
THE UNITED REPUBLIC OF TANZANIA

SPECIAL SUPPLEMENT

No. 1

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THE PREVENTION OF TERRORISM ACT
(CAP. 19)

THE PREVENTION OF TERRORISM (GENERAL) REGULATIONS,
2014

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GOVERNMENT NOTICE NO. 7 published on 22/01/2014.

THE PREVENTION OF TERRORISM ACT
(CAP. 19)

REGULATIONS

(Made under sections 6, 12 and 48)

THE PREVENTION OF TERRORISM (GENERAL) REGULATIONS,
2014

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Prevention of Terrorism (General) Regulations, 2014. |
| Application | 2. These Regulations shall apply to Mainland Tanzania as well as Tanzania Zanzibar. |
| Interpretation | 3. In these Regulations unless the context requires otherwise- |
| Cap.19 | “Act” means Prevention of Terrorism Act; |
| | “accountable entity” means an entity listed in Part II of the Schedule; |
| Cap. 423 | “Commissioner of FIU” has a meaning ascribed to it under the Anti- Money Laundering Act; |
| Cap. 342 | “financial institution” has a meaning ascribed to it under the Banking and Financial Institutions Act; |
| | “Financial Intelligence Unit” also known by an acronym FIU means an Extra Ministerial Department established under section 4 of the Anti-Money Laundering Act; |
| Cap. 423 | “freeze” in relation to- |
| | (a) fund or other financial assets includes |

Cap. 322

preventing their use, alteration, movement, transfer or access; and

- (b) economic resources includes preventing their use to obtain funds, goods, or services in any way, including but not limited to, selling, hiring or mortgaging;

“funds” has a meaning ascribed to it under the Act;

“Inspector General of Police” has a meaning ascribed to it under the Police Force and Auxiliary Services Act;

“instrument of the international community” means any international Convention or regional protocols related to Terrorism;

“listed person” means a person, group of persons or organisations and specified entities listed pursuant to resolutions of the United Nations or any other instrument of the International Community or whose names are listed in the Schedule;

“Minister” means the Minister responsible for Home Affairs; and

“terrorist funds” means funds which are intended to be used for terrorist purposes, resources of a person or entity which is declared as a terrorist organisation, cash or other resources obtained through terrorism.

PART II

DECLARATION OF SUSPECTED INTERNATIONAL TERRORISTS, TERRORIST GROUPS AND PROSCRIBED ORGANISATIONS

Suspected
International
terrorists

4.-(1) The Minister shall declare a person to be a suspected international terrorists if-

- (a) he has reasonable grounds to suspect that the person-
- (i) is or has been involved in the commission, preparation or instigation of an act of international terrorism;
 - (ii) is a member of, or belongs to an

- international terrorist group or entity;
- (iii) has links with an international terrorist group and the Minister reasonably believes that the person is a risk to national security;
 - (b) that person is listed as a person involved in terrorist acts in any Resolution of the United Nations Security Council or in any instrument of the international community; or
 - (c) there are reasonable grounds to suspect that the person is considered as a person involved in a terrorist act.
- (2) The Minister shall declare a group to be an international terrorist group if that group-
- (a) is subject to the control or influence of person outside the United Republic, and the Minister reasonably suspects that the group is engaging in the Commission, preparation or instigation of an act of international terrorism;
 - (b) is listed as a group or entity involved in terrorist acts pursuant to the Resolutions of the United Nations Security Council or in any instrument of the international community as may be made from time to time; or
 - (c) has been declared by the Minister and published in the *Gazette*.
- (3) For purposes of this regulation the phrase "a person or entity involved in terrorist acts" includes any person or entity listed pursuant to any United Nations Security Council Resolution or any instrument of international community for implementation of the targeted financial sanctions imposed by relevant United Nations Security Council Resolutions.

Proscribed
person or
organisations

5.-(1) The Minister shall declare a person or organisation to be a proscribed organisation if he has a reasonable grounds to suspect that-

- (a) the persons or organisation associates or

engages in any act for the purpose of:

- (i) participating or collaborating in any terrorist act;
- (ii) promoting, encouraging or exhorting other persons to commit an act of terrorism; or
- (iii) setting up or pursuing any act of terrorism; and

(b) a person or organisation associates or engages in a proscribed organisation.

(2) Basing on advice given under regulation 8(3)(iii), the Minister shall, within twenty four hours, determine whether to declare that group of persons or organisation a proscribed organisation.

