



Submission on the Convention on Suppression of Terrorist Financing Amendment Bill – 2026



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Convention on Suppression of Terrorist Financing Amendment Bill Review

Clause in the Amendment Bill	Provision	Concern	Recommendation
Clause 5	<p>Extending the time period for which a Freezing Order shall be in force.</p> <p>Section 4 (1) A police officer not below the rank of an Assistant Superintendent of Police may, where there are reasonable grounds to believe that any person is involved in the commission of any act which constitutes an offence under section 3 of this Act and it is necessary for preventing the commission of any further acts in connection with such offence, issue an Order (hereinafter referred to as a "Freezing Order") freezing all funds or property provided or collected by the commission of an act under section 3, any income or profit earned on such funds or property or any instrumentalities used in the commission of such offence.</p> <p>(3) A Freezing Order issued under subsection (1) shall, subject to the provisions of section 4A, be in force for a period of fourteen working days of the making thereof.</p>	<p>Amendment to Section 4(3) increases the period for which a police officer of the rank of ASP and above is empowered to freeze assets from 7 to 14 working days. This would effectively be 21 calendar days.</p> <p>A freezing order effectively deprives a person of access to their financial and material assets. Extending such an order to about 3 weeks without judicial oversight turns a temporary preventive measure into a prolonged punishment as a person is deprived of financial access. This is imposed without trial or hearing, and is severely lacking in the safeguards recommended by the FATF.</p> <p>Following the conclusion of 14 working days, the current law allows the police to make an ex parte application under Section 4A(1), to extend the order.</p> <p>An ex parte application denies the affected person the opportunity to challenge the order and undermines their due process</p>	<p>Recommend mandating the police officer to record reasons for having reasonable grounds to believe that any person is involved in the commission of any act which constitutes an offence, when he is making an application to the High Court seeking confirmation of the Freezing Order issued.</p> <p>Recommend mandating the police officer to make an application to the High Court seeking confirmation of such Freezing Order, within 72 hours from the issuance of such Freezing Order.</p>

<p>Clause 6</p>	<p>Extending the time period given for a police officer to make an ex parte application to the High Court for the confirmation of a Freezing Order.</p> <p>Section 4A (1) The police officer issuing the Freezing Order in terms of section 4 shall, within the fourteen working days during which such Order shall be in force, make an ex parte application to the High Court seeking confirmation of such Freezing Order and also if the circumstances so necessitate, request an extension to the original period of fourteen working days.</p>	<p>rights. The proposed amendment allows any person affected by the freeze order to petition the High Court against the order, which in practice will be difficult for a person whose assets are frozen. This extension therefore falls short of the test of proportionality.</p> <p>A regime that permits the exercise of coercive powers by a police officer without oversight, reasons, or review creates a manifest risk of arbitrary and unequal application. The potential for police abuse of power is dangerous in practice.</p>	
<p>Clause 12</p>	<p>Introduces new provisions 4J and 4K</p> <p>Section 4J (1) Any police officer conducting an investigation under this Act may, in addition to the powers vested in such police officer by any other written law, use any investigation technique including the following when conducting the investigation: - (a) surveillance and observation; (b) undercover operations; (c) video recording; (d) using listening devices; (e) controlled</p>	<p>The language used in Section 4J allowing any police officer conducting an investigation under this Act to use any investigation technique including those listed, is broad and could be used to circumvent the safeguards as subsection (2) is only applicable to paragraphs (c), (d), (e) and (f) of subsection (1).</p>	<p>Section 4J may be amended as “use the following investigation techniques when conducting the investigation;”</p>

	<p>deliveries; or (f) accessing computer data and computer systems.</p> <p>(2) A police officer not below the rank of an Assistant Superintendent of Police may make an ex parte application in camera along with sufficient material to the Magistrate’s Court for an order for the purposes of paragraphs (c), (d), (e) and (f) of subsection (1).</p> <p>(3) A police officer not below the rank of an Assistant Superintendent of Police may make an application in writing to the Magistrate for a warrant authorizing the covert monitoring of any conduct and recording of any communication if an officer conducting investigations under this Act has reasonable grounds to suspect or believe that a person has committed, or is committing or is about to commit an offence under this Act.</p> <p>(4) It shall be the duty of the officer making the application under subsection (2) to ensure the protection and preservation of information received or collected by the officer conducting the investigation.</p>		
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