

Suppression of Foreign and International Terrorism (Application
of UNSCR 1267 of 1999, UNSCR 1373 of 2001 and Successor
UNSCRs) Regulations, 2014

WHEREAS Zimbabwe is a member of the United Nations and in pursuit of its commitment to International Peace and Security as enunciated under the Charter of the United Nations, has enacted the Suppression of Foreign and International Terrorism Act [*Chapter 11:21*] (No. 5 of 2007), which authorises the Minister to make regulations for the purpose of implementing the provisions of the Act and the relevant United Nations Security Council Resolutions;

RECOGNISING that UNSCR 1267 (1999) and all the current and future successor resolutions including 1333 (2000), 1363 (2001), 1390 (2002) 1452 (2002) 1455 (2003), 1526 (2004) 1617 (2005), 1730 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011) and 2083 (2012) require all member states to apply targeted financial sanctions in order to freeze assets, prevent the entry into, or the transit through their borders and prevent the direct and indirect supply, sale and transfer of arms and military equipment by any individual or entity designated by third party or foreign countries or individuals or entities associated with Al Qaeda, Osama bin Laden, or the Taliban as designated by the United Nations Security Council's Al Qaeda and Taliban Sanctions Committee;

NOTING that by Resolution 1988 (2011) the United Nations Security Council split the Al-Qaeda and Taliban regime into two groups, thus providing separately for measures to implement an Al-Qaeda Sanctions to be coordinated by the 1267 Sanctions Committee while a country specific Afghanistan regime relating to the sanctions against the Taliban is now co-ordinated by the 1988 Sanctions Committee;

DETERMINED that in order to establish a procedure for the implementation of the requirements of the UNSCR 1267 (including the UNSCR 1989 as it affects Al Qaeda), UNSCR 1988 and 1373 (2001) in Zimbabwe it is necessary to designate the Bank Use Promotion and Suppression of Money Laundering

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Unit as the national agency responsible for the implementation
of these regulations;

RECOGNISING the binding nature of the UNSCRs and in conformity
with international standards and the Suppression of Foreign
and International Terrorism Act [*Chapter 11:21*] (No. 5 of
2007), these regulations are aimed at providing for authorities,
measures and procedures necessary for the implementation of
the UNSCRs described below;

NOW, THEREFORE, it is hereby notified that the Minister of Home
Affairs, has, in terms of section 17 of the Suppression of Foreign
and International Terrorism Act [*Chapter 11:21*] (No. 5 of
2007), and with the consent of the President as required under
subsection (2) of that section, made the following regulations: —

PART I

PRELIMINARY

Title

1. These regulations may be cited as the Suppression of Foreign
and International Terrorism (Application of UNSCR 1267 of 1999,
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Interpretation

2. In these regulations —

“Act” means the Suppression of Foreign and International
Terrorism Act [*Chapter 11:21*] (No. 5 of 2007);

“Chief Immigration Officer”, shall have the meaning
assigned to it in terms of section 2 of the Immigration
Act [*Chapter 4:02*];

“competent supervisory authority”, “financial institution” and
“designated non-financial business or profession” have
the meaning given to them in the Money Laundering
and Proceeds of Crime Act [*Chapter 9:24*] (No. 4 of
2013);

“designated person” means any suspected terrorist, international terrorist or an international terrorist group;

“Director” means the director of the Unit;

“economic resources” means assets of whatever type; whether tangible or intangible, movable or immovable, real or personal, including assets which are not considered as money but can be used to obtain any monies, commodities or services;

“freeze” means to prohibit the transfer, conversion, disposition, alteration, use of or dealing with funds in any way that would result in change of volume, amount or location, ownership or possession, character, destination or movement of funds or other assets on the basis of and for the duration of or the validity of an action initiated by a competent authority or a court under a freezing mechanism:

Provided that the frozen funds or other assets remain the property of the person or entity that held an interest in the specified funds or other assets at the time of the freezing and may continue to be administered by the financial institution of an action under a freezing mechanism; and “frozen” shall be similarly construed;

“funds” or “other assets” means financial assets, property or every kind, whether tangible or intangible, movable or immovable, however acquired and legal documents or instruments in any form, including electronic or digital, evidencing title to or interest in such funds or other assets, including, but not limited to bank credits, travellers’ cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets;

“immediately” means spontaneous, instantly, rapid, straightaway, take action in a timely manner, without delay but not later than 24 hours;

“institution” means financial institutions and designated non-financial institutions as defined in these Regulations or any other law;

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“international resolutions” means the United Nations Security Council Resolutions No. 1267(1999), 1333(2000), 1373(2001), 1390(2002), 1452(2002), 1455(2003), 1526(2004), 1617(2005), 1735(2006), 1822(2008), 1904(2009) and other relevant successor Resolutions;

“international terrorists group” shall have the meaning assigned to it by—

- (a) the Act; or
- (b) by the United Nations Security Council Sanctions Committee;

“Minister” means the Minister responsible for administering the Act;

“proceeds” means property derived from or obtained, directly or indirectly through the commission of an offence;

“property” means assets of every kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible and legal documents or instruments evidencing title to or interest in such assets;

“Prosecutor-General” means the Prosecutor-General appointed in terms of section 259 of the Constitution;

“unit” means the Bank Use Promotions and Suppression of Money Laundering Unit established in terms of section 3 of the Bank Use Promotion Act [Chapter 24:24] (No. 2 of 2004);

“UNSCRs” means any United Nations Security Council Resolutions made by the United Nations Security Council.

