

November 2008

www.coe.int/gmt

NATIONAL POLICY

Malta has never had a terrorism problem albeit it has been the location of isolated incidents which could be considered as having been inspired by terrorist motives. Although no specific anti-terrorism law exists in Maltese legislation, terrorist acts and activities are punishable under several laws.

The Government of Malta considers the fight against terrorism as a priority area of its foreign policy. It has affected various legal amendments to its Criminal Code and introduced various practical measures intended to combat acts of terrorism, funding of terrorism and other ancillary offences in an efficient manner.

LEGAL FRAMEWORK

On 6 September 2004 the Cabinet of the Maltese Government granted its approval for the signature of the Protocol of 15 May 2003 amending the 1977 European Convention on the Suppression of Terrorism (ETS No. 190). Malta signed the above-mentioned Protocol on 15 December 2004.

Furthermore Malta signed the Convention on the Prevention of Terrorism (CETS No. 196) on 16 May 2005.

The Convention on Laundering, Search, Seizure, and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) was furthermore signed by Malta on 16 May 2005, ratified on 31 January 2008 and entered into force on 1 May 2008.

By means of Legal Notice 156 of 2002 Malta enacted the Security Council Resolutions (Terrorism) Regulations.¹

By means of Legal Notice 199 of 2003 (amended by Legal Notice 42 of 2006), Malta enacted the Prevention of Money Laundering and Funding of Terrorism Regulations. These regulations were

extended to include the financing of terrorism, and criminalize the financing of terrorist activities as well as impose customer due diligence obligations. Furthermore obligations regarding training, reporting and record keeping were also extended to include funding of terrorism transactions.

Throughout the years, Malta has adopted the following UN Conventions on Terrorism:

- Convention on offences and certain other acts committed on board aircraft, Tokyo 14.09.1963 (*28.06.1991*)
- Convention for the suppression of unlawful seizure of aircraft, The Hague 15.12.1970 (*14.06.1991*)
- Convention for the suppression of unlawful acts against the safety of civil aviation, Montreal 23.09.1971 (*14.06.1991*)
- Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents adopted by the General Assembly of the UN 14.12.1973 (*11.11.2001 accession*)
- International convention against the taking of hostages, adopted by the General Assembly of the UN 17.12.1979 (*11.11.2001 accession*)
- Protocol on the suppression of unlawful acts of violence at airports serving international civil aviation, supplementary to the convention for the suppression of unlawful acts against the safety of civil aviation, Montreal 24.02.1988 (*14.06.1991*)
- Convention for the suppression of unlawful acts against the safety of maritime navigation done at Rome on 10.03.1988 (*20.11.2001 accession*)
- Protocol on the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf, done in Rome on the 10.03.1988 (*20.11.2001 accession*)
- Convention on the marking of plastic explosives for the purpose of detection signed in Montreal 01.03.1991 (*15.11.1994 accession*)
- International convention for the suppression of terrorist bombings adopted by the General Assembly of the UN on the 15.12.1997 (*11.11.2001Ratification*)
- International convention for the suppression of the financing of terrorism, adopted by the

¹ Under Article 3(4) of the National Interest Text of Resolutions (Enabling Powers) Act these are Resolutions 1269 (1999), 1368 (2001), 1373 (2001) and 1390 (2002) adopted by the Security Council of the United Nations on 19 October 1999, 12 September 2001, 28 September 2001 and 16 January 2002 respectively.

General Assembly of the UN 09.12.1999
(11.11.2001 Ratification)

- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980. The Convention entered into force for Malta on the 15th November 2003.

To date Malta has enacted legislation to implement a number of relevant international conventions and protocols relating to terrorism mentioned above which have already been ratified by Malta, as follows:

1973 New York Convention on Prevention and Punishment of Crimes Against Internationally Protected Persons including Diplomatic Agents which was implemented by Act XVII of 1996

International Convention Against the Taking of Hostages which was implemented by Act XVII of 1996

International Convention for the Suppression of Terrorist Bombings which was implemented partially by Act III of 2002

International Convention for the Suppression of The Financing of Terrorism implemented partially by Act III of 2002

European Convention on the Suppression of Terrorism which was implemented by Act XVI of 1996

By means of Act VI of 2005, Malta enacted the Criminal Code (Amendment) Act of 2005 whereby acts of terrorism, funding of terrorism and ancillary offences were sanctioned. This introduced Sub-title IV A named "OF ACTS OF TERRORISM, FUNDING OF TERRORISM AND ANCILLARY OFFENCES".

According to Maltese Law, an "act of terrorism"² means any act,³ committed wilfully, which may seriously damage a country or an international organisation.

For this act to qualify as an act of terrorism it has to have the aim of:

- (a) seriously intimidating a population, or
- (b) unduly compelling a Government or international organisation to perform or abstain from performing any act, or
- (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

² Article 328A(1) of the Criminal Code, Chapter 9 of the Laws of Malta.

³ Listed in Article 328(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

The following are acts of terrorism:

- (a) the taking away of the life or liberty of a person;
- (b) the endangering of the life of a person by bodily harm;
- (c) bodily harm;
- (d) causing extensive destruction to a state or government facility, a public transportation system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger the life or to cause serious injury to the property of any other person or to result in serious economic loss;
- (e) the seizure of aircraft, ships or other means of public or goods transport;
- (f) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons;
- (g) research into or development of biological and chemical weapons;
- (h) the release of dangerous substances, or causing fires, floods or explosions endangering the life of any person;
- (i) interfering with or disrupting the supply of water, power or any other fundamental natural resource endangering the life of any person;
- (j) threatening to commit any of the acts in paragraphs (a) to (i).⁴

References to "*state or government facility*", "*infrastructure facility*" and "*public transportation system*" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organisation in connection with their official duties.

The commission of an act of terrorism is deemed to be a criminal offence. The perpetrator shall be liable on conviction to the punishment of imprisonment from five years to life.

Maltese Law also provides a definition of "terrorist group".⁵ This is deemed to be a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.