(3) Where the Minister has declared a group of persons or organisation a proscribed organisation, he shall, within twenty four hours, issue a notice of declaration and instruct all accountable entities specified in Part II of the Schedule to-

- (a) freeze the funds, financial assets or properties of such persons or organisation and inform the Minister of the full particulars of the frozen funds, financial assets or properties; and
- (b) conduct an ongoing prohibition on the provision of funds and financial assets to the proscribed persons or organisations.

(4) Nothing under this regulation shall prevent the Minister from declaring a person who is not a member of terrorist organisation a terrorist where there is reasonable ground to suspect that the person is involved in terrorist act.

(6) Where the Minister has declared a person a terrorist under sub-regulation (5), he shall comply with the requirement stipulated under sub-regulation (4).

(7) The Minister shall publish in the *Gazette* the names of persons, group of persons or organisations proscribed under this regulation.

Prevention of Terrorism (General) Regulations

GN No. 7 (cmd.)

Implementation
of United
Nations sanctions
against listed
persons or
entities

6.-(1) Where the list of persons or entities who are subject to United Nations Sanction measures relating to terrorism is submitted to the Minister for Foreign Affairs, he shall forward it to the Minister for implementation.

(2) The Minister, upon receipt of a list of persons and entities subject to United Nations Sanction Measures under sub-regulation (1) shall, within twenty four hours issue a notice instructing all accountable entities to:

- (a) conduct a check on a regular basis to verify whether individuals or entities listed in that list match with the particulars of their customers and whether they are holding any funds, financial assets or properties of the listed persons or entities;
- (b) conduct an ongoing review of transactions as they are processed for existing and occasional customers;
- (c) freeze without delay the funds, financial assets, or properties of such persons or entities upon determining that the particulars of any of their customers match the particulars of listed individuals or entities;
- (d) inform the Minister of the full particulars of the frozen funds, financial assets, or properties under this regulation; and
- (e) conduct an ongoing prohibition on the provision of funds and financial services to the listed individuals or entities.

(3) Upon receipt of the particulars referred under sub-regulation (2)(d), the Minister shall instruct the Inspector General of Police or Commissioner of FIU to conduct a verification in order to ensure that the individual or entities identified by the accountable entity are the ones listed under the relevant United Nations Security Council.

(4) The verification referred to under this regulation shall be completed within a period not exceeding five working days from the date of receipt of

the instructions.

(5) Where the results of the verification indicate that the person or entity whose properties were frozen under sub-regulation (2)(c) were not the persons or entities listed under the relevant United Nations Security Council Resolution, the Minister shall, by Order published in the Gazette and in any other manner as he deems fit, order the release of those properties.

Implementation
of third party
request

7.-(1) A third party state or international organisation may request the Minister to declare a person or entity as a suspected international terrorist or terrorist group.

(2) Upon receipt of a request by a third party state or international organisation for the declaration of a person or entity a suspected international terrorist or an international terrorist group the Minister for Foreign Affairs, shall forward that request to the Minister.

(3) Upon receipt of a request under sub-regulation (1), the Minister shall direct the Inspector General of Police to examine the request within five working days and advise him on whether there are reasonable grounds to suspect that-

- (i) the person proposed to be declared an international terrorist is a person who engages in terrorist acts or finances terrorism, a member of an international terrorist group or is an associate of a terrorist; or
- (ii) the entity proposed to be declared an international terrorist group falls within the definition of an international terrorist group.

(4) The Minister, based on the advice given under sub-regulation (3), shall determine within twenty four Hours on whether to declare that person or entity an international terrorist or an international terrorist group and notify the requesting party of the decision made.

(5) Where the Minister has declared a person or entity an international terrorists or international terrorist

group as requested under sub-regulation (1), he shall, within twenty four hours issue a notice of declaration and instruct all accountable entities to-

- (a) conduct a check on a regular basis to verify whether the listed persons or entities match with the particulars of their customers and whether the listed persons or entities are holding any funds, financial assets or properties;
- (b) conduct an ongoing review of transactions as they are processed for existing and occasional customers.

(6) Upon determining that the particulars of any of their customers match with the particulars of listed individuals or entities, the accountable entities shall-

- (a) freeze without delay the funds, financial assets, or properties of such persons or entities;
- (b) inform the Minister of the full particulars of the frozen funds, financial assets, or properties; and
- (c) conduct an ongoing prohibition on the provision of funds and financial services to the listed individuals or entities.

(7) Upon receipt of the particulars referred under sub-regulation (6)(b), the Minister shall instruct the Inspector General of Police or Commissioner of FIU to conduct a verification to ensure that the individual or entities identified by the reporting entities are the ones listed under the relevant declaration.

(8) The verification under sub-regulation (6)(a) shall be completed within a period of five working days from the date of receipt of the instructions.

