

**SUBSIDIARY LEGISLATION**

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**THE PREVENTION OF TERRORISM ACT  
(CAP.19)**

**THE PREVENTION OF TERRORISM REGULATIONS, 2012**

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THE PREVENTION OF TERRORISM ACT  
(CAP. 19)

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*(Made under sections 6, 12 and 48)*

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THE PREVENTION OF TERRORISM REGULATIONS, 2012

PART I  
PRELIMINARY PROVISIONS

- Citation                    **1.** These Regulations may be cited as the Prevention of Terrorism Regulations, 2012.
- Application                **2.** These Regulations shall apply to Mainland Tanzania as well as Tanzania Zanzibar.
- Interpretation            **3.** In these Regulations unless the context require 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” shall have 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 preventing their use, alteration, movement, transfer or access;
- (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” shall have a meaning ascribed to it under the Act;
- “group or entity” means a person, group, trust, partnership, or an unincorporated association or organization;

Cap. 322

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

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

“Minister” means a Minister responsible for Home Affairs;

“property” shall have a meaning ascribed to it under the Act; and

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

PART II

IDENTIFICATION OF SUSPECTED INTERNATIONAL TERRORISTS AND TERRORIST ASSETS

Duty to disclose information to the police or FIU

- 4.** Any person who has information-
- (a) which may assist in identifying suspected international terrorist;
  - (b) about the existence of property in possession or control that he has reasons to believe is owned or controlled by or on behalf of suspected international terrorist groups; or
  - (c) about any transaction or proposed transaction in respect of property referred to in paragraph (b),
- shall disclose that information to the Police or FIU without delay.

Duty to disclose information relating to transactions with no apparent or lawful purpose

- 5.-(1)** Every accountable entity shall report to the Police or FIU any unusual or large transactions which have no apparent economic or lawful purpose.
- (2) Where the Accountable entity has reported a transaction under sub regulation (1) it shall keep a record of that transaction for a period of at least five years.

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(3) Where the Police or FIU requests for information of the transaction under sub-regulation (1), that entity shall provide such information or a report of the transaction, as the case may be, with details of parties involved in such transaction.

(4) An accountable entity which has in its possession or under its control a property owned or controlled by, or on behalf of, or at the direction of-

(a) any entity which has committed or attempted to commit or facilitated the commission of a specified offence; or

(b) a specific entity identified in a notice issued by the Minister acting under this or any other law shall, in every three months, report that act and the particulars of the fact to the Inspector General of Police or Commissioner of FIU.

(5) Upon receipt of the report, the Inspector General of Police or Commissioner of FIU shall direct an accountable entity under sub-regulation (1) to report-

(a) at such intervals as may be determined in the direction, that it is still in possession or control of the property in respect of which the report under sub-regulation (3) has been made; and

(b) any change in the circumstances concerning the accountable entity's possession or control of that property.

(6) Any person who fails, within the prescribed period, to report to the Inspector General of Police or Commissioner of FIU the information referred to in sub-regulation (2) or to make a periodic report pursuant to sub-regulation (5), commits an offence and on conviction shall be liable to imprisonment for a term of not less than two years and not exceeding five years.

Obligation to report

**6.-(1)** A person who carries on a business or is in charge of, or manages a business or employed in a business and knows or reasonably ought to have known or suspected that -

(a) the business has received or is about to receive a property which is connected to an offence relating to the financing of terrorism or related activities;

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(b) a transaction or series of transactions to which the business is a party-

- (i) facilitated or is likely to facilitate the transfer of property which is connected to an offence relating to the financing of terrorism or related activities;
  - (ii) has no apparent business or lawful purpose; or
  - (iii) is conducted in contravention of the Act or these Regulations;
- (c) the business has been used or is about to be used in a way to facilitate the commission of an offence relating to the financing of terrorism or related activities within the prescribed period, shall report the matter to the Police or FIU.

(2) Any person who fails to report the matter under sub-regulation (1) to the Police or FIU, commits an offence and on conviction shall be liable to imprisonment for a term of not less than two years but not exceeding five years.

