

STATUTORY INSTRUMENTS SUPPLEMENT
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S T A T U T O R Y I N S T R U M E N T S

2023 No. 3.

THE ANTI-TERRORISM REGULATIONS, 2023

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STATUTORY INSTRUMENTS

2023 No. 3.

The Anti-Terrorism Regulations, 2023

(Under section 32A of the Anti – Terrorism Act, 2002, Act No. 14 of 2002)

IN EXERCISE of the powers conferred upon the Minister responsible for internal affairs by section 32A of the Anti-Terrorism Act, 2002, these Regulations are made this 4th day of January, 2023.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Anti – Terrorism Regulations, 2023.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Anti – Terrorism Act, 2002;

“accountable person” means a person listed in the Second Schedule to the Anti–Money Laundering Act, 2013;

“basic and necessary expenses” include—

- (a) payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurances premiums, and public utility charges;
- (b) reasonable professional fees and reimbursement of expenses related to the provision of legal services; or
- (c) fees or service charges incurred for the routine holding or maintenance of frozen funds or other financial assets or economic resources;

“court” means the High Court;

“dealing” in relation to property or funds, means receiving, acquiring, transacting, representing, concealing, disposing of, converting, transferring or moving, using as security or providing financial services;

“extraordinary expenses” means any expenses that are not basic and necessary expenses;

“financial institution” has the meaning assigned to it in the Financial Institutions Act, 2004;

“Financial Intelligence Authority” means the Financial Intelligence Authority established by the Anti–Money Laundering Act, 2013;

“freeze” has the meaning assigned to it in the Anti–Money Laundering Act, 2013;

“organisation” includes any association or combination of persons.

PART II—DECLARATION OF TERRORIST ORGANISATIONS

3. Request to Minister to declare terrorist organisation

(1) The Minister may, by statutory instrument, made with the approval of the Cabinet, declare an organisation as a terrorist organisation.

(2) For the purposes of section 10 of the Act, any foreign person, foreign state or international organisation may, in writing, request the Minister through the minister responsible for foreign affairs, to declare an organisation as a terrorist organisation.

(3) Subject to subregulation (4), a request under subregulation (2) shall—

- (a) be in writing and addressed to the Minister;
- (b) contain full particulars of the organisation that are sufficient to establish the identity, location and other relevant information of the organisation;

- (c) state the facts detailing the grounds to suspect that the organisation is a terrorist organisation;
- (d) state the nature of the funds or property of the organisation in Uganda used or linked to any terrorist act or terrorist financing or proliferation financing, or which are owned or controlled, directly or indirectly, wholly or jointly, or derived or generated from such funds or other property; and
- (e) state, if known, a reference to any person who, or entity which, may be interested in the funds or property of the organisation.

(4) A request under subregulation (2) by a foreign person, foreign state or international organisation subject to diplomatic protocol shall accord with diplomatic protocols and channels, through the ministry responsible for foreign affairs.

(5) In addition to the information required under subregulation (3) (e), the request may include, where available, a reference to any persons who or entities which, may have an interest in the funds or property and the particulars relating to the identity and location of those persons or entities.

(6) Upon receipt of a request under this regulation, the Minister shall request the Inspector General of Police to examine the request, within five working days, and advise the Minister on whether there are reasonable grounds to declare the organisation as a terrorist organisation.

(7) The Inspector General of Police may solicit and collect additional information from the authority that submitted the request, supervisory authorities, accountable persons, the Financial Intelligence Authority, the Director of Public Prosecutions, ministries, departments and agencies of government, or other individuals or entities that may have access to information necessary to making a determination under subregulation (9).

(8) The persons or entities shall provide the Inspector General of Police with the required information in accordance with the deadline set in the request.

(9) The Minister shall make a determination, based on advice provided by the Inspector General of Police as to whether there are reasonable grounds to suspect or believe that the organisation has committed or has attempted to commit terrorist acts or participates in or facilitates the commission of a terrorist act or is owned or controlled, directly or indirectly, by a terrorist organisation or a suspected terrorist or is acting on behalf of or at the direction of a terrorist organisation or suspected terrorist, or otherwise meets one of the grounds for declaration set out under regulation 7(1)(b).

(10) Such determination shall be made *ex parte* and without giving prior notice to the organisation whose proposal for declaration is being considered.