Purpose

3. These regulations—

- (a) prescribe the procedure for the freezing of funds, financial assets or other economic resources of any designated person; and
- (b) provide for the authority responsible for proposing and designating persons under the various UNSCRs; and

- (c) stipulate the type of financial or other related services which may not be provided to a designated person; and
- (d) prescribe conditions and procedure for utilization of frozen funds, or economic resources; and
- (e) prohibit the making of frozen funds or economic resources available to designated persons; and
- (f) provide for measures to prevent entry into, exit from or transit through Zimbabwean borders and prevent the direct or indirect supply, sale and transfer of arms and military equipment with regard to any individual or entity associated with Al-Qaeda, Osama bin Laden, The Taliban or listed in the Zimbabwean List; and
- (g) designate the Unit for the purpose of proposing and designating persons and entities as terrorists within the framework of the Zimbabwean legal regime; and
- (h) provide guidelines for the effective implementation of the UNSCRs.

Scope

4. (1) These regulations shall apply to—

- (a) designated persons or entities contained in the Consolidated List of the United Nations 1267 and 1988 Sanctions Committees (the UN Consolidated List as amended from time to time) or any other such UN Sanctions Committee;
- (b) designated persons and entities under UNSCR 1373 forwarded by a third party, international organisation or foreign country to Zimbabwe;
- (c) designated persons or entities approved by the Unit under the Zimbabwean List; and
- (d) all law enforcement agencies to implement measures to prevent the entry or the transit through Zimbabwean borders or the direct or indirect supply, sale, transfer of arms and military equipment by any individual or any

entity associated with Al-Qaeda, Osama bin Laden or the Taliban including other international terrorists based on requests from other countries or third parties.

(2) These regulations extend to any person or entity listed under subsection (1), notwithstanding any rights granted to or obligations imposed under any existing international agreement or contract made prior to date of coming into force of these regulations.

PART II

APPOINTMENT OF AGENCY RESPONSIBLE FOR IMPLEMENTING UNSCRs

Appointment of agency responsible for implementing UNSCRs

5. The Unit is hereby appointed as the Government agency having the primary responsibility under these regulations for—

- (a) formulating and providing general policy guidelines for the implementation of the provisions of these regulations; and
- (b) advising the Minister on the effective implementation of the UNSCRs; and
- (c) co-ordinating and, where necessary, promoting national implementation of the asset freeze obligations under UNSCR 1373 and UNSCR 1267 and their successor resolutions; and
- (d) co-ordinating international co-operation in the cross-border implementation of UNSCR 1373 and UNSCR 1267 and their successor resolutions between Zimbabwe and other countries and foreign counterpart agencies; and
- (e) identifying and overcoming barriers to the implementation of national obligations under UNSCR 1373 and UNSCR 1267 and their successor resolutions; and
- (f) doing such other things or performing such other functions as it is empowered or required to do or perform under these regulations.

Procedure for implementation of UNSCRs 1267, 1988, 1989 and successor resolutions

6. (1) Where the Ministry of Foreign Affairs receives Notice of United Nations list of designated persons or entities, the list shall be forwarded to the Minister immediately.

(2) The Minister shall direct the dissemination of the list received from the United Nations without delay to the Unit.

(3) Where the Unit proposes an individual to be added to the United Nations Consolidated List, the President shall on the recommendation of the Minister declare a person or an entity to be a suspected international terrorist or international terrorist group respectively.

(4) Upon such a declaration, the Minister through the Ministry responsible for foreign affairs shall forward the list of proposed designated persons or entities to the relevant UN Sanctions Committee stating the reasons for the designation.

(5) The Unit shall not apply the criminal standard of proof when considering requests under these regulations.

(6) The list of designated persons or entities submitted to the United Nations shall be forwarded to all relevant authorities for immediate dissemination and action.

Procedure for effective implementation of UNSCR 1373

7. (1) Any country which pursuant to UNSCR 1373, makes or requests a designation must transmit the details of such request for designation or designation to an accredited diplomatic representative of Zimbabwe in that country, or in the absence of such a representative, must transmit the request or designation to Zimbabwe through the Ministry responsible for foreign affairs in that country.

(2) Upon receipt of a request under subsection (1), the accredited diplomatic representative of Zimbabwe in that country or the Ministry responsible for foreign affairs in that country must transmit the request or designation to the Ministry responsible for foreign affairs in Zimbabwe.

