



Security Council

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Letter dated 28 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Cook Islands, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**
Chairman
Counter-Terrorism Committee



Annex

[Original: English]

Letter dated 27 December 2001 from the Deputy Prime Minister and Minister for Foreign Affairs and Immigration of the Cook Islands addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

It is my pleasure to submit for the information and consideration of your Committee the report of the Cook Islands on measures it has taken to implement United Nations Security Council resolution 1373 (2001) as called for by the Council (see enclosure).

The Cook Islands has long supported efforts to promote international peace and security and my Government looks forward to cooperating closely with the international community in general and the United Nations in particular in the months ahead to combat the global threat of terrorism.

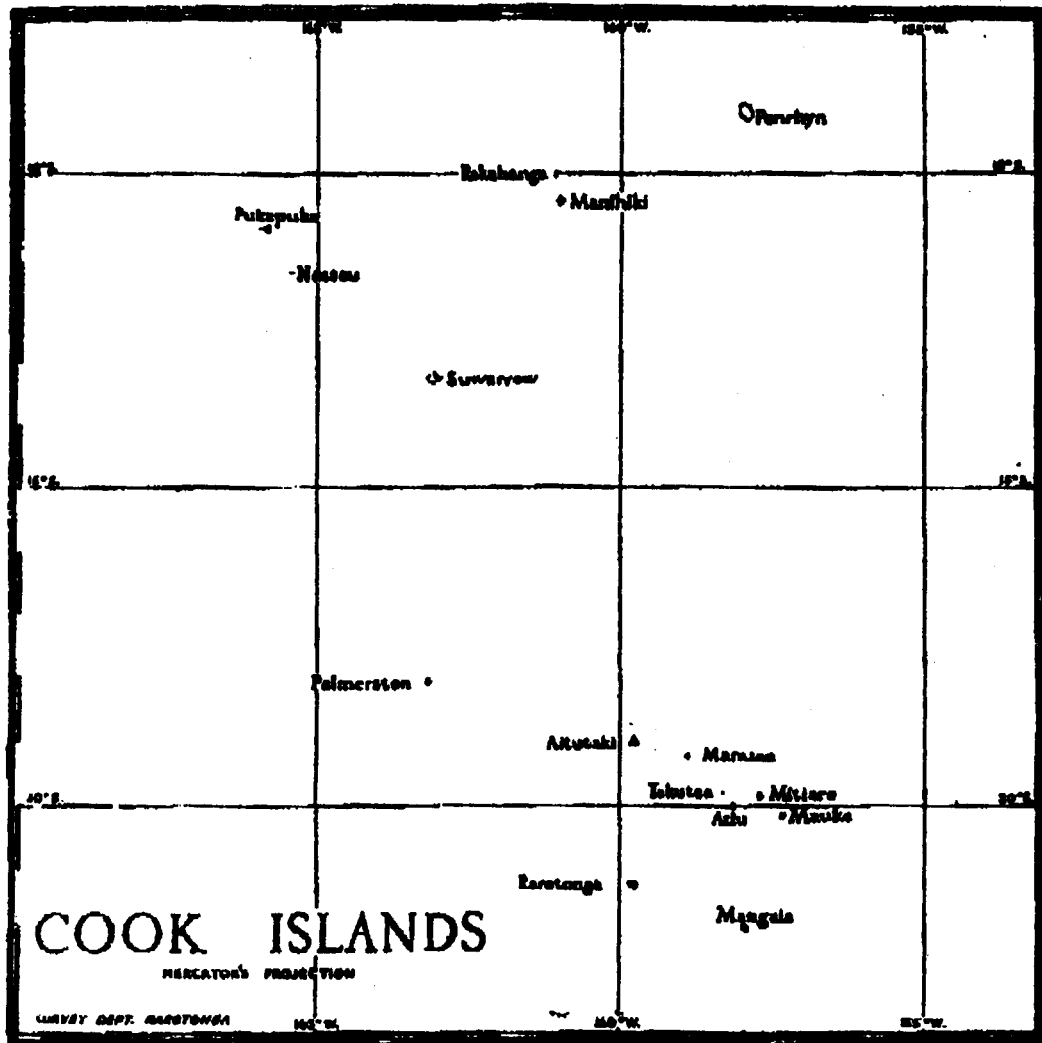
(Signed) Robert Wootton
Deputy Prime Minister and Minister for Foreign Affairs and Immigration

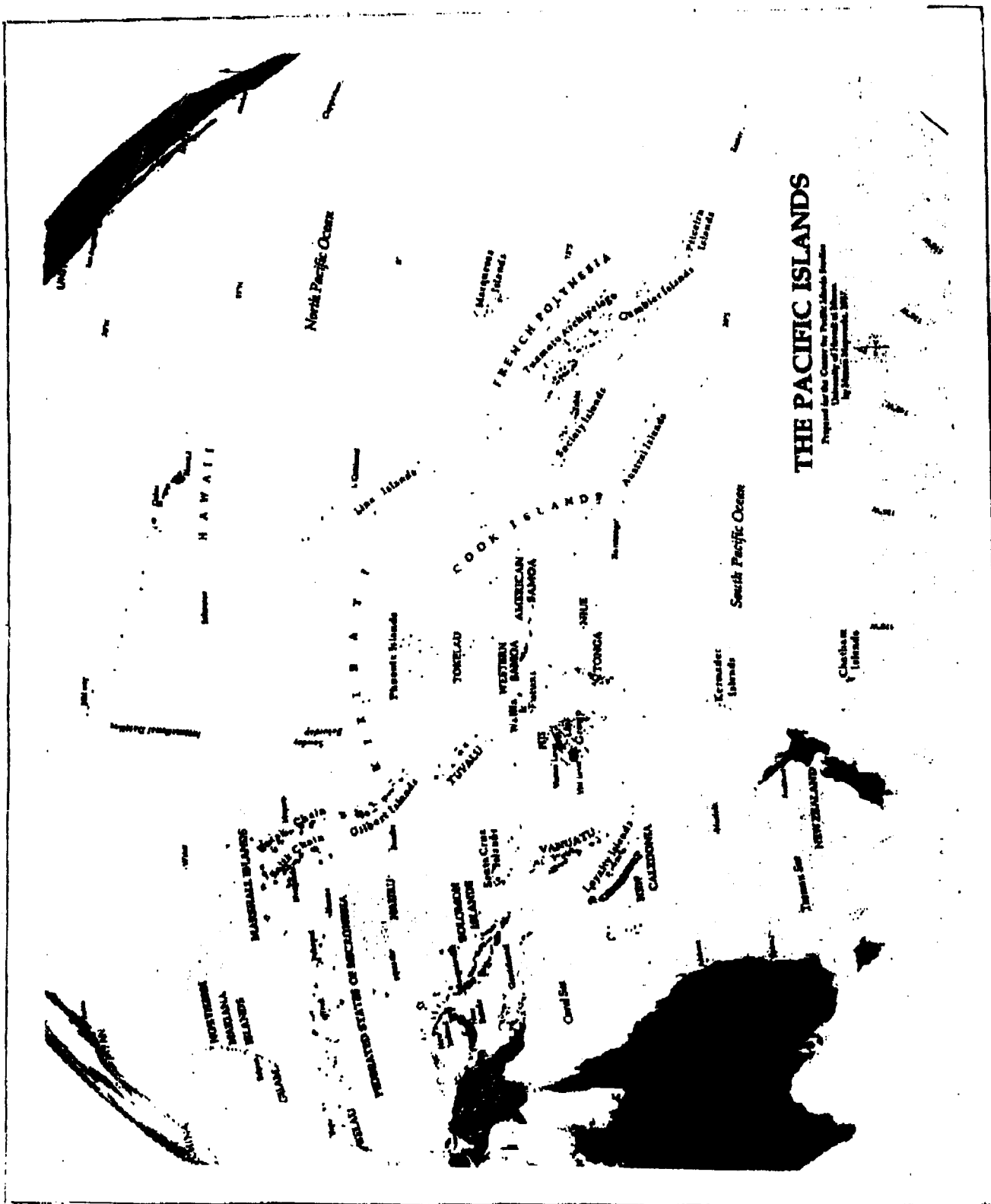
Enclosure**Report to the United Nations Security Council Counter-Terrorism
Committee on counter-terrorism activities in the Cook Islands****1. INTRODUCTION**

