

### **CIII. SAMOA<sup>105</sup>**

#### **SUMMARY OF LEGISLATION OF SAMOA RELATED TO TERRORISM**

**(a) Prevention and Suppression of Terrorism Act 2001**

The Prevention and Suppression of Terrorism Bill 2001, makes it an offence, punishable by imprisonment from 5 to 15 years, to finance or assist in the financing of terrorist acts.

The Act empowers the Supreme Court to order the freezing of funds, where such funds have been found to be collected for the purpose of committing or financing a terrorist act. The Attorney General may also apply to the Supreme Court to freeze funds that are suspected of being collected for the purpose of committing terrorist acts.

**(b) Other legislation**

Any terrorist act that may endanger an aircraft is an offence under the Civil Aviation Act 1998. This Act also prohibits the taking of firearms, explosives and other arms on to an aircraft.

Terrorism activity including proceeds obtained directly or indirectly from terrorist activity is covered under the Money Laundering Prevention Act 2000. Financial institutions are required under the terms of the legislation to report any suspicious transactions. The Act addresses, among other things, the disclosure, reporting, penalties, freezing and forfeiture of properties, mutual assistance with foreign States and extradition and rendition of fugitive offenders. The Act also enables the Supreme Court of Samoa to freeze any assets that are alleged to be the proceeds of crime.

The Crimes Ordinance 1961 covers many offences that would fall under the definition of terrorism and provides penalties ranging from monetary fines to life imprisonment to capital punishment. Under the Criminal Procedure Act 1972, any person may apply to the Court for a seizure warrant over any property that is believed to be evidence of any offence that may have been committed.

In respect of providing assistance with criminal investigations or proceedings relating to the financing or supporting terrorist acts, the Extradition Act 1974 provides for the arrest and return of any person in Samoa who is accused of an extradition offence to an extradition country, or of any person who is alleged to be unlawfully at large after conviction of an extradition offence. The authorities in Samoa may arrest and return the offender should the act of terrorism be an "extradition offence" of the requesting State.

---

<sup>105</sup> Transmitted to the Secretariat by that Government on 13 February 2002 (S/2002/173, enclosure). Information was also provided in respect of the Arms Ordinance 1960; the Police Offences Ordinance, 1961; the Immigration Act, 1966; and the Permit and Passport Act, 1978.