



## Security Council

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### **Letter dated 27 December 2001 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**

The Counter-Terrorism Committee has received the attached report from Belize, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

*(Signed)* Jeremy **Greenstock**  
Chairman  
Counter-Terrorism Committee



**Annex**

[Original: English]

**Letter dated 21 December 2001 from the Minister Counsellor of the Permanent Mission of Belize to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism**

On instructions from my Government, I have the honour of enclosing a report from Belize to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

I should be grateful if the text of the present note and the enclosed report could be circulated as a document of the Security Council.

*(Signed)* Janine **Coye Felson**  
Minister Counsellor

## Enclosure

### **Belize's Counter-terrorism preliminary report pursuant to Security Council resolution 1373 (2001)**

1. The following questions indicated by 'operative paragraph' and 'sub-paragraphs' refers to each numbered paragraph of the UN resolution 1373 that is due before or on the 27<sup>th</sup> December 2001. This particular reporting format was developed by the United Nations Counter Terrorism Committee for implementation by member states.

#### **Operative Paragraph 1**

##### **Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?**

The Government of Belize has adopted a three-pronged approach to implement UN Security Council resolutions, including Resolution 1373: (1) to enact a United Nations Resolutions and Conventions (Enforcement) Act to give effect to UN Resolutions and Conventions; (2) to strengthen the Money Laundering (Prevention) Act to freeze the assets of terrorists and money launderers without delay and (3) to accede to and ratify the relevant UN conventions.

- i. In this regard, the United Nations Resolutions and Conventions (Enforcement) Bill, 2001, was introduced into the House of Representatives on 7 December 2001. It is an enabling measure that empowers the Minister of Foreign Affairs to make an order containing such provisions as may be necessary to implement a resolution of the Security Council, passed under Chapter 7 of the UN Charter. It also enables the Minister of Foreign Affairs to give effect to any UN Convention signed by Belize. Every such Order shall be laid before the National Assembly and shall be subject to negative resolution.
- ii. The Money Laundering (Prevention) (Amendment) Bill, 2001, was introduced into the House of Representatives on 7 December 2001; it amends the Money Laundering (Prevention) Act, 1996 to make improved provisions to combat terrorism and to provide for the speedy freezing of funds and other financial assets of terrorists and money launderers.

##### **Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?**

Punishment for offences will be the same for Money Laundering offences outlined in the Money Laundering Act, Chapter 104, Part II, No. 4 provides: A person of an offence is guilty of an offence under the provisions of the Money Laundering Prevention Act (1996) shall be punishable on conviction with a fine which shall not be less than \$25,000 but which may extend to \$100,000 or with imprisonment for a term which shall not be less than three years, but which may extend to \$100,000 or with imprisonment for a term which shall not be less than three years, but which may extend to six years, or to both such fine and terms of imprisonment.

##### **Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.**

Please refer to Section 19 of the Money Laundering Prevention Act, which details the existing procedures for freezing of accounts and assets at banks and financial institutions.

The main amendments contained in the Money Laundering (Prevention) (Amendment) Bill, 2001 are summarized as follows:

- i. It would enable the Supervisory Authority (Governor Central Bank) to instantly freeze funds and financial assets of any person, to facilitate any investigation, prosecution or proceeding for a money laundering offence, whether in Belize or elsewhere.
- ii. A new Section 11A is being added to make a specific provision to freeze funds connected with terrorism: the power to freeze funds is given to the Supervisory Authority, but the affected person will have a right to apply to the Supreme Court to have the Order set aside.
- iii. Section 23 of the principal Act, which deals with international cooperation in money laundering offences, is being amended to delete subsection (6) which states that "assistance referred to in this section shall be provided only to those countries with whom Belize has entered into mutual legal assistance treaties on a bilateral or multilateral basis."
- iv. In the context of international cooperation, the Supervisory Authority is being empowered to take such action as may be necessary, including the freezing of assets, to give effect to a decision or recommendation of the Security Council.
- v. The First Schedule to the principal Act which contains a list of activities falling within the purview of the Money Laundering (Prevention) Act is being expanded to include international financial services, legal services and accounting services.

**Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?**

See Section 20 of the Act which provides for the forfeiture of property, proceeds and instrumentalities derived from or related to the offence.