- 1.1 The Cook Islands comprises fifteen small islands (total land area approximately 240 square kilometres) scattered over nearly 2 million square kilometres of the Pacific Ocean (see maps 1 and 2).
- 1.2 The population of the Cook Islands is approximately 14,000, mainly ethnic Polynesians, of which about half live in small communities in the Outer Islands and half on the main island of Rarotonga.
- 1.3 The Cook Islands economy is based on tourism, marine resource development and agricultural production. In 2000, some 80,000 persons visited the Cook Islands, mainly from New Zealand, Australia, the United States, Canada and Europe. Most visitors remained on Rarotonga although some travelled to Aitutaki, the second largest island, and a few to the other islands of the Southern Group.
- 1.4 The main international port is on Rarotonga. The country is serviced by regular international air connections directly to the United States (Los Angeles), French Polynesia (Tahiti), New Zealand (Auckland) and Fiji (Nadi).
- 1.5 Rarotonga has a modern international telecommunications service, including e-mail facilities and access to the Internet. The Outer Islands telecommunications facilities are more modest, although most have facilities for phoning and faxing to other islands and internationally.
- 1.6 Between 1901 and 1965, the Cook Islands was a non-self-governing territory of New Zealand. That status ended with the entry into force of the Cook Islands Constitution on 4 August 1965, the result of an act of self-determination witnessed by the United Nations.¹
- 1.7 Today, the Cook Islands and New Zealand are in a relationship of free association as equal States independent in the conduct of their own affairs. In the conduct of its own foreign affairs, the Cook Islands interacts with the international community as a sovereign and independent State. Responsibility at international law rests with the Cook Islands in terms of its actions and the exercise of its international rights and fulfilment of its international obligations.
- 1.8 The Cook Islands is not yet a member of the United Nations. It is, however, a full member of a growing number of specialised agencies of the United Nations, including the Food and Agriculture Organisation (FAO), the International Civil Aviation Organisation (ICAO), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the World Health Organisation (WHO).
- 1.9 The Cook Islands has taken careful note of United Nations Security Council (UNSC) Resolution 1373 (2001) dated 28 September 2001, including the Security Council's call for all States to report to the Committee established pursuant to that Resolution on the steps they have taken to implement that Resolution. The Cook Islands has long supported efforts to promote international peace and security. It is a party to several regional and global disarmament-related treaties and is currently participating in peace-monitoring efforts in the Pacific Islands region. It strongly supports the activities of the United Nations, especially the UNSC, to combat terrorism and is committed to playing a full role and co-operating with other members of the international community in those activities. Acting in the above spirit, the Government of the Cook Islands submits this report to the Security Council on activities it has undertaken to date and those it proposes to take to counter terrorism as called for in the above Resolution.

¹ This was the first act of self-determination observed by the United Nations in a non-self-governing territory other than a trust territory. See United Nations General Assembly Resolution 2064 (XX) dated 16 December 1965.

MAP 1: THE COOK ISLANDS
(Courtesy of the Survey Department, Rarotonga)





MAP 2: THE PACIFIC ISLANDS
(Courtesy of the Center for Pacific Islands Studies,
University of Hawaii)

2. TREATIES AND OTHER INTERNATIONAL ACTION

General

- 2.1 As indicated above, the Cook Islands is either a signatory or a party to multifarious treaties relating to international peace and security, including the Comprehensive Test Ban Treaty and the Chemical Weapons Convention.² Before 4 August 1965, a number of treaties to which New Zealand became party were applied by New Zealand to the Cook Islands. From 4 August 1965 until the mid-1980s, the Cook Islands participated in a wide range of treaties through New Zealand with which it is in free association. This participation was always with the Cook Islands' explicit consent and after consultation between the two Governments. The procedure of participating in treaties through New Zealand ceased by about 1985 as the Cook Islands increasingly concluded or participated in treaties in its own right. In 1988, the Government of New Zealand submitted to the United Nations Secretary-General for circulation to all Member States of the United Nations a document declaring that no treaty signed, ratified, accepted, approved or acceded to by New Zealand from the date of receipt of the Declaration by the Secretary-General would extend to the Cook Islands unless that treaty was signed, ratified, accepted, approved or acceded to expressly on the behalf of the Cook Islands.³
- 2.2 A number of the treaties to which the Cook Islands is bound through New Zealand relate to terrorism, as indicated below.

Multilateral Treaties

- 2.3 The Convention on Offences and Certain Other Acts Committed on Board Aircraft, (the Tokyo Convention) was concluded on 14 September 1963 and entered into force generally on 4 December 1969. New Zealand acceded to the Convention on 12 February 1974 and the Convention entered into force for New Zealand on 13 May 1974. By virtue of that accession, the Convention is binding on the Cook Islands through New Zealand as of 13 May 1974.
- 2.4 The Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague Convention) was concluded on 16 December 1970 and entered into force generally on 14 October 1971. New Zealand signed the Convention on 15 September 1971 and ratified same on 12 February 1974. The Convention entered into force for New Zealand on 14 March 1974. By virtue of that ratification, the Convention is binding on the Cook Islands through New Zealand as of 14 March 1974.
- 2.5 The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (the Montreal Convention) was concluded on 23 September 1971 and entered into force generally on 26 January 1973. New Zealand signed the Convention on 26 September 1972 and ratified the Convention on 12 February 1974. The Convention entered into force for New Zealand on 14 March 1974. By virtue of that ratification, the Convention is binding on the Cook Islands through New Zealand as of 14 March 1974.
- 2.6 The Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, was concluded on 14 December 1973 and entered into force generally on 20 February 1977. New Zealand acceded to the Convention on 12 November 1985. The Convention entered into force for New Zealand on 12 December 1985. On depositing its Instrument of Accession, New Zealand indicated that the Convention would also apply to the Cook Islands. By virtue of New Zealand's accession, therefore, the Convention is binding on the Cook Islands through New Zealand as of 12 December 1985.
- 2.7 The International Convention against the Taking of Hostages was concluded on 17 December 1979 and entered into force generally on 3 June 1983. It was signed by New Zealand on 24 December 1980 and

² The Cook Islands has signed both the CTBT and the Convention. Implementing legislation is currently being finalized, which will enable the Cook Islands to ratify the Treaty (see paragraph 3.1 below).

