

Country Report: Anti-terrorism laws & policing



a. Government: Parliamentary democracy

b. Population: 291 800c. Size: 22 966 sq kmd. Region: Caribbean

e. General

Belize attained independence from Britain peacefully in 1981, and has enjoyed relative internal stability since then. There have been few security or public order disturbances since independence. Instances have consisted chiefly of isolated and brief public demonstrations or labour strikes, and violence has rarely erupted. The Belize National Police is responsible for internal security with the force controlled by civilian authorities.

Crime associated with international drug trafficking has been the principal impediment to stability. The government has devoted considerable resources to combating trade in narcotics. Gang related activity and organised crime also poses a considerable challenge. In 2000 the government passed the *Crime Control and Criminal Justice Act*, which provides the police with extended powers and provides zero-tolerance penalties in order to address organised crime.

Belize has ratified nine of the twelve major international conventions on the prevention and suppression of terrorist¹ related activities, although the nation itself has had little historical experience with either national or international terrorism. Belize has extradition and intelligence sharing agreements with other Caribbean countries as well as with the USA. An instance of the use of this agreement is in 2006, when an American al-Qaeda suspect was captured by the Belize police. The suspect was handed over to US authorities for prosecution.²

Counter terrorism measures in the Caribbean

The Caribbean is the tenth largest trading partner of the USA, a major regional source of migration and visitors to the USA, and an important destination for both tourists and business investments from America. The diplomatic ties, trade alliances and economic dependency on the USA, and the fact that Caribbean countries were seen as a base from where terrorists could carry out their operations, left the Caribbean with little choice but to adhere to the requirements outlined by the USA in the "war on terror". This is in spite of the fact that Caribbean countries have not been victim to any major terrorist attacks in the past. The requirements to implement anti-terrorist policies have proved extremely costly in the Commonwealth Caribbean particularly when the economies of these countries were already in decline.³



In those Commonwealth Caribbean countries with pre-existing anti-terrorism laws, the 2001 attacks on America led to a tightening of the existing laws. Additionally, the Financial Action Task Force on money laundering (FATF) has caused further concerns that the effect of international pressure and measures has been to undermine the sovereignty of some Caribbean states. The FATF added terrorism financing to its remit in 2001. Some measures included establishing "regulatory and supervisory machinery, as well as Financial Intelligence Units for investigating money laundering and machinery for exchanging information with foreign authorities." 5

In an example of the heightened security concern in the region, all those Caribbean countries hosting the Cricket World Cup in 2007 (March 11 – April 28) were required to enact special anti-terrorism security legislation for the event. Those countries were Antigua & Barbuda, Barbados, Grenada, Guyana, Jamaica, St Lucia, St Kitts & Nevis, the Grenadines and Trinidad & Tobago. The laws were labeled "sunset legislation" across the region, due to expire after six months in June 2007. The Legal Affairs Committee of CARICOM approved the draft of the legislation titled the *ICC Cricket World Cup West Indies 2007 Bill*, which was used as a model by the nine host venues to pass through their respective parliaments. The temporary security regulations provided for stricter immigration and customs controls and an enhanced police presence, including some foreign armed forces to assist regional and local police. There was debate as to whether it was appropriate to enact such security legislation without public debate about the issues or the implications on local policing.

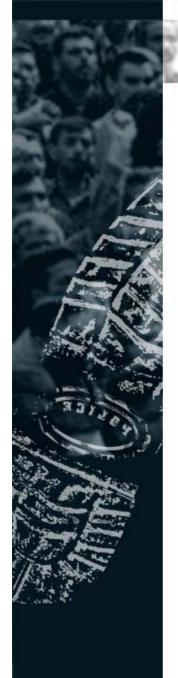
With the primary emphasis on money laundering and terrorism financing (with the exception of the temporary measures enacted around the 2007 Cricket World Cup), there are few practical examples of counter-terrorism policing in Caribbean states.

2. Relevant legislation

Money Laundering Prevention Act [Cap 104] 2003 (MPL Act) – enacted pursuant to Belize's obligations under Security Council Resolution 1373 and the International Convention on the Suppression of the Financing of Terrorism.

Crime Control and Criminal Justice Act [Cap 102] 2000 (Part IV) (CCCJ Act) – Part IV relates to Special Provisions for Crime-Ridden Areas. These provisions empower the Minister for National Security to declare a specific area a Special Area, conferring special powers upon the police and security in that designated zone, who then have extended powers to arrest and detain within these areas. Although these provisions were designed in the context of criminal gangs, they could feasibly be deployed in areas where there may be a suspected terrorist threat.

Criminal Code [Cap 101] (Section 244) – Section 244 creates the offence of "causing public terror". Under this section, any person who deliberately or wantonly incites terror in a public place or meeting shall be liable upon summary conviction to three months imprisonment.



3. Law summary

a. History

Belize has had very little historical experience with terrorism, nationally or internationally. However, as highlighted in the 2003 report to the Security Council Counter-Terrorism Committee, Belize is party to nine of the twelve terrorism related conventions including: International Convention for the Suppression of Terrorist Bombings; Hague Convention for the Unlawful Seizure of Aircraft and International Convention for the Suppression of the Financing of Terrorism.

