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THE PREVENTION OF TERRORISM ACT
(CAP. 19)

REGULATIONS

(Made under sections 12(5), 12A (2) and 48(2))

THE PREVENTION OF TERRORISM (GENERAL) REGULATIONS, 2022

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THE PREVENTION OF TERRORISM ACT
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(Made under sections 12(5), 12A (2) and 48(2))

THE PREVENTION OF TERRORISM (GENERAL) REGULATIONS, 2022

PART I
PRELIMINARY PROVISIONS

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|---------------------------------|---|
| Citation | 1. These Regulations may be cited as the Prevention of Terrorism (General) Regulations, 2022. |
| 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 the Prevention of Terrorism Act; |
| Cap. 423 and Act No. 10 of 2009 | “Acts” means the Anti-Money Laundering Act of the laws of Tanzania and the Anti-Money Laundering and the Proceeds of Crime Act of the laws of Zanzibar; |
| | “Committee” means a Permanent Committee established under regulation 12 of the National Security Council Regulations, 2013; |
| | “Committee Secretariat” means a Secretariat appointed under regulation 8; |
| | “competent authority” has the meaning ascribed to it under the Acts; |
| | “Court” has the meaning ascribed to it under the Act; |
| | “deal” includes administering, using, selling, buying, |

- supplying, acquiring, leasing, transferring, converting, disposing of, move or withdraw;
- “delisting” means the identification and declaration of a designated party as being no longer subject to targeted financial sanctions;
- “delisted party” means cease to be a designated party after declaration by the Minister or by the Security Council;
- “designation” means the identification and declaration of a party as provided under these Regulations to be subject to targeted financial sanctions;
- “designation criteria” means conditions to be met as provided in regulation 9 or conditions set by the Security Council or a Security Council Resolution in order for a party to be designated;
- “designated party” means a party that is declared by the Minister or by the Security Council to be subjected to targeted financial sanctions;
- “economic resources” includes assets of every kind, whether movable, immovable, tangible, intangible, actual or potential, which potentially may be used to obtain funds, goods or services, such as-
- (a) land, buildings and other real estate;
 - (b) equipment, including computers, computer software, tools, and machinery;
 - (c) furniture, fittings and fixtures and other items of a fixed nature;
 - (d) vessels, aircrafts and motor vehicles;
 - (e) inventories of goods;
 - (f) works of art, precious stones, jewellery and gold;
 - (g) commodities, including oil, minerals and timber;
 - (h) arms and related materials;
 - (i) patents, trademarks, copyrights, trade names, franchises, goodwill and other forms of intellectual property;
 - (j) internet hosting and other related services used for the support of designated parties;

(k) direct and indirect trade in oil and refined products, modular refineries and related material, including chemicals and lubricants and other natural resources;

(l) any other assets, whether tangible, intangible, actual or potential;

“entity” means a legal person or a legal arrangement;

“extraordinary expenses” means expenses other than ordinary expenses;

“Financial Intelligence Unit” has the meaning ascribed to it under Acts;

“financing of proliferation” has the meaning ascribed to it under the Acts;

“financing of terrorism” has the meaning ascribed to it under the Acts;

“freeze” means prohibition of transfer, conversion, disposition or movement of any funds or other assets that are owned or controlled by a designated party on the basis of, and for the duration of the validity of the designation.

“freezing order” means prohibitions provided under regulations 19 and 20;

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

“legal arrangement” has the meaning ascribed to it under the Acts;

“Minister” means the Minister responsible for home affairs;

“National Counter Terrorism Centre” means the National Counter Terrorism Centre within the Ministry of Home Affairs known by the acronym “NCTC”;

“ordinary expenses” includes funds and other financial assets or economic resources which are-

(a) basic expenses necessary for payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees and reimbursement of incurred expenses associated with the