A "Structured group" means a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally

⁴ Article 328(2) of the Criminal Code, Chapter 9 of the Laws of Malta

⁵ Article 328B of the Criminal Code, Chapter 9 of the Laws of Malta.

defined roles for its members, continuity of its membership or a developed structure.⁶

The promotion, constitution, organisation, direction, financing, and the supply of information or materials to a terrorist group (knowing that such participation or involvement will contribute towards the criminal activities of the terrorist group) is deemed to be a criminal offence.

The punishment awardable to the perpetrator depends on the nature of his/her participation or involvement in the terrorist group:

- (a) if the participation or involvement consists in directing the terrorist group, the punishment awardable is that of imprisonment not exceeding thirty years;
- (b) if the activity of the terrorist group consists only of the threatening to commit acts of terrorism, the punishment is that of imprisonment for a period not exceeding eight years;
- (c) in any other case, the punishment is that of imprisonment not exceeding eight years.⁷

Serious offences linked to acts of terrorism are also penalised and punished by harsher penalties. This takes place where a person who, with the intention of committing any act of terrorism, commits:

- (a) aggravated theft,
- (b) extortion or blackmail; or
- (c) forgery or provides false declarations or information to public authorities.

In such an event the perpetrator shall be deemed to have committed an offence which, on conviction may be liable to the punishment of imprisonment from five years to life.⁸

The acts of incitement, aiding and abetting acts of terrorism or any other offence as mentioned above, are also deemed to be criminal offences. The perpetrator is liable, on conviction to the punishment laid down for the offence incited, aided or abetted.⁹

Maltese Law also defines the concept of "terrorist property". This means:

- (a) money or other property which is likely to be used for the purposes of terrorism, including any resources of a terrorist group,
- (b) proceeds of the commission of acts of terrorism, and

(c) proceeds of acts carried out for the purposes of terrorism.¹⁰

In this context:

- (a) the reference to proceeds of an act includes any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and
- (b) the reference to a group's resources includes any money or other property which is applied or made available, or is to be applied or made available, for use by the group.¹¹

Funding of terrorism is also criminalised and sanctioned by Maltese Law. Receiving, providing or inviting a third party to provide, money or other property which is intended to be used, or where there is reasonable cause to suspect that it may be used, for the purposes of terrorism is deemed to be a criminal offence. The perpetrator is liable, on conviction, (and unless the fact constitutes a more serious offence under any other provision of the Criminal Code or of any other law), to imprisonment for a term not exceeding four years and/or to a fine (*multa*) not exceeding Eleven Thousand, Six Hundred and Forty-Six Euros and Eighty-Seven Cents (11,646.87).¹²

The reference to the 'provision' of money or other property is understood as meaning the giving, lending or otherwise making available of money or other property, whether for consideration or not.

The use and possession of money or other property coming from terrorist activities is also a criminal offence, punishable on conviction, by imprisonment not exceeding twelve years.¹³

Any person who is in possession of money or other property which is intended to be used, or where there is reasonable cause to suspect that it may be used, for the purposes of terrorism is also deemed to commit a criminal offence and shall on conviction be liable to imprisonment for a term not exceeding four years and/or to a fine (*multa*) not exceeding Eleven Thousand, Six Hundred and Forty-Six Euros and Eighty-Seven Cents (11,646.87).¹⁴

Funding arrangements are also prohibited. It is a criminal offence for any person to:

⁶ Article 328B(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

⁷ Article 328B(3) of the Criminal Code, Chapter 9 of the Laws of Malta.

⁸ Article 328C of the Criminal Code, Chapter 9 of the Laws of Malta.

⁹ Article 328D of the Criminal Code, Chapter 9 of the Laws of Malta.

¹⁰ Article 328E(1) of the Criminal Code, Chapter 9 of the Laws of Malta.

¹¹ Article 328E(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

¹² Article 328F(1) of the Criminal Code, Chapter 9 of the Laws of Malta.

¹³ Article 328G(1) of the Criminal Code, Chapter 9 of the Laws of Malta.

¹⁴ Article 328G(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

- (a) enter into or become concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and
- (b) know or have reasonable cause to suspect that the money or other property will or may be used for the purposes of terrorism.

In these cases, the person perpetrating this offence shall be liable, on conviction, to imprisonment for a term not exceeding four years and/or to a fine (*multa*) not exceeding Eleven Thousand, Six Hundred and Forty-Six Euros and Eighty-Seven Cents (11,646.87).¹⁵

Facilitation of retention and control of terrorist property is also penalised. Hence whosoever enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property:

- (a) by concealment,
- (b) by removal from the jurisdiction,
- (c) by transfer to nominees, or
- (d) in any other way,

is deemed to have committed a criminal offence. The punishment on conviction is that of imprisonment for a term not exceeding four years and/or a fine (*multa*) not exceeding Eleven Thousand, Six Hundred and Forty-Six Euros and Eighty-Seven Cents (11,646.87).

In such a case, the person accused of committing the acts of retention and control of terrorist property can, by way of defence, prove that he/she did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.¹⁶

Corporate criminal liability is also admitted in the case of terrorism-related offences. The provisions of the Maltese Criminal Code regarding corporate responsibility apply where a person is found guilty of an offence under this subtitle. In such a case, the body corporate shall be liable to the punishment of a fine (*multa*) of not less than Eleven Thousand, Six Hundred and Forty-Six Euros and Eighty-Seven Cents (11,646.87) and not more than Two Million, Three Hundred and Twenty-Nine Thousand, Three Hundred and Seventy-Three Euros and Forty Cents (2,329,373.40).¹⁷

The body corporate shall also be held liable for an offence of terrorism where the lack of supervision or control by a person referred to in Article 121D has made possible the commission of the offence for the benefit of the body corporate, which shall upon

¹⁵ Article 328H of the Criminal Code, Chapter 9 of the Laws of Malta.

¹⁶ Article 328I of the Criminal Code, Chapter 9 of the Laws of Malta.