Belize does not yet have any legislation that comprehensively criminalises terrorism and related offences. However the *Money Laundering (Prevention) Act* (MLP Act) does provide a definition of terrorism.

In addition, Belize has consistently reported to the UN Counter Terrorism Committee regarding its implementation of the demands of UN Security Council Resolution 1373.8

4. Provisions

a. Definition

Section 2 of the MLP Act includes definition of terrorism:

- "Terrorism" means the use or threat of action where-
- (a) (i) the action falls within sub-paragraph (b);
- (ii) the use or threat is designed to influence the government or to intimidate the public or a section of the public; and
- (iii) the use or threat is made for the purpose of advancing a political, religious or ideological cause;
- (b) action falls within this sub-paragraph if it-
- (i) involves serious violence against a person;
- (ii) involves serious damage to property;
- (iii) endangers a person's life, other than that of the person committing the action;
- (iv) creates a serious risk to the health or safety of the public or a section of the public; or
- (v) is designed seriously to interfere with or seriously to disrupt an electronic system;
- (c) the use or threat of action falling within sub-paragraph (b) which involves the use of firearms or explosives is terrorism whether or not sub-paragraph (a) (ii) is satisfied;
- (d) in sub-paragraphs (a), (b) and (c)- (i)

There are thus two elements of this definition. The first contemplates some serious act or threat of violence, the second involves the intention to affect some political religious or ideological change. The definition does not attempt to draw any distinction between legitimate political or insurrectionary activity and terrorism. For example, an industrial protest that unwittingly turns violent would be easily be caught within this definition and criminalised as terrorism.



b. Arrest

There are no specific provisions in the MLP Act relating to arrest. However, Section 13 of the CCCJ Act allows security forces to arrest without warrant in designated security areas.

c. Detention/custody

No specific provisions in the MLP Act or the CCCJ Act relate specifically to detention.

d. Search and Seizure of Property

If the Minister for Finance (or other person overseeing the administration of the *Money Laundering Prevention Act* (MLP Act)) considers that a financial institution has failed to keep a record of a business transaction, or failed to report a suspicious transaction, they may apply to a Judge for a warrant to enter the premises of the institution and search and seize any document material therein (Section 14, MLP Act).

e. Immunity

Section 11 of the MLP Act delineates the reporting procedures that financial institutions are required to undertake. Section 11(4) grants individuals who report under this Section immunity from suit in relation to breach of privacy or confidentiality.

Section 25 of the MLP Act makes its provisions binding irrespective of obligations with regards to secrecy and confidentiality.

General

Section 3(1) of the MLP Act creates the offence of terrorism, and provides that "a person who engages in terrorism commits an offence and shall be liable on conviction to the same penalties as for money laundering". The penalty for money laundering under Section 6 of the Act is a fine of between twenty-five thousand to one hundred thousand dollars, or imprisonment for three to six years, or both.

Section 9 provides for the extra-territorial application of the MLP Act, stating that the offences created by the Act shall be investigated, tried, judged and sentenced by a court in Belize regardless of whether or not the prescribed offence occurred in Belize or in another territorial jurisdiction. Crimes committed abroad and completed in Belize would thus be caught under the legislation.

Section 11(1) allows for the freezing of funds, authorised by the Supervisory Authority. The Authority is empowered to freeze funds and assets where it has reasonable grounds to believe that a person by or on whose behalf funds are held has committed, is about to commit, or has facilitated, a terrorist act or a person acting on behalf of such an individual. Section 23(6) also confers a more general power upon the Authority to freeze assets in any other "appropriate case", in order to give effect to Security Council resolutions and commitments undertaken by Belize.



¹ In the absence of internationally accepted definitions of the terms "terrorism", "terrorist" and "terrorist act", in this report these terms refer to either the definition as enshrined in the country's legislation, or the common use of the term. The use and meaning of these terms is addressed in CHRI's report "Stamping

Out Rights: The impact of anti-terrorism laws on policing" (2007).

The National Terror Alert Response Centre (19 December 2006) "American al-Qaeda captured in Belize": http://www.nationalterroralert.com/updates/2006/12/19/fugitive-james-ujaama-arrested-in-belize/

as on 1 February 2007.

³ Sir Ronald Michael Sanders (2003) 'National Case Study: Antigua and Barbuda and the Human Rights Impact of Anti-terror Legislation in the Aftermath of September 11' CHRI Seminar, Institute of Commonwealth Studies, 5 June, p. 11. ⁴ Ibid, p. 1.

⁵ Ibid.

⁶ The package of laws enacted includes provisions addressing special measures for tourist visas and copyright during the event in addition to those relating to anti-terrorism and security measures.

⁷ Barbados Free Press (2007) "Cricket World Cup: Barbados Government to Give Power, Authority to Armed Foreign Soldiers and Police on Bajan Soil" 3 February: http://barbadosfreepress.wordpress.com/2007/02/03/cricket-world-cup-barbados-government.html: as on

21 March 2007. ⁸ See United Nations Security Council (30 October 2003) "Letter dated 23 October 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council", UN Doc S/2003/1042: http://daccessdds.un.org/doc/UNDOC/GEN/N03/594/46/PDF/N0359446.pdf?OpenElement as on 1