Section 13 of the Act places an obligation upon financial institutions to report any suspicious business transactions.

In addition, the Supervisory Authority of Central Bank has circulated the lists of names of individuals and organizations suspected to be involved in terrorism to financial institutions, including offshore practitioners, requesting them to check their customers' database and notify Central Bank if any of the listed persons has conducted business.

Currently financial institutions are being encouraged to implement new measures in compliance with international standards to combat terrorism.

**Operative Paragraph 2**

**Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?**

The Special Branch of the Belize Police Department, under its terms of reference, is to gather intelligence and target terrorists/ subversive groups.

Under the firearms act, any person or persons carrying a firearm without a license commits an offence. Similarly under our Customs Regulations, a person can be charged up to three times the value of the goods for not declaring it.

**Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?**

At present, the Belize Police Department has in place the Joint Intelligence Coordinating Center (JICC) which collates all intelligence on criminal matters from all government agencies. JICC also has the INTERPOL desk which gives the most recent, up dated, list of any wanted persons. In turn, this information is then disseminated to the relevant agencies, including all ports of entry. JICC is also tasked to share information with their respective foreign counterparts. There is also a close working relationship between JICC and the U.S.A.'s resident Drug Enforcement Agency (DEA) office in Belize in terms of foreign requests and intelligence gathering.

**Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.**

Providing that the Unit's whose responsibility within the Belize Police Department is to identify and gather intelligence are notified within a reasonable time, they can update their watch list at all ports of entry in order to stop unwanted persons from entering the country.

If the person has entered the country under the immigration law, once the identity of the person has been confirmed, such a person can be extradited.

Presently, immigration law does not include specific reference to terrorism. Nevertheless, the law does have procedures whereby any person who, in the Minister's view, is a threat to security of Belize can be expelled immediately or refused entry by an Immigration Officer. If and when that individual may have obtained Belizean citizenship the law also states the Minister can revoke citizenship on the basis that he/she was granted citizenship by error or false pretence.

**Sub-paragraph (d) - What legislation or procedures exists to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.**

Once a person is identified as a terrorist, or as being involved in terrorist activities, he/she may be extradited under the provisions of the Extradition Act and his/her assets may be forfeited under the Money Laundering Prevention Bill.

**Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.**

At present, this offence concurs with the enactment of legislation entitled the "Suppression of Terrorism Act" geared toward making acts specifically related to terrorism offences.

**Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.**

The Extradition Act, Chapter 112 of the Laws of Belize, includes a clause which states that a person who commits offences relating to the law of terrorism can be extradited.

In January 2002, Belize ratified a Mutual Assistance Treaty on Criminal matters with the United States of America. This treaty provides for the sharing of information/ documents and the freezing and seizure of assets. The USA has not yet ratified the treaty. However, the Money Laundering Prevention Bill allows

for general information sharing and assistance by withdrawing such obligations to occur solely through Mutual Assistance Treaties.

**Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?**

At present the Belize Defence Force (BDF) and Belize Police Department conduct border patrols at key border crossing areas, especially between the Belize/Guatemala border. In other instances, (police, BDF, Customs and Immigration) using the multi-agency approach, conduct operations within our borders and territorial waters, targeting offences pertaining to their respective agency.

Our Immigration ports of entry do not yet have computers so everyone passing in and out of Belize is processed manually. However, many of our officers have training in identification of false documentation and from time to time at the Belize Western border some persons have been detected with false passports. Our ports of entry also have ultraviolet lamps ("Black Lights") which officers can use in the event they are suspicious of a document especially if the document used (i.e.) passports has security features which can be seen under the said mechanism.

**Operative Paragraph 3**

**Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?**

(See responses at sub-paragraph c below.)

**Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?**

Information has been shared both formally and informally on intelligence/criminal matters. Formally, we have been using the Money Laundering Prevention Act and the Code of Conduct (IFSP)-International Financial Services Practitioners (Code of Conduct) –to respond to request made through the Attorney General's Office. Informally, intelligence has been shared between several foreign agencies, including the U.S. Drug Enforcement Agency (DEA).

**Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?**

At present, we have a bilateral Mutual Assistance Treaty with the USA. Some Conditions under the treaty include the transfer of persons in custody and the service of documents and search and seizure etc.