¹⁷ Article 328(J)(1) of the Criminal Code, Chapter 9 of the Laws of Malta.

conviction be liable to the punishment of a fine (*multa*) of not less than eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) and not more than two million and three hundred and twenty-nine thousand and three hundred and seventy-three euro and forty cents (2,329,373.40)¹⁸

Apart from the abovementioned punishments, Maltese Law also provides certain consequential penalties that can be applicable where a body corporate is convicted of an offence. In this context, and apart from any other punishment to which the offence may be liable under the Criminal Code or any other law, the offending body corporate which is liable to punishment as mentioned above, may also be subject to a Court order, imposing : -

- (a) the suspension or cancellation of any licence, permit or other authority to engage in any trade, business or other commercial activity;
- (b) the temporary or permanent closure of any establishment which may have been used for the commission of the offence;
- (c) the compulsory winding up of the body corporate.

These consequences must be requested by the prosecution in order for them to be imposed by the Court.¹⁹

Another consequential penalty that can be imposed by the Court is that of forfeiture of property. This takes the form of a Court forfeiture order which applies in the case of the funding of terrorism, the use and possession of terrorist property, funding arrangements, and the facilitating, retention or control of terrorist property.

In the case of conviction for the funding of terrorism or use and possession of terrorist property, the Court forfeiture order attaches money or other property of the convicted person, namely property which:

- (a) at the time of the offence was in the possession or under the control of the convicted person; or
- (b) at that time, the convicted person intended to use, or knew or had reasonable cause to suspect would or might be used, for the purposes of terrorism.

Where a person is convicted of funding arrangements, the Court may order the forfeiture of money or other property:

- (a) related to the arrangement in question; and
- (b) which, at the time of the offence, he/she knew or had reasonable cause to suspect would or might be used, for the purposes of terrorism.²⁰

¹⁸ Article 328(J)(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

¹⁹ Article 328(K) of the Criminal Code, Chapter 9 of the Laws of Malta.

In the case of a conviction for facilitating the retention or control of terrorist property, the Court may order the forfeiture of any of the convicted persons money or other property related to the arrangement in question.

In the case of a conviction for the offence of the funding of terrorism, the use and possession of terrorist property, funding arrangements or the facilitating the retention or control of terrorist property, the Court may order the forfeiture of any money or other property which wholly or partly, and directly or indirectly, is received by any person as a payment or other reward in connection with the commission of the offence.²¹

A person (other than the convicted person) claiming to be the owner of anything which can be forfeited by a Court forfeiture order, has the right to be given the opportunity to be heard before the forfeiture order is made.²²

Maltese Courts have jurisdiction over terrorism-related offences, where:-

(a) the offence is committed, even if only in part, in the territory of Malta or on the sea in any place within the territorial jurisdiction of Malta;

(b) the offender is a Maltese national or permanent resident in Malta;

(c) the offender is a person suspected or convicted of an offence laid down in this sub-title and whose surrender or extradition to another country for such an offence is refused by Malta even if there is no provision according to the laws of Malta other than the present provision in virtue of which the criminal action may be prosecuted in Malta against that person;

(d) the offence is committed for the benefit of a legal person established in Malta;

(e) the offence is an offence under the offences affecting terrorist groups or under inciting to or abetting of terrorism provisions, which involves a terrorist group even if the terrorist group is based or pursues its criminal activities outside Malta;

(f) the offence is committed against the institutions or people of Malta or against an institution of the European Union or a body set up in accordance with the Treaties and based in Malta: "the Treaties" means the Treaty establishing the European Community opened for signature at Rome on 25 March 1957 and the Treaty on European Union

opened for signature at Maastricht on 7 February 1992, and the Protocols annexed thereto.²³

Furthermore the following are the legal provisions establishing as criminal offences acts related to terrorism and terrorist activities, together with an indication of the relative penalty:

i. *promoting, constituting, organising or financing an organisation of two or more persons with a view to committing criminal offences*²⁴ – from 3 to 7 years increased to 4 to 20 years where the number of persons is ten or more;

ii. *belonging to an organisation as aforesaid*²⁵ – from 1 to 5 years increased to 18 months to 9 years where the number of persons in the organisation is ten or more;

In the case of bodies corporate the punishment for the above offences varies from a minimum of 23,293.73 Euro to 116,468.67 Euro

iii. *illegal arrest, detention or confinement*²⁶: from 7 months to 2 years imprisonment increased to 13 months to 3 years in aggravated cases;

iv. *illegal arrest, detention or confinement when the offender threatens to kill, to injure or to continue to detain or confine the person arrested, detained or confined with the object of compelling a state, an international governmental organisation or person to do or to abstain from doing an act*²⁷: life imprisonment;

v. *theft of nuclear material*²⁸: from 7 months to 2 years in the simplest cases but may go up to life imprisonment in aggravated circumstances;

vi. *maliciously causing an explosion of a nature likely to endanger life or to cause serious injury to the property of others*²⁹: from 3 to 14 years imprisonment even though no injury to person or property has been caused;

-- the above punishment will not be at its minimum if serious damage to property is caused³⁰

-- life imprisonment if a person dies as a result³¹

²⁰ Article 328(L)(2) of the Criminal Code, Chapter 9 of the Laws of Malta.

²¹ Article 328(L)(5) of the Criminal Code, Chapter 9 of the Laws of Malta.

²² Article 328(L)(6) of the Criminal Code, Chapter 9 of the Laws of Malta

²³ Article 328(M) of the Criminal Code, Chapter 9 of the Laws of Malta.

²⁴ Section 83A – **Criminal Code** (Chapter 9 of the Laws of Malta)

²⁵ Ibid.