- provision of legal services or fees; or
- (c) intended exclusively for the payment of service charges for routine holding or maintenance of the funds or other assets of a designated party;
- “other assets” includes financial assets, economic resources, oil and other natural resources, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, and any interest, dividends or other income on or value accruing from or generated by such assets and any other assets which potentially may be used to obtain funds, goods or services;
- “party” means an individual, a group, an undertaking or an entity;
- “proliferation” includes the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling, supply, sale or use of nuclear, ballistic, chemical, radiological or biological weapons or any other weapon capable of causing mass destruction and their means, of delivery and related materials (including both technologies and dual-use goods used for non-legitimate purposes), including technology, goods, software, services or expertise, in contraventions of the Act, these Regulations and applicable Security Council Resolutions;
- “proliferation financing” has the meaning ascribed to it under the Acts;
- “reporting person” has the meaning ascribed to it under the Acts;
- “regulator” has the meaning ascribed to it under the Acts;
- “Security Council” means the United Nations Security Council or any of its committees acting under Chapter VII of the United Nations Charter;
- “Security Council Resolution” means a Security Council Resolution made under Chapter VII of the United Nations Charter;

“targeted financial sanctions” means prohibitions under Part IV and Part V to these Regulations;

“terrorist act” has the meaning ascribed to it under the Act;

“United Nations Sanctions Committee” means a subsidiary organ established by the United Nations Security Council;

“United Nations Sanctions List” includes-

(a) a list established by or under the authority of the Security Council comprising the names of designated parties which are subject to United Nations sanctions; and

(b) the list established pursuant to the Security Council Resolutions and their successor resolutions;

“without delay” means within a matter of hours after designation or within such a time to prevent flight or dissipation of funds or other assets of the designated party or within such time before the designated party or any other relevant or concerned person becomes aware of the designation or within such time to allow concerted action to swiftly interdict and disrupt their flow.

PART II

SANCTIONS DESIGNATIONS AND MECHANISM

Security
Council
Designations

4.-(1) Designation of a party as suspected international terrorist for targeted financial sanctions made by the Security Council pursuant to any Security Council Resolutions shall have effect and shall be enforced without delay in the United Republic.

(2) The designated party under subregulation (1) shall be subjected without delay to targeted financial sanctions as provided under regulations 19, 20, 25 and 26 until such time when the designation is revoked by the Security Council.

(3) The Tanzanian Mission to the United Nations shall, without delay, submit to the Minister responsible for

foreign affairs, all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith.

(4) The Minister responsible for foreign affairs shall, upon receipt of a designation or list under subregulation (3), immediately without delay, submit such designation or sanctions list to the Minister.

(5) The Minister shall, upon receipt of the designation or sanctions list under subregulation (4), submit it to the Secretariat of the Committee.

(6) The Secretariat shall, upon receipt of the designation or sanctions list under subregulation (5), without delay, circulate the designation or sanctions list to-

- (a) competent authorities;
- (b) the national security organs specified in the Constitution of the United Republic of Tanzania;
- (c) any other person who has the responsibility to-
 - (i) detect, freeze or seize the funds or the property of a designated entity under any written law; or
 - (ii) take such action as may be necessary to give effect to Resolution 1267, 1373, 1718, 1988 or such other relevant United Nations Security Council Resolution.

(7) Upon receipt of the designations or sanctions list submitted to it under subregulation (6)(a), the competent authority responsible for supervisory shall-

- (a) circulate the designations or sanctions list to the reporting institutions under its purview for their information and action;
- (b) where necessary, provide guidance to the reporting institutions holding funds or other assets of a designated person, in relation to their obligations under these Regulations; and
- (c) ensure that the reporting institutions comply with the requirements of these Regulations.

Designation
by Minister

5.-(1) The Minister may, upon the recommendation

of the Committee and, after being satisfied on reasonable grounds that a party has met any of the designation criteria provided under regulation 9, declare such party a designated party.

(2) Upon declaration under subregulation (1), the designated party shall be subjected, without delay, to targeted financial sanctions pursuant to regulations 19, 20, 25 and 26 until such time when the designation is revoked by the Minister.

(3) A designation under this regulation shall not be conditional upon the existence of criminal proceedings and shall proceed *exparte*.