³ UNGA LE 222, dated 10 November 1988. No such express notice has subsequently ever been given. Matters relating to possible succession by the Cook Islands to treaties to which it is bound through New Zealand are under consideration.

ratified by New Zealand on 12 November 1985. The Convention entered into force for New Zealand on 12 December 1985. On ratification, New Zealand declared the Convention applicable to the Cook Islands. By virtue of New Zealand's ratification, therefore, the Convention is binding on the Cook Islands through New Zealand as of 12 December 1985.

- 2.8 Following the 11 September terrorist attacks in the United States, the Cook Islands Government commenced a detailed examination of the several other major international instruments relating to terrorism with a view to determining their relevance to the Cook Islands and whether the Cook Islands should become a party thereto. Examination of the International Convention for the Suppression of the Financing of Terrorism has now been completed. Adopted by the United Nations General Assembly (UNGA) on 9 December 1999, the Convention will enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations (Art. 26(2)). The Cook Islands signed the Convention on 24 December 2001. It will ratify the Convention when the necessary domestic implementing legislation is in place.⁴
- 2.9 The following terrorism-related treaties are currently being examined by the relevant agencies of the Cook Islands Government as a matter of high priority with a view to determining appropriate action on the part of the Government:
- International Convention for the Suppression of Terrorist Bombings, adopted by Resolution A/RES/52/164 of the UNGA on 15 December 1997;
 - Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;
 - Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, adopted at Rome on 10 March 1988;
 - Convention on the Marking of Plastic Explosives for the Purpose of Detection, adopted at Montreal on 1 March 1991;
 - Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 26 October 1979; and
 - Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, concluded at Rome on 10 March 1988.
- 2.10 The Cook Islands is not a party to the 1951 Convention relating to the Status of Refugees. However, at the invitation of the Swiss Federal Council and the United Nations High Commissioner for Refugees, the Cook Islands was represented in an Observer capacity by its Deputy Prime Minister and Minister of Foreign Affairs and Immigration at the first formal meeting of States Parties to the 1951 Convention and/or to its 1967 Protocol which was held in Geneva, Switzerland, on 12-13 December 2001. Given the recent increase in refugee numbers, including those arriving in the Pacific region, consideration is now being given by the Government to becoming a party to the Convention and its Protocol.
- 2.11 The Cook Islands Government has also begun consideration of the United Nations Convention against Transnational Organised Crime and its three Protocols (Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition), adopted by the UNGA in 2000 and 2001.

⁴ See paragraphs 3.1 and 3.10 below.

Bilateral Treaties

2.12 There are a large number of bilateral extradition treaties to which New Zealand is bound as a successor State to the United Kingdom which were applied to the Cook Islands during the period in which the Cook Islands was a non-self-governing territory of New Zealand. They include those with the following States:

- Albania (22 July 1926);
- Argentina (22 May 1889);
- Austria (3 December 1873);
- Belgium (29 October 1901);
- Bolivia (22 February 1892);
- Brazil (13 November 1872);
- Chile (26 January 1897);
- Colombia (27 October 1888);
- Cuba (3 October 1904);
- Czechoslovakia (11 November 1924);
- Denmark (31 March 1873);
- Ecuador (20 September 1880);
- El Salvador (23 June 1881);
- Estonia (18 November 1925);
- Finland (30 May 1924);
- France (14 August 1876);
- Germany (14 May 1872);
- Greece (24 September 1910);
- Guatemala (4 July 1885);
- Haiti (7 December 1874);
- Honduras (6 January 1874);
- Hungary (3 December 1873);
- Iceland (31 March 1873);
- Iraq (2 May 1932);
- Italy (5 February 1873);
- Latvia (16 July 1924);
- Liberia (16 December 1892);
- Lithuania (18 May 1926);
- Luxembourg (24 November 1880);
- Mexico (7 September 1886);
- Monaco (17 December 1891);
- Netherlands (16 September 1898);
- Nicaragua (19 April 1905);
- Norway (26 June 1873);
- Panama (25 August 1906);
- Paraguay (12 September 1908);
- Peru (26 January 1904);
- Poland (11 January 1932);
- Portugal (17 October 1892);
- Romania (21 March 1893);
- Russian Federation (24 November 1886);
- San Marino (16 October 1899);

- Spain (4 June 1874);
- Sweden (26 June 1873);
- Switzerland (26 November 1880);
- Thailand (4 March 1911);
- Uruguay (26 March 1884); and
- Yugoslavia (6 December 1900).

- 2.13 On 12 January 1970, New Zealand and the United States concluded, in Washington, D.C., a treaty on extradition between the two countries. The Treaty entered into force on 8 December 1970. Acting by and with the advice and consent of the Executive Council of New Zealand, New Zealand's Governor-General made an Order on 30 November 1970 applying New Zealand's Extradition Act 1965 to the United States in respect of the Treaty. At the same time, at the request and with the consent of the Government of the Cook Islands made and given in accordance with the Cook Islands Constitution, the Order entered into force in the Cook Islands subject to Section 349A of the Cook Islands Act 1915.⁵ Section 349A provides that, unless the context otherwise requires, any reference in the 1965 Act to New Zealand, New Zealand ministers, officials and the New Zealand courts and judiciary shall be read as a reference to the Cook Islands, Cook Islands ministers, officials and the courts established and the judiciary appointed pursuant to legislation in force in the Cook Islands.

International Co-operation

- 2.14 Over recent decades, the Cook Islands has come to play an increasingly active role in international affairs, particularly in its own region. In 1971, for example, it was a founding member of what is today known as the Pacific Islands Forum, the senior institution for political, legal and other co-operation in the region. The Forum today comprises the Governments of Australia, the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Over the last decade, the Forum has focussed considerable attention on regional co-operation in law enforcement and regional security.
- 2.15 At their annual meeting in 1992, held in Honiara, Solomon Islands, Forum Heads of State and Government adopted the Honiara Declaration on Law Enforcement Co-operation. In that Declaration, Forum Leaders (including the Prime Minister of the Cook Islands):
- reiterated their concern about the possible threat to the region from criminal activities;
 - observed that an adverse law enforcement environment could threaten the sovereignty, security and economic integrity of Forum members;
 - agreed on the need for a more comprehensive, integrated and collaborative approach to counter these threats;
 - noted the need for legislation to cover such issues as extradition, proceeds of crime (assets forfeiture), mutual criminal assistance and other aspects of economic crime;
 - noted also the important work being carried out on specialist aspects of law enforcement by other regional bodies (see below); and
 - directed the Forum Regional Security Committee (FRSC) of officials to meet annually to review and advise on programme priorities, institutional linkages, and resource needs in the area of law enforcement co-operation and information exchange on regional and international security issues.

⁵ The Cook Islands Act 1915 was enacted by the New Zealand Parliament to make better provision with respect to the government and laws of the Cook Islands. Entering into force on 11 October 1915, it covered such diverse subjects as the executive government of the Cook Islands, the judiciary, criminal procedure, land law, marriage, divorce etc. It was retained in force by the Cook Islands Government after 4 August 1965 although over subsequent years many of its provisions have been repealed and replaced by specific Acts of the Cook Islands Parliament (e.g. the Crimes Act 1969 repealed the criminal provisions of the Cook Islands Act 1915).