²⁶ Sections 86 and 87 (1)

²⁷ Section 87 (2)

²⁸ Section 271 and 281

²⁹ Section 311

³⁰ Section 312 (3)

-- 4 to 20 years if grievous bodily harm is caused ³²

vii. *making or knowingly being in possession or having under one's control any explosive substance in circumstances giving rise to a reasonable suspicion that the explosive is meant for an unlawful object* ³³: 18 months to 9 years;

viii. *malicious delivery, placing, discharging or detonating a lethal device likely to endanger life or to cause serious injury to property* ³⁴: from 3 to 14 years imprisonment even though no injury to person or property has been caused;

-- the above punishment not at its minimum if serious damage to property is caused

-- life imprisonment if a person dies as a result

-- 4 to 20 years if grievous bodily harm is caused

-- the above punishments are increased by one degree where the offence takes place in, or is directed at, a public place, a state or government facility, an infrastructural facility, or a public transportation system

ix. *malicious possession or making, use, transfer, alteration, disposal, or dispersal of nuclear material likely to cause death or serious injury to any person or substantial damage to property* ³⁵: from 3 to 14 years imprisonment even though no injury to person or property has been caused;

-- life imprisonment if a person dies as a result

-- 4 to 20 years if a grievous bodily harm is caused

x. *knowingly keeping, being in possession or having under one's control any nuclear material in circumstances giving rise to a reasonable suspicion that the explosive is meant for an unlawful object* ³⁶: 18 months to 9 years;

xi. *willfully setting on fire or otherwise destroying any arsenal, vessel of war, powder magazine, public dock or artillery park* ³⁷: life imprisonment;

xii. *willfully setting on fire any house, warehouse, shop, dwelling house, vessel, dock or any building, shed or other place*

whatsoever, any person being therein at the time ³⁸: life imprisonment;

-- if no one dies, but it could have been foreseen that a person was in the place: from 9 to 12 years

-- otherwise: from 5 to 9 years

xiii. *willfully setting on fire any house, warehouse, shop, dwelling house, vessel, dock or any building, shed or other place whatsoever, no person being therein at the time, or willfully setting on fire any combustible substance which could spread to any other building etc. any person being therein at the time* ³⁹: life imprisonment where the fire actually spreads as aforesaid reduced to 3 to 9 years, depending on circumstances, if no person dies as a result;

-- from 3 to 5 years if the fire does not spread

xiv. *willfully setting on fire any house etc. no person being present and provided the fire could not spread to a place where a person is present* ⁴⁰: 2 to 4 years imprisonment;

xv. *hijacking* ⁴¹: life imprisonment;

xvi. *acts of violence against a person on board an aircraft in flight likely to endanger the safety of the aircraft* ⁴²: life imprisonment;

xvii. *destruction of an aircraft in service or damage to such aircraft in a manner as to render it incapable of flight or which is likely to endanger its safety in flight* ⁴³: life imprisonment;

xviii. *placing or causing to be placed on an aircraft in service a device or substance likely to destroy or to cause damage to that aircraft rendering it incapable of flight or likely to endanger its safety in flight* ⁴⁴: life imprisonment;

xix. *communicating information known to be false so as to endanger the safety of an aircraft in flight* ⁴⁵: life imprisonment;

xx. *by the unlawful and intentional use of any device, substance or weapon performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or*

³¹ Section 312 (1)

³² Section 312 (2)

³³ Section 313

³⁴ Section 314A and 311

³⁵ Section 314B (1) and 311

³⁶ Section 314B (3) and 313

³⁷ Section 315

³⁸ Section 316

³⁹ Section 317

⁴⁰ Section 318

⁴¹ Section 13 – **Civil Aviation (Security) Act (Chapter 353 of the Laws of Malta)**

⁴² Section 19 (1)(a)

⁴³ Section 19 (1)(b)

⁴⁴ Section 19 (1)(c)

⁴⁵ Section 19 (1)(d)

*death, or destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located therein or disrupts the services of the airport*⁴⁶; life imprisonment if such act endangers or is likely to endanger the safety of that airport or lesser punishment being not less than three years imprisonment as the Court may deem fit;

- xxi. the unlawful and intentional destruction or damage of air navigation facilities or interference with their operation in such a manner as is likely to endanger the safety of the aircraft in flight*⁴⁷; life imprisonment;
- xxii. by means of any device, substance or weapon intentionally to commit at an airport serving civil aviation any act of violence which causes or is likely to cause death or serious personal injury and endangers or is likely to endanger the safe operation of the airport or the safety of persons at the airport*⁴⁸; life imprisonment;
- xxiii. by means of any device, substance or weapon unlawfully and intentionally to destroy or seriously damage property used for the provision of any facilities at an airport serving civil aviation or any aircraft which is at such an airport but not in service, or to disrupt the services of such an airport in such a way as to endanger or is likely to endanger the safe operation of the airport or the safety of persons at the airport*⁴⁹; life imprisonment.

Practical measures undertaken by Malta

The Government of Malta has expressed its will to further its counter-terrorism efforts. In order to be able to achieve these aims it has taken various proactive measures which include the provision of development and training programmes to its specialised personnel in the field of combating terrorism.

The measures taken by Malta to promote co-operation with other States in respect of countering terrorism and other forms of crime, in particular for extradition and mutual assistance, have been various. However it must be stated that Malta does not require an agreement on mutual legal assistance to be able to provide such assistance to other states,

and at least since independence in 1964, Malta is able to extend and has extended legal assistance to states without any such agreement on the basis of reciprocity. Malta is a party to the European Convention on Mutual Assistance in Criminal Matters, Strasbourg 1959.

On 19 March 1996, Malta signed and ratified the European Convention on Extradition (1957) – a multilateral Convention which governs extradition between the Contracting Parties thereto. Malta also signed and ratified the Additional Protocol and the Second Additional Protocol to the European Convention on Extradition on 20th November 2000. Malta has also implemented the EU Framework Decision on the European Arrest Warrant.

Assistance to other States in criminal or judicial matters on a bilateral or reciprocal basis, or through Interpol channels is also extended whenever requested. Sharing of intelligence between the Malta Security Forces and other foreign services on a bilateral or multilateral basis is continuous. Malta is also participating in and contributing to regional and international customs information networks through information sharing whenever information which may in any way be related to terrorist activity becomes available to the Maltese Customs Administration. In this regard, any such information is transmitted through the Customs Enforcement Network of the World Customs Organisation.

Malta has taken several measures to prevent the financing of terrorism especially by the enactment of several laws and regulations. Through the adoption of the National Interest (Enabling Powers) Act of 1993 all the sanctions or measures adopted by the United Nations Security Council may be rapidly implemented by regulations.