Responsibilities of Committee

6.-(1) The Committee shall-

- (a) recommend to the Minister on designation or delisting of parties;
- (b) initiate the process for designation or delisting of a party within the United Republic;
- (c) analyse received proposals for designation or delisting of parties;
- (d) coordinate and promote effective implementation of targeted financial sanctions;
- (e) set out or review mechanisms for identification of parties for designation and delisting;
- (f) analyse information received from any person, regarding funds or other assets that have been frozen pursuant to the Act and these Regulations;
- (g) monitor the United Nations Sanctions Lists;
- (h) collect or solicit information relating to designations or delisting of parties;
- (i) recommend the Minister on the information on targeted financial sanctions to be published; and
- (j) perform any other function as may be directed by the Minister.

(2) The Committee may-

- (a) set up such subcommittees as it considers necessary to assist it in the discharge of its functions;

(b) co-opt, into any subcommittee, such other persons whose presence, participation, knowledge or skills are necessary to assist it in the discharge of its functions.

(2) The Committee may, for the purpose of subregulation (1), consult and seek from any person or institution or public sector agency that is authorised to conduct investigations to investigate the matter as may be necessary, in order to determine whether on reasonable grounds, there is sufficient evidence to support the designation or delisting of a party.

(3) Notwithstanding any other enactment, where at any time, any person or public sector institution becomes aware of any information relevant to the designated party, shall inform the Secretariat.

Meetings of
Committee

7.-(1) The Committee shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least twice a year.

(2) At any meeting of the Committee, majority number of members shall constitute a quorum.

(3) Where the Chairperson is absent from a meeting of the Committee, the members present shall elect from among themselves any other member to chair the meeting.

(4) The Committee may co-opt any person whose presence or participation is necessary to assist in the discharge of its responsibilities.

(5) The Committee shall regulate its meetings and proceedings in such manner as it may determine.

Secretariat

8. The National Counter Terrorism Center shall be the Secretariat to the Committee and shall discharge such functions as may be necessary to assist the Committee in the performance of its functions.

Criteria for
Domestic
Designations

9. The following criteria are for domestic designation for targeted financial sanction to be considered by the Committee when making recommendation to the

Minister:

- (a) the party has committed or commits a terrorist act, financing of terrorism or financing of proliferation;
- (b) the party has participated in or facilitated, or participates in or facilitates, the commission of a terrorist act, financing of terrorism or financing of proliferation;
- (c) the party has been owned or controlled or is owned or controlled, directly or indirectly, by a designated party;
- (d) the party has acted or is acting on behalf, or at the direction, of a designated party;
- (e) the party has participated or participates in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, a designated party;
- (f) the party has supplied, sold, transferred or supplies, sells or transfers arms or any related material to a designated party;
- (g) the party has recruited or recruits for, or otherwise supports acts or activities of a designated party;
- (h) the party has financed or finances the travel of an individual to a state, other than his state of residence or nationality, for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts, financing of terrorism or financing of proliferation or for the purposes of providing or receiving terrorist training;
- (i) the party has travelled or travels or intends to travel to a state, other than his state of residence or nationality, for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts, financing of terrorism or financing of proliferation or for the purposes of providing or receiving terrorist

- training;
- (j) the party has provided or received or provides or receives terrorist training in the United Republic;
- (k) has been concerned or is concerned in the commission, preparation or instigation of an act of international terrorism;
- (l) the party has been a member of, or belonged to, a designated party;
- (m) the party is a member of, or belongs to, a designated party;
- (n) the party has been considered to be involved in a terrorist act by a foreign state or any organisation;
- (o) the party is subject to the control or influence of any party outside the United Republic and reasonably believed to be involved in the commission, preparation or instigation of an act of international terrorism;
- (p) the party had or has links with a designated party, and it is reasonably believed that the party is a risk to national security;
- (q) the party has committed or commits any offences under the Act;
- (r) the party is or has organised or directed others to commit any of the acts in paragraphs (a) to (m) above or is or has participated in any of those acts as an accomplice; or
- (s) the party has attempted any of the acts in paragraph (a) to (m).