- 2.16 Of particular relevance to present concerns, in the above Declaration Forum Leaders recognised terrorism as a threat to the political and economic security of the region, and noted the various international conventions in the field. Leaders identified areas of possible co-operation amongst Forum Governments, particularly in intelligence gathering, training of personnel and joint exercises in dealing with serious incidents. While recognising the primary role of other networks, particularly police, in addressing this area, Forum Leaders agreed that programmes of the Forum Secretariat, particularly in the civil aviation area, should continue to take account of terrorism concerns.
- 2.17 At their annual meeting in 1997, held in the Cook Islands, Forum Heads of State and Government adopted the Aitutaki Declaration on Regional Security Co-operation. In their Declaration, Forum Leaders (again including the Cook Islands Prime Minister, who chaired the meeting), *inter alia*,
- reaffirmed their commitment to take a comprehensive, integrated and collaborative approach to maintaining and strengthening current mechanisms for co-operation among members in dealing with threats to the security, broadly defined, of States in the region and of the region as a whole;
 - noted that the most immediately risks to security in the region hinged on regional and domestic developments, including natural disasters, transnational crime, including drug trafficking, and economic, social and environmental policies;
 - expressed concern about the vulnerability of member countries to external threats to their sovereignty;
 - acknowledged that security challenges could arise with little warning, and the region needed to be able to respond quickly to them;
 - indicated that Forum members would give effect to their shared commitment to peace and security by engaging in practical forms of co-operation in accordance with this Declaration and international law; and
 - agreed that the work of the FRSC be strengthened through the addition of a second session to their annual meetings for consultations on broader security issues.
- 2.18 Since 1992, the Cook Islands has played an active role in the FRSC which meets pursuant to the directives of the Forum Leaders, especially as set out in the above Declarations, to review regional security matters, co-operation between regional specialised agencies (in particular, the Pacific Islands Law Officers Meeting (PILOM), the Oceania Customs Organisation (OCO) and the South Pacific Chiefs of Police Conference (SPCPC)) and make recommendations to Forum Leaders on initiatives that might be undertaken to promote and strengthen regional security. Among the issues considered at the June 2001 meeting of the FRSC was progress on a model law to control weapons movements throughout the region, assistance in the establishment of domestic financial intelligence units (FIUs) and in studying the feasibility of establishing a regional FIU,⁶ the establishment of national combined law agency groups (CLAGs) to facilitate co-ordination in law enforcement,⁷ possible actions that might be taken both nationally and regionally to fight electronic/cybercrime, and a presentation by a representative of the United Nations Drug Control Programme (UNDCP) on the United Nations Convention on Transnational Organised Crime and its Protocols.⁸
- 2.19 The next meeting of the FRSC is expected to be in about May 2002, during which counter-terrorism initiatives that have been and might be taken will no doubt feature prominently in the discussions as called for in the 1992 Honiara Declaration above, with appropriate recommendations going forth to the next meeting of Forum Leaders to be held in about August 2002.

⁶ See paragraph 4.22 below.

⁷ See paragraph 4.2 below.

⁸ It was largely in response to that presentation that the Cook Islands Government is current giving detailed consideration to the Convention and its Protocols. See paragraph 2.11 above.

- 2.20 The Cook Islands Police Department is very active in the SPCPC. The Conference consists of 21 member countries and administrations, including all Forum members,⁹ and American Samoa, French Polynesia and New Caledonia. Permanent observers to the Conference include the United States Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA) and the OCO. The Secretariat of the SPCPC is based in the New Zealand Police College and information is disseminated to all SPCPC members with relative ease.
- 2.21 The 30th SPCPC Conference was held in Apia, Samoa, in October 2001, its theme being 'Co-operation and Other Current Policing Issues'. A number of presentations were made on the theme, including on national action to give legislative effect to the Honiara Declaration and a demonstration of an Internet-based policing data base available to Pacific nations, which connects to the Interpol policing system. With the assistance of the Australian Federal Police, the Cook Islands Police looks forward to its early implementation. The Conference recommended to member governments the United Nations Convention against Transnational Organised Crime and its Protocols.¹⁰ The Cook Islands will host the 2002 SPCPC Annual Conference and looks forward to further advancing the 'co-operation' theme.
- 2.22 The Cook Islands hosted the Fifth Pacific Immigration Directors Conference (PIDC) in Rarotonga in November 2001. The PIDC comprises all Forum members as well as the Governments of American Samoa, Commonwealth of the Northern Marianas, French Polynesia, Guam, New Caledonia, Norfolk Island and Wallis and Futuna. The Conference considered and agreed on courses of action to be taken at both the national and regional levels on numerous issues relevant to this report, including refugees, people smuggling and illegal activities within the region, the United Nations Convention against Transnational Organised Crime, UNSC Resolution 1373 (2001), procedures for establishing identity, training of immigration personnel, improved border management and information exchange. The Conference appointed a Working Group consisting of Australia, the Cook Islands, New Zealand, Papua New Guinea and Samoa to look into how best to counter people smuggling and illegal entries and to deal with refugees and asylum seekers in the region. The first meeting of the Working Group is scheduled for 7-8 February 2002 and will be held in Brisbane, Australia. The Cook Islands Secretary of Foreign Affairs and Immigration chaired the Conference meeting and will serve as PIDC Chairman until the Fifth Conference to be held in 2002.
- 2.23 For several years, under the overall direction of Forum Leaders, a team of officials from Forum member countries has been in regular consultation with the Governments of France, Japan and the United Kingdom regarding the safety of shipments of nuclear materials between Japan and Europe through the Pacific region. Since the terrorist attacks of 11 September, the Forum has sought further consultations with the above three Governments on those shipments, especially precautions being taken to protect those shipments from terrorist attacks. The Cook Islands International Legal Advisor has served as Chairman/Facilitator of the Forum team since its inception.

3. DOMESTIC LEGAL ACTION

- 3.1 It is standard practice in the Cook Islands for implementing legislation to be enacted by the Cook Islands Parliament to give domestic effect to treaties prior to the Cook Islands acceding to or ratifying treaties or, as hitherto had been the case, being bound to treaties through New Zealand. Accordingly, implementing legislation was enacted by the Cook Islands Parliament prior to the Cook Islands becoming bound to the above treaties. A brief summary of the relevant legislation follows.
- 3.2 The Aviation Offences Act 1973 was enacted by the Cook Islands Parliament to give effect to the provisions of the 1963 Tokyo Convention, the 1970 Hague Convention and the 1971 Montreal Convention¹¹ and

⁹ See paragraph 2.14 above.

¹⁰ See paragraph 2.11 above.

¹¹ See paragraphs 2.3-2.5 above.

matters incidental thereto. The Act entered into force on 17 January 1974. The main provisions of the Act relate to:

- hijacking (imprisonment for life);
- a description of offences in connection with hijacking;
- other offences relating to aircraft (e.g. assault which likely to endanger the safety of the aircraft) (imprisonment for a term not exceeding 14 years);
- offences under the Act being deemed to be included in extradition treaties;
- the surrender of offenders;
- taking firearms, explosives etc on to aircraft (imprisonment for a term not exceeding 5 years);
- search of passengers, baggage and cargo;
- powers of the aircraft commander; and
- delivery to Police of arrested persons.

