VANDERBILT Law School

A Legal Assessment of the Penal Law for Terrorism and its Financing

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1. The purpose of this memorandum is to provide my expert assessment on the Penal Law for Terrorism and its Financing (the anti-terror law) that was enacted by Saudi Arabia in February of 2014. It is my understanding that this law has been used on occasion to target political opposition leaders and human rights advocates in Saudi Arabia, thus my analysis focused on the gaps between the English text which I have reviewed in light of the best practices for the prevention and punishment of terrorism offenses. There may well be wrinkles in the official Arabic text that obviate some of the concerns raised herein, and the actual practice of the judges in the Kingdom may well mitigate some of the problematic dimensions of the law as presented. This opinion focuses on a comparative analysis, while fully acknowledging the reality that each nation may well have distinctive features of its own struggle against terrorist acts. In short, the February 2014 law falls short of fully respecting important human rights principles in several highly problematic areas. Paragraphs 5 to 18 describe my conclusions in this regard.

2. At the outset, I wish to briefly describe my qualifications for rendering such an expert assessment. My name is Michael A. Newton. I am currently serving as Professor of the Practice of Law at Vanderbilt University Law School. Prior to my service on the faculty at Vanderbilt, I taught at the United States Military Academy at West Point and at the U.S. Army Judge Advocate General's School and Center, Charlottesville Virginia. I am a 1984 graduate of the U.S. Military Academy who served more than 21 years on active duty, both as a combat arms officer and as an operational lawyer to include more than 500 cases as a military prosecutor.

3. I am an elected member of the International Institute of Humanitarian Law in San Remo Italy, and active in the International Bar Association, as well as current service on the Advisory Board of the American Bar Association International Criminal Court Project. I have published more than 80 works of varying lengths, to include a number of books, law review articles, and book chapters addressing the law of international terrorism. I was the senior editor of the Terrorism International Case Law Reporter published annually by

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Oxford University Press since 2007, which necessarily required me to closely follow terrorism related litigation across a wide variety of jurisdictions.

4. I am an internationally recognized expert in the substance of the field of International Humanitarian Law particularly as it relates to the field of terrorism. I helped to negotiate the Elements of Crimes for the United States delegation to the International Criminal Court negotiations in the aftermath of the 1998 Rome Statute negotiations and have served as an expert witness in federal terrorism litigation on three occasions. Though the United States remains opposed to full accession as a State Party to the International Criminal Court, we successfully negotiated the details of the *actus reus* and *mens rea* for each of the many crimes of genocide, crimes against humanity, and war crimes delineated in the Rome Statute to the point that the U.S. delegation could join consensus with all of the other national delegations on both the Elements and the Rules of Procedure and Evidence for the Court. The law is clear that any act designed to instill terror in the civilian population violates both the laws of warfare when conducted in the context of hostilities as well as the relevant body of peacetime terrorism law. Subsequent to those negotiations, I served in the Office of the U.S. Ambassador-at-Large for War Crimes during both the Clinton and George W. Bush Administrations. In that capacity helping to craft the concept for the hybrid tribunals, and serving as the U.S. representative on the United Nations Planning Mission for the Sierra Leone Special Court. The model of a specialized tribunal that we implemented in Sierra Leone provided the comparative template for internationalized and local tribunals in Cambodia, the Balkans, Bangladesh, East Timor, Uganda, Peru, Kenya, and the Lebanon Tribunal currently working in The Hague. Lastly, I served as the International Advisor to the Iraqi High Criminal Court and advised the attorneys working with the Central Criminal Court in Baghdad on terrorism related offenses under Iraqi domestic law.

5. At the outset, international practice is clear that there should be no latitude for states to disregard human rights standards or international best practices based on a subjective condemnation of terrorist activities. The Global Counter-Terrorism Strategy condemns all forms and manifestations of terrorism, but the document [unanimously adopted in the General Assembly] specifically states that "measures to ensure the respect for human rights for all and the rule of law [are] the fundamental basis for the fight against terrorism."[2] United Nations Security Council Resolution 2178 emphatically notes that "Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort."[3] The unanimously adopted Security Council Resolution requires in its operative paragraphs, *inter alia*, that "Member States shall, consistent with international human rights law, international refugee law, and international humanitarian law, prevent and

