



— Republic of Kiribati —

# FINANCING OF TERRORISM ACT, 2007



KIRIBATI INTERNATIONAL FINANCIAL AUTHORITY (KIFA)



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## Republic of Kiribati



## Criminal, Preventive and International Cooperation Framework

### Competent Authorities:

Kiribati International Financial Authority (KIFA)

Commissioner of Police – Republic of Kiribati



## Introductory Note

The **Financing of Terrorism Act, 2007** establishes the legal framework of the Republic of Kiribati for the **prohibition, criminalisation, investigation, restraint, forfeiture, and international cooperation** in relation to the financing of terrorism.

This Act applies to all persons, entities, and financial or economic activities within the jurisdiction of the Republic of Kiribati and, where applicable, to Kiribati citizens and entities operating abroad.

This document is published for **informational and regulatory guidance purposes**.

## Legal Basis

This Act is applied and enforced in conjunction with:

- Financial Supervisory Authority of Kiribati Act, 2021
- Kiribati Financial Institutions Act, 2021
- Anti-Money Laundering Act, 2014
- Anti-Money Laundering and Counter-Terrorism Financing Act, 2014
- Applicable extradition, mutual legal assistance, and international cooperation treaties

# PART I – PRELIMINARY

## 1. Short Title and Commencement

This Act may be cited as the **Financing of Terrorism Act, 2007**, and shall come into force on such date as the Minister may appoint by notice published in the Gazette.

## 2. Interpretation

In this Act, unless the context otherwise requires:

- **“Authority”** means the Kiribati International Financial Authority (KIFA), in relation to financial supervision and reporting.
- **“Commissioner”** means the Commissioner of Police of the Republic of Kiribati.
- **“Funds”** means assets of every kind, whether tangible or intangible, movable or immovable, including legal documents or instruments evidencing title or interest.
- **“Minister”** means the Minister responsible for National Security.
- **“Proceeds”** means any funds derived, directly or indirectly, through the commission of an offence under this Act.
- **“Terrorist”** means any person who commits, attempts to commit, participates in, or facilitates a terrorist act.
- **“Terrorist Act”** means any act intended to cause death or serious bodily injury to civilians or non-combatants with the purpose of intimidating a population or compelling a government or international organisation.
- **“Terrorist Property”** means funds or other property intended to be used, or reasonably suspected of being used, to commit or facilitate a terrorist act.

## **PART II – FINANCING OF TERRORISM OFFENCES**

### **3. Prohibition Against Provision or Collection of Funds**

1. Any person who unlawfully and wilfully provides or collects funds, directly or indirectly, with the intention or knowledge that such funds are to be used, in whole or in part, to carry out or facilitate a terrorist act commits an offence.
2. It is not necessary that the funds be actually used to commit a terrorist act.
3. Attempts, participation as an accomplice, or organising, directing, or assisting others in committing such offences are punishable under this Act.

### **4. Provision of Resources or Services**

Any person who makes funds, financial assets, economic resources, or financial or related services available, directly or indirectly, for the benefit of a terrorist or terrorist entity commits an offence.

### **5. Dealing with Terrorist Property**

Any person who:

- a) deals in terrorist property;
  - b) facilitates financial transactions relating to terrorist property; or
  - c) provides financial or related services in respect of terrorist property,
- commits an offence under this Act.

### **6. Other Forms of Support**

Any person who provides support, whether active or passive, including recruitment, logistics, training, or supply of resources or weapons to a terrorist or terrorist entity, commits an offence.

## **PART III – PENALTIES, FORFEITURE AND JURISDICTION**

### **7. Penalties**

A person convicted of an offence under this Act is liable:

- a) on conviction on indictment, to imprisonment for a term not exceeding twenty (20) years, or to an unlimited fine, or to both; or
- b) on summary conviction, to imprisonment for a term not exceeding five (5) years, or to a fine not exceeding five hundred thousand dollars, or to both.

### **8. Forfeiture of Terrorist Property**

- 1. A court may order the forfeiture of any property intended for use in, or derived from, a terrorist act.
- 2. Any person claiming an interest in such property shall be given an opportunity to be heard.

### **9. Jurisdiction**

An offence under this Act shall be deemed to have been committed in the Republic of Kiribati where:

- a) the offence is committed in Kiribati or on a Kiribati-registered vessel or aircraft;
- b) the offender is a citizen or habitual resident of Kiribati;
- c) the offence is directed against Kiribati, its nationals, or government facilities; or
- d) the offender is present in Kiribati after the commission of the offence.

## **PART IV – INVE**

## **STIGATION AND ENFORCEMENT**

### **10. Duty to Provide Information**

Any person who has possession or control of terrorist property, or information relating thereto, shall immediately inform the Commissioner.

### **11. Investigation and Rights of Alleged Offender**

1. The Commissioner shall take all necessary measures to investigate offences under this Act.
2. Any alleged offender shall be entitled to all legal guarantees recognised under the laws of the Republic of Kiribati.

### **12. Notification**

The Government may notify relevant international counterparts of prosecutions and detentions under this Act in accordance with applicable law.

## **PART V – CASH SEIZURE AND RESTRAINT**

### **13. Seizure and Detention of Terrorist Cash**

Cash reasonably suspected of being terrorist property may be seized and detained in accordance with this Act.

### **14. Continued Detention**

A court may order the continued detention of seized cash for investigation purposes, subject to statutory limits.

## **15. Detained Cash**

Detained cash shall be held in an interest-bearing account pending release or forfeiture.

## **16. Forfeiture of Detained Cash**

The High Court may order the forfeiture of detained cash upon being satisfied that it constitutes terrorist property.

## **17. Restraint Orders**

The High Court may issue restraint orders prohibiting any dealings in terrorist property.

# **PART VI – INTERNATIONAL COOPERATION**

## **18. Extradition**

Offences under this Act shall be treated as extraditable offences in accordance with applicable extradition laws and treaties.

## **19. Mutual Legal Assistance**

The Republic of Kiribati shall provide the fullest measure of mutual legal assistance in investigations and prosecutions relating to offences under this Act.

# **PART VII – MISCELLANEOUS**

## **20. Schedules**

The Schedules to this Act include definitions, instruments, and treaties relating to the financing of terrorism, as amended from time to time.