3.3 Relevant to the above is the Civil Aviation Act 1985, enacted by the Cook Islands Parliament to make provision for the regulation and control of civil aviation in the Cook Islands and matters incidental thereto. The Act entered into force on 26 July 1985. Pursuant to Section 19 of the Act, in time of war, whether actual or imminent, or of national emergency, the Cook Islands Minister of Civil Aviation may, by Order, regulate or prohibit, either absolutely or subject to conditions as may be determined, the flight of all or any description of aircraft over the Cook Islands or any portion thereof. He may also take possession and use for the purposes of any armed forces any airport or any aircraft, machinery, plant, material, or thing found therein or thereon, or any aviation equipment elsewhere. Penalties to secure compliance with the above Order may not exceed a fine of NZ\$2,000 or imprisonment for a term not exceeding one year, or both. It has not proven necessary to invoke this provision of the 1985 Act to date.

3.4 The Crimes (Internationally Protected Persons and Hostages) Act 1982 was enacted by the Cook Islands Parliament to give effect to the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, and the 1979 Convention against the Taking of Hostages,¹² and matters relating thereto. The Act entered into force on 8 September 1982. The main provisions of the Act relate to:

- crimes against internationally protected persons, as follows:
 - rape (imprisonment for a term not exceeding 14 years);
 - attempt to commit rape (imprisonment for a term not exceeding 10 years);
 - murder (life imprisonment);
 - manslaughter (life imprisonment);
 - attempt to murder (imprisonment for a term not exceeding 14 years);
 - counselling or attempting to procure murder (imprisonment for a term not exceeding 10 years);
 - accessory after the fact to murder (imprisonment for a term not exceeding 7 years);
 - wounding with intent (imprisonment for a term not exceeding 14 years);
 - injuring with intent (imprisonment for a term not exceeding 10 years);
 - aggravated wounding or injury (imprisonment for a term not exceeding 14 years);
 - aggravated assault (imprisonment for a term not exceeding 3 years);
 - disabling (imprisonment for a term not exceeding 5 years);
 - discharging firearm or doing dangerous act with intent (imprisonment for a term not exceeding 14 years);
 - acid throwing (imprisonment for a term not exceeding 14 years);
 - poisoning with intent (imprisonment for a term not exceeding 14 years);
 - infecting with disease (imprisonment for a term not exceeding 14 years);
 - kidnapping (imprisonment for a term not exceeding 14 years);

¹² See paragraphs 2.6-2.7 above.

- crimes against premises or vehicles of such persons, as follows:
 - arson (imprisonment for a term not exceeding 14 years);
 - attempted arson (imprisonment for a term not exceeding 10 years);
 - damage to other property by fire or explosive (imprisonment for a term not exceeding 7 years);
 - attempting to damage property by fire or explosive (imprisonment for a term not exceeding 5 years);
 - wilful damage (imprisonment for a term not exceeding 14 years);
 - interfering with means of transport (imprisonment for a term not exceeding 7 years);
 - threats against such persons (imprisonment for a term not exceeding 7 years);
 - threats against premises or vehicles of such persons (imprisonment for a term not exceeding 3 years);
 - hostage-taking (imprisonment for a term not exceeding 14 years);
 - crimes defined in the Act being deemed to be included in extradition treaties;
 - surrender of offenders; and
 - restrictions on the surrender of offenders (e.g. where it appeared to the Cook Islands Minister of Justice or the Cook Islands High Court that the surrender of the person being sought was for the purpose of prosecuting or punishing him on account of his race etc).
- 3.5 The Entry, Residence and Departure Act 1971-72 was enacted by the Cook Islands Parliament to control the entry into, residence in and departure from the Cook Islands. The Act entered into force on 20 March 1972. Under the Act, Cook Islands Immigration Officers may prohibit the entry into the Cook Islands of any person who is not a Cook Islander, a Permanent Resident of the Cook Islands, someone entering the Cook Islands to carry out legitimate business or a bona fide visitor (i.e. a person who enters the Cook Islands for the purpose of holidaying or recreation or exploring business opportunities). Immigration Officers may also deport anyone found in the country illegally. Over the years, they have, in fact, deported individuals found to be in the country illegally (e.g. not as bona fide visitors).
- 3.6 As indicated above, the Cook Islands is not a party to the 1951 Refugee Convention. Nor have there ever been cases of persons applying for refugee status in the Cook Islands. There are no detailed provisions in the Entry, Residence and Departure Act 1971-72 setting out procedures to deal with refugees should there ever be such an application. The Act provides simply that the provisions of the Act regarding illegal entry into the Cook Islands shall not be applied where, on humanitarian grounds, the Principal Immigration Officer considers the circumstances as reasonably warranting that person's entry into the Cook Islands. Should there ever be an application lodged for refugee status, before granting such an application the Government of the Cook Islands would investigate all of the circumstances surrounding the application and act strictly in accordance with international law and respect for fundamental human rights.
- 3.7 Also relevant to terrorist offences are provisions of the Crimes Act 1969 enacted by the Cook Islands Parliament to provide a Criminal Code relating to offences, defences and procedures. It entered into force on 27 January 1970. Key provisions relating to offences relevant to terrorism include the following:
- Party to murder outside the Cook Islands (imprisonment for a term not exceeding 14 years);
 - Party to any other crime outside the Cook Islands (imprisonment for a term not exceeding 7 years);
 - Sabotage (imprisonment for a term not exceeding 10 years);
 - Conspiracy to Murder (imprisonment for a term not exceeding 10 years);
 - Endangering transport (imprisonment for a term not exceeding 14 years); and
 - Kidnapping (imprisonment for a term not exceeding 14 years).¹³
- 3.8 As indicated above, the Cook Islands is not yet a member of the United Nations. It does not yet have a legal mechanism in force that would enable it quickly to give effect by way of Regulations to UNSC Resolutions, including Resolution 1373 (2001). The United Nations Act 1946, enacted by the New Zealand Parliament,

¹³ See also offences and penalties listed in paragraph 3.4 above.

was applied by New Zealand to the Cook Islands during the period in which the Cook Islands was a non-self-governing territory of New Zealand. It remains in force as part of the laws of the Cook Islands. Under that Act, the New Zealand Governor-General may from time to time by Order in Council make all such regulations as may be necessary to give effect to decisions of the UNSC. However, the Governor-General no longer has any power to make such regulations in relation to the Cook Islands.¹⁴ To overcome that obstacle, since 11 September a United Nations Bill has been drafted for submission to the Cook Islands Parliament early in 2002 that will enable the Queen's Representative in the Cook Islands to make regulations by Order in Executive Council to give domestic effect to UNSC Resolutions. As the title indicates, under the Cook Islands Constitution the Queen's Representative is the representative in the Cook Islands of Her Majesty Queen Elizabeth II, the Head of State of the Cook Islands.