(3) The Ministry responsible for foreign affairs must, upon receipt of a request under subsection (2), and without delay, submit the request to the Prosecutor-General for his or her determination as to whether there are reasonable grounds to designate the entity or individual in accordance with these regulations.

(4) Where the Prosecutor-General determines that there are reasonable grounds to designate that entity he or she shall inform the Director, and the Director shall, without delay —

- (a) make an order designating the entity or individual; and
- (b) provisionally make an order freezing the assets of the entity or individual;

and shall immediately disseminate or cause to be disseminated to every competent supervisory authority, financial institution, designated non-financial business and profession the name of the entity or individual designated with assets frozen.

(5) A provisional order to freeze assets shall lapse on the one hundred and eightieth day after which it is made, unless the Prosecutor-General earlier applies to a competent court in respect of those assets in terms of Part I (“Civil Forfeiture Orders, Property Freezing Orders and Property Seizure Orders”) of Chapter V (“Civil Forfeiture of Tainted and Terrorist Property”) of the Money Laundering and Proceeds of Crime Act (No. 4 of 2013).

(6) When reviewing the requests from other countries, third parties and international organisations, the Prosecutor-General shall consider the following evidential criteria, whether —

- (a) any person or entity committed or attempted to commit terrorist acts or participated in or facilitated the commission of terrorist acts; or
- (b) any entity owned or controlled directly or indirectly by any person or entity designated by a foreign country on the basis of the requirements of UNSCR 1373; or
- (c) any person or entity acting on behalf, or at the direction of any person or entity designated by another country on the basis of the requirements of UNSCR 1373.

(7) For the purposes of international dissemination and to request other countries to designate entities and individuals designated by Zimbabwe, the Minister shall transmit a copy of the designation to the Ministry responsible for foreign affairs for immediate dissemination and action.

(8) Where the President revokes or amends a declaration made under these regulations the Minister shall remove and amend the name of a person or group or any relevant details under the Zimbabwe List.

(9) The Unit shall establish a website where all related changes and updates to the Zimbabwean List shall be posted and disseminated.

Freezing of funds held by designated person

8. (1) The funds or other economic resources owned, held or controlled, directly or indirectly by a designated person whose names and other details are on the Lists shall be frozen.

(2) Freezing of funds shall be without prejudice to the rights of third parties acting in good faith.

(3) For the purpose of subsection (1), in determining whether funds are controlled by a designated person, the fact that such funds are held in the name of an associate or relation is immaterial.

(4) Funds and other economic resources frozen under these regulations shall be recorded against the names of the owners and beneficial owners for proper management.

(5) Subject to the provisions of these regulations—

- (a) frozen funds under Resolution 1267 shall be held indefinitely and the designated person is prohibited from assessing such funds or be provided with financial services except with the approval of the United Nations Security Council Sanctions Committee; and
- (b) frozen funds under Resolution 1373 shall not be released without authorization from the Unit and the designated persons shall be prohibited from assessing funds or financial services as long as they remain designated under the Zimbabwean List.

(6) The Minister or his or her representative may, in respect of a person or an entity designated by the Zimbabwean Government under a domestic designation, apply *ex parte* to a court of competent jurisdiction to obtain freezing order prohibiting any person from disposing of, or dealing with any interest in funds or assets specified in the Order.

(7) The actions taken under the UNSCR 1267 or UNSCR 1373 freezing measures shall also be communicated by the Minister through the Ministry of Foreign Affairs to the relevant Sanctions Committee or to the foreign country or any other third party from where the request to designate emanated.

Procedure for freezing of terrorist's assets

9. (1) With regards to the UN Consolidated Lists, freezing of all assets of persons or entities designated by the UN Sanctions Committee shall take place immediately after the Minister disseminates the list to the Unit for onward transmission to the reporting institutions.

(2) The freezing of funds of all persons or entities designated by the President with regards to the UNSCR 1373 shall take place immediately.

(3) The Unit shall, circulate the list of designated persons to the financial sector regulators, competent supervisory authority and relevant law enforcement agencies via electronic and surface mail, directing them to identify funds and other assets of the listed individuals or entities in institutions under their supervision.

(4) The financial sector regulator, competent supervisory authority and relevant law enforcement agencies shall immediately, on receipt of the list from the Unit request for feedback from all relevant institutions.

(5) The Unit shall freeze the identified funds or assets belonging to the listed individuals, entities or other related persons and shall report back to the Minister and where no such funds or assets are identified, a nil report shall be rendered to the Minister.

(6) The Minister or his or her representative may, in respect of a person or entity designated by the Zimbabwean Government

under a domestic designation, apply *ex parte* to a court of competent jurisdiction to obtain a freezing order prohibiting any person from disposing of, or dealing with any interest in funds or assets specified in the Order.