Belize is a signatory to the Central American Plan for Comprehensive Cooperation to Prevent and Combat Terrorism and Related Activities.

Belize is working with Caribbean countries in adopting bilateral and multilateral treaties to combat terrorism and related activities.

**Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?**

The Government of Belize as mentioned in Operative Paragraph 1 will accede to relevant UN Conventions.

**Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.**

Belize has signed or ratified the following specialized conventions which provide the international legal framework for combating terrorism:

- a. International Convention for the Suppression of the Financing of Terrorism (1999)
- b. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (1973)
- c. International Convention for the Suppression of Terrorist Bombings (1998)
- d. Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)
- e. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988)
- f. Hague Convention for the Unlawful Seizure of Aircraft (1970)
- g. Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)
- h. Convention on the Physical Protection of Nuclear Materials (1979)
- i. Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971)

In addition, the Cabinet has approved signing or ratifying the remaining three conventions in this framework:

- j. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988).
- k. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
- l. Convention Against the Taking of Hostages (1979)

**Sub-paragraph (f) - What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.**

The Refugee Act of 1991 allows for the appointment of an Eligibility Committee to determine whether or not a person will be accepted as a recognized Refugee in Belize. Since 1998 no new refugee application has been processed. Under the present law an applicant is required to undergo security vetting before he or she is granted refugee status in Belize.

Every person who now comes to Belize and requests refugee status goes to Help for Progress. Help for Progress is a local non-governmental agency which the UNHCR has assigned residual liaison responsibility since the return to peace and stability in Central America and the withdrawal of the agency from Belize. These persons who are referred to the Immigration Department from Help for Progress are assisted with obtaining legal status and advised to apply for residency or citizenship when they have satisfied the legal requirements. Any person who acquires Belizean citizenship must be cleared by a Security/ Interpol check done by the Special Branch of the Belize Police Department.

**Sub-paragraph (g) - What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.**

As mentioned above, due to the return to peace in Central America, no application for refugee status has been processed since 1998.

**Assistance requested of the UN Counter-Terrorism Committee**

Belize's law enforcement agencies need assistance in the forms of technical and advisory services, so as to better prevent and prove crimes of conspiracy, aiding and abetting.



## Attachment 2

## Money Laundering (Prevention)

BELIZE:

## BILL

for

AN ACT to amend the Money Laundering (Prevention) Act, Chapter 104 of the Substantive Laws of Belize, Revised Edition 2000, to make improved provisions to combat terrorism; to provide for the freezing of funds and other financial assets of terrorists; to facilitate international cooperation in the investigation and prosecution of money laundering offences; and to provide for matters connected therewith or incidental thereto.

(Gazetted 8<sup>th</sup> December, 2001)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

Short title

1. This Act may be cited as the

**MONEY LAUNDERING (PREVENTION) (AMENDMENT) ACT, 2001**

CAP. 104

and shall be read and construed as one with the Money Laundering (Prevention) Act, which is hereinafter referred to as the principal Act.

Amendment  
of section 2

2. Section 2 of the principal Act is hereby amended by inserting the following definition in its proper alphabetical order:

“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) "action" includes action outside Belize,
- (ii) a reference to any person or to property is a reference to any person, or to property, wherever situated,
- (iii) a reference to the public includes a reference to the public of a country other than that of Belize,
- (iv) "the government" means the government of Belize or of a country other than Belize.

Amendment  
of section 11

3. Section 11 of the principal Act is hereby amended as follows:

- (i) by renumbering that section as subsection (1);
- (ii) in subsection (1) as so renumbered, by repealing paragraph (f) and replacing it by the following:
  - "(f) may instruct any financial institution to take such action as may be appropriate, including the freezing of funds and other financial assets or economic resources of any person or entity, to facilitate any investigation, prosecution or proceeding for a money laundering offence, whether in Belize or elsewhere;"
- (iii) by adding the following as new subsection (2) immediately after subsection (1):
  - "(2) Every Order made by the Supervisory Authority pursuant to paragraph (f) of subsection (1) above for the freezing of funds or financial assets of any person shall cease to have effect after three clear days from the making of the Order, unless within such period the Supervisory Authority makes an application to a Judge of Supreme Court in Chambers for an order for the freezing of such property, and the application shall be heard by the Court as soon as practicable.