Third party
proposal for
designation

10.-(1) Any country which makes a request to the United Republic to designate a party under these Regulations shall submit such request to the United Republic through the Ministry responsible for foreign affairs.

(2) The Ministry responsible for foreign affairs shall, upon receipt of a request under subregulation (1), immediately without delay, submit the request to the

Minister and the Minister shall, immediately without delay, submit the request to the Committee for a determination as to whether there are reasonable grounds to designate the entity in accordance with regulations 5.

(3) A request under subregulation (1) shall be made in such form and manner as the Minister may determine and the request shall provide-

- (a) as much relevant information as possible on the party proposed to be designated, including sufficient identifying information to allow for the accurate and positive identification of the party;
- (b) a statement containing as much details as possible on the basis for the proposed designation, including specific information to support a determination that the party meets the relevant designation criteria under regulation 9; and
- (c) any other supporting information or documents.

(4) Where the Committee determines that there are reasonable grounds to designate that entity, the Minister shall, without delay-

- (a) make an order designating the person or entity as the case may be;
- (b) make an order freezing the assets of the person of entity;
- (c) circulate the order in accordance with regulation 4(6).

Proposals for
designation
to other
countries

11.-(1) The Minister may request any other country to designate under the laws of that country a party designated under regulation 5.

(2) The Minister may request any other country to give effect to the actions initiated under the freezing mechanism and in doing so, he shall provide as much identifying information and specific information supporting the designation as possible.

(3) The request made under subregulations (1) and (2), shall be communicated through the Ministry

responsible for foreign affairs.

Communicati
ng
designations
and delisting

12.-(1) The Minister shall, immediately without delay, after a designation, delisting or variation of a freezing order is made-

(a) issue a public notice in such manner as he may determine, of such a designation or delisting for enforcement; and

(b) disseminate information to reporting persons, competent authorities, or any other person for enforcement.

(2) In complying with the notice issued under subregulation (1), reporting persons, competent authority or any other person shall report to the Committee without delay, regarding funds or other assets of the designated party.

(3) Where a designation is made under regulations 4 and 5, regulations 19, 20, 25 and 26 shall be applied without delay.

(4) Where a delisting is made, frozen funds or other assets shall be released without delay, and requirements of regulations 19, 20, 25 and 26 shall, without delay, cease to apply.

(5) Any person who fails to comply with the provisions subregulation (2), commits an offence and shall be subjected to the general penalty provided under these Regulations.

Keeping and
updating
sanctions list

13.-(1) The Committee shall keep and maintain an updated list of designated parties and their funds or other assets in such a manner as it may determine.

(2) Any changes made on the list shall be communicated in accordance with regulation 13(1).

Designated
and delisted
parties to be
notified

14.-(1) Where the Minister designates or delists a party under these Regulations, the designated or delisted party shall be issued with a notice.

(2) The notice of designation shall contain-

(a) the grounds for designation;

- (b) the information relied upon in making the designation or delisting;
- (c) details of the designation and any prohibitions imposed by the targeted financial sanctions;
- (d) the right of the designated party to make an application for judicial review in accordance with these Regulations; and
- (e) any other information as the Minister may determine:

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Provided that, the information disclosed by the Minister shall comply with conditions stipulated under the National Security Act.

(3) The notice provided under subregulation (1) shall be served to the designated or delisted party's last known address of residence or business in the United Republic.

Review and
delisting of
designations

15.-(1) A party designated pursuant to a Security Council Resolution as provided in regulation 18 or any other person with a legitimate interest may submit a request for delisting in accordance with requirements of the relevant Security Council Committee.

(2) Subject to subregulation (1), an entity designated pursuant to Resolution 1267/1989 (Al-Qaida) or Resolution 1988 may make a request for de-listing in accordance with subregulations (3), (4) and (5).

(3) A request made by a designated party under Resolution-

(a) 1267/1989 (Al-Qaeda) shall be submitted to the Office of the Ombudsperson through the address specified under Part II of the Schedule or through such other address as may be specified by the Committee; or

(b) 1988, shall be submitted to the Focal Point for De-listing through the address specified under Part II of the Schedule or through such other address as may be specified by the Committee.