(7) The actions taken under the UNSCR 1267 or UNSCR 1373 freezing measures shall also be communicated by the Minister through the Ministry of Foreign Affairs to the relevant United Nations Sanctions Committee or to the foreign country or any other third party from where the request to designate emanated.

Reference to Lists by Financial Institutions, Designated Non-Financial Business or Profession and Law Enforcement and Security Agencies

10. (1) Any Financial Institution, Designated Non-Financial Business or Profession, Law Enforcement and Security Agencies (in these Regulations referred to as “the relevant Institutions”) shall review the UN Consolidated List and the Zimbabwean List prior to conducting any transaction, undertaking any financial services or entering into any relationship with any person or entity to ascertain whether or not the name of such a person or entity is on the Lists.

(2) Where the name of a person or an entity is confirmed to be on the Lists, the Institution shall block the funds or any other economic resources, or financial services, identified as belonging to or connected with the person or entity on the Lists and shall ensure that the accounts, properties or assets is not operated and that no financial services are provided to the designated persons or entities and thereafter forward to the Unit a “Suspicious Transaction Report” including reports or information on all actions taken to freeze the funds and other economic resources and the Unit shall make a report to the Minister.

PART III

FUNDS HELD BY DESIGNATED PERSONS

Dealing with funds held by designated person

11. (1) A person shall not deal with funds or other economic resources; owned, held or controlled directly or indirectly by a designated person save as provided for under these regulations.

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(2) A who person contravenes subsection (1) and deals with funds or other economic resources—

- (a) knowingly; or
- (b) having reasonable cause to suspect, that the funds or economic resources were owned, held or controlled by a designated person.

shall be guilty of an offence and liable to a fine not exceeding twenty thousand United States dollars (US\$20,000.00) or twice the value of the property in question whichever is the greater.

(3) In this section—

“person”, includes—

- (a) customer, staff, associate or affiliate of the relevant institution or any person or entity connected with the designated person; or
- (b) a customer, staff, associate or affiliate of the relevant institution at any time in the period of 5 years immediately preceding the relevant designation being made; or
- (c) any person with whom the institution has had dealings in the course of its business during the period referred to in paragraph (b).

Report by institution to Unit

12. (1) Where an institution makes a report to the Unit, it shall state—

- (a) the information or other matter on which the knowledge or suspicion is based; and
- (b) any information it holds about the person by which the person can be identified; and
- (c) the nature and amount or quantity of any funds or economic resources held by the institution for the person at any time up to 5 years prior to the designation being made.

(2) Where an institution credits a frozen account, it shall promptly report the transaction or financial services provided to the Unit which shall inform the Minister immediately.

(3) An Institution that fails to comply with subsection (2) shall be guilty of an offence and liable to a fine not exceeding twenty thousand United States dollars (US\$20,000.00) or twice the value of the property in question whichever is the greater.

(4) Where a breach of this regulation occurs and it is shown that the breach is not deliberate, the Unit shall impose such administrative sanctions as it may deem necessary.

(5) In this Part “deal with” means—

(a) in relation to funds—

(i) use, alter, move, allow access to or transfer;

(ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or

(iii) make any other change that would enable use, including, portfolio management;

and

(b) in relation to other economic resources exchanged or used to obtain funds, goods, properties or services in any way, including by selling, hiring or mortgaging the resources.

PART IV

MAKING, FINANCIAL SERVICES OR ECONOMIC RESOURCES AVAILABLE TO DESIGNATED PERSONS

Prohibition of making funds, financial services or economic resources available to designated persons

13. (1) A person shall not make available, directly or indirectly, funds, financial services or other economic resources to or for the benefit of a designated person or entity.

(2) A person who contravenes the provisions of subsection (1) commits an offence where—

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- (a) in the case of funds or financial services, that person knew or reasonably suspected that the funds or financial services were being made available directly or indirectly, to or for the benefit of a designated person or entity;
- (b) in the case of other economic resources, that person knows or ought to have reasonably suspected that the—
 - (i) economic resources were being made available, directly or indirectly to or for the benefit of a designated person; and
 - (ii) designated person would be likely to exchange the economic resources or use them in exchange for funds, goods or services.

Circumventing prohibitions

14. (1) Any person who knowingly participates in activities the object or effect of which is directly or indirectly to—

- (a) circumvent the prohibition in section 13; or
- (b) enable or facilitate the contravention of the provisions of section 13;

shall be guilty of an offence and liable to a fine not exceeding twenty thousand United States dollars (US\$20,000.00) or twice the value of the property in question whichever is the greater.

PART V

CONDITION AND PROCEDURE FOR UTILIZATION OF
FROZEN FUNDS

*Approval for usage of funds by designated persons and entities
under Zimbabwean list*

15. (1) The Minister may, where necessary, approve the utilisation of the frozen funds or any part thereof or of other economic resources—

- (a) to meet the basic needs and expenses of a designated person or a person or an entity under investigation whose funds have been frozen including the amounts required to meet expenditures on food, rental, medical

needs and such other general expenses as the Minister may approve, from time to time;

- (b) for reasonable professional fees and settlement of expenses, including legal services, bank and related charges; or
- (c) for any other exceptional services not provided for in paragraphs (a) and (b).