[2] UN General Assembly resolution A/60/288, Annex, Plan of Action, part IV.
[3] S/RES/2178 (2178), *see* http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2178%20(2014)

suppress the recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, and the financing of their travel and of their activities."[4]

6. Human rights represent more than an inconvenient corollary to successful state counter-terrorism. In my view, states should absolutely take prompt action within the relevant legal standards to protect the lives and property of their citizens, thereby protecting their human rights. To that end, I find the key aspects of the jurisdictional scope of Article 3[5] if applied in good faith to be commendable and completely consistent with international best practices insofar as Saudi courts can extend authority over individuals who attempt to force Saudi Arabia to "do or abstain from doing any act" [quoting the formulation drawn from the Terrorist Bombing Convention, to which Saudi Arabia acceded on October 31, 2007]. The domestic statute is also perfectly consistent with international standards and the most current best practices in purporting to cover persons who attempt to attack Saudi citizens anywhere in the world, or who seek to damage the nation's public properties abroad including embassies, other diplomatic locations, or consulates or to commit any prohibited terrorist act aboard any vessel, aircraft, or other method of transportation registered with the Kingdom or carrying its flag. On the other hand, language extending the authority of the Chamber over anyone who supports changing the ruling system of the State comes dangerously close to infringing on the freedom of thought and speech that is at the core of human rights.

7. The extension of jurisdiction in Article 3 with regard to persons who commit or seek to commit acts designed to harm the "interests, economy, and national and social security of the Kingdom" is a broad formulation that is not precisely replicated in other domestic statutes or international treaties, but falls well within the Kingdom's sovereign duties, provided that such prosecutions comport with established customary norms regarding the protection of fundamental human rights.

8. **Inadequate Protection Against Discriminatory Enforcement Measures** – My review of the Saudi statute reveals that it does not preclude discriminatory application, and thus falls

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[4] *Ibid*. para. 5.

[5] Saudi Arabia Law of Terrorism Crimes and its Financing, Article (3) (unofficial translation):
"The articles of this law are applicable to whosoever, whether they be a Saudi citizen or a foreigner, acts with the intention of committing, establishing, inciting, or participating in - outside the kingdom – any of the crimes stipulated in this law, while attempting to achieve the following:
1.Changing the ruling system in the Kingdom;
2.Disabling the Basic Law or any of its articles;
3.Forcing the State to commit or obstruct it from carrying on certain acts;
4.Attacking Saudis abroad;
5.Damaging the country's public properties abroad including embassies, other diplomatic locations, or consulates;
6.Committing a terrorist act on board a vessel, aircraft, or other method of transportation registered with the Kingdom or carrying its flag; and
7. Harming the interests, economy, and national and social security of the Kingdom."

well short of established and widely recognized minimum standards.[6] In 2008, the then-UN High Commissioner for Human Rights, Louise Arbour, noted in her final report that "It has now become clear that upholding human rights is not at odds with confronting terrorism; on the contrary, the moral vision of human rights coupled with the nature of legal obligations to uphold these rights foster deep respect for the dignity of each person. National counter-terrorism strategies and international cooperation must include measures to prevent the spread of terrorism, and must also include measures to prevent ethnic, national or religious discrimination, political exclusion, and socio-economic marginalization, as well as measures to address impunity for human rights violations."[7] The group of more than 30 international experts from a variety of legal systems assembled by the Netherlands to refine the best practices also reached a similar conclusion. Paragraph 9 of the Leiden Policy Recommendations for Counter-Terrorism and International Law noted in this regard that effective international efforts require respect for human rights norms: "Criminal justice response to terrorism (which includes the investigation, prosecution, and adjudication of terrorist crimes) forms the cornerstone of any sustainable counter-terrorism effort that respects the principles of the rule of law, human rights, and due process. Effective international cooperation requires respect for human rights. … The disregard for fundamental human rights norms also has the demonstrable effect of undermining international cooperation in the struggle against suspected terrorists, as well as eroding the available channels for assisting investigations and prosecutions related to transnational terrorist acts, particularly those that cross regional boundaries. The absence of an effective and efficient regime for international cooperation can result in frustration among law enforcement and security officials that in turn leads to human rights violations."[8] In other words, respect for human rights and fundamental freedoms in the investigation and enforcement of domestic offenses provides a necessary precondition for lasting international cooperative efforts.