(4) A request for de-listing under subregulation (1) may be made on behalf of the designated person by his or

her legal representative or estate.

(5) The Office of the Ombudsperson or Focal Point for De-listing shall, upon receipt of a request under subregulation (3), determine the request in accordance with the applicable procedures set out under the relevant Security Council Resolutions.

(6) A party designated under regulation 5 or any other person with a legitimate interest may submit an application for de-listing by filing a petition to the Minister who shall determine the request without delay.

(7) An application made under subregulation (6) may be made based on the following grounds-

- (a) mistaken identity;
- (b) relevant and significant change of facts or circumstances including the inclusion of the applicant in a witness protection program;
- (c) the death dissolution or liquidation of a designated entity; or
- (d) any other circumstance which would show that the basis for designation no longer exists.

(8) Where the Committee recommends that the name of a designated party appearing on a sanctions list be deleted, the Minister shall, within twenty-four hours of such recommendation being made, notify all relevant persons of such deletion directing them to delete that name from the list circulated to them.

(9) A notification under subregulation (8) shall have the effect of revoking the freeze order and other sanctions imposed against the designated party whose name is deleted from the list.

(10) The Minister shall, within a year after the designation is made and at least once every year, review each designation in order to determine whether it continues to meet the designation criteria.

(11) Where the Minister determines that a designation no longer meets the designation criteria, he shall delist the designated party.

(12) Upon the Minister delisting a designated party or upon receiving communication from the Security

Council on delisting of a party, he shall communicate the delisting in accordance with regulation 12 and inform the designated party in accordance with regulation 14.

Delisting
requests for
dead or
defunct
parties

16.-(1) Where a designated party is a citizen of United Republic or resident of United Republic or is incorporated or registered in United Republic and is confirmed to be dead or defunct, as the case may be, the Minister shall, through the United Republic Mission to the United Nations, submit a request for the delisting of that party.

(2) When submitting a request for delisting to the relevant United Nations, the Minister shall follow such procedures as prescribed by Security Council.

Judicial
review

17. A party designated by the Minister may apply for a judicial review of the designation to the Court.

Proposing to
Security
Council
parties for
designation

18.-(1) The Minister may, upon the recommendation of the Committee, request the relevant Committee of the United Nations Security Council to designate a party pursuant to any Security Council Resolution.

(2) In submitting details of the designated party to the relevant Committee of the United Nations Security Council for listing pursuant to subregulation (1), the Minister shall-

- (a) follow procedures provided by the relevant committee, including using standard forms for listing, as may be adopted pursuant to the Security Council;
- (b) provide relevant information on the proposed party including -
 - (i) sufficient identifying information of the party and including the following:
 - (aa) the name and any alias or title of the party;
 - (bb) the place and date of birth, establishment or incorporation;

- (cc) the original or acquired nationality;
- (dd) passport numbers, identity card numbers or registration number;
- (ee) gender;
- (ff) physical and postal addresses;
- (gg) occupation;
- (hh) telephone number; and
- (ii) any other information which the Committee may consider relevant.
- (ii) a statement of facts which contains details on the basis for the listing, including specific information supporting a determination that the party meets the relevant listing criteria, the nature of the information, supporting information or documents that can be provided, and details of any connection between the proposed party and any currently designated party; and
- (iii) such other relevant information as may be required by the Security Council.

PART III TARGETED FINANCIAL SANCTIONS

Prohibition of dealing in funds or other assets of designated party

19.-(1) A person shall not deal directly or indirectly with funds or other assets of a designated party including-

- (a) economic resources, or financial or other related services, wholly, jointly, or are for the benefit of designated persons and entities or entities owned or controlled, directly or indirectly, by designated persons or entities; and persons and entities acting on behalf of, or at the direction of, designated persons or entities, unless such designated person or entity is licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolution;

(b) funds or other assets derived or generated from funds or other assets owned or controlled, directly or indirectly, by the designated party; and

(c) funds or other assets that are wholly or partly owned by a person acting on behalf, or at the direction, of a designated party.