(2) An application to utilise monies from frozen funds shall be made to the Minister by a designated person or his or her authorised representative with supporting documents.

(3) The Minister shall consider the application in consultation with the Unit and may grant, reduce or refuse the request made in the application as considered reasonable in the circumstance.

(4) Where an approval is obtained in the case of the Zimbabwe list, the Institution or any other party in custody of the frozen funds shall be informed in writing to implement the approval and furnish a report to the Minister of the action taken.

Procedure for the approval and utilization of frozen funds of designated person on UN list

16. (1) On receipt of an application for the utilization of frozen funds in respect of a designated person on the UN Consolidated List, the Minister shall transmit the application to the United Nations Security Council Sanctions Committee to approve the utilization of the frozen fund or any part thereof.

(2) Where an approval is obtained from the UN Sanctions Committee, the approval shall be transmitted to the Minister who shall inform the Institution or any other party in custody of the frozen funds in writing to implement the approval and furnish a report to the Minister of the action taken.

(3) A designated person or entity on either of the Lists or his representative is entitled to be informed of the approval or rejection of his application in writing.

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(4) A person or entity whose funds or assets have been frozen may challenge the measure with a view to having the frozen funds or assets reviewed by a court.

Receipt of additional funds into frozen accounts

17. (1) Any sum of monies or funds accruing to the frozen account, including—

- (a) interests or other earnings due on the account; or
- (b) payments due under contracts, agreement or obligations that were concluded or arose before the account became a frozen account; or
- (c) funds transferred to the account;

shall be received and credited into an *escrow* account opened for this purpose and shall constitute part of the frozen funds and the relevant Institution shall file a report of the receipt of such additional funds with the Unit which shall in turn inform the Minister accordingly.

(2) Monies or funds received or credited into a frozen account shall be subject to the provisions and measures contained in these regulations.

(3) Where there is no existing account for the receipt of funds as provided under this section, the Institution shall inform the Minister for appropriate action to be taken in this respect including the creation of an *escrow* account in appropriate cases.

(4) In this section “frozen account” means funds or other economic resources—

- (a) affected by the provisions and measures under these regulations; and
- (b) held in an account with an Institution by or under the control of a designated person.

Application to defreeze where funds were frozen in error

18. (1) Where funds or other economic resources were frozen as a result of similarity in names or wrong entries on the Lists or in the account of a person or entity being investigated, or as a result

of any other error, the person affected may apply to the Minister to de-freeze the funds.

(2) Upon the receipt of the application referred to in subsection (1), the Minister, where the application relates to—

- (a) the UN Consolidated List, shall submit the request to the United Nations Sanctions Committee and inform the applicant of any decision taken;
- (b) the Zimbabwe List, shall determine the application not later than 15 working days from the date of receipt of the application after consultation with the Unit.

(3) The Minister shall inform the applicant and the relevant authorities of any decision taken on the application in writing.

PART VI

TRAVEL RESTRICTIONS AND ARMS EMBARGO

Travel ban on designated persons

19. (1) A designated international terrorist, not being a Zimbabwean citizen, shall not be allowed to enter or remain in Zimbabwe.

(2) For the purpose of subsection (1), the Minister of Affairs, upon receipt of the list from the Unit pursuant to the provisions of section 7, shall refuse any application by a designated person for visa to enter Zimbabwe.

(3) A person's leave to enter or remain in Zimbabwe is cancelled on his becoming a designated international terrorist.

(4) Where there exists an international warrant of arrest issued for the arrest of the designated person who has entered Zimbabwe, Commissioner-General of Police shall immediately effect the arrest of the person and communicate this to appropriate authorities including the Minister of Foreign Affairs.

(5) The Chief Immigration Officer shall enforce measures including watch list action to prevent a designated person from entering Zimbabwe or escaping from Zimbabwe having become designated.

(6) A person being a Zimbabwean citizen, having become a designated person pursuant to the provisions of section 7, shall be prevented from leaving Zimbabwe until investigation into the activities that led to his designation has been concluded.

(7) The Commissioner-General of Police shall enforce measures including watch list action to ensure the enforcement of the provisions of this section.

(8) A designated person aggrieved by the implementation of the provisions of these regulations is entitled to seek legal redress.

Arms embargo

20. A person is guilty of an offence punishable under the Act if he or she directly or indirectly infringes any of the following United Nations Security Council prohibitions —

- (a) prohibiting the grant, sale, supply of military equipment's or arms and related materials of all types to any person, entity or body designated a terrorist;
- (b) prohibiting the grant, sale, supply or transfer of technical assistance related to military activities and to provisions, manufacture, maintenance and use of arms and related materials of all types to any person, entity or body designated a terrorist;
- (c) prohibiting the financing or financial assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materials of all types to any person, entity or body designated a terrorist; or
- (d) prohibiting the participation, knowingly or intentionally, in activities the object or effect of which is to promote the transactions referred to under these regulations.

