

1. Overview of German Legislation

Leg 21015

Synopsis: An article that highlights Germany's resolve to combat international terrorism. More importantly, Germany acknowledges the importance of a rule-of-law and systematic approach towards combating international terrorism.

**Our Analysis:** We have certain reservations however, as Germany continues to apply the penal law to fight terrorism, applying the 'classical' set of tools available in criminal law and measures to avert dangers. The drawback of doing this is that Islamist terrorists are ideologically motivated to carry out terrorist acts and if they are detained and treated unfairly, they will, upon their release, be even more determined to carry out terrorist attacks.

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2. UK Report on British Operation of CT Legislation Terrorism Act 2000

Leg 21016

Synopsis: A report by Lord Carlisle of Berriew QC, on the operation in 2004 of the Terrorism Act 2000 that encompasses the definition of terrorism, counter terrorism powers and measures to deal with terrorism in England, Scotland and Ireland.

**Our Analysis:** We assess that it is imperative for every country facing the terrorist scourge to first have a working definition of terrorism. This is so that the whole Counter Terrorism Community (Law Enforcement agencies, research centres etc) understand clearly what they are targeting.

The UK possesses a definition of terrorism. Nevertheless, as terrorist evolve their modus operandi of operations (and increasingly making use of the Internet) it is important for the definition of terrorism to also evolve, taking into account new changing threats.

Also, from the report on British operation of Counter Terrorism, we assess that the British do indeed have a robust approach to combating terrorism. Nevertheless, the threat to the UK is ever present and it is necessary for the UK to monitor the evolution and adaptation of terrorist groups and evolve their overall CT Strategy accordingly. Otherwise, the security and intelligence forces will not be able to thwart a terrorist attack.

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2a. Review of the Operation in 2004 of the Terrorism Act 2000  
Leg 21017

**Synopsis:** The report by Lord Carlile of Berriew, QC, House of Lords, London addresses the need for changes to be made to the Terrorism Act 2000 as well as reservations towards making these changes because of the UK human rights legislation.

**Our Analysis:** The British citizens must realize that some elements of human rights laws might need to be sacrificed in order to ensure a stable and secure society in an age whereby almost every country faces the possibility of a terrorist attacks. The London Bombings in 2005 underscores the importance and need of sacrificing some elements of individual rights for the sake of a more secure country. However, there must still be safeguards to guard against abuse.

In the report, Lord Carlile concurs that an offence of knowingly doing an act connected with or preparing to conduct a terrorist act should be amended. This is an important proposal as it is important to thwart an attack at the preparatory stage of an attack rather than at the execution stage as this will significantly reduce the chances of an attack occurring.

However, Lord Carlile has expressed reservations against establishing a formalised system of law to get terrorists arrested in the UK to provide information. He then cites human rights legislation in the UK. We assess that it is important to obtain as much information out of suspected terrorists during investigations as this is a significant step in thwarting future attacks that are being planned as the interrogatee may have valuable information to divulge.

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3. UK Anti-Terrorism, Crime and Security Act 2001  
Leg 21019

**Synopsis:** A UK Act which encompasses aspects of terrorist property, freezing orders, disclosure of information, immigration and asylum, aviation security etc. It also encompasses a Bill to amend the Terrorism Act 2000 to make further provisions about terrorism and security.

**Our Analysis:** We assess that the Anti-Terrorism, Crime and Security Act 2001 is an important component of the UK's fight against terrorism. The Act is comprehensive but security and intelligence officials must exercise restraint and caution when dealing with terrorists. There is always a tendency to over-react when-ever, there is even a small trace of suspicion. There must be in place necessary safeguards to prevent this from happening.

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4. Asian Development Bank Manual on CFT and Money Laundering January 2003  
Leg 21028

**Synopsis:** An Asian Development Bank manual on combating money laundering and financing of terrorism that encompasses the definition of money laundering, International Conventions and Standards, AML Laws, financial institutions and prevention guidelines. The model is intended to be used as a useful reference guide to governments and financial institutions regarding measures to combat AML/CFT.

**Our Analysis:** The ADB Manual is both comprehensive and useful to countries wanting to join the global fight against terrorism financing and money laundering. It is also useful to countries seeking membership of the 101-nation Egmont Group of financial intelligence units (FIUs) as it is important to learn from the experiences of other countries in the fight against terror financing and money laundering. Nevertheless, the manual must remain relevant and up-to-date and incorporate many examples and case studies for governments and financial institutions to learn from.

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5. Hong Kong Supplement to the Guideline in Prevention of Money Laundering  
Leg 21050

**Synopsis:** The document highlights some of the significant developments that have taken place since the current HKMA guidelines on Prevention of Money Laundering was issued in 1997. Among the significant developments are calls for enhanced standards in the effective prevention of money laundering including the revised forty recommendations issued by the FATF in June 2003.

**Our Analysis:** The guidelines are important as they have been enhanced and expanded to incorporate measures in combating terrorist financing. Terrorists and terrorist sympathizers have become more sophisticated in moving funds for terrorism and it is necessary to implement the appropriate anti-terrorism funding measures.

5a. Hong Kong Money Laundering Prevention Guideline  
Leg 21051

**Synopsis:** Hong Kong Money Laundering Prevention Guideline issued by the Hong Kong Monetary Authority under Section 3(3) of the Money Ordinance that covers detailed guidelines such as the stages, processes of money laundering.

**Our Analysis:** A very detailed analysis piece that would later be review to take into accounts the new changes and developments in the field.

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6. Singapore Guideline Consultation Paper on Anti-Money Laundering and Counter Terrorism Financing 28 August 2006  
Leg 21052

**Synopsis:** The guidelines are issued by the Monetary Authority of Singapore to provide guidance to banks in Singapore on some of the requirements in MAS Notice 626. Banks are reminded that the ultimate responsibility and accountability for ensuring the banks compliance with AML/CFT laws, regulations and guidelines rests with the banks, its board of directors and senior management.

**Our Analysis:** The paper serves to raise awareness among banks and financial institutions alike in Singapore of the need to be serious about countering money laundering and terrorism financing. The paper further reminds banks and financial institutions that the onus is ultimately upon them to take the necessary measures to ensure that they do not become conduits for money transfer for illegal activity. The paper also wants to emphasize that the banks and financial institutions cannot and must not let illegitimate money flow through their doors. The guidelines also highlights that the MAS will not tolerate ignorance of the rules.

6a. Singapore Monetary Authority Notice 626 AML June 2005

**Synopsis:** This memorandum serves as an update of the notices and guidelines published by the Monetary Authority of Singapore (MAS), the Singapore Merchant Bankers Association, and the Singapore Exchange Limited, with respect to local Anti-Money Laundering laws and regulations. This memorandum applies to all Deutsche Bank entities in Singapore.

**Our Analysis:** The paper highlights that a failure to report suspicion of money laundering is severe and may include penalties and /or imprisonment.

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