Malta's adherence to its international obligations and its willingness to co-operate with other countries to combat proliferation is further evidenced by the signature and ratification of a number of disarmament conventions and Protocols including: the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention, the Convention on Certain Conventional Weapons including its three Protocols, and the Chemical Weapons Convention, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

As already mentioned, Malta is a signatory to the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Strasbourg 1980 and has been offering the various forms of assistance envisaged by the Convention

⁴⁶ Section 19 (2)

⁴⁷ Section 20

⁴⁸ Section 8 (1) – **Airports and Civil Aviation (Security) Act (Chapter 405 of the Laws of Malta)**

⁴⁹ Section 8 (2)

since its entry into force for Malta. Similar assistance is also afforded under the 1959 Convention on Mutual Assistance in Criminal Matters. On the 10th January 2000 Malta also signed the International Convention for the Suppression of The Financing of Terrorism.

The individuals listed in UNSC Resolution 1267 have been indexed in proper police records as well as immigration records in order to avoid the transit or movement of any of these individuals, and to avoid the issue of any visas if these are requested. Entities mentioned in the list, which has also been published in the Government Gazette, have also been noted by the proper services

In the meantime, the Government of Malta has made significant changes and reforms to its financial services legislation, ending its offshore investment regime and replacing it by more modern laws and regulations in line with the legislation of the European Union.

Malta's Financial Intelligence and Analysis Unit has also expanded its capabilities and sphere of action and has broadened its scope of activities to include funding of terrorism.

Furthermore, Malta has upgraded its port and sea monitoring and security facilities in order to be able to monitor better shipments entering and exiting Malta's ports, especially the Malta Freeport which provides transshipment facilities.

Recognising the dangers of the use of the banking system for the financing of terrorist acts, but also conscious that current local legislation only requires banks to spontaneously report transactions that raise suspicion of money laundering, the Central Bank of Malta has on a number of occasions issued instructions to banks to monitor transactions which could be suspected of being linked to the financing of terrorism. In the eventuality of having such a suspicion, banks have been asked to contact the Central Bank to discuss how best to proceed keeping in mind the national and international interest in preventing and suppressing such financing. With the Malta Financial Services Authority (MFSA) having taken over from the Central Bank the responsibility for the supervision of the banking sector, this process is now continued by this Authority in line with similar instructions it had previously issued to other financial services providers that it regulates, i.e. those persons carrying out relevant financial business⁵⁰.

⁵⁰ 'Relevant financial business' is interpreted in the Prevention of Money Laundering Regulations, 1994 as meaning:

- (a) any business of banking carried on by a person or institution who is for the time being authorised, or required to be authorised, under the provisions of the Banking Act;

Customs also plays an important role in preventing and suppressing the financing of terrorist acts as it controls outgoing and incoming cash carried by departing and arriving passengers. Suspicious movements of considerable amounts of cash are reported to the Police when it is incoming. Outgoing cash is subject to investigation, and legal action is taken when the transaction is unauthorised. Further scrutiny of customs documents seeks to ensure that any attempt at money laundering, which could be used as a means of financing terrorist activity, is detected and enforcement action taken.

The Prevention of Money Laundering Regulations, 2002 (the Regulations) call for the identification of the customer, the identification of the true identity of the person on whose behalf a transaction is conducted (third party transactions) and the recording of this information and maintenance of such records for at least a five year period. The Regulations also require the reporting to the competent authorities (the Financial Intelligence Analysis Unit) of any transactions that are suspected of involving money laundering. The obligations under the Regulations are modeled on the requisites of the relevant FATF 40-Recommendations.⁵¹

-
- (b) any activity carried on by a person or institution who is for the time being authorised, or required to be authorised, under the provisions of the Financial Institutions Act, 1994;
- (c) life assurance business carried on by a person or institution who is for the time being authorised, or required to be authorised, under the provisions of the Insurance Business Act or the Insurance Brokers and Other Intermediaries Act;
- (d) investment business carried on by a person or institution licensed, or required to be licensed, under the provisions of the Investment Services Act, 1994;
- (e) a collective investment scheme licensed, or required to be licensed, under the provisions of the Investment Services Act, 1994;
- (f) any activity carried on by a person pursuant to a valid stockbroker's licence issued under the provisions of the Malta Stock Exchange Act;
- (g) any activity which is associated with a business falling within paragraphs (a) to (f) above

⁵¹ The undertaking of money transmission services is required to be authorized under the Financial Institutions Act, 1994 and therefore the undertaking of such activity without the necessary license is liable to criminal sanctions. Financial Institutions are subject to the regulatory and supervisory regime of the MFSA. Furthermore, authorised institutions are subject to the obligations of the Regulations and therefore subject to further monitoring by the Financial Intelligence Analysis Unit on compliance to their anti-money laundering obligations. Being subject to the provisions of the Financial Institutions Act and the Regulations, financial institutions are therefore also subject to the relevant administrative and other sanctions contemplated there-under for any breaches of their statutory and regulatory obligations.

In terms of the Guidance Notes issued to credit and financial institutions (see MFSA website at www.mfsa.com.mt), under Articles 107 – 109, institutions are required to ensure that details

Amongst the initiatives undertaken by Malta to enhance international co-operation is the fact that in terms of the National Interest (Enabling Powers) Act, Legal Notices issued under that Act, transpose into Maltese legislation the pertinent provisions of SC Resolutions. Hence Security Council Resolutions are also implemented, and thus become enforceable on a domestic level, through Legal Notices issued under Section 3(1) of the National Interest (Enabling Powers) Act (Cap 365, Laws of Malta). Resolutions 1267 (1999), 1333 (2000) and Resolution 1390 (2002) were implemented through Legal Notice 214 of 1999, Legal Notice 22 of 2001 and Legal Notice 212 of 2002 respectively.

Section 4(2) of LN 214 of 1999 prohibits Maltese citizens and persons present in Malta from withdrawing or attempting to withdraw or using or attempting to use any funds or other financial resources owned or controlled, directly or indirectly, by the Taliban, or by any undertaking owned or controlled by the Taliban, save for exceptions provided in SC Resolution 1267 (1999). The same section also prohibits the direct or indirect payment or attempt thereof, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly by the Taliban.