PART VII

INFORMATION AND REPORTING OBLIGATIONS

Dissemination of Lists and issuance of guidelines by Minister

21.(1) The Minister or his or her representative shall through the Unit circulate the updated lists immediately upon receipt through

electronic and surface mails to the relevant law enforcement, regulatory and supervisory authorities, who shall cause same to be disseminated to reporting institutions immediately.

(2) Competent Supervisory Authorities shall disseminate and circulate the Zimbabwe List to all points of entry and exit from Zimbabwe to ensure that travel bans are effected on the listed individuals, groups or entities.

(3) The Commissioner-General of Police shall institute measures to prevent the direct and indirect supply, sale and transfer from Zimbabwe of arms and related materials of all types, spare parts and technical advice, assistance or training related to military activities to designated individuals and entities named in the Lists.

(4) The Unit shall issue guidelines for the purpose of effective implementation of the—

- (a) freezing measures in respect of the funds or economic resources of designated person;
- (b) prohibition and restriction on travel, visas and purchase of arms as required in the relevant Security Council Resolutions and in any subsequent Resolutions in respect of a designated person; and
- (c) prohibition of transactions, provision of financial services or the supply of arms or the conduct of training for designated persons.

(5) The Unit may, on request by any interested person, provide information as may be required on the procedure adopted by the Unit (including any review or deletion on the entries made in the UN Consolidated List) or the Zimbabwe List.

(6) The Unit shall access information on UN designations and third parties designations on the relevant websites on a daily basis and disseminate available information to relevant authorities.

Information on measures taken pursuant to these regulations

22. (1) The Unit shall upon the application of measures under these regulations, inform in writing or in any other manner considered

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appropriate, a designated person of his or her inclusion on the Lists providing explanations and reasons for the inclusion.

(2) The Minister shall inform a designated person about the possibility of—

- (a) utilizing part of the frozen funds or other resources in accordance with the provisions of these regulations; and
- (b) submitting complaints to the Prosecutor-General or to the United Nations Ombudsman or Unit in accordance with the provisions of these regulations.

Information on lists

23. (1) The lists to which these regulations apply shall comprise information relating to the designated person for the purpose of determining his or her identity.

(2) Information pertaining to a designated person shall include the—

- (a) name of the person, family and pseudo names and titles;
- (b) place and date of birth or if a company, the date of registration including the registration number;
- (c) nationality or address of the registered office;
- (d) sex;
- (e) addresses;
- (f) occupation or job;
- (g) date of inclusion of names on the Lists; and
- (h) any other information as may be considered relevant by the Minister or approved by the Unit.

Application for deletion from Lists

24. (1) A designated person who wishes to have his or her name deleted from the Lists may, in respect of the—

- (a) Zimbabwe List, submit an application to the Minister; or

- (b) UN Consolidated List, submit an application through the Minister to the UN Sanctions Committee, stating reasons for the application.

(2) Where the Minister has proposed the inclusion of a name on the UN Consolidated List and the person bearing that name has applied to the UN Sanctions Committee for the deletion of his name from the UN Consolidated List, the Minister may submit to the UN Sanctions Committee any additional information pertinent to the consideration of the application.

(3) Where the UN Sanctions Committee refers an application or removal from the UN List to the Minister for comments, the Minister shall within the time specified by the UN Sanctions Committee respond to the request stating reasons for the recommendation for retention or removal from the UN Consolidated List.

(4) The Minister may ask questions or request for any clarification from the applicant in addition to responding to other queries raised by the UN Sanctions Committee.

(5) Where the name of a designated person has been struck out through a judicial or administrative process or the Minister reasonably believes that a designated person is deceased, the Minister shall in relation to the—

- (a) Zimbabwe List, delete the name and other details of the designated person; or
- (b) UN Consolidated List, request the UN Sanctions Committee to delete the name and other details of the designated person.

(6) With regards to the Zimbabwe List, the Unit shall develop and implement procedures for applications for delisting of persons in the Lists and for unfreezing of funds or other assets of delisted persons or entities in a timely manner.

(7) The Unit shall before recommending a person or entity to be delisted or application for unfreezing of funds for the President's approval—

- (a) review the justification or a request for delisting or application for unfreezing of funds; or

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- (b) seek additional information, where necessary; or
- (c) hold consultations with relevant agencies or supervisory authorities.

(8) The Prosecutor-General shall give information on the decision taken on the request or application to the concerned persons, group or entities.

(9) The Prosecutor-General shall take necessary measures to ensure that names of beneficiaries are not themselves involved in terrorist activities covered by these regulations.