3.9 Regulations are currently being finalised to give effect to UNSC 1373 (2001). They will be promulgated immediately upon the entry into force of the above United Nations Act 2002 and will make provision for:

- the definition of "specified entity" including:
 - every Al-Qaida entity;
 - the Taliban;
 - every Taliban entity;
 - Usama bin Laden;
- a prohibition on collecting or providing funds for specified entities;
- a prohibition on dealing with property owned or controlled by specified entities;
- a duty to report suspicions relating to property suspected to be possessed or controlled by specified entities;
- a prohibition on making property, or financial or other related services available to specified entities;
- a prohibition on recruiting persons as members of them;
- a prohibition on participating in specified entities;
- immunity from civil, criminal or disciplinary proceedings for those who give information or reports against specified entities; and
- penalty for breaches of the Regulations (in the case of an individual, imprisonment for a period not exceeding 12 months or to a fine not exceeding NZ\$10,000; in the case of a company or other corporation, to a fine not exceeding NZ\$100,000).¹⁵

3.10 For some time now, the Cook Islands Government has been in the process of drafting legislation to give effect to its commitments under the Honiara Declaration.¹⁶ This process has been expedited since 11 September. As of the date of submission of this report, in addition to the United Nations Bill noted above, the Cook Islands has the following Bills in draft form ready to be submitted to Parliament at its first Session in 2002:

- (a) Terrorism Suppression Bill – This Bill will enable the Cook Islands to give effect to the obligations which it would assume upon becoming a party to the 1997 International Convention for the Suppression of Terrorist Bombings¹⁷ and upon ratifying the 1999 International Convention for the Suppression of the Financing of Terrorism.¹⁸ This legislation will deal comprehensively with the

¹⁴ Originally, Article 88 of the Cook Islands Constitution provided that the Governor-General of New Zealand might from time to time, by Order in Council made at the request and with the consent of the Government of the Cook Islands make regulations, not inconsistent with the Constitution, for the peace, order, and good government of the Cook Islands. Article 88 was repealed by the Constitution Amendment (No 9) Act 1980-81 of the Cook Islands Parliament, which entered into force on 5 June 1981.

¹⁵ See also following paragraph for a discussion of the relationship between the Regulations and the Terrorism Suppression Bill, especially in relation to penalties.

¹⁶ See paragraph 2.15 above.

¹⁷ See paragraph 2.9 above.

¹⁸ See paragraph 2.8 above.

issues of those two Conventions as well as the two UNSC resolutions on terrorism (1368 (2001) adopted on 12 September 2001 and 1373 (2001) adopted on 28 September 2001). It will enable stricter penalties to be imposed than those to be available in Regulations made under the above United Nations Act when adopted. Among key provisions of the Bill are those dealing with:

- the definition of 'terrorist act' as including, inter alia:
 - an act that occurred in a situation of armed conflict; and
 - the purpose of which, by its nature or context, is to intimidate a population, or compel a government or an international organisation to do or abstain from doing any act; and
 - that is intended to cause death or serious bodily injury to a civilian or other person not taking an active part in the hostilities; and
 - that is not excluded from the application of the above 1999 Convention by Article 3 of that Convention.
- the intention of the act being, in full or in part, to cause one or more of the outcomes specified (see below) and the use of threat of the act is, in full or in part,
 - to intimidate a population in any country; or
 - to compel a lawful government or an international organization, to do or abstain from doing any act – for the purpose of advancing an ideological, political or religious cause.
- the 'specified outcomes' referred above as being:
 - the death of or other serious harm to (for example, serious injury to or kidnapping of) 1 or more (other than a person carrying out the act) in any country;
 - a serious risk to the health or safety of a population in any country (other than to the health and safety of a person carrying out the act);
 - destruction of, or serious damage, to property of great value or importance or major economic loss or major environmental damage in any country;
 - serious interference with, or serious interruption to, an infrastructure facility in any country;
 - serious damage or serious disruption to the national economy of any country.
- prohibition of the provision or collection of funds intending that they may be used, or knowingly that they are to be used in full or in part by a specified entity (imprisonment for a term not exceeding 14 years);
- prohibition of dealing in property, knowing that the property is owned or controlled by a specified entity or derived or generated from any property of a specified entity (imprisonment for a term not exceeding 7 years);
- prohibition on making property or certain services available to a specified entity (imprisonment not exceeding 7 years);
- prohibition on the recruitment to and participation in specified groups (imprisonment not exceeding 14 years);
- the duty to report suspicions relating to property suspected to be possessed or control by specified entities (failure to do so makes a person liable to imprisonment for a period not exceeding 12 months); and
- immunity from civil, criminal or disciplinary proceedings for those who give information or report against specified entities.

The same matters to be addressed in the above Regulations to be made under the United Nations Act 2002 will also be addressed in the Terrorism Suppression Bill. The Bill will enable much greater penalties to be imposed for offences committed and, when the Bill enters into force as the Terrorism Suppression Act 2002 most if not all of the provisions of the Regulations will cease to have effect. The Bill is modeled on similar New Zealand legislation of the same name;

- (b) Extradition Bill – In accordance with provisions of the Cook Islands Constitution then in force, the Extradition Act 1965, enacted by the New Zealand Parliament was applied by New Zealand to the

Cook Islands at the request and with the consent of the Government of the Cook Islands.¹⁹ It entered into force on 6 October 1965 and remains in force as part of the laws of the Cook Islands. Under that Act, the New Zealand Governor-General may from time to time by Order in Council make all such regulations as may be necessary to give full effect to the provisions of the Act and for the due administration thereof.²⁰ However, as indicated above, the Governor-General of New Zealand no longer has any power to make Regulations applicable in the Cook Islands.²¹ As a result and in order to up-date Cook Islands law concerning extradition matters, including in relation to extradition arrangements between the Cook Islands and New Zealand,²² a new Extradition Bill has been drafted for consideration by Parliament. The new Extradition Act will enable the extradition of persons who commit serious crimes, including terrorism, in the requesting State and enable the Cook Islands to give effect to its obligations under the 1997 and 1999 Conventions referred to above. Other key provisions of the Bill include the following:

- The definition of an “extradition offence”, i.e. –
 - it is an offence against the law of the requesting country for which the maximum penalty is death or imprisonment, or other deprivation of liberty, for period of not less than 12 months; and
 - the conduct that constitutes the offence, if committed in the Cook Islands, would constitute an offence (however described) in the Cook Islands for which the maximum penalty is death or imprisonment, or other deprivation of liberty, for a period not less than 12 months;
 - Grounds for objecting to extradition (e.g. if there are substantial grounds for believing that surrender of the person is sought of the purpose of prosecuting or punishing the person because of his or her race, religion, nationality, political opinions, sex or status or for political offence in the requesting country);
 - Extradition requests are made to the Cook Islands Attorney General who will consider the requests and, if he so decides, issue an authority to proceed with the extradition request;
 - Procedures for addressing requests from:
 - Commonwealth countries – mostly countries in the Commonwealth;
 - South Pacific Countries – All South Pacific Countries;
 - Treaty Countries – Those which the Cook Islands has existing the treaties under the current Extradition Act;
 - Comity Countries – countries other than those above.
 - Procedures for the issuing of arrest and provisional arrest warrant;
 - Provision for the review of the Justice decision in relation to the extradition request; and
 - Provisions for the extradition of persons to the Cook Islands.
- (c) Mutual Assistance in Criminal Matters Bill – This Bill will enable the Cook Islands to fulfill its obligations under the Honiara Declaration and the 1997 and 1999 Conventions referred to above. The objectives of the Bill are to:
- regulate the provision by the Cook Islands of international assistance in criminal matters when a request is made by a foreign country for any of the following:

¹⁹ As a result of Constitutional Amendment (No 9) Act 1980-81 (see footnote 14 above), the provision whereby Acts of the New Zealand Parliament may be extended to the Cook Islands upon the request and with the consent of the Cook Islands Government was repealed. It is no longer possible for the application of any New Zealand legislation to be extended to the Cook Islands.