Prohibition of tipping-off

7.-(1) A person acting under these Regulations shall not disclose to or warn any person involved in a transaction which is being or has been acted upon or to unauthorized third party that-

- (a) information was provided to the police or any other relevant authority;
- (b) a report concerning suspected financing of terrorism will be, or is being or has been submitted to the police or any other relevant authority; or
- (c) financing of terrorism investigation is being or has been carried out.

(2) The provision of sub-regulation (1) shall not be construed as to preclude the disclosure or communications of information regarding suspicious financing of terrorism or related activities between officers and employees of an accountable entity.

(3) Any person who contravenes any provisions of this regulation commits an offence and shall, on conviction, be liable to imprisonment for a term not less than twelve months.

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Powers of  
police in  
respect of  
reports

**8.** Where the Police officer receives a report under these Regulations and has reasonable grounds to suspect that a transaction or a proposed transaction may involve the proceeds of terrorism activities or property which is connected to an offence relating to the financing of terrorism or related activities, the Inspector General of Police may, in writing direct the accountable entity, reporting institution or the person, not to proceed with the transaction or proposed transaction for such a period as may be determined in the order to allow the Police -

- (a) to make necessary inquiries concerning the transaction and take necessary action; and
- (b) if the Inspector General of Police deem it appropriate, to advise the Minister on the appropriate action to be taken.

Reporting duty  
and obligations  
to provide  
information

**9.-(1)** The accountable entity, supervisory body, or the revenue authorities or any other person shall have no duty of secrecy or confidentiality or any other restriction on the disclosure of information under these Regulations.

(2) The provision of sub-regulation (1) shall not apply to the common law right to legal professional privilege between an attorney and his client in respect of communication made and information obtained in confidence between -

- (a) the attorney and his client for the purposes of legal advice or litigation which is pending or contemplated or which has commenced; or
- (b) a third party and an attorney for purposes of litigation which is pending or contemplated or has commenced.

Protection of  
persons making  
reports

**10.-(1)** No action, whether criminal, civil, disciplinary or administrative shall lie against an accountable entity, or any other person complying in good faith with any provisions of these Regulations including any director, employee or any other person acting on behalf of that accountable entity or such other person.

(2) A person who has made disclosure, or a report under regulation 5 and 7 or who has furnished additional information concerning such information or a report in terms

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of provisions of these Regulations is competent, but not compellable, to give evidence in criminal proceedings arising from the report.

(3) No evidence concerning the identity of the person referred to under sub-regulation (1) is admissible as evidence in criminal proceedings unless that person testifies to those proceedings.

**PART III**  
**DECLARATION OF SUSPECTED INTERNATIONAL TERRORISTS, TERRORIST GROUPS AND PROSCRIBED ORGANISATIONS**

Suspected  
International  
terrorists

**11.**-(1) A person may be declared to be a suspected international terrorists if-

- (a) the Minister reasonably suspects that the person-
    - (i) is or has been involved in the commission, preparation or instigation of acts 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 he 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) that person is considered as a person involved in international terrorist acts by international organization.
- (2) A group shall be declared 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 it is concerned in the Commission, preparation or instigation of acts or international terrorism;
  - (b) is listed as a group or entity involved in terrorist acts in accordance with 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



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(c) is approved and published in the *Gazette* as a group or entity involved in international terrorist acts.

(3) In making the decision under sub regulations (1) and (2), the Minister shall take into consideration the following-

- (a) information furnished by the police or any other security organ to the Minister;
- (b) information received from a state or other international organization; or
- (c) legal advice given to him by the Attorney General.

(4) Where the Minister declares an individual or group of persons to be suspected international terrorist, he shall cause within thirty days a list of declared individuals be published in the Government *Gazette*.

Proscribed organizations

**12.**-(1) The Minister may declare:

(a) a group of persons or organization to be a proscribed organization if such persons or that organization associates or engages in any act for the purpose of:

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

(b) any person who associates or engages with a proscribed organization to belong to a proscribed organization.

(2) A person who belongs, or professes to belong, to a proscribed organization commits an offence.

Notification of declaration

**13.**-(1) Where the Minister declare a person he shall-

(a) give written notice of the declaration to the declared person, and

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- (b) take steps to publicize the declaration.
- (2) The Minister shall, in publicizing the declaration under paragraph (b), take into consideration the following conditions-
  - (a) age of a declared person, where the declared person is an individual under the age of eighteen (18), or
  - (b) need to restrict disclosure of information in the interest of national security;
  - (c) reasons connected with the prevention or detection of serious crime; or
  - (d) for the interests of justice.