Notice of amendment to lists to be given

25. Where any amendment is made to the Lists, the Minister shall—

- (a) inform the relevant authorities of the amendment and the effect of such amendment; and
- (b) provide the UN Sanctions Committee with any additional information available to him or her, including any new information with supporting documents; and
- (c) take appropriate measures to notify the Competent Supervisory Authority in countries concerned of measures taken by him under these regulations including any decision to freeze funds or economic resources or the inclusion or deletion of names from the Lists in addition to any steps or actions taken to respond to any direction or request made by the UN Sanctions Committee.

Channel of Communication with United Nations

26. (1) The Unit shall prepare and submit necessary reports to the Minister who shall forward same to the UN Sanctions Committee or other authorities through the ministry responsible for foreign affairs.

(2) The Minister shall prepare and submit necessary reports at such intervals as may be agreed between Zimbabwe, the United Nations and other countries or relevant institutions on the measures taken in Zimbabwe in the course of application of the United Nations Security Council Regulations No. 1267(1999) and all current and

future successor resolutions, including 1333(2000), 1373(2001), 1390(2002), 1452(2002), 1455(2003) 1526(2004), 1617(2005), 1735(2006), 1822(2008) and 1904(2009).

Power to request for information

27. (1) The Minister may through the Unit request a designated person to provide information concerning—

- (a) funds and economic resources owned, held or controlled by the designated person; or
- (b) any disposal of such funds or economic resources, whether the disposal occurred before or after the person became a designated person.

(2) Where the Minister believes that it is necessary for the purpose of monitoring compliance with or detecting circumvention of these Regulations, he or she may through the Unit request a designated person to provide information about expenditure—

- (a) by or on behalf of the designated person; and
- (b) for the benefit of the designated person.

(3) The Minister may through the Unit request any person in or resident in Zimbabwe, to provide such information as he or she may reasonably require for the purpose of—

- (a) monitoring compliance with, or detecting evasion of these regulations;
- (b) obtaining evidence of the commission of an offence under these regulations;
- (c) establishing—
 - (i) the nature and amount or quantity of any funds or economic resources owned, held or controlled by a designated person; or
 - (ii) the nature and amount or quantity of any funds or economic resources made available directly or indirectly to or for the benefit of a designated person; or

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- (iii) the nature of any financial services provided to, or financial transactions entered into by a designated person.

(4) A request may include a continuing obligation to keep Unit informed as circumstances change or on such regular basis as he may specify.

Failure to comply with request for information

28. (1) A person who —

- (a) refuses or fails within the time and in the manner specified (or if no time has been specified, within a reasonable time) to comply with any request made under these regulations;
- (b) knowingly or recklessly gives any information or produces any document which is false in a material particular in response to such a request;
- (c) with intent to evade the provisions of these regulations, destroys, mutilates, defaces, conceals or removes any document;

shall be guilty of an offence and liable to a fine not exceeding twenty thousand United States dollars (US\$20,000.00).

(2) Under this section the phrase, “reasonable time” means 24 hours but not more than “72 hours” provided that the Prosecutor-General may in appropriate case extend the period of time within which to comply with the provisions of these regulations.

Co-operation with domestic or international investigations

29. The Minister may take such steps as he or she considers appropriate to co-operate with any investigation in Zimbabwe or elsewhere, relating to the funds, economic resources or financial service or financial transactions of a designated person.

General power to disclose information

30. The Minister may disclose any information obtained in the exercise of his or her powers under these regulations (including any document so obtained and any copy or extract made of any document so obtained) to the —

- (a) relevant authorities in Zimbabwe; and
- (b) competent authority in any foreign State concerned with measures taken under these regulations.

Unlawful disclosure of information

31. (1) A person who in the course of his duties, knows or is in possession of any information submitted or exchanged pursuant to the provisions of these regulations, shall not disclose such information in any form whatsoever, including the disclosure of the information except for the purpose of implementing these regulations.

(2) The prohibition on disclosure in subsection (1), shall continue even after the termination of the duties of the person.

PART VIII

MISCELLANEOUS

Repeal

32. The Suppression of Foreign and International Terrorism (Application of UNSCR 1267 of 1999, UNSCR 1373 of 2001 and Subsequent UNSCR) Regulations, 2014, are repealed.

*Guidelines for Effective Implementation of the United Nations
Security Council Resolutions on Terrorism and Terrorists
Financing*

33. The Guidelines for Effective Implementation of the United Nations Security Council Resolutions on Terrorism and Terrorists Financing are set out in the Schedule.

SCHEDULE

GUIDELINES FOR EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS SECURITY COUNCIL RESOLUTIONS ON TERRORISM AND
TERRORISTS FINANCING

Preamble

1. These Guidelines provide practical guidance on the steps to be taken by the Zimbabwean authorities for the effective implementation of the United Nations Security Resolutions on terrorism and terrorists financing in line with relevant Financial Action Task Force ("FATF") Recommendations.