9. The Terrorist Bombing Convention, which binds the Kingdom as a matter of international law effective October 31, 2007 is clear on this point. Article 5 of the Convention specifically notes that the substantive terrorist offenses must be criminalized and that defendants cannot under any circumstances justify their conduct by recourse to "considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature." Thus, the state is

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[6] Saudi Arabia Law of Terrorism Crimes and its Financing, Article (1)(A)(2014)) (unofficial translation): "Terrorist crime: Any act carried out by the perpetrator to commit a criminal activity either as an individual or as part of a group, whether directly or indirectly, towards the purpose of disrupting public order; harming the security of the community and the stability of the state; risking national unity; disabling the Basic Law or any of its articles; harming the reputation or status of the country; damaging public facilities and natural resources; or trying to coerce a branch of the authority into undertaking a certain course action or obstructing justice; or threatening or inciting the commission of any of the aforementioned acts."

[7] Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism (UN Doc. A/HRC/8/13, para.4).

[8] *See* COUNTER-TERRORISM STRATEGIES IN A FRAGMENTED INTERNATIONAL LEGAL ORDER, 68 (Larissa van den Herik & Nico Schrijver, eds., Cambridge University Press 2013). The Leiden Principles are at http://www.grotiuscentre.org/resources/1/Leiden%20Policy%20Recommendations%201%20April%202010.pdf.

free to punish all terrorists using severe sanctions, but must do so with full respect for that defendant's basic rights to non-arbitrary enforcement of the law. In a perfect symmetry, because the Kingdom must apply the law equally across all groups and citizens without specifically targeting any single group or entity, Article 12 of the Convention logically requires denial of any extradition request or request for mutual legal assistance from another state based on a good faith belief that such request "has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons." Article 15 of the International Convention for the Suppression of the Financing of Terrorism [to which Saudi Arabia acceded on August 23, 2007] contains identical proscriptions. Thus, the implication is unmistakable that states cannot use their own domestic laws as a pretext for the persecution of any person on grounds of their race, religion, nationality, ethnic origin or political opinion and they must affirmatively protect those personal characteristics from unwarranted interference at the hands of other state officials.

10. To be clear, the Saudi statute is defective on its face in that it textually fails to provide for equal protection of the law and equal application to all covered citizens or non-nationals regardless of their political views, racial identification, religious views, or their ideological perspectives. It may well be true in practice that some higher percentage of defendants share some common trait, but the law itself cannot serve as a pretext for targeting any group based on such prohibited criteria. The failure to provide for such protections on the face of the Penal Law leaves it short of the mark in terms of relevant international standards.

11. **Overly Broad Criminal Formulations** – The 2014 Penal law that I reviewed also falls short of the best practices across other states because the criminal formulation in Article 1 is overly broad in several ways. The text of Article 1 is in sharp contrast to the relative specificity found in the Terrorist Bombing Convention as well as the Convention for the Suppression of Terrorist Financing. Such imprecision in turn can permit the criminal statute to deviate from its laudable and necessary purposes and be used as a pretext to prevent parts of the population from enjoying the appropriate range of freedom of expression, freedom of thought and belief, and free exercise of religion. Key defects in the scope of Article 1 are as follows:

    a. Broad statutory prohibitions against acts that threaten 'national security' have been condemned in other contexts as providing a subterfuge for states to undermine protected fundamental rights.[9] The phrase 'disrupting public order' is too imprecise to warrant criminal sanction as part of the terrorism statute absent a linkage to acts designed to provoke terror in the civilian population.
    b. Similarly, the prohibition of acts that threaten 'national unity' is inappropriate absent a linkage to acts designed to provoke fear or terror amongst the population. For the sake of comparison, the analogue South African statute that does use the phrase

[9] *See* UN Doc. A/61/267, 16 August 2006, paras.17-19, 23.