Similarly, section 4(6) of LN 22 of 2001, makes provision for the prohibition of transfer of funds or financial resources. Indeed this section reads as follows:

"Notwithstanding any other law, no citizen of Malta and no person in Malta shall, whether directly or indirectly, transfer any funds or other financial resources ... [for] the benefit of Usama bin Laden,

of the remitter and beneficiary are always completed in all wire transfers. The Guidance Notes are complementary to the Regulations. Indeed Regulation 3(3) requires that in determining whether a person has complied with all obligations under the Regulations, a Court **shall** consider any relevant guidance notes applicable to that person. This requirement enforces the strength of the implementation and observance of the guidance notes.

As regards non-profit organizations, as identified in FATF October 2002 document on *Combating the abuse of non-profit organizations*, the oversight of such organizations is very often a co-operative undertaking among the government, the philanthropic community and persons who support them or benefit from them. To an extent, non-profit organizations that fund themselves from public collection in Malta are subject to the Public Collection Act which imposes licencing conditions for public collections but does not specifically provide for more comprehensive oversight. Non-profit organizations are subject to the same identification and due diligence process when opening bank accounts as other bank customers. Furthermore, non-profit organizations that in any way benefit from any type of government grant or assistance are required to be transparent in their finances through the publication of their annual audited financial statements.

his associates or any entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him, including the Al-Qaida organisation."

Legal Notice 212 of 2002 introduced a new mechanism relating to financial resources or funds subject to an asset freeze. A new article was enacted providing for notification of funds. Where a regulation enacted under the National Interest (Enabling Powers) Act requires a person or an entity to carry out the identification of funds or assets belonging to or in the possession of persons or entities as may be identified or identifiable under the regulation, or where a regulation requires the freezing or blocking of such funds or assets, any person or entity whose activities are subject to a licence, shall without delay notify in writing any relevant information in hand to its licensing authority. Such licensing authority is then bound to pass such relevant information to the Sanctions Monitoring Board established under the National Interest (Enabling Powers) Act.

The legal basis for the implementation of the asset freeze can be found in Section 4 (5) of LN 22 of 2001 which added to the freezing of funds imposed by previous Legal Notices the freeze of 'economic resources'. This provision states that any funds or other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee, including those in the Al-Qaida organisation, and all those funds which are derived from property owned or controlled directly or indirectly of the persons here mentioned, are frozen with immediate effect and as such cannot be transferred to the persons here mentioned.

LN 212 of 2002 however, goes beyond funds and financial resources. Section 3(6) of the said LN imposes an arms embargo and prohibits the sale, supply or transfer of technical advice, assistance or military training or training related thereto, to individuals, groups, undertakings or entities as designated by the Committee established in terms of paragraph 6 of Resolution 1267 (1999).

A list of persons or entities drawn up by the Committee was published in the Government Gazette dated 12 October 2001 (Government Notice No 847). This list is a consolidated list based on the following documents issued by the UNSC Committee concerning Afghanistan: AFG/131 SC/7028 of 8 March 2001, AFG/150 SC/7166 of 8 October 2001, AFG/142 SC/7124 of 20 August 2001.

Furthermore an additional list was published in Government Gazette No. 17157 of 2 November 2001 (Government Notice 910) which contained the list published in Press Release issued by the Security Council SC/7180, SC/7181 dated 19 October 2001.

Government Notice 967 published in the Government Gazette No. 17163 of 20 November 2001, listed the entities and individuals as indicated in SC Press Release SC/7206.

Towards the end of November 2001 the UN Afghanistan Sanctions Committee issued a consolidated list of entities/individuals whose assets are to be frozen. This list was published in the Government Gazette No 17175 of 14 December 2001 (Government Notice 1029).

On 26 December 2001 the UN Afghanistan Sanctions Committee issued an addendum to the consolidated list of entities/individuals whose assets are to be frozen. This list was published in the Government Gazette No 17185 of 11 January 2002 through Government Notice 42.

Following the issue of a new consolidated list updated as at 24 January 2002, Government Notice No 123 was published in the Government Gazette of 1 February 2002. Government Notice 327 was published in the Government Gazette 17226 of 9 April 2002 adding two entities (SC/7331 of 15 March 2002) to the consolidated list.

A revised consolidated list updated as at 26 August 2002 was published in Government Gazette 17285 of 3 September 2002 by means of Government Notice 768.

Following the addition of 25 names of individuals and entities (SC/7494 of 4 September 2002) and the addition of one individual and one entity (SC/7502 of 11 September 2002) a consolidated list was published on 24 September 2002 through Government Notice GN 835 (in Government Gazette No 17291).

Subsequently four Government Notices were published by the end of 2002 as follows: GN 926 of 15 October 2002, GN 951 of 25 October 2002, GN 984 of 5 November 2002 and GN 1105 of 20 December 2002. During the first five months of 2003 four consolidated lists were published in the Government Gazette as follows: GN 150 of 7 February 2003, GN 236 of 11 March 2003, GN 358 of 22 April 2003 and GN 452 of 23 May 2003.

Mutual assistance and judicial co-operation

The Attorney General is Malta's central judicial authority for the purpose of mutual assistance in criminal matters.

The Attorney General may request legal assistance from other foreign judicial authorities. In these cases letters of request are drawn up by the Office of the

Attorney General and transmitted to the foreign counter-parts.

This assistance includes:

- requests for interim measures,
- coercive measures,
- taking of testimony,
- gathering of evidence
- the production of documents.

In cases where the request is based on a treaty it is possible for direct transmission to take place, provided that this is allowed by the treaty. Otherwise the request must be channelled through the Ministry for Foreign Affairs.

Malta is party to the European Convention on Mutual Assistance in Criminal Matters (1959) and to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990). Apart from providing judicial assistance based on treaties, Malta provides judicial assistance on the basis of reciprocity. In the latter case, the assessment is made on a case by case basis.

Malta is a member of the European Union. It follows, and is bound by EU Treaties and the main Framework Decisions of the EU. Malta also participates in Eurojust, Europol and Interpol, among others.

Malta is also party to the International Criminal Court and provides assistance in terms of the International Criminal Court Act, 2003 (Chapter 453 of the Laws of Malta).

When court procedures are underway, the requesting of international legal assistance is rendered possible in terms of Article 399 of the Criminal Code, Chapter 9 of the Laws of Malta. This article refers also to Articles 618-619 of The Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta.

