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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

COUNTER-TERRORISM (AMENDMENT) ACT, 2020

Index

Section	Page
§101. Short title.....	3
§102. Amendments.....	3
§103. Effective Date.....	4

1
2
3
4
5

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

COUNTER-TERRORISM (AMENDMENT) ACT, 2020

A BILL FOR AN ACT to amend Title 15, Chapter 1 of the Marshall Islands Revised Code to coordinate with the adoption of the United Nations Sanctions Act, 2020.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Counter-Terrorism (Amendment) Act, 2020.

§102. Amendments.

(1) Section 103 of the Republic of the Marshall Islands Counter-Terrorism Act, 2002 is hereby amended as follows:

§103. Purpose

The purpose of this Act is to implement ~~the United Nations Security Council Resolution 1373 and other international obligations of the Republic of the Marshall Islands~~ means for the prevention, repression and elimination of terrorism, for international cooperation to combat threats to international peace and security caused by terrorist acts, and for related matters.

(2) Section 122(2) and (3) of the Republic of the Marshall Islands Counter-Terrorism Act, 2002 are hereby amended as follows:

§122. Seizure and detention of suspicious funds.

...

(2) Funds of, or intended for, any terrorist or terrorist organizations shall be frozen, seized, and in accordance with this section detained

1 ~~without delay, where the organization has been designated as a~~
2 ~~terrorist organization by the United Nations Security Council, or by~~
3 ~~the Minister pursuant to regulations promulgated pursuant to this~~
4 ~~Act, or where there is probable cause to believe that the individual~~
5 ~~involved is a terrorist or the entity involved is a terrorist~~
6 ~~organization.~~

7 (3) Funds detained under subsection (1) or (2) shall not be detained for
8 more than ~~48 hours~~ 7 days after seizure, unless a judge of the High
9 Court grants an order of continued detention for a period not
10 exceeding 3 months from the date of seizure, upon being satisfied
11 that:

12 (a) there is probable cause to believe that the funds were derived
13 from terrorism, ~~or~~ are intended by any person for use in the
14 commission of a terrorism offense or for a terrorist act, or are
15 otherwise funds of, or intended for, any terrorist or terrorist
16 organization; and

17 (b) the continued detention is justified while:

18 (i) ~~its~~ the origin or, derivation, intent, or destination of the
19 funds is further investigated; or

20 (ii) consideration is given to the institution in the Marshall
21 Islands or elsewhere of criminal proceedings against
22 any person for an offense with which the funds are
23 connected;

24 provided, however, upon request by the person from whom the funds were
25 seized and detained, the court shall grant a hearing before entering an order
26 of continued detention.

27 ...

28 §103. Effective Date.

29 This Bill, and all Acts contained herein, shall take effect in accordance with
30 the Constitution and the Rules of Procedures of the Nitijela.

1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 41ST CONSTITUTION REGULAR SESSION, 2020

COUNTER-TERRORISM (AMENDMENT) ACT, 2020

3 BILL SUMMARY

4 The Republic of the Marshall Islands (RMI) is a member of the Asia/Pacific Group on
5 Money Laundering (APG), and as a member of the APG, the RMI has an obligation
6 to ensure its anti-money laundering and countering the financing of terrorism
7 (AML/CFT) regime meets the international standard. The RMI's AML/CFT regime
8 will be evaluated against the international standard by the APG in October 2020. A
9 successful evaluation is of key importance to the RMI's international standing and
10 its access to the international financial system.

11 In advance of the APG evaluation, a gap analysis was performed, and it identified
12 clarifications and improvements to the RMI's AML/CFT laws that will aid in
13 ensuring the RMI has a successful evaluation. One such improvement is
14 clarification of the Counter-Terrorism Act, 2002 provisions regarding targeted
15 financial sanctions. To more fully delineate these requirements, a standalone act
16 (the United Nations Sanctions Act, 2020) has been proposed based on a model act by
17 the Pacific Islands Forum. In tandem with the act, coordinating changes to the
18 Counter-Terrorism Act, 2002 are proposed in order to avoid any conflicting
19 requirements.

20 By swiftly adopting the proposed amendments to the Counter-Terrorism Act, 2002
21 along with the proposed enactment of the United Nations Sanctions Act, 2020, the
22 RMI will improve its position within the international community and continue
23 meeting its obligations to the APG.


24

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020


COUNTER-TERRORISM (AMENDMENT) ACT, 2020

SIGNATURES

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: 3-3-20 INTRODUCED BY Alfred Alfred, Jr. 
Print Name *Signature*

DATE: _____ INTRODUCED BY 
Print Name *Signature*

DATE: _____ INTRODUCED BY 
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*