Addition of  
section 11A

4. The principal Act is hereby amended by the addition of the following as new section 11A immediately after section 11:

"Freezing of  
funds connected  
with terrorism

11A. (1) Where the Supervisory Authority has reasonable grounds for believing that the person by, for or on behalf of whom any funds are held is or may be –

- (a) a person who commits, attempts to commit, facilitates or participates in the commission of acts of terrorism,
- (b) a person controlled or owned directly or indirectly by a person in (a), or
- (c) a person acting on behalf, or at the direction, of a person in (a),

the Supervisory Authority may by notice direct that those funds shall be frozen and shall not be made available to any person.

(2) A direction given under subsection (1) above shall specify either-

- (a) the period for which the direction is to have effect; or
- (b) that the direction is to have effect until it is revoked by notice under subsection (3) below.

(3) The Supervisory Authority may by notice revoke a direction given under subsection (1) at any time.

(4) A notice under subsections (1) or (3) shall be given in writing to the person holding the funds in question ("the recipient"), and shall require the recipient to send a copy of the notice without delay to the person whose funds they are, or for or on whose behalf they are held ("the owner").

(5) A recipient shall be treated as complying with that requirement if, without delay, he sends a copy of the notice to the owner at his last-known address or, if he does not have an address for the owner, he makes arrangements for a copy of the notice to be supplied to the owner at the first available opportunity.

(6) Where a direction has been given under subsection (1) above any person by, for or on behalf of whom those funds are held may apply to the Supreme Court for the direction to be set aside; and on such application the Court may set aside the direction.

(7) A person who makes an application under subsection (6) above shall give a copy of the application and any witness statement or affidavit in support to the Supervisory Authority (and to any other person by, for or on behalf of whom those funds are held), not later than seven days before the date fixed for the hearing of the application.

(8) Any person who contravenes or fails to comply with the requirements of this section shall be guilty of a money laundering offence and shall be liable to the penalties prescribed in section 6 of this Act."

Amendment  
of section 23

5. Section 23 of the principal Act is hereby amended as follows:

(a) by substituting the words "The Court, Supervisory Authority or other competent authority" for the words "The Court or other competent authority" wherever occurring therein;

(b) by repealing subsection (5) and replacing the same by the following:

"(5) Any provisions relating to bank secrecy or confidentiality shall not be an impediment to compliance with this section, when the information is requested by or shared with the court or other competent authority whether in Belize or elsewhere, and any disclosure made in pursuance thereto shall not be regarded as a breach of confidentiality imposed by law or contract;"

(c) by repealing subsection (6) thereof and substituting therefor the following:

"The Supervisory Authority may take such action as may be appropriate including the freezing of funds and other financial assets or economic resources of any person to comply with or give effect to a resolution of the Security Council of the United Nations adopted under Chapter VII of the United Nations Charter:

Provided that if the Security Council takes any subsequent decision which has the effect of postponing, suspending or cancelling the operation of such resolution, in whole or in part, any order made by the Supervisory Authority under this subsection shall cease to have effect or its operation shall be postponed or suspended, in whole or in part, as the case may be, in accordance with that decision."

Addition of new section 26A	<p>6. The principal Act is hereby amended by the insertion of the following as new section 26A immediately after section 26:</p>
“General penalty for non-compliance	<p>26A. Every financial institution or other person who fails to comply with any direction or instruction given by the Supervisory Authority under this Act shall be guilty of an offence and shall, unless a penalty is specifically provided elsewhere, be liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding three years, or to both.”</p>
Amendment of section 27	<p>7. Section 27 of the principal Act is hereby amended by repealing subsection (1) thereof and replacing the same by the following:</p> <p>“(1) No prosecution in respect of any offence committed under this Act or any regulations made thereunder shall be instituted except by, or with the consent in writing of the Director of Public Prosecutions or the Supervisory Authority:</p> <p>Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.”</p>
Amendment of First Schedule	<p>8. The First Schedule to the principal Act is hereby amended by the addition of the following at the end thereof:</p> <p>“17. International financial services</p> <p>18. Accounting services</p> <p>19. Legal services”.</p>