paying particular attention to the risk of intimidation and retaliation and the need to protect the dignity and physical integrity, including during questioning and when testifying."

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Amendment of
article 13 of the
Act.

17. At the end of the proviso to sub-article (1) of article 13 of the Act the words "offence committed against the victim." shall be substituted by the words "offence committed against the victim:" and immediately thereafter there shall be added the following new proviso:-

"Provided that the victim as defined in article 2 and residing within the territory of Malta, shall given all the assistance and support as provided under this article even though the offence was committed in another Member State of the European Union."

Objects and Reasons

The objects and reasons of this Bill are to transpose the provisions of Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA of the 15 of March 2017, into the Maltese national legislative framework.