(2) The prohibition under subsection (1) shall apply without delay and without prior notice.

(3) The funds and assets referred to in subregulation (1) shall not be limited to those that can be tied to a particular terrorist or proliferation act, plot or threat.

(4) Where a prohibition is in force, nothing shall prevent-

(a) interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to freezing provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen provided that any such interest, earnings and payments continue to be subject to freezing;

(b) making any payment due under a contract entered into prior to the listing of such person or entity, provided that the Minister, upon recommendation of the Committee, has determined that-

(i) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in UNSCR 2231 and any future successor resolutions;

(ii) the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B

- to UNSCR 2231; and
- (iii) the United Republic of Tanzania has submitted prior notification to the Security Council of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorisation.

(5) Any person who contravenes any provision of this regulation commits an offence and shall be subject to administrative penalty as the FIU or regulator may deem proportionate and dissuasive; or to a criminal action and on conviction, be liable-

- (a) in the case of a natural person, to a fine of not less than five hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of twelve months;
- (b) in the case of legal person or legal arrangement, to a fine of not less than five million shillings but not exceeding ten million shillings.

Prohibition on making funds or other assets and services available to designated party

20.-(1) A person shall not make available, any funds or other assets or financial or other related services directly or indirectly, wholly or in part, to or for the benefit of-

- (a) a designated party;
- (b) a party acting on behalf, or at the direction, of a designated party; or
- (c) an entity owned or controlled, directly or indirectly, by a designated party,

unless authorised by the Minister or by the Security Council.

(2) The Minister shall order, reporting persons and any other person in possession of funds or other assets of the designated party or any person acting on behalf of, or at the direction of, or for the benefit of, or controlled by a designated party, to freeze without prior notice and without

delay, such funds or other assets.

(3) Funds and other assets referred to in this regulation shall include-

- (a) all funds or other assets that are owned or controlled by the designated person or entity, and which are not limited to those that can be tied to a particular terrorist or proliferation act, plot or threat;
- (b) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
- (c) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities; and
- (d) funds or other assets of persons and entities acting on behalf of, or at the direction of, designated persons or entities.

(4) Upon freezing under subregulation (2), reporting persons and any other person shall inform the Minister without delay the freezing of the funds or other assets.

(5) Any person who contravenes any provision of this regulation commits an offence and shall be subjected to the penalties prescribed under section 27A of the Act.

(6) Competent authorities shall be responsible for the implementation and enforcement of targeted financial sanctions.

Application
for variation
of freezing
order

21.-(1) A party designated by the Minister under these Regulations may file a petition to the Minister for variation of the freezing order in order to use funds or other assets, or any part thereof, necessary for ordinary or extraordinary expenses.

(2) A party designated by the Security Council may apply to the Security Council for variation of the freezing order in order to use funds or other assets, or any part thereof, necessary for ordinary or extraordinary expenses in accordance with the procedures of Security

Council.

Rights of
bona fide
third parties

22.-(1) Any freezing order granted under these Regulations shall apply without prejudice to the rights of *bona fide* third parties.

(2) Any person who has an interest in any funds or other assets which is subject to a freezing order granted under these Regulations may apply to the Court to exclude his interests from the freezing order.

(3) The Court shall grant an application made under subregulation (2) where it is satisfied that-

- (a) the applicant has a legitimate legal interest in the funds or other assets;
- (b) no participation, collusion or involvement with respect to a terrorist act or financing of terrorism or financing of proliferation which is the subject of the proceedings can be imputed to the applicant;
- (c) the applicant was unaware and was ignorant of the illegal use of the funds or other assets or had refused the funds or other assets to be used for the purposes that led to the freezing order;
- (d) the applicant did not acquire any right in the funds or other assets from a designated party that gives rise to a reasonable inference that the right was transferred for the purpose of avoiding the eventual subsequent freezing of the funds or other assets; and
- (e) the applicant did all that could reasonably be expected to prevent the illegal use of the funds or other assets.