(9) Where the results of verification indicate that the properties that were frozen under sub-regulation (6)(a) are not the ones mentioned in the relevant declaration, the Minister shall, by order published in the *Gazette* and in any other manner as he deems fit, order such properties to

be released.

Non-United
Nations terrorist
declaration
process

8.-(1) Where a declaration of a person or entity as a suspected international terrorist, international terrorist group or a proscribed organisation is in question, the Inspector General of Police shall constitute a Terrorist Declaration Working Group to analyze the matter and advise him within five working days on whether the declaration under consideration is supported by reasonable grounds.

(2) The Terrorist Declaration Working Group established under sub-regulation (1) shall comprise of the following:

- (a) two representatives from Police Force;
- (b) one representative from the Ministry of Foreign Affairs;
- (c) one Representative from the Office of the Attorney General;
- (d) one representative from Tanzania Intelligence and Security Services;
- (e) one representative from Financial Intelligence Unit; and
- (f) one representative from the Immigration Department.

(3) The Inspector General of Police, having received an advice from the Terrorist Declaration Working Group shall, within twenty four hours, advise the Minister on whether there are reasonable grounds to suspect that:

- (i) the person proposed to be declared an international terrorist is a person who engages in terrorist acts, finances terrorism, a member of an international terrorist group or is an associate of a terrorist;
- (ii) the entity proposed to be declared an international terrorist group falls within the definition of an international terrorist group; or
- (iii) a group of persons or organisation to be

declared a proscribed organisation associates or engages in any act of terrorism.

(4) Nothing under this regulation shall prevent the Inspector General of Police from advising the Minister to declare a person who is not a member of terrorist organisation as a terrorist where there is reasonable ground to suspect that the person is involved in terrorist act.

(5) This regulation shall not apply to persons or entities designated pursuant to United Nations Security Council Resolutions.

Notification of declaration

9.-(1) Where the Minister declares a person or entity a terrorist, suspected international terrorist group or proscribed organisation he shall-

- (a) issue a notice of the declaration to the declared person, and
- (b) publish that declaration in the *Gazette* and in a widely circulating newspaper in the country.

(2) A Notice under sub-regulation (1) shall contain:

- (a) reasons for declaration;
- (b) a description of the effect of declaration; and
- (c) procedure for considering delisting request for persons or entities under United Nations list.

Confidential information

10.-(1) The Minister may notify the accountable entities or any other person of a declaration and specify that information contained in that declaration is to be treated as confidential.

(2) Subject to sub-regulation (3), a person who is provided with or obtains information that is to be treated as confidential in accordance with sub-regulation (1), shall not disclose that information.

(3) The prohibition in sub-regulation (2) shall not apply to any disclosure made by that person to the lawful authority.

(4) For the purpose of this regulation, information is disclosed to the lawful authority where the disclosure is-

- (a) made by, or is authorized by the Minister;
- (b) made by or with the consent of the declared person;
- (c) necessary to give effect to a requirement imposed under or by virtue of this Part or any other enactment; or
- (d) made for the purposes of legal proceedings.

(5) This regulation does not prevent the disclosure of information that is already, or has previously been available to the public from other sources.

(6) A person who contravenes the prohibition in sub regulation (2) commits an offence and shall on conviction be liable to imprisonment for a term of five years.

Variation or
revocation of
declaration

11.-(1) A person or entity declared as a suspected international terrorist or a proscribed organisation under regulation 4, 5 and 7 or a third party with an interest to the declaration, may apply to the Minister for variation or revocation of declaration.

(2) An application for variation or revocation of a declaration shall base on the following grounds that the-

- (a) declaration shall not stand because the person or entity concerned does not satisfy the declaration test stated in these Regulations; and
- (b) individual or entity concerned is no longer involved in acts of terrorism, terrorist financing, associated with terrorists or proscribed organisation.

(3) Where a declaration is varied or revoked under this regulation, the Minister shall-

- (a) issue a notice of variation or revocation to the declared person or entity; and
- (b) take other steps as he considers appropriate to bring the variation or revocation to the

attention of the persons who were previously notified of the declaration.