"unity or territorial integrity of the Republic", does so with significantly higher and specific thresholds, *inter alia*, "the systematic, repeated or arbitrary use of violence by any means or method"; "causes the destruction of or substantial damage to any property, natural resource, or the environment or cultural heritage, whether public or private"; "intimidate, or to induce or cause feelings of insecurity within, the public...with regard to its security, including its economic security, or to induce, cause or spread feelings of terror, fear or panic in a civilian population; or unduly compel, intimidate, force, coerce, induce or cause a person, a government, the general public." Notably, the South African statute that does make reference to "unity or territorial integrity" as being within the criminal scope of its domestic statute specifically states that though the criminal prohibition encompasses acts "committed, directly or indirectly, in whole or in part, for the purpose of advancement of an individual or collective political, religious, ideological or philosophical motive, objective, cause or undertaking" the crime does **not** consist of "any act which is committed in pursuance of any advocacy, protest, dissent or industrial action and which does not intend the harm contemplated." The Saudi Arabian statute contains no glimmer of this particularity nor does it protect the exercise of basic human rights in a similar manner.

c. The prohibition on any act that 'directly or indirectly' seeks to harm 'the reputation or status of the country" does not comport with due process standards because it permits the state to make a subjective assessment and fails to give any sort of *a priori* notice to a potential perpetrator of the conduct that is or may be subjected to criminal sanctions. As such, this provision conflicts with Article 15 of the Arab Charter for Human Rights which provides that "[n]o crime and no penalty can be established without a prior provision of the law."[10]
d. Apart from these defects, other crimes within the scope of Article 1 can be reconciled under established precedents as warranting prosecution under domestic terrorism legislation, in particular the language aimed at punishing acts designed to coerce public officials or to compel state policy decisions.
e. The Penal Law does not require that prohibited acts be committed with the intent to "cause death or serious bodily injury" or "with the intent to cause extensive destruction" that could result "or is likely to result in major economic loss." The quoted language comports with international practice as reflected in the Terrorist Bombing Convention. The requirement that prohibited acts or attempts be tied to such concrete results is the most appropriate way to prevent the application of overly broad crimes when used as a tool for state suppression of protected human rights. In my view, the Article 1 language requiring that punishable acts be aimed at 'harming the security of the community' is insufficient to meet the well-established consequence requirements. Other domestic criminal statutes in nations such as Egypt, Kenya, Ghana, and Ethiopia require precisely this raised level of harm as an integral component of the offenses.

[10] Arab Charter for Human Rights, available at http://www.cartercenter.org/resources/pdfs/peace/democracy/des/revised_Arab_charter_human_rights.pdf

f. Lastly, the prohibitions on Funding Terrorism contained in Article 1(B)[11] are impermissibly broad in that there is no specific reference to a raised *mens rea* requirement. The Saudi statute merely describes prohibited conduct as either 'directly or indirectly' aimed at the listed purposes. The text of the statute, however, falls far short of giving the specificity required to meet due process standards. The language of the Terrorist Financing Convention addresses precisely this problem by specifying in Article 2 that the crimes can be committed by anyone that:

> (a) Participates as an accomplice in an offence as set forth in paragraph 1 or 4 of this article; (b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 4 of this article; or (c) Contributes to the commission of one or more offences as set forth in paragraphs 1 or 4 of this article by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: (i) *Be made with the aim of furthering the criminal activity or criminal purpose of the group,* where such activity or purpose involves the commission of an offence as set forth in paragraph 1 of this article; or (ii) *Be made in the knowledge of the intention of the group* to commit an offence as set forth in paragraph 1 of this article. [my emphasis added].

In my expert opinion, the raised *mens rea* thresholds for the terrorist funding provisions are a necessary predicate for punishing these offenses while complying with relevant human rights principles.

12. In marked contrast to the silence of the Saudi statute, the Supreme Court of Canada addressed precisely the same issue in connection with upholding the life sentence adjudged against Momin Khawaja[12] for violating the Canadian Anti-Terrorism Act of 2001. The Chief Justice wrote that overbreadth "occurs when the means selected by the legislator are broader than necessary to achieve the state objective, and gross disproportionality occurs when state actions or legislative responses to a problem are "so extreme as to be disproportionate to any legitimate government interest."[13] Chief Justice McLachlin authored the majority opinion

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[11] *See* Article 1(B)" The crime of funding terrorism: Any act of collecting, giving, receiving, allocating, transporting or transferring money or its interests, either in total or in part, to any terrorist activity carried out by an individual or a group, organized or non-organized, inside or outside the country whether directly or indirectly; from legitimate or illegitimate sources; or carrying out for the purpose of this activity or its [involved] members any banking, financial or commercial transaction; collecting directly or through others the money to use for the benefit of that activity or promoting and publicizing its principles or providing places for training, refuge to its members, or providing any kind of weapons or forged documents, or any other kind of assistance or funding knowingly; and any act considered criminal under the international agreements of combating terrorism funding and according to the definitions specified in these agreements."