(4) The Minister on receipt of an order from the Court varying a freezing order, shall communicate the order without delay and any party involved shall comply without delay pursuant to regulation 13.

(5) For the purpose of this regulation, the Court shall, where required, examine, in camera, and in the absence of the designated party, any security or intelligence reports or other information or evidence

considered by the Minister and these reports, information or evidence shall not, for security reasons, be disclosed to any other person, including the designated party or their legal representatives.

Appointment
of
administrator
of funds or
other assets

23.-(1) Where, pursuant to regulation 19 or 20 there is prohibition to use funds or other assets of a designated party and the Minister is satisfied that any of the funds or other assets need to be managed, the Minister may appoint an administrator to manage those funds or other assets.

(2) The Minister may determine the remuneration of the administrator which shall be paid from funds or other assets of the designated party or from any other source.

(3) Subject to subregulation (1), an administrator shall manage the funds or other assets in good faith and exercise due care, diligence and skills that a reasonable person would exercise in comparable circumstances.

Application
for redress in
cases of
mistaken
identity

24.-(1) Any party that is designated pursuant to a Security Council Resolution pursuant to regulation 18 but believes to be falsely identified may apply for redress to the Security Council in accordance with the procedures of the Security Council.

(2) Any party designated by the Minister under these Regulations, but believes to be mistakenly identified may apply for redress to the Minister.

(3) The Minister may, upon the advice of the Committee and being satisfied with the grounds of the application under this regulation, consider the application and revoke the designation.

(4) Upon the Minister revoking the designation, he shall delist the designated party and communicate the decision accordingly.

PART IV ARMS EMBARGO AND TRAVEL BAN

Imposition of
arms embargo
on designated
parties

25. Any person who supplies, sells or transfers, directly or indirectly, to a designated party, arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned as well as technical advice, assistance, or training related to military activities, whether this conduct is carried out from United Republic or by United Republic nationals living abroad or by anyone using flag vessels or aircraft from United Republic, commits an offence.

Imposition of
travel ban on
designated
persons

26.-(1) A designated party other than a designated party who is a citizen of United Republic or resident of United Republic, shall not be allowed entry into, or transit through, United Republic.

(2) Notwithstanding subregulation (1), where there are reasonable grounds to allow a party designated by the Security Council entry into or transit through United Republic, the Minister may allow that party entry into, or transit through, United Republic.

(3) Any person who contravenes any provisions of this regulation commits an offence.

PART V MISCELLANEOUS PROVISIONS

Powers to
collect or
solicit
information

27. The Committee or an institution that is assigned to investigate a possible designation, delisting or to perform any other task pursuant to these Regulations, shall be furnished with all the required information including confidential information in order to accomplish that task.

Immunity

28. The Minister, a member of the Committee, an officer of the Secretariat, a member of any subcommittee or any other person shall not incur any criminal, civil or administrative liability in respect of any act done or omitted to be done in good faith in the discharge of their functions or exercise of its or his powers under these

Regulations.

Confidentiality

29.-(1) Subject to Regulation 27, a person shall not communicate to any other person any matter which comes to his knowledge in the discharge of his functions under these Regulations, except for the purpose of administering these Regulations or where he is required to do so by law.

(2) Any person who contravenes provisions of this regulation commits an offence.

Compliance with United Nations Conventions and Security Council Resolutions

30. The provisions of the Act and these Regulations shall be in addition to, and not in derogation from, the Convention for the Suppression of the Financing of Terrorism or any international convention or protocol or the Resolutions and successor Resolutions specified in Part III of the Schedule to these Regulations.

General penalty

31. Any person who contravenes these Regulations where no specific penalty is provided, that person shall, on conviction in the case of-

- (a) an individual person, be liable to a fine not exceeding five hundred million shillings but not less than one hundred million shillings or be ordered to pay three times the amount of money involved or market value of the property, whichever amount is greater or to a term of imprisonment not exceeding five years;
- (b) a body corporate, be liable to a fine of not less than five hundred million shillings or be ordered to pay three times of the amount of money involved or market value of the property, whichever amount is greater.