PART III
PROHIBITION IN DEALING WITH FUNDS OR OTHER ASSETS OF
DECLARED PERSONS OR ENTITIES

Prohibition in
dealing with
declared
persons

- 12.-(1) A person shall not knowingly-
- (a) deal directly or indirectly in any funds or provide any financial services of a declared person, including funds derived or generated from property owned or controlled directly or indirectly by the declared person;
 - (b) enter into or facilitate, directly or indirectly, any transaction related to a dealing referred to under paragraph (a);
 - (c) directly or indirectly supply, sell and transfer to a declared person arms, weapons, ammunitions, military vehicles and equipments, Para-military equipments, spare parts and related materials, technical advice, assistance, or training related to military activities;
 - (d) provide any financial or other related service available, directly or indirectly, for the benefit of a declared person.
- (2) A person who knowingly-
- (a) deals, directly or indirectly, in property that is owned or controlled by or on behalf of a declared person;
 - (b) enters into, or facilitates, directly or indirectly, any transaction in respect of property referred to in regulation (6); or
 - (c) provides financial or other services in respect of property referred to in regulation (6), commits an offence and on conviction if-
 - (i) the person is an individual is liable to

imprisonment for a term not exceeding five years.

- (ii) it is a body corporate, is liable to a fine not less than one hundred million shillings or three times the market value of the property, whichever is greater.

(3) The accountable entity shall not be regarded as contravening this regulation when crediting a frozen account with-

- (i) interest or other earnings due on those accounts; or
- (ii) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the assets freeze, or
- (iii) any payment in favour of listed individuals, groups, undertakings or entities,

provided that any such interest, other earnings and payments continue to be subject to the assets freeze.

Prohibition
from entering
United
Republic of
Tanzania

13. A person declared by the Minister under regulation 4 to be a terrorist or belonging to a terrorist group, is prohibited from entering into or transit through the United Republic of Tanzania.

PART IV INSTITUTIONAL COOPERATION AND EXCHANGE OF INFORMATION

Coordination of
activities
relating to
investigation
and freezing

14. The Police Force shall, in collaboration and consultation with law enforcement agencies and other national authorities within the United Republic, coordinate activities relating to the investigation and freezing of funds or financial assets and other economic resources of suspected international terrorist and terrorist groups.

Prevention of Terrorism (General) Regulations

GN No. 7 (contd.)

Provision of
information to
foreign states

15.-(1) The Principal Commissioner for Immigration may, upon request provide information to the competent authority in a foreign state relating to persons entering or leaving the United Republic in the manner stipulated under section 45 of the Act, if the requesting state-

- (a) has signed bilateral agreement with the United Republic of Tanzania on mutual assistance in criminal matters;
- (b) is a party to United Nations Conventions on counter terrorism; or
- (c) is a member of the International Police Organisation.

Request from
United Nations,
Etc

16. Where there is a request of information or report by the United Nations or a foreign state in relation to terrorist financing, the Inspector General of Police or Commissioner of FIU or any person authorized by law to supervise and regulate the activities of relevant accountable entity may request the relevant accountable entity to provide that information or report.

PART V

REVIEW, DELISTING AND DEFREEZING

Application for
Review

17.-(1) A person aggrieved by the Minister's declaration or freezing order made under these Regulations may apply to the High Court for the decision to be set aside.

(2) The Court may vary, revoke or set aside the declaration or freezing order where it is satisfied on balance of probabilities that-

- (a) there was no reasonable grounds for declaration under regulation 4, 5 or 7;
- (b) the property involved is not owned, controlled by, or on behalf of, a terrorist group; or
- (c) the property was inadvertently included in the freezing order.

(3) Where a declaration or freezing is varied, revoked or set aside, the Minister shall issue a notice of that fact to the persons who were previously notified of the declaration.

(4) The provisions of this regulation shall not be applicable to persons or entities listed under any Resolution of the United Nations Security Council or instrument of international community.

Delisting of
individuals or
entities

18.-(1) A person or entity listed pursuant to any relevant United Nations Security Council Resolutions may apply to the relevant United Nations Security Council Committee to be delisted from that list.

(2) A person or group may submit a request for delisting through the Ministry of Foreign Affairs or directly to the office of the Ombudsperson specified in the relevant United Nations Security Council Resolution.

(3) The procedures for submitting a delisting request to the relevant United Nations Security Council Committee shall be governed by the requirements stipulated in the relevant United Nations Security Council Resolutions.

Defreezing of
properties of
delisted persons

19. The Minister shall, upon receipt of information of delisted persons or group of persons from United Nations or any international community instrument, instruct accountable entities to defreeze the properties of the delisted persons or group of persons.

PART VI GENERAL PROVISIONS

Duration of
declaration

20.-(1) A declaration made under these Regulations shall expire at the end of the period of three years from the date on which it was made, unless it is renewed.

(2) The Minister shall renew a declaration made under these Regulations at any time before it expires where-

GN, No. 7 (contd.)

- (a) there is evidence that the individual or entity continues to engage in the acts that led to their declaration;
 - (b) the individual or entity remains in the relevant list of the United Nations sanction measures or subject to a third party request.
- (3) Where the Minister has renewed a declaration under sub-regulation (2), the renewed declaration shall expire at the end of the period of three years from the date on which it was renewed, unless it is further renewed.
- (4) The provisions of regulation 12 shall apply where a declaration is renewed or further renewed.
- (5) Where a declaration has expired, the Minister shall issue a notice of the expiry to the declared person and notify other persons who were previously notified of that declaration.

List of suspected international terrorists, terrorist groups and proscribed organisations

21. Any persons, group of persons or organisations prescribed in part I of the Schedule to these Regulations shall be a list of suspected international terrorists, terrorist groups, or proscribed organisations.

Obligations of FIU

22. The FIU shall-

- (a) ensure that the accountable entities complies with the requirements of these Regulations; and
- (b) conduct onsite and offsite examinations for the purpose of monitoring and ensuring compliance.

Power of FIU to impose administrative sanctions

23.-(1) The FIU may, upon being satisfied that the accountable entity has failed to comply with regulations 5, 6, 7 or 12, impose any of the following administrative sanctions:

- (a) warn or caution the accountable entity not to

repeat the conduct which led to non-compliance:

- (b) a reprimand;
- (c) directive to take remedial action or to make specific arrangement to remedy the default;
- (d) restrict or suspend business activities related to non compliance;
- (e) suspend a business license; or
- (f) suspend or remove from office any member of staff who caused or failed to comply with regulations 5, 6, 7 or 12.

(2) Before imposing an administrative sanction, the FIU shall issue the accountable entity with a notice stating the-

- (a) nature of the alleged non – compliance;
- (b) intention to impose administrative sanction; and
- (c) amount or particular of the intended administrative sanction.

(3) The accountable entity may, in writing, within a period specified in the notice, make representations as to why the administrative sanctions should not be imposed.

(4) Subject to sub-regulation (2) the FIU when determining an appropriate administrative sanction, shall consider-

- (a) the nature, duration, seriousness and extent of the default;
- (b) whether the accountable entity has previously failed to comply with these Regulations; and
- (c) any remedial steps taken against the accountable entity to prevent the recurrence.

(6) Where the FIU has imposed sanctions under paragraphs (a), (b) or (c) of sub-regulation (2) and accountable entity has failed to comply with those sanctions, the FIU or regulator shall impose a fine not exceeding five million shillings per day for which a default is committed.

Prevention of Terrorism (General) Regulations

GN. No. 7 (contd.)

Revocation
GN No. 283
of 2012

24. The Prevention of Terrorism Regulations, 2012
is hereby revoked.

SCHEDULE

PART I

(Made under regulation 21)

**LIST OF INTERNATIONAL TERRORISTS, TERRORIST GROUPS AND
PROSCRIBED ORGANISATIONS**

The following organisations are declared as Suspected International Terrorist Groups:

- (a) AL-SHABAAB AL ISLAMIYA
- (b) AL-QAEDA

PART II

(Made under regulation 5(3))

LISTS OF ACCOUNTABLE ENTITIES

1. Banks and financial institutions.
2. Cash dealer.
3. An accountant, real estate agent, dealer in precious stones, work of art or metals.
4. A regulator of the relevant accountable entity.
5. Customs officer.
6. Attorneys, notaries and other independent legal professionals when:
 - (a) assisting clients in preparing or executing transactions involving-
 - (i) the purchase or sale of real property or commercial enterprises;
 - (ii) management of funds, securities or other assets which belong to a client;

Prevention of Terrorism (General) Regulations

GN No. 7 (contd.)

- (iii) the opening or management of bank accounts, saving accounts or portfolios;
 - (iv) the organisation of contributions required to create, manage or direct corporations or legal entities;
 - (v) the creation, management or direction of corporations or legal entities; and
 - (vi) the buying or selling of business entities;
- (b) acting on behalf of a client in any financial or real estate transaction;
7. Pension funds managers, security market intermediaries, financial leasing entities, micro financing institutions and companies and financing housing companies.
8. Auctioneers.

Dar es Salaam
22nd January, 2014

MATHIAS M. CHIKAWI,
Minister for Home Affairs

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 3

3rd January, 2014

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.3)
ACT, 2013

ARRANGEMENT OF SECTIONS

Sections

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART X

AMENDMENT OF THE PREVENTION OF TERRORISM ACT,
(CAP. 19)

48. Construction.
49. Amendment of section 3.
50. Amendment of section 6.
51. Amendment of section 12.
52. Addition of section 41A.