Confidential  
information

- 14.**-(1) The Minister may inform certain persons of a declaration and specify that information contained in that declaration is to be treated as confidential.
  - (2) A person who-
    - (a) is provided with information that is to be treated as confidential in accordance with sub-regulation (1); or
    - (b) obtains such information, shall not, subject to sub-regulation (3), disclose it.
  - (3) The prohibition in sub-regulation (2) does not apply to any disclosure made by that person with lawful authority.
  - (4) For the purpose of this regulation, information is disclosed with lawful authority only if and to the extent that-
    - (a) the disclosure is by, or is authorized by the Minister;
    - (b) the disclosure is by or with the consent of the declared person;
    - (c) the disclosure is necessary to give effect to a requirement imposed under or by virtue of this Part or any other enactment; or
    - (d) the disclosure is required, under rules of court, tribunal rules or a court or tribunal order, for the purposes of legal proceedings of any description.
  - (5) This regulation does not prevent the disclosure of information that is already, or has previously been, available to the public from other sources.

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(6) A person who contravenes the prohibition in sub-regulation (2) commits an offence and shall on conviction be sentenced to five years imprisonment.

Notice to  
accountable  
entities

**15.**-(1) Where the Minister declares a person or group of persons to be a suspected international terrorist under section 12(1) and (2) of the Act, the Inspector General of Police or Commissioner of FIU shall immediately after declaration, give notice of the declaration to the accountable entities listed in Part II of the Schedule to these Regulations or any other entity holding or likely to hold the property of the declared person.

(2) The Minister may, immediately after receiving information with respect to person or group of person to be declared, instruct accountable entities to suspend any transaction, use, transfer, access of any funds or properties owned by or derived from the property of such a person or group of person.

Variation or  
revocation of  
declaration

**16.**-(1) The Minister may vary or revoke a declaration at any time. (2) Where a declaration is varied or revoked, the Minister shall-

- (a) give written notice of the variation or revocation to the declared person; and
- (b) take such steps as he consider appropriate to bring the variation or revocation to the attention of the persons informed of the declaration.

PART IV

FREEZING AND PROHIBITING DEALING IN FUNDS OR OTHER ASSETS OF  
DECLARED ENTITIES

Freezing of  
funds or other  
assets

**17.**-(1) Any accountable entity which has in its possession or under its control the funds, property, financial assets or other economic resources owned or controlled directly or indirectly by any person or entity to whom a declaration is made by the Minister under this Act shall immediately after the declaration freeze those funds, properties, financial assets or economic resources.

(2) An accountable entity which has frozen funds or other assets under sub-regulation (1) shall report, every three

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months, to the Commissioner of FIU that it is still in possession or control of the property, and provide information and particulars relating to the persons, accounts and transactions involved and the total value of the property.

Prohibition from entering the United Republic of Tanzania

**18.** Any person declared by the Minister under regulation 11 to be a terrorist or belonging to a terrorist group, is prohibited from entering the United Republic.

Prohibition in dealing with declared persons

**19.**-(1) No person shall knowingly-

(a) deal directly or indirectly in any property 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 in paragraph (a);

(c) directly or indirectly supply, sell and transfer to a declared person arms, weapons, ammunitions, military vehicles and equipments, Para-military equipments, spear 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) Every 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 shall on conviction, be liable to imprisonment for a term not exceeding five years.

(3) The prohibitions under this regulation are not contravened by a relevant institution crediting a frozen

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account with-

- (a) interest or other earnings due on the account; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the account became a frozen account.
- (4) Notwithstanding the provision of sub-regulations (3), the prohibition shall not prevent an accountable entity from crediting a frozen account where it receives funds transferred to the account.

**PART V**

**INSTITUTIONAL COOPERATION AND EXCHANGE OF INFORMATION**

Coordination of activities related to investigation and freezing

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

Provision of information to foreign states

**21.**-(1) The Principal Commissioner of Immigration may communicate or provide information to the competent authority in a foreign state relating to persons entering or leaving the United Republic in the manner provided under section 45 of the Act, if-

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

Request from United Nations, etc

**22.** 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 anybody authorized by law to supervise and regulate the activities of relevant accountable entity may request the relevant accountable entity to provide such information or report.