(2) For the purposes of subsection (1)(b), every director, manager or principal officer and member of the board of directors of the company shall be deemed to have committed the offence.

Revocation
GN. No.
7 of 2014

32. The Prevention of Terrorism (General) Regulations, 2014 is hereby revoked.

SCHEDULE

(Made under regulations 15 and 30)

PART I
LIST OF INTERNATIONAL TERRORISTS, TERRORIST GROUPS AND
PROSCRIBED ORGANIZATIONS

The following organizations are declared as Suspected International Terrorist Groups;

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

PART II
ADDRESSES FOR DE-LISTING REQUESTS

Office of the Ombudsperson

Room TB-0804ID
United Nations
New York, NY 10017
United States of America
Tel: +1 212 963 2671
Fax: +1 212 963 1300/3778
E-mail: ombudsperson@un.org

Focal Point for De-listing
Security Council Subsidiary Organs Branch
Room TB-08041 B
United Nations
New York, N.Y. 10017
United States of America
Tel. +1 917 367 9448
Fax. +1 212 963 1300/3778
Email: delisting@un.org

PART III
APPLICABLE CONVENTIONS, PROTOCOLS AND UN SECURITY COUNCIL'S
RESOLUTIONS

1. Convention for the Suppression of the Financing of Terrorism;
2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 (The Hague Convention 1970);
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971);
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);

Prevention of Terrorism (General) Regulations

GN. NO. 379 (Contd)

5. International Convention against the Taking of Hostages (1979);
6. Convention on the Physical Protection of Nuclear Material (1980);
7. Protocol for 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 (1988);
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005);
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005);
10. International Convention for the Suppression of Terrorist Bombings (1997);
11. International Convention for the Suppression of the Financing of Terrorism (1999);
12. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;
13. International Convention for the Suppression of Acts of Nuclear Terrorism, signed in New York on 14 September 2005;
14. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft;
15. 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation
16. 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft;
17. 2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft;
18. 2005 Amendments to the Convention on the Physical Protection of Nuclear Material;
19. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
20. 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
21. 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf;

UNITED NATIONS SECURITY COUNCIL RESOLUTIONS

1. United Nations Security Council Resolution 1267 (1999);
2. United Nations Security Council Resolution 1373 (2001);
3. United Nations Security Council Resolution 1718 (2006);
4. United Nations Security Council Resolution 1874 (2009);
5. United Nations Security Council Resolution 1989 (2011);
6. United Nations Security Council Resolution 2087 (2013);
7. United Nations Security Council Resolution 2094 (2013);
8. United Nations Security Council Resolution 2231 (2015) and includes any listing under this resolution;
9. United Nations Security Council Resolution 2270 (2016);
10. United Nations Security Council Resolution 2321 (2016);
11. United Nations Security Council Resolution 2356 (2017);

and Successor resolutions to all the above resolutions, if any and any future United Nations Security Council resolutions under Chapter VII of the Charter of the United Nations, which impose targeted financial sanctions in the context of terrorism, terrorist financing, proliferation or the financing of proliferation of weapons of mass destruction.

12. United Nations Security Council Resolution 751 (1992);
13. United Nations Security Council Resolution 1518 (2003);
14. United Nations Security Council Resolution 1533 (2004);
15. United Nations Security Council Resolution 1540 (2004);
16. United Nations Security Council Resolution 1591 (2005);
17. United Nations Security Council Resolution 1636 (2005);
18. United Nations Security Council Resolution 1970 (2011);
19. United Nations Security Council Resolution 1988 (2011);
20. United Nations Security Council Resolution 2048 (2012);
21. United Nations Security Council Resolution 2127 (2013);
22. United Nations Security Council Resolution 2140 (2014);
23. United Nations Security Council Resolution 2206 (2015); and
24. United Nations Security Council Resolution 2374 (2017).

Dodoma,
29th April, 2022

HAMAD Y. MASAUNI
The Minister of Home Affairs