²⁰ See also in this regard paragraph 2.13 concerning the New Zealand-United States Treaty of Extradition.

²¹ See paragraph 3.8 above.

²² Extradition arrangements between the Cook Islands and New Zealand are currently set out in basic provisions of the Cook Islands Act 1915 [NZ] (see footnote 5 above). The provisions regarding extradition have not been substantively changed since 1915. There is no known case of individuals having been extradited between the two countries.

- the taking of evidence or the production of a document or other article, for a proceeding in the foreign country;
 - the issue of a search warrant and seizure of anything relevant to a proceeding or investigation in the foreign country;
 - the forfeiture or confiscation of property for the commission of a serious offence against the law of the foreign country;
 - the restraining of dealings in property that may be forfeited because of the commissions of a serious offence against the law of the foreign country;
 - facilitate the Cook Islands providing international assistance in criminal matters when a request is made by a foreign country to make arrangements for a person who is in the Cook islands to travel to the foreign country:
 - to give evidence in a proceeding; or
 - to give assistance for an investigation; and
 - facilitate the Cook Islands obtaining similar international assistance in criminal matters;
- (d) Proceeds of Crimes Bill – This Bill is also part of the Cook Islands package of legislation to give effect to its obligations under the Honiara Declaration and the 1999 Convention referred to above. The objectives of the Bill are to:
- deprive persons of the proceeds of, and benefits derived from, the commission of serious offences;
 - provide for the forfeiture of property used in, in connection with, or for facilitating, the commission of serious offences;²³ and
 - enable law enforcement authorities to trace such proceeds, benefits and property.
- 3.11 The Cook Islands Government has benefited from assistance and advice from the Office of the Attorney-General of the Australian Government and the International Monetary Fund in the drafting of the Mutual Assistance in Criminal Matters Bill and Proceeds of Crimes Bill. The New Zealand Government has provided drafting assistance and advice with respect to the drafting of the above and other relevant legislation.
- 3.12 The Cook Islands Arms Ordinance 1954 came into force in the Cook Islands on 3 September 1954. It makes provision for the better control of arms and explosives in the Cook Islands. Section 4 prohibits the bringing into or causing to be brought into or sent into the Cook Islands any firearm (including pistols), ammunition, or explosives except in accordance with a permit issued by the High Commissioner or person appointed by him. Today the Commissioner of Police issues permits under the Cook Islands Arms Ordinance 1954. The importation of guns is permitted on a replacement only basis while Section 7 makes it an offence to possess an unregistered firearm. The Ordinance give powers of search of persons, land and buildings where firearms, ammunition and explosive are kept contrary to any permit issued. The current penalty for non-compliance is imprisonment not exceeding 3 months and fine not exceeding \$100.
- 3.13 The Continental Shelf Act 1964 was enacted by the New Zealand Parliament to make provision as to the exploration and exploitation of the continental shelf of New Zealand and, by application) the Cook Islands and for matters connected for that purpose. It applies to the Cook Islands by virtue of section 9 of the Act.

²³ The Bill would allow an authorized officer to, inter alia, seize and detain any currency that is being imported into or exported from the Cook Islands if:

- (a) the amount is not less than \$1,000.00 (or a higher amount prescribed by regulation for this paragraph); and
- (b) there are reasonable grounds for suspecting that it is:
 - (i) property derived from a serious offence;
 - (ii) intended by any person for use in the commission of a serious offence.

The Bill would include as a serious offence a terrorist act or an attempt to commit a terrorist act.

The Act came into force on the 3 November 1964. Of possible relevance to criminal jurisdiction over fixed platforms on the continental shelf,²⁴ Section 7 of the Act declares, *inter alia*:

- Every act or omission which takes place on or under or above or about any installation or device (whether permanent or temporary) constructed, erected, placed or used in, on or above the continental shelf in connection with the exploration of the continental shelf of the exploration of its natural resources shall be deemed to take place in the Cook Islands.
- Every such installation or device shall be deemed to be situated in the Cook Islands and for the purpose of jurisdiction shall be deemed to be situated in that part of the Cook Islands above the high water mark at ordinary spring tides which is nearest to that installation or device.
- Every Court in the Cook Islands which would have jurisdiction (whether civil or criminal) in respect of that act or omission if it had taken place in the Cook Islands shall have jurisdiction accordingly.

There has been no cause to invoke the provisions of this Act to date.

4. SUPPORTING ACTIONS

- 4.1 Under the overall direction of the Cook Islands Prime Minister and Deputy Prime Minister and Minister of Foreign Affairs and Immigration, a Government Counter-Terrorism Committee has been established to coordinate the Cook Islands counter-terrorism activities. The core members of that Committee are drawn from the following agencies of Government:
- the Crown Law Office;
 - the Ministry of Foreign Affairs and Immigration;
 - the Office of the Commissioner of Offshore Financial Services; and
 - the Police Department.
- 4.2 The Cook Islands also adopted the Combined Law Agency Group (CLAG) concept in November 2001. The agencies involved in its initial stages include the Police Department (chair), Customs, Aviation Security, Immigration, Agriculture, the Fire Department and the Office of the Commissioner of Offshore Financial Services. The concept works on the understanding that member agencies play an equal part and information is shared confidentially. It is hoped that the CLAG will be fully operational in the first four months of 2002.
- 4.3 Police, Customs, Immigration and Offshore Financial Services authorities have been provided with the following lists of those persons and entities identified by the UNSC Committee established pursuant to Resolution 1267 (1999):
- UN document AFG/131; SC/7028, dated 8 March 2001;
 - UN document AFG/150; SC/7166, dated 8 October 2001;
 - UN document SC/7180 dated 18 October 2001;
 - UN document SC/7181, dated 18 October 2001; and
 - UN document SC/7206, dated 9 November 2001.
- 4.4 The Cook Islands Police Department has been and continues to work closely with regional law enforcement agencies such as the South Pacific Islands Criminal Intelligence Network (SPICIN, based in Pagopago, American Samoa), the New Zealand Police Interpol (based in Wellington, New Zealand), the Australian Federal Police Interpol (based in Canberra, Australia) and the United States FBI. Co-operation includes the exchange of information, following up and assisting with international investigations and assisting with the extradition of wanted nationals where an extradition treaty exists.²⁵

²⁴ See paragraph 2.9 above.

²⁵ To date, no formal extradition request involving the Cook Islands has ever been made.

