

THE ATRAA: (The Anti-terrorist and Related Activities Act)

The ATRAA gives effect to international instruments dealing with terrorist and related activities. The relevance of this legislation to the volunteer soldier phenomenon arises from the likely hood that given Israel's egregious violations of IHL and IHRL in the OPTs, specific individual acts and institutional functions to support (financially and non-financially), facilitate and implement the volunteer soldier programme could fall within the definition of terrorist activity.

The act defines 'terrorist activity' (committed in or outside South Africa) to mean any acts:

- Involving the systematic, repeated or arbitrary use of violence and/or release into the environment of dangerous or harmful substances or organisms (including toxic chemical/microbial agents/toxins).
- Endangering the life, or violating the physical integrity/freedom of, or causing serious bodily injury/death of any number of persons.
- Causing serious risk to public health/safety.
- Destroying/damaging any property, natural resource, or environmental or cultural heritage, whether public or private.
- Designed/calculated to seriously interfere/disrupt an essential service/facility/system (e.g. in respect of electronic information, telecommunications, banking/finance, essential government functions, essential public utility/transport provision, infrastructure and police/medical/civil defence functions).
 - Causing major economic loss, extensive destabilisation of an economic system or substantial devastation of the national economy of a country.
 - Creating a serious public emergency situation or a general insurrection in South Africa, whether the harm contemplated may be suffered in or outside South Africa.
 - Intended to:
 - Threaten South African unity/territorial integrity.
 - Intimidate/cause insecurity within, the public/a segment of the public, with regard to its security, including its economic security, or spread terror/fear/panic in a civilian population.
 - Unduly compel/intimidate/force/coerce/induce a person/government/general public/ segment of the public/organisation to:
 - Do/refrain from doing any act, or to adopt or abandon a particular standpoint.
 - Act in accordance with certain principles.

Committing any of the above acts for the purpose of the advancement of an individual or collective political, religious, ideological or philosophical motive, objective, cause or undertaking, does not disqualify these acts from being

classed as acts of terrorism: indeed it forms part of the very definition of the act of terrorism.

The act also defines the term 'engages in a terrorist activity' to include:

- The commission, performance or carrying out of.
- The facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of.
- The performance of an act in preparation for or planning of.
- Instructing, directly or indirectly, the:
 - Commission, performance, carrying out of.
 - Facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of.

Performance of an act in preparation for or planning of, a terrorist activity, and the expressions 'to engage in a terrorist activity', 'engaging in a terrorist activity' and 'engagement in a terrorist activity' shall be construed accordingly.

The act provides:

- For an offence of terrorism and other offences associated or connected with terrorist activities.
- For a range of United Nations Convention offences.
- A mechanism to comply with UN Security Council Resolutions, which are binding on member States, in respect of terrorist and related activities.
- For measures to prevent and combat the financing of terrorist and related activities.
- Investigative measures in respect of terrorist and related activities.
- For matters connected with the above.