Another form of co-operation, (normally informal in nature), is carried out by the police via Interpol, Europol and Sirene. This police to police co-operation is often supplemented by formal international requests for assistance filed when the information or evidence obtained is required to be used in judicial proceedings.

In the case of requests for judicial assistance made to the Maltese Authorities, the provisions of Articles 435B, 435C, 628A, 628B and 649 of the Criminal Code, as well as Articles 9 and 10 of The Prevention of Money Laundering Act, Chapter 373 of the Laws of Malta. These provide the possibility of the issue of investigation orders, attachment (of property) orders and freezing orders, and prohibition

orders, as well as the suspension of licences by means of a suspension order in relation to licences or other authorisations.

In the field of mutual assistance and co-operation, the Minister responsible for justice may make regulations to give effect to any arrangement, including any treaty, convention, agreement or understanding, to which Malta is a party or is otherwise applicable to Malta and which makes provision for mutual assistance in criminal matters, which may, in particular, include—

- (a) the questioning of persons being investigated or prosecuted for a criminal offence;
- (b) the taking or production of evidence;
- (c) the service of any document or act;
- (d) the interception of communications;
- (e) the temporary transfer of a prisoner for the purposes of identification or for obtaining testimony or other assistance;
- (f) the entry into and search of any premises and the seizure of any item;
- (g) the taking of fingerprints or of intimate or non-intimate samples;
- (h) the exhumation of any body;
- (i) the provision of records and documents;
- (j) the investigation of proceeds of criminal offences;
- (k) the monitoring, freezing or seizing of assets of any kind including bank accounts;
- (l) the verification of any evidence or other material.

Such regulations made under this article and Article 628A must contain a reference to the arrangement which those regulations are meant to implement.

The procedure in relation to requests for assistance relating to any offence carrying a maximum of over one year imprisonment or to money laundering offences provides that when the Attorney General (who is the central competent judicial authority under the 1990 Council of Europe Convention), receives a request made by the judicial or prosecuting authority of any place outside Malta for investigations to take place in Malta in respect of a person suspected by that authority of an act or omission which, if committed in the Maltese Islands or in corresponding circumstances, would constitute a money laundering offence, the Attorney General applies to the Criminal Court for an investigation order or an attachment order or for both (Article 435B of the Criminal Code; Section 9, The Prevention of Money Laundering Act).

If the investigation order or attachment order is granted, then it will prevail over any obligation of confidentiality or professional secrecy and the

provisions applicable to a domestic investigation order or attachment order apply.

When the request is for the temporary seizure of all or any of the moneys or property, movable or immovable, of a person charged or accused of an act or omission which, if committed in the Maltese Islands or in corresponding circumstances, would constitute an offence carrying a maximum sentence of over one year's imprisonment or a money laundering offence, the Attorney General applies to the Criminal Court for a freezing order (Article 435C of the Criminal Code; Section 10, The Prevention of Money Laundering Act).

The freezing order issued in such cases remains in force for a period of six months but is renewable for further periods of six months upon an application by the Attorney General and upon the court being satisfied that the conditions which led to the making of the order still exist or that the accused has been convicted and the sentence in his/her regard or any consequential or accessory confiscation order, whether made in civil or criminal proceedings, has not been executed. Where the accused has been convicted but no confiscation order has been made the freezing order shall still be renewed where the court is satisfied that civil or criminal proceedings for the making of such an order are pending or imminent. A freezing order under these provisions may be revoked at any time at the request of the Attorney General or, after hearing the Attorney General, at the request of any interested person upon the court being satisfied that the conditions which led to the making of the order no longer exist or that there has been a final decision acquitting the person concerned.

In general, where the Attorney General communicates to a magistrate a request made by the judicial, prosecuting or administrative authority of any place outside Malta for the examination of any witness present in Malta, or for any investigation, search and/or seizure, the magistrate shall examine on oath the said witness on the interrogatories forwarded by the said authority or otherwise, and shall take down the testimony in writing, or shall conduct the requested investigation, or order the search or/and seizure as requested, as the case may be. The order for search or/and seizure shall be executed by the Police. The magistrate shall comply with the formalities and procedures indicated in the request of the foreign authority unless these are contrary to the public policy or the internal public law of Malta.

In practice, assistance to other States in criminal or judicial matters on a bilateral or reciprocity basis, or through Interpol channels is also extended whenever requested. Sharing of intelligence between the Malta

Security Forces and other foreign services on a bilateral or multilateral basis is continuous, and all measures necessary to intensify such co-operation are being taken. Malta is also participating in and contributing to regional and international customs information networks through information sharing whenever information which may in any way be related to terrorist activity becomes available to the Maltese Customs Administration. In this regard, any such information is transmitted through the Customs Enforcement Network of the World Customs Organisation.

On 14th December 2000 Malta signed the United Nations Convention on Transnational Organised Crime as adopted by the United Nations at its 55th session of the General Assembly on 15 November 2000. Malta has also acceded to the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980. The Convention entered into force for Malta on the 15th November 2003.

By Commencement Notice published as L.N.119 of 2003, the Prime Minister established 19 May, 2003 as the date on which the provisions of the *Nuclear Safety and Radiation Protection Regulations, 2003* (published by Legal Notice 44 of 2003) came into force. On 4th September 2003, there was the set up of the Radiation Protection Board. This Board is responsible for the implementation of the obligations contained in this Convention.

Malta has stated its belief that addressing the disruptive phenomenon of small arms proliferation becomes more urgent when compounded by its complex linkages with other equally destabilising activities such as international crime, drug trafficking and terrorism. In line with its belief, Malta has participated in the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in July 2001, and welcomed the Programme of Action adopted during this Conference. It is anticipated that all Member States will implement the recommendations contained in the Programme of Action in a collective effort to combat this threat to international peace and security.

Malta's adherence to its international obligations and its willingness to co-operate with other countries to combat proliferation is further evidenced by the signature and ratification of a number of disarmament conventions and Protocols including: the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological Weapons Convention, the Convention on Certain Conventional Weapons including its three Protocols, and the Chemical Weapons Convention, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their

Destruction and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

Extradition

Extradition is regulated by means of an Extradition Act, Chapter 276 of the Laws of Malta. On 19 March 1996, Malta signed and ratified the European Convention on Extradition (1957) – a multilateral Convention which governs extradition between the Contracting Parties thereto. Malta also signed and ratified the Additional Protocol and the Second Additional Protocol to the European Convention on Extradition on 20th November 2000. Malta has also implemented the EU Framework Decision on the European Arrest Warrant.

Transfer of Prisoners

Malta is party to the Council of Europe Convention on the Transfer of Sentenced Prisoners.

Compensation of victims

Under Article 698 of the Criminal Code, Chapter 9 of the Laws of Malta, the Minister responsible for Justice can make regulations to establish a scheme for the compensation of victims of crime under such conditions, restrictions, considerations and qualifications as the Minister may provide and establish a fund to finance such a scheme. This scheme:

- (a) may be of general application, extending to all crimes, or may be limited to such crimes as may be specified in the regulations;
- (b) may provide that Government compensation shall only be payable to the victim when the victim has exhausted all remedies available to him/her against the offender for the payment of damages suffered by the victim;
- (c) may provide for a ceiling on the amount payable to any individual victim or group of victims by way of compensation under the scheme.

The Government is subrogated in the rights of the victim against the offender for the payment of any sums received by the victim from the Government in accordance with any scheme established as above.

Promotion of an organisation to commit crimes

According to Article 83A of the Criminal Code, Chapter 9 of the Laws of Malta, any person who promotes, constitutes, organises or finances an organisation of two or more persons with a view to commit criminal offences liable to the punishment of

imprisonment for a term of four years or more, shall be liable to the punishment of imprisonment for a term from three to seven years.

Any person who belongs to such an organisation shall for that mere fact be liable to the punishment of imprisonment for a term from one to five years. Moreover, if the number of persons in the organisation is ten or more the above punishment can be increased to twelve years' imprisonment. If a person convicted of such an offence is the director, manager, secretary or other principal officer of a body corporate or has power of representation of such a body or authority to take decisions on its behalf or authority to exercise control within that body, and the offence of which that person was found guilty was committed for the benefit, in part or in whole, of that body corporate, the said person shall for the purposes of this title be deemed to be vested with the legal representation of the same body corporate which shall be liable:

- a) where the person is found guilty of the promotion, constitution, organisation or financing of an organisation of two or more persons with a view to committing criminal offences, to the payment of a fine of not less than Thirty-Four Thousand, Nine Hundred and Forty Euros and Sixty Cents (34,940.60) and not more than One Hundred and Sixteen Thousand, Four Hundred and Sixty-Eight Euros and Sixty-Seven Cents (116,468.67);
- b) where the offence is that of belonging to such an organisation, the penalty is a fine of not less than Twenty-Three Thousand, Two Hundred and Ninety-Three Euros and Seventy-Three Cents (23,293.73) and not more than Sixty-Nine Thousand, Eight Hundred and Eighty-One Euros and Twenty Cents (69,881.20);
- c) where the number of persons in the organisation is ten or more, then the person found guilty : -
 - i. of the promotion, constitution, organisation or financing of an organisation of two or more persons with a view to committing criminal offences provided in the subarticle, shall be liable to a fine of not less than Forty-Six Thousand, Five Hundred and

Eighty-Seven Euros and Forty-Seven Cents (46,587.47) and not more than One Million, One Hundred and Sixty-Four Thousand, Six Hundred and Eighty-Six Euros and Seventy Cents (1,164,686.70);

- ii. of belonging to such an organisation shall be liable to a fine of not less than Thirty-Four Thousand, Nine Hundred and Forty Euros and Sixty Cents (34,940.60) and not more than One Hundred and Sixteen Thousand, Four Hundred and Sixty-Eight Euros and Sixty-Seven Cents (116,468.67).

The criminal action for the above-mentioned offence may be prosecuted in Malta notwithstanding that the organisation of persons is based or pursues its criminal activities outside Malta.

INSTITUTIONAL FRAMEWORK

In Malta, there are authorities within the Executive responsible for the suppression and combating of terrorism. The main Ministry involved is the Ministry of Justice and Home Affairs, which is subordinate to the Cabinet. The Police Force is responsible for keeping and protecting public order, and in co-operation with the Office of the Attorney General for preventing and investigating all forms of crime and terrorism. The Financial Intelligence Analysis Unit is directly involved in co-ordinating the financial institutions in the fight against money laundering. The Malta Security Services also participate in the fight against terrorism by providing the necessary assistance. The Office of the Attorney General is responsible for the prosecution of crimes involving terrorism. Furthermore there is also an Anti-Terrorism Strategic Coordinating Committee under the Chairmanship of the Deputy Prime Minister and Minister for Justice and Home Affairs which is a multidisciplinary committee which includes action relating to intelligence, thus involving the Police, the Security Service and the Armed Forces of Malta as well as support services, including the Civil Protection Department, the Department of Health

Relevant Council of Europe conventions – Malta	Signed	Ratified
European Convention on the Suppression of Terrorism (ETS 90)	5/11/1986	19/3/1996
Amending Protocol (ETS 190)	15/12/2004	-
European Convention on Extradition (ETS 24)	19/3/1996	19/3/1996
First Additional Protocol (ETS 86)	20/11/2000	20/11/2000
Second Additional Protocol (ETS 98)	20/11/2000	20/11/2000
European Convention on Mutual Assistance in Criminal Matters (ETS 30)	6/9/1993	3/3/1994
First Additional Protocol (ETS 99)	20/11/2000	-
Second Additional Protocol (ETS 182)	18/9/2002	-
European Convention on the Transfer of Proceedings in Criminal Matters (ETS 73)	-	-
European Convention on the Compensation of Victims of Violent Crimes (ETS 116)	-	-
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS 141)	5/11/1998	19/11/1999
Convention on Cybercrime (ETS 185)	17/1/2002	-
Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS 189)	28/1/2003	-
Council of Europe Convention on the Prevention of Terrorism (ETS 196)	16/5/2005	-
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)	16/5/2005	30/1/2008