[12] *See* Her Majesty the Queen v. Mohammed Momin Khawaja [2008] Ontario Superior Court of Justice, Court File 04-G30282, *reprinted in* , I Terrorism International Case Law Reporter 319 (Michael Newton, ed. 2008)(assessing a sentence of 10.5 years for support to terrorism, which was subsequently extended to life imprisonment upon the cross appeal of the Prosecutor).

[13] R. v. Khawaja, 2012 SCC 69, ¶ 40(decided Dec. 14, 2012)(*citing* Canada (Attorney General) v. PHS Services, at para, 133).

based on the logic that the foundational purpose of the Canadian statute is "to provide means by which terrorism may be prosecuted and prevented" rather than imputing a broader purpose to "punish individuals for innocent, socially useful or casual acts which, absent any intent, indirectly contribute to a terrorist activity." Thus, in her conclusion, the statute accords with human rights norms and the Canadian constitution because to be convicted under the Canadian domestic terrorism statute, a perpetrator must knowingly participate in or contribute to such criminal activity but the *actus reus* must also be undertaken for the higher purpose of enhancing the ability of a terrorist group or to facilitate an act of terrorism. In effect, the higher *mens rea* requirement narrowed the band of prohibited conduct sufficiently to make the law itself sustainable, and the punishment flowing from its enforcement suitable. The Chief Justice explained that the statute was sufficiently protective of human rights norms even as it regulated a broad swath of prohibited conduct:

> I return to the central question: is s. 83.18 broader than necessary or does it have a grossly disproportionate impact, considering that the state objective is the prevention and prosecution of terrorism? It is true that s. 83.18 captures a wide range of conduct. However, as we have seen, the scope of that conduct is reduced by the requirement of specific intent and the exclusion of conduct that a reasonable person would not view as capable of materially enhancing the abilities of a terrorist group to facilitate or carry out a terrorist activity. On the other side of the scale lies the objective of preventing the devastating harm that may result from terrorist activity. When the tailored reach of the section is weighed against the objective, it cannot be said that the selected means are broader than necessary or that the impact of the section is disproportionate.[14]

13. **Due Process Standards** – There is no *per se* prohibition on the use of designated chambers or designated procedures to conduct terrorism trials in domestic systems. Though some nations such as Algeria and India, have abolished the practice of trying terrorist suspects at special courts and have transferred jurisdiction over terrorism cases back to ordinary courts,[15] I believe that the relevant distinction is between "specialized courts" and special courts. While there is no definition of what constitutes a "special court", this term often refers to courts constituted ad hoc and in response to particularized political pressure, or with a different composition of regular courts, or with lesser procedural safeguards. Some aspects of the Saudi system could be attacked for lacking sufficient procedural protections. However, some countries have decided to centralize all terrorism prosecutions and/or trials in one or a few courts, which may be staffed with particularly experienced prosecutors and judges specializing in terrorism cases, and may be equipped with heightened security for the facilities and the prosecutors, judges and other officials working there. Such specialized courts, or specialized sections of ordinary courts, do not generally raise the same concerns as do special courts as long as there is no limitation of fair trial guarantees.

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[14] R. v. Khawaja, 2012 SCC 69, ¶ 44(decided Dec. 14, 2012)(*citing* Canada (Attorney General) v. PHS Services, at para, 133), *citing* Application under s. 83.28 of the Criminal Code (Re), at para. 39.

[15] Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/63/223), para. 27.

14. As a State Party to the Arab Charter on Human Rights[16] the Kingdom of Saudi Arabia is obliged to implement the anti-terror law in a manner that comports with the prohibition on arbitrary detention in Article 14 and fundamental fair trial rights included in Article 16 of the Charter. For any offenses committed in the context of conflict, the anti-terror law must be implemented in a manner consistent with provisions of Article 75, Additional Protocol I to the 1949 Geneva Conventions, which is binding on Saudi officials as of August 21, 1987.

15. The Saudi statute may well violate these norms in several key aspects. Article 5 authorizes detention for up to one year without the need to obtain permission from a judicial authority, in violation of Article 14(5) of the Arab Charter which requires that "[a]nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. His release may be subject to guarantees to appear for trial. Pre-trial detention shall in no case be the general rule."

16. Article 6 allows authorities to detain the defendant for up to 90 days without contacting anyone, in violation of Articles 14(3) and 14(6) of the Arab Charter which ensure that anyone who is arrested shall be entitled "to contact his family members" and "to petition a competent court in order that it may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful." Incommunicado detention is commonly linked with abusive interrogation techniques that would conflict with the Kingdom of Saudi Arabia's obligations under the Convention Against Torture. In the UN Report against Torture of June 12, 2002, the Kingdom of Saudi Arabia stated that it would ensure that all of its laws, including those pertaining to arrest and detention, would ensure compliance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

17. Article 10 deprives the defendant from having legal representation during the different stages of investigation, in violation of Article 16(3) of the Arab Charter. Article 12 prevents the accused or his attorney from examining the experts or the witnesses in violation of Article 16(5) of the Arab Charter.

18. Articles 13, 14, and 15 must be implemented in a manner that preserves the full rights of the defense. [17] Specifically, defense attorneys should be able to access the authority in the statute

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[16] See Saudi embassy website at, http://saudiembassy.net/latest_news/news04150902.aspx

[17] Article (13) (unofficial translation) "As an exception to the provision [of law] regarding banking confidentiality, the Minister of Interior may, in exceptional cases, order and enable investigatory bodies to obtain data, information regarding bank accounts, deposits, safe deposits, treasuries, transfers, or transactions at financial institutions, if the investigatory body provides enough evidence of the commission of such criminal actions as stipulated in this law. The Minister of Interior, in coordination with the Governor of the Saudi Arabian Monetary Agency, issues the controlling regulations."

to use banking experts and to compel the transfer of relevant information. Provisions that provide these rights only to the Ministry of Interior would be deficient under any normal human rights standards. Articles 17 and 29 must also be implemented in a manner that benefits all sides to litigation as well. It is conceptually possible that judges and Ministry of Interior authorities exercise their duties to protect the procedural rights of perpetrators.[18] However, the Statute on its face does not offer any basis for assuming adequate due process protections. In that vein, it should be amended based on the patterns derived from other systems and modeling the due process protections of international standards.

19. **Recommendations** - The Saudi anti-terror law should be amended as follows

20. The overly broad criminal formulations of Article 1 should be amended to cover only those crimes that "cause death or serious bodily injury" or "with the intent to cause extensive destruction" that could result "or is likely to result in major economic loss."

21. Articles 5 and 6 should be amended to provide for prompt judicial review of all detentions and to provide detainees access to counsel and their family.

22. Article 10 and 12 should be amended to provide access to counsel at all stages of the proceedings and the ability to cross examine witnesses.

23. All provisions pertaining to searches and seizures should be subject to judicial review and implemented in full equality.

Article (14) (unofficial translation) "At the discretion of the specialized bodies, all parties must provide the specialized bodies, including employees of the criminal investigatory and interrogatory bodies, with information and data concerning the crime of funding terrorism."

Article (15) (unofficial translation) "The procedures for initiating an investigation or filing a lawsuit for crimes stipulated under or related to this law are not dependent on the complaint of the victim, his representative, or his inheritor. As a matter of public right, the public prosecutor may file such a lawsuit at the specialized criminal court after the completion of any pertinent investigation."

[18] Article (17) (unofficial translation) "If sufficient evidence is available that a crime stipulated under this law has been or will be committed, the Minister of Interior and his duly assigned representatives may order the monitoring, confiscation and recording of letters, correspondence, publication, parcels, and all kinds of communications and phone conversations, if such action is useful for revealing the truth."

Article (29) (unofficial translation) "Whosoever is involved in the implementation of the provisions of this law must be committed to the confidentiality of all accessed information. Information must not be disclosed except when necessary for the use of the specialized parties, and information must not be revealed to any person pertaining or relating to any procedure of reporting, inference, investigation, or prosecution of any crime stipulated under this law without reason."

Respectfully submitted,