(11) Upon making a positive determination under subregulation (9), the Minister shall, without delay, declare that organisation as a terrorist organisation using Form 1 specified in Schedule to these Regulations.

(12) The Minister shall, immediately after a declaration is made under subregulation (11), notify the foreign state, international organisation or a person subject to diplomatic protocol of the declaration.

(13) Where an organisation has been declared as a terrorist organisation under subregulation (11), the Minister shall, with the approval of Cabinet, amend the Second Schedule to the Act to include the organisation declared as a terrorist organisation.

4. Notification of declared organisation to United Nations

Where the Minister declares an organisation as a terrorist organisation under this Part, the Minister shall immediately notify the United Nations Security Council or the relevant Sanctions Committee of the United Nations of the declaration.

5. Request to United Nations to designate terrorist organisation declared by the Minister

(1) Where the Minister declares an organisation as a terrorist organisation, the Minister may, through the Minister responsible for foreign affairs, in accordance with diplomatic protocols and the procedures set out in subregulation (2), request the United Nations to designate that organisation as a terrorist organisation in accordance with United Nations Security Council Resolutions relating to terrorism or as an organisation engaged in the proliferation of weapons of mass destruction or proliferation financing, in accordance with the relevant United Nations Security Council Resolutions.

(2) A request to designate an organisation as a terrorist organisation under subregulation (1) shall—

- (a) be made in accordance with the procedures and standard forms for listing of terrorist organisations and organisations engaged in the proliferation of weapons of mass destruction and proliferation financing adopted by the Security Council or the relevant Sanctions Committee of the United Nations;
- (b) provide as much relevant information as possible on the organisation proposed to be listed, including information that will permit sufficiently identifying the organisation, including any name and trade name, acronym, and other names identifying them (current or previous), address of headquarters and branches or local offices, subsidiaries, organisational links, ownership structure, controlling management, parent company, nature of business or commercial activity, country or countries of the main activity, registration or incorporation number or other identification numbers, websites addresses, and status of the legal entity in terms of being under liquidation or dissolution; and
- (c) provide a statement containing as much detail as possible on the basis for the proposed listing, including specific information supporting a determination that the

organisation meets the relevant listing criteria, supporting information or documents and details of any connection between the organisation and any other person, entity or organisation listed by the United Nations or declared as a terrorist person or terrorist organisation by the Minister.

(3) The statement shall be capable of being published in accordance with procedures of the relevant Sanctions Committee, excluding any parts deemed by member countries as confidential.

(4) The request shall clarify whether Uganda wishes to disclose that it is the country requesting the listing.

6. Review of decision of Minister declaring organisation as terrorist organisation.

(1) An organisation declared as a terrorist organisation by the Minister may apply to court to review the decision of the Minister.

(2) The court may, after considering an application under subregulation (1) set aside a declaration made by the Minister, only where the court is satisfied, on a balance of probabilities, that there were no reasonable grounds for the minister to make the declaration or that the grounds that the Minister based his or her decision no longer exist including that new information or new factual information is available to the court or that there is change in behaviour of the declared organisation.

(3) The court may take into consideration the following matters in determining that there are no reasonable grounds to make a declaration under the Act or these Regulations—

- (a) that the organisation declared as a terrorist organisation is an innocent third party with the same or similar name to a terrorist organisation;
- (b) that the organisation declared as a terrorist organisation does not or no longer meets the criteria for declaration.

(4) Upon an application being made under this regulation, the court shall examine *ex parte* and *in camera*, any security or intelligence reports or other information or evidence considered confidential by the Minister, which were considered by the Minister and which formed, in part or in whole, the basis for the declaration.

(5) For the avoidance of doubt, the provisions of this regulation do not apply to an organisation designated by the United Nations Security Council or one of its relevant Sanctions Committees, and a court shall not have the power to set aside a declaration of an organisation which has not been delisted by the United Nations Security Council.

PART III—DESIGNATION OF INDIVIDUALS AS SUSPECTED TERRORISTS

7. Designation of suspected terrorists

(1) In accordance with section 32A of the Act, the Minister may declare an individual—

- (a) a terrorist, where the person has been convicted of an offence under the Act;
- (b) a suspected terrorist, where the Minister has reasonable grounds to suspect that the person—
 - (i) is committing, or has committed or has attempted to commit, an act of terrorism, or has participated in or facilitated the commission of an act of terrorism;
 - (ii) is a member of a terrorist organisation;
 - (iii) is committing or has committed an offence under the Act;
 - (iv) has participated in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, Al-Qaida, or any cell, affiliate, splinter group, derivative group or any terrorist organisation;

- (v) is supplying, selling or transferring arms or related material to Al-Qaida, or any cell, affiliate, splinter group, derivative group or any terrorist organisation;
- (vi) is recruiting for or otherwise supporting acts or activities of Al-Qaida, or any cell, affiliate, splinter group, derivative group or any terrorist organisation;
- (vii) is listed in accordance with any United Nations Security Council Resolution or any international or regional legal instrument;
- (viii) has participated in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, persons or entities listed in the 1988 Taliban Sanctions List and other individuals, groups, undertakings and entities associated with the Taliban and constituting a threat to the peace, stability and security of Afghanistan;
- (ix) is supplying, selling or transferring arms and related material to persons or entities listed in the 1988 Taliban Sanctions List and other individuals, groups, undertakings and entities associated with the Taliban and constituting a threat to the peace, stability and security of Afghanistan;
- (x) is recruiting for or otherwise supporting acts or activities of persons or entities listed in the 1988 Taliban Sanctions List and other individuals, groups, undertakings and entities associated with the Taliban and constituting a threat to the peace, stability and security of Afghanistan; or
- (xi) is controlled, directly or indirectly, by any person or entity declared under this Act or designated under any United Nations Security Council Resolution as a terrorist organisation, terrorist or by a person acting on behalf of a terrorist, suspected terrorist or terrorist

organisation, or is controlled, directly or indirectly, by any person or entity designated by United Nations Security Council Resolutions dealing with the proliferation of weapons of mass destruction or proliferation financing, or by persons and entities acting on their behalf, or at their direction.

(2) For the purposes of subregulation (1), any person, foreign state, or international organisation may, in writing, request the Minister, through the minister responsible for foreign affairs, to declare a person a terrorist or suspected terrorist.

(3) Upon receipt of a request under this regulation, the Minister shall request the Inspector General of Police to examine the request, within five working days, and advise the Minister on whether there are reasonable grounds to declare the person as a terrorist or suspected terrorist.

(4) The Inspector General of Police may solicit and collect additional information from the authority that submitted the request and where applicable any supervisory authorities, reporting entities, competent authorities, accountable persons, the Financial Intelligence Authority, the Director of Public Prosecutions, ministries, departments and agencies of Government or other individuals or entities that may have access to information necessary to making a determination under subregulation (1).

(5) The additional information referred to in subregulation (4) shall be provided to the Inspector General of Police within five working days.

(6) Where the Minister declares a person as a terrorist or suspected terrorist, the Minister may, through the Minister responsible for foreign affairs, in accordance with diplomatic protocols and the procedures set out in regulation (5), request the United Nations to designate the terrorist or suspected terrorist in accordance with United Nations Security Council Resolutions relating to terrorism or to designate the terrorist or suspected terrorist in accordance with United Nations Security Council Resolutions relating to the proliferation of weapons of mass destruction or proliferation financing, as appropriate.

(7) A request to designate a person a terrorist or suspected terrorist or to be designated for activities related to the proliferation of weapons of mass destruction or proliferation financing under subregulation (6) shall—

- (a) be made in accordance with the procedures and standard forms for listing of terrorists or suspected terrorists or proliferators of weapons of mass destruction or their financiers adopted by the Security Council or the relevant Sanctions Committee of the United Nations;
- (b) provide as much relevant information as possible on the terrorist or suspected terrorist proposed to be listed, including sufficient identifying information to allow for the accurate and positive identification of the terrorist or suspected terrorist, including the full name of the natural person including family name and title, aliases, and nicknames; date and place of birth; nationality; gender; other family members names; information on occupation or profession; country or countries of residence; passport number; ID card number, current address and previous addresses; and current status before law enforcement authorities in terms of the individual being wanted, detained or convicted; and all information needed by the International Criminal Police Organisation (Interpol) to issue a special notice, should they be available;
- (c) provide a statement containing as much detail as possible on the basis for the proposed listing, including specific information supporting a determination that the terrorist or suspected terrorist meets the relevant listing criteria, supporting information or documents and details of any connection between the terrorist or suspected terrorist and any other person, entity or organisation listed by the United Nations or declared as a terrorist person or terrorist organisation by the Minister.

(8) The statement shall be capable of being published in accordance with the procedures of the relevant Sanctions Committee, excluding any parts that may be considered by member countries as confidential.

(9) The request shall clarify whether Uganda wishes to disclose that it is the country requesting the listing.

(10) Upon making a positive determination under subregulation (1), based upon the advice received from the Inspector General of Police, the Minister shall, without delay, declare the person a terrorist or suspected terrorist using Form 1 specified in the Schedule to these Regulations

8. Review of declaration under this Part

(1) A person declared as a terrorist or suspected terrorist by the Minister may apply to court to review the decision of the Minister.

(2) The court may, after considering an application under subregulation (1) set aside a declaration made by the Minister where the court is satisfied—

- (a) on a balance of probabilities, that there were no reasonable grounds for the Minister to make the declaration or that the grounds that the Minister based his or her decision no longer exist including that new information or new factual information is available to the court or there is change in behavior of the declared person;
- (b) that the conviction of the person for the terrorism offence has been overturned or the person has served the sentence for the terrorism offence for which he or she was convicted.

(3) Upon an application being made under this regulation, the court shall examine *ex parte* and *in camera*, any security or intelligence reports or other information or evidence considered confidential by the Minister, which were considered by the Minister and which formed, in part or in whole, the basis for a declaration.

(4) The provisions of this regulation do not apply to a person designated by the United Nations Security Council or one of its relevant Sanctions Committees, and for the avoidance of doubt, a court shall not have the power to set aside a declaration of a person who has not been delisted by the United Nations Security Council.

9. Designation of proliferators of weapons of mass destruction as suspected terrorists or terrorist organisations

(1) The Minister may declare a person, organisation or entity engaged in the financing of the proliferation of weapons of mass destruction as a suspected terrorist or terrorist organisation, where the Minister has reasonable grounds to suspect that the person, organisation or entity meets the specific criteria for designation set out in UNSCR 1718 (2006) and its successor resolutions, UNSCR 2231 (2015) and any successor resolutions, or any other relevant United Nations Security Council Resolutions.

(2) For the purposes of subregulation (1), any foreign person, foreign state or international organisation may, in writing, request the Minister, through the minister responsible for foreign affairs, to declare a person, organisation or entity as a suspected terrorist or terrorist organisation.

(3) The procedure for making a request and handling the request under subregulation (2) shall, with the necessary modifications, be the same as the procedure set out in regulations 3 and 7

(4) The procedure for requesting a court to review the declaration under subregulation (1) shall, with the necessary modifications, be the same as the procedures set out in regulations 6 and 8.

(5) The declaration under subregulation (1) shall be in Form 1 specified in the Schedule to these Regulations.

PART IV—DECLARATION OF PERSONS AND ORGANISATIONS
UNDER UNITED NATIONS SECURITY COUNCIL RESOLUTIONS

10. Declaration by Minister of organisations or persons required to be designated by the United Nations Security Council.

(1) Where the United Nations Security Council or one of its relevant Sanctions Committees designates a person as a terrorist or an organisation or entity as a terrorist organisation or where the United Nations Security Council or one of its relevant Sanctions Committees designates a person or an organisation or entity for activities related to the proliferation of weapons of mass destruction or proliferation financing under any United Nations Security Council Resolution adopted under Chapter VII of the United Nations Charter including—

- (a) United Nations Resolutions 1267/1989 (Al-Qaida) adopted unanimously on 15 October 1999, designating Osama bin Laden and associates as terrorists and establishing a sanctions regime to cover individuals and entities associated with Al-Qaida, Osama bin Laden and the Taliban, wherever located, and its successor resolutions;
- (b) United Nations Resolutions 1267/1988 (Taliban) adopted unanimously on June 17, 2011, on terrorism and the threat to Afghanistan, and imposing sanctions regimes on Al-Qaeda and the Taliban, and its successor resolutions;
- (c) United Nations Security Council Resolution 1718, adopted unanimