

Suppression of Foreign and International Terrorism (Application of UNSCR 1267 of 1999 and
UNSCR 1373 of 2001) Regulations, 2013

ARRANGEMENT OF SECTIONS

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SCHEDULE: UNSCRs 1267 of 1999 and 1373 of 2001.

IT is hereby notified that the co-Ministers of Home Affairs, have, in terms of section 17 of the Suppression of Foreign and International Terrorism Act [*Chapter 11:31*] (No.5 of 2007), and with the consent of the President as required by subsection (2) of that section, made the following regulations:—

Title

1. This regulations may be cited as the Suppression of Foreign and International Terrorism (Application of UNSCR 1267 of 1999 and UNSCR 1373 of 2001) Regulations, 2013.

Definitions

2. In these regulations –

“Committee” means the United Nations Al-Qaida and Taliban Sanctions Committee established by paragraph 6 of UNSCR 1267 of 1999, or any successor to that Committee;

“Director” means the Director of the Unit;

“foreign counterpart agency” means any person, authority or body in another State or territory that exercises functions equivalent to those of the Unit under this Act;

“Minister” means the Minister as defined in the Act or the co-Ministers for the time being responsible for administering the Act;

“Money Laundering and Proceeds of Crime Act” means the Money Laundering and Proceeds of Crime Act, 2013 (No.4 of 2013);

“Unit” means the Bank Use Promotion 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);

“UNSCR 1267 of 1999” means the United Nations Security Council Resolution 1267 adopted by the Security Council at its 405 1st meeting on the 15th October, 1999, relating to the prevention and suppression of the financing of foreign or international terrorist activity;

“UNSCR 1373 of 2001” means the United Nations Security Council Resolution 1373 adopted by the Security Council at its 4385st meeting on the 28th September, 2001, relating to the prevention and suppression of the financing of foreign or international terrorist activity;

Public notification of UNSCRs 1267 of 1999 and 1373 of 2001

3. For public information, UNSCR 1267 of 1999 and UNSCR 1373 of 2001 are set forth in Parts I and II of the Schedule, respectively.

Appointment of agency responsible for implementing UNSCRs 1267 of 1999 and 1373 of 200]

4. The Unit is hereby appointed as the Government agency having the primary responsibility under these regulations for -
co-ordinating and, where necessary, promoting national implementation of the asset freeze obligations under UNSCR 1373 and UNSCR 1267; and
co-ordinating international co-operation in the cross-border implementation of UNSCR 1373 and UNSCR 1267 between Zimbabwe and other countries and foreign counterpart agencies; and
identifying and overcoming barriers to the implementation of national obligations under UNSCR 1373 and UNSCR 1267; and
doing such other things or performing such other functions as it is empowered or required to do or perform under these regulations.

Designation of foreign or international terrorist organisations

5 (1) The following entities are hereby, for the purposes of the Act and after consultation with the Minister responsible for foreign affairs , designated as foreign or international terrorist organisations —

- (a) Al-Qaida or any other entity that is an affiliate of or successor to Al-Qaida; and
- (b) the Taliban or any other entity that is an affiliate of or successor to the Taliban; and
- (c) any other entity that the Unit, on reasonable grounds, believes to be an accessory to, front for or accomplice or associate of an entity referenced in paragraph (a) or (b) and identified by name by notice in the Gazette as a foreign or international terrorist organisation; and
- (d) any other entity notified to the Unit by the Committee and identified by name by notice in the Gazette as a foreign or international terrorist organisation.

(2) A designation under subsection (1) constitutes the notification by statutory instrument of the named entities as foreign or international terrorist organisations as required by section 8(1) of the Act, and shall have effect for the purposes of section 8(3) of the Act (under which such entities and their assets may be wound up and disposed of).

Revocation of designation as foreign or international terrorist organisation

6. (1) The Unit is appointed for the purposes of section 8(4) of the Act as the body through which any organisation designated under section 5 as a foreign or international terrorist organisation or any person affected by such designation may make application to the Minister for the revocation of such designation.

(2) An application pursuant to subsection (1) shall be made in writing by or on behalf of the organisation affected or by the person affected, and shall clearly set forth the grounds upon which the revocation of the designation is sought, and be accompanied by such evidence or documentation as may support the application or as the Unit may reasonably require.

Designation of office-bearers, etc., of foreign or international terrorist organisations

7. (1) The Unit may, after prior consultation with the Minister, designate any individual as—

- (a) an office-bearer, officer, member or promoter of an entity referenced in section 5(a), (b), (c) or (d); or
- (b) a foreign or international terrorist.

(2) An individual designated under subsection (1) shall and identified by name by notice in the Gazette, which notice shall also provide the following particulars of the individual, where known—

- (a) any alternate names or alternate spellings of the name of the individual; and
- (b) the birthdate and place of birth of the individual; and
- (c) the address or last known address of the individual; and
- (d) the nationality, and identification or passport number of the individual.

(3) A designation of an individual under subsection (1) may be framed by the Unit as provisional, that is to say, the designation may be stated to take effect by a certain specified date unless the individual concerned earlier makes application pursuant to section 8 for the revocation of the provisional designation, and the Unit approves such application.

Revocation of designation of individuals under section 7

8. (1) Any individual affected by a designation under Section 7 may make application to the Minister through the Unit for the revocation of such designation.

(2) An application pursuant to subsection (1) shall be made in writing by or on behalf of the individual affected, and shall clearly set forth the grounds upon which the revocation of the designation is sought, and be accompanied by such evidence or documentation as may support the application or as the Unit may reasonably require.

Relation to measures taken under Money Laundering and Proceeds of Crime Act

9. (1) The Director shall, desirably before the Unit exercises its powers under section 5,6,7 or 8, but in any event as soon as possible after the Unit has done so, notify the Attorney-General in writing of such exercise to enable the Attorney-General promptly to take any appropriate action under the Money Laundering and Proceeds of Crime Act, 2013.

(2) For the avoidance of doubt it is declared that any measures taken pursuant to these regulations are preliminary or complementary to, but not conditional upon, any measures that the Attorney-General may take in pursuance of Chapter IV or Chapter V of the Money Laundering and Proceeds of Crime Act, 2013.

(3) Where action is taken by the Attorney-General under Chapter IV or Chapter V of the Money Laundering and Proceeds of Crime Act, 2013, in anticipation or independently of any action that the Unit may take under section 5,6,7 or 8, the Unit shall not proceed to take such action without first consulting the Attorney-General.

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*Application of related directives issued under Money Laundering and Proceeds of Crime
Act*

10. Any directives issued under section 4 of the Money Laundering and Proceeds of Crime Act that are issued in implementation or amplification of these regulations shall have effect as if such directives are provisions of these regulations.

Application of these regulations to other UNSCRs

11. (1) These regulations apply also to the implementation of any other United Nations Security Council Resolution that amends or is supplementary to UNSCR 1267 of 1999 or UNSCR 1373 of 2001.

(2) The Director shall, without delay after receiving notice of any United Nations Security Council Resolution referenced in subsection (1), and after consultation with the Minister, notify to the public by General Notice in the Gazette of the existence and general contents of such resolution.

SCHEDULE (*Section 3*)

UNSCRs 1267 OF 1999 AND 1373 OF 2001

PART I

UNSCR 1267 OF 1999

The Security Council,

Reaffirming its previous resolutions, in particular resolutions 1189 (1998) of 13 August 1998, 1193 (1998) of 28 August 1998 and 1214 (1998) of 8 December 1998, and the statements of its President on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for Afghanistan's cultural and historical heritage,

Reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, particularly discrimination against women and girls, and over the significant rise in the illicit production of opium, and stressing that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e-Sharif constituted flagrant violations of established international law.