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2. The FATF requires countries to implement measures to freeze and where appropriate, seize without delay, assets of terrorists, those who finance terrorism and terrorist organizations in accordance to relevant UNSC Resolutions.

3. Taking cognizance that both UNSCRs 1267 and 1373 were adopted on the basis of Chapter VII of the United Nations Charter since the subject matter the resolutions cover are deemed a threat to international peace and security, the Zimbabwean authorities have drawn up these Guidelines to aid both government institutions and reporting entities in the effective implementation of UNSCRs 1267, 1373 and successor resolutions.

Effective Implementation of UNSCR 1267

4. On receipt of the UN Consolidated Sanction List against Al-Qa'eda and the Taliban, the Ministry of Foreign Affairs shall cause an immediate dispatch of the said list to the Minister for immediate action.

5. On receipt of the UN Consolidated Sanction List, the Minister shall through the Unit immediately circulate the List to relevant regulators and supervisory institutions.

6. On receipt of the UN Consolidated Sanction List, the relevant regulators and supervisory institutions shall immediately circularize the List to reporting entities; and requesting the reporting entities to make reference to the UN Sanction List prior to conducting any transaction or entering into any relationship with any person or entity to ascertain whether or not the name of such a person or entity is on the list; and impose administrative sanctions against a reporting entity who is in breach of immediate freezing obligation or in breach of the rules against tipping off.

7. On receipt of the UN Consolidated Sanction List, the reporting entities shall --

- (a) run the list on their data base and confirm the existence of otherwise of any listed individual, groups or entities;
- (b) check for associated persons and entities where there are any of the listed names or entities in their data base of customers;
- (c) immediately freeze all funds and other assets associated to such listed individuals and entities, if any, without prior notice to targets; and
- (d) immediately file an STR to the Unit for further analysis on the financial activities of such an individual or entity.

8. The Unit shall on receipt of any STR arising from the UN Sanctions List, cause prompt analysis into all financial activities of such individual or entities and furnish relevant security, intelligence and law enforcement Agencies with the resultant financial intelligence report on the persons or entities concerned.

9. Relevant security and intelligence agencies shall take urgent and effective actions to investigate and where appropriate, confiscate all assets or economic resources of persons or entities concerned in Zimbabwe.

10. Tracing of assets shall not be limited to listed individuals and entities, but shall include corporate entities where such listed individuals or entities have interests.

11. The Unit shall thereafter, update the UN Sanctions Committee on 1267 of actions taken including any application for de-freezing by a listed individual or entity.

12. The criteria to be considered in reviewing and designating persons to be included in the UN Consolidated Lists (1267 and 1989) are where—

- (a) any person or entity is participating in the financing, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, or in support of; supplying, selling or transferring arms and related materials to; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Al-Qa'eda or any cell, affiliate, splinter group or derivative thereof, or
- (b) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under 1267 and 1989, or by persons acting on their behalf or at their direction.

With regards to 1988 Sanctions List, the criteria shall be where—

- (i) any person or entity is participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, or in support of; supplying, selling or transferring arms and related materials to; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings, entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan; or
- (ii) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under 1267 and 1988, or by persons acting on their behalf or at their direction.

Effective Implementation of UNSCR 1373

13. Taking into consideration countries obligation under the United Nations Resolutions and the FATF Requirements, Zimbabwe as a country has criminalized financing of terrorism and has put measures in place to freeze without delay the funds and other financial assets or economic resources of persons who commit, attempted to commit terrorist acts or participate the commission of terrorist acts.

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14. The Unit shall provide advice on the process of listing and de-listing of names of persons, groups or and entities in the Zimbabwe List.

15. The Minister shall through the Unit circulate the list to regulatory authorities for onward dissemination to reporting entities.

16. Regulatory authorities shall on receipt of the Zimbabwe List—

- (a) disseminate the List to reporting entities;
- (b) request a freezing without delay of funds held by such individuals, entities and associated persons; and
- (c) impose administrative sanctions against a reporting entity that is in breach of immediate freezing obligation and rules against tipping off.

17. The reporting entities shall, on receipt of the Zimbabwe Sanction List,

- (a) cause an immediate denial of banking and other financial services to such listed individuals and entities;
- (b) immediately file an STR to the Unit for further analysis on the financial activities of such an individual or entity; and
- (c) report all cases of name matching in financial transactions prior to or after receipt of the List as an STR to the Unit.

18. The Unit shall on receipt of any STR arising from the Zimbabwe Sanction List, cause prompt analysis into all financial activities of such individuals or entities and furnish relevant security and intelligence services with resultant financial intelligence report.

19. The Minister shall under the advice of the Unit—

- (a) take steps to facilitate the listing and de-listing of individuals and entities under the Zimbabwe List;
- (b) examine and give effect to the actions initiated under the freezing mechanisms of other countries by adopting such designated individuals and entities of other countries in the Zimbabwe list; and
- (c) escalate the Zimbabwe List to both the UN and other countries through the Ministry of Foreign Affairs.