- 4.5 In response to the terrorist attacks of 11 September 2001, the Police Department substantially increasing its strength at the Rarotonga International Airport, the Cook Islands primary port of entry, from the previous complement of two officers up to 16 officers. In particular, the physical search of every United States-bound flight (twice weekly) was introduced following those attacks and remains the practice. Operation 'Blindman' was commenced on 11 September at the Airport, its main objective being the gathering of information and/or evidence which may be of use to foreign law enforcement agencies, including the FBI in the United States.
- 4.6 Liaison with the FBI has increased after 11 September. Activities have included a personal meeting between the Cook Islands Police Commissioner and the FBI Legal Attaché, based in Canberra, Australia, during the above SPCPC Conference in October²⁶ and the exchange of much useful, confidential information. Suspect lists and anthrax procedures were also discussed. An Anthrax Committee has since been established in the Cook Islands, chaired by the Police and including the Cook Islands Fire Service, the Customs Department, the Ministry of Health and the Postal Service. The FBI together with the New Zealand Police have contributed to the now established 'standard operational procedures' for the Anthrax Committee.
- 4.7 There are about 7,000 Cook Islanders resident on Rarotonga, with about an equal number scattered throughout the Outer Islands. All Cook Islanders live in small villages in close proximity one to the other and, in most of the Outer Islands at least, all residents have known each other for generations. Any attempt to conduct any of the activities identified in UNSC Resolution 1373 (2001), such as recruiting terrorists, would be immediately known throughout the community. Police on Rarotonga and in the Outer Islands have all been briefed on the activities identified in that Resolution and instructed to report any unusual behaviour.
- 4.8 The Police Department also held briefing sessions with members of the tourism industry and requested that Police be informed of any person, persons or groups who may arrive in their respective premises and behave out of the norm. Hotels and motels were similarly informed. The successful nature of this consultation between the Police and the Cook Islands public was recently demonstrated with the arrest just before submission of this Report, of an African national, probably either from South Africa or Nigeria, on serious fraud and other dishonesty offences.
- 4.9 The Police Department will act immediately against any individuals or entities identified by the UNSC and listed in the documents above found to be in the Cook Islands.
- 4.10 The Police Department issues permits for the importation of a very small amount of ammunition (a few boxes a week, depending upon whether it is bat hunting season) and replacement guns, again primarily used for hunting birds and killing pigs. The presence of any large cache of weapons would be very difficult to hide in the Cook Islands. The Police are, however, maintaining a heightened lookout for weapons the concern of UNSC Resolution 1373 (2001).
- 4.11 The Police Department also has a close working relationship with the Pacific Islands Forum Secretariat, based in Suva, Fiji, which sponsored two training seminars for the Police, Customs and Audit Departments during 2001. Instructors were from the New Zealand Police and Customs. Both seminars lasted two weeks and covered two topics: 'Scene of Crime Investigations' and 'Fraud'.
- 4.12 During 2000-2001, three commissioned Cook Islands Police Officers attended Asia-Pacific Centre for Security Studies (APCSS) courses held in Hawaii. Each course lasted for sixteen weeks and was conducted by experts from the United States Government. It is hoped that another three officers will be able to attend APCSS courses in 2002.

²⁶ See paragraph 2.21 above.

- 4.13 Cook Islanders are New Zealand citizens. The Cook Islands Government does not issue passports or other travel documents. The main responsibilities of Cook Islands Immigration Officers relate to border control and the issuance of visas for those non-Cook Islanders and non-Permanent Residents to reside in the Cook Islands for longer than the 30 days allowed bona fide visitors.
- 4.14 There are approximately 450 non-Cook Islanders who are Permanent Residents of the Cook Islands, entitled to reside and work in the Cook Islands without a visa. Non-Cook Islanders may be accorded Permanent Residency after a minimum period of residency in the Cook Islands (three years) and after having undergone stringent security checks. Immigration Officers also consult with local community and other groups regarding the character of applicants. Many Permanent Residents are married to Cook Islanders and integrate closely into Cook Islands communities.
- 4.15 The Cook Islands has one major port of entry, Rarotonga. Almost all international visitors arrive in the country through the Rarotonga International Airport. At present, there are 10 international flights a week, all provided by Air New Zealand. Immigration Officers meet each flight and check the travel documents of all persons entering into and departing from the Cook Islands. Immigration Officers also meet all visiting yachts and inspect the travel documents of all entering the country through that means.
- 4.16 Certain other islands are also designated ports of entry (e.g. Pukapuka, population about 800). In fact, however, because of the isolation of those islands, no one has entered the country except through Rarotonga. Because of the small size of each island, anyone arriving in the Cook Islands through one of the Outer Islands would be immediately known to island residents and their presence communicated to authorities on Rarotonga.
- 4.17 Cook Islands Immigration authorities have long developed close working relationships with overseas immigration services, both regional and international. This includes the exchange of information of the movement of persons into and out of the Cook Islands and through the region. Immigration Officers have also been provided the lists of names of persons identified by the UNSC and will prevent the entry into the Cook Islands of any person listed.
- 4.18 Given the relatively significant increase in visitor arrivals into and departures from the Cook Islands over recent years, it is hoped that Cook Islands Immigration authorities will have soon have computer and related facilities available at primary checkpoints to assist in border control. At present, all checking of arrivals and departures is done manually.
- 4.19 Cook Islands Customs Officers also work closely with other national Customs authorities, both directly and through the OCO. This includes the timely exchange of information relevant to UNSC Resolution 1373 (2001). Firearms and ammunition have long been restricted imports in the Cook Islands²⁷ and Customs authorities are continually on the lookout for those and other prohibited items. Having been provided with the list of individuals and entities identified by the UNSC, Customs authorities will work with other law enforcement agencies should they identify activities of those individuals and entities on the list.
- 4.20 Immediately following the terrorist attacks of 11 September 2001, the Office of the Commissioner of Offshore Financial Services met with all sectors of the Offshore Finance industry to seek their co-operation against the financing of terrorism. The list of individuals and entities identified by the UNSC has been circulated to all industry firms working in the Cook Islands, including the two commercial banks (Westpac and the Australia and New Zealand Banking Corporation), for their reference. All firms working in the industry have pledged their full co-operation. To date, none have reported any financial transactions through the Cook Islands involving any of the individuals or entities listed. All firms have indicated that they will inform the Commissioner should any attempt at such financial transactions be attempted.

²⁷ See paragraph 3.12 above.

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- 4.21 The Office of the Commissioner of Offshore Financial Services has also worked closely with the Cook Islands Crown Law Office in the drafting of the above legislation against the financing of terrorism.²⁸
- 4.22 The Cook Islands Government has decided to establish a domestic Financial Intelligence Unit (FIU) and technical assistance from the Legal Department of the International Monetary Fund (IMF) has been sought to towards that end. The goal of the technical assistance will be to assist the Cook Islands and other regional participating countries to create a regulatory and operational environment hostile to financial crime and money laundering by co-ordinating the acquisition and dissemination of financial intelligence both among the participating countries and between those countries and other jurisdictions.
- 4.23 The local branch of Western Union has also been provided with the above lists. It has pledged its full cooperation in informing authorities should there be any attempt to transfer money either into or out of the country by any individual or entity listed.
- 4.24 UNSC Resolution 1373 (2001), especially operative paragraph 3(a), has also been brought to the attention of Telecom Cook Islands, the country's single telecommunications service provider, with the request that it informs the Police of any suspicious communications traffic or other related activity that it may encounter.
- 4.25 In response to a communication from the Chair of the Counter Terrorism Committee of the UNSC,²⁹ on 30 November 2001, the Cook Islands Government informed the Acting Secretary of the Committee of the Cook Islands contact point for matters relating to UNSC Resolution 1373 (2001), i.e.

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²⁸ See paragraph 3.10 above.

²⁹ SCA/20/01/30.