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PART VI  
REVIEW, DELISTING AND DEFREEZING

Review of  
decisions by  
the Court

**23.**-(1) A person aggrieved by the decision of the Minister taken under these Regulations may apply to the High Court for the decision to be set aside.

(2) Where the Court is satisfied, on balance of probabilities that-

- (a) there was no reasonable grounds for declaration under regulation 11;
- (b) the property involved is not owned, controlled by, or on behalf of, a terrorist group; or
- (c) the property were inadvertently included, may vary, revoke or set aside the declaration or freezing order.

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

Defreezing of  
properties

**24.**-(1) The Minister shall, having received information on 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.

(2) The words “defreeze properties” referred to under this regulation means the “properties frozen under regulations 16.

Delisting of the  
entity declared  
as  
Terrorist Group

**25.** A person or entity declared by the Minister as a suspect terrorist under these Regulations may be delisted if-

- (a) an order has been given by a court of competent jurisdiction to that effect; or
- (b) the entity has been delisted from the list provided pursuant to the Resolution of the United Nations Security Council or any instrument of the international community.

Delisting  
Procedure

**26.**-(1) Where a person declared by the Minister as suspected international terrorist or terrorist group pursuant to regulation 11(1)(b) or 11(2)(b) is aggrieved by the Minister’s decision, that person may file a petition to the Minister in

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writing to be removed from the list of the declared persons.

(2) The Minister may, upon receiving the petition under sub-regulation (1) of this regulation, forward that Petition to the relevant United Nations Security Council Committee and notify the petitioner, of the steps taken.

(3) A petitioner may not submit another petition under sub regulation (1), unless there has been a material change in circumstance since the time when the last petition was submitted.

**PART VII**  
**GENERAL PROVISIONS**

Duration of  
declaration

**27.**-(1) A declaration expires at the end of the period of three years beginning with the date on which it was made, unless it is renewed.

(2) The Minister may renew a declaration at any time before it expires, if the requirements in regulation 12 continue to be met.

(3) A renewed declaration expires at the end of the period of three years beginning with the date on which it was renewed (or last renewed), unless it is renewed again.

(4) The provisions of regulation 19 shall apply where a declaration is renewed or further renewed as in relation to the original making of a declaration.

(5) Where a declaration expires the Minister shall—

- (a) give written notice of that fact to the declared person, and
- (b) take such steps as they consider appropriate to bring that fact to the attention of the persons informed of the declaration.

List of  
suspected  
international  
terrorists,  
terrorist groups  
and proscribed  
organizations

**28.** Any persons, group of persons or organizations prescribed in the first part of the Schedule to these Regulations shall be known as a list of suspected international terrorists, terrorist groups, or proscribed organizations declared by the minister in accordance with these Regulations.

Revocation of  
GN No. 361 of  
2011

**29.** The Prevention of Terrorism (General) Regulations, 2011 is hereby revoked.

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SCHEDULE

*(Made under regulation 28)*

PART I

1. 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

*(Made under regulation 3)*

2. LISTS OF ACCOUNTABLE ENTITIES

- 1. An attorneys, notaries and other independent legal professionals.
- 2. A board of executors or a trust company or any other person that invests, keeps in safe custody, controls or administers trust property.
- 3. An estate agent.
- 4. A financial instrument trader.
- 5. A registered management company.
- 6. A person who operate banking business.
- 7. A mutual bank.
- 8. A person who carries on a 'long-term insurance business', including an insurance broker and an agent of an insurer.
- 9. A person who carries on a gambling business.
- 10. A person who operates a foreign exchange business.
- 11. A person who lends money against the security of securities.
- 12. A person who carries on the business of rendering investment advice or investment broking services, including a public account.
- 13. A person who issues, sells or redeems travelers' cheques, money orders or similar instruments.
- 14. A member of a licensed stock exchange.
- 15. A person who remits money.

Dar es Salaam,  
24<sup>th</sup> August, 2012

EMMANUEL J. NCHIMBI,  
*Minister for Home Affairs*