Recalling the relevant international counter-terrorism conventions and in particular the obligations of parties to those conventions to extradite or prosecute terrorists,

Strongly condemning the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirming its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deploring the fact that the Taliban continues to provide safe haven to Usama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

Noting the indictment of Usama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi,* Kenya, and Dar es Salaam, Tanzania and for conspiring to kill American nationals outside the United States, and noting also the request of the United States of America to the Taliban to surrender them for trial (S/1999/1021),

Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214(1998) constitutes a threat to international peace and security,

Stressing its determination to ensure respect for its resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. *Insists* that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice;
2. *Demands* that the Taliban turn over Usama bin Laden without further delay to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;
3. *Decides* that on 14 November 1999 all States shall impose the measures set out in paragraph 4 below, unless the Council has previously decided, on the basis of a report of the Secretary-General, that the Taliban has fully complied with the obligation set out in paragraph 2 above;

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4. Decides further that, in order to enforce paragraph 2 above, all States shall:

(a) Deny permission for any aircraft to take off from or land in their territory if it is owned, leased or operated by or on behalf of the Taliban as designated by the Committee established by paragraph 6 below, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligation such as the performance of the Hajj;

(b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need;

5. Urges all States to cooperate with efforts to fulfil the demand in paragraph 2 above, and to consider further measures against Usama bin Laden and his associates;

6. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 4 above;

(b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 4 above and to recommend appropriate measures in response thereto;

(c) To make periodic reports to the Council on the impact, including the humanitarian implications, of the measures imposed by paragraph 4 above;

(d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 4 above, identifying where possible persons or entities reported to be engaged in such violations;

(e) To designate the aircraft and funds or other financial resources referred to in paragraph 4 above in order to facilitate the implementation of the measures imposed by that paragraph;

(f) To consider requests for exemptions from the measures imposed by paragraph 4 above as provided in that paragraph, and to decide

on the granting of an exemption to these measures in respect of the payment by the International Air Transport Association (IATA) to the aeronautical authority of Afghanistan on behalf of international airlines for air traffic control services;

(g) To examine the reports submitted pursuant to paragraph 9 below;

7. Calls upon all States to act strictly in accordance with the provisions of this resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraph 4 above;

8. Calls upon States to bring proceedings against persons and entities within their jurisdiction that violate the measures imposed by paragraph 4 above and to impose appropriate penalties;

9. Calls upon all States to cooperate fully with the Committee established by paragraph 6 above in the fulfilment of its tasks, including supplying such information as may be required by the Committee in pursuance of this resolution;

10. Requests all States to report to the Committee established by paragraph 6 above within 30 days of the coming into force of the measures imposed by paragraph 4 above on the steps they have taken with a view to effectively implementing paragraph 4 above;

11. Requests the Secretary-General to provide all necessary assistance to the Committee established by paragraph 6 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests the Committee established by paragraph 6 above to determine appropriate arrangements, on the basis of recommendations of the Secretariat, with competent international organizations, neighbouring and other States, and parties concerned with a view to improving the monitoring of the implementation of the measures imposed by paragraph 4 above;

13. Requests the Secretariat to submit for consideration by the Committee established by paragraph 6 above information received from Governments and public sources on possible violations of the measures imposed by paragraph 4 above;

14. Decides to terminate the measures imposed by paragraph 4 above once the Secretary-General reports to the Security Council that the Taliban has fulfilled the obligation set out in paragraph 2 above;

15. Expresses its readiness to consider the imposition of further measures, in accordance with its responsibility under the Charter of the United Nations, with the aim of achieving the full implementation of this resolution;

16. Decides to remain actively seized of the matter.

Part II UNSCR 1373 of 2001

The Security Council,

Reaffirming its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

Reaffirming also its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

Reaffirming further that such acts, like any act of international terrorism, constitute a threat to international peace and security,

Reaffirming the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368(2001),

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Deeply concerned by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

Calling on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

Recognizing the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

Reaffirming the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all States shall:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the

intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
- (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides* also that all States shall:

- (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
- (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
- (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
- (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
- (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
- (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

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- (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls upon* all States to:

- (a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;
- (b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;
- (c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;
- (d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
- (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269(1999) and 1368 (2001);
- (f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;
- (g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. Notes with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard emphasizes the need to enhance coordination of efforts on national, sub regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;
6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and calls upon all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;
7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;
8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;
9. *Decides* to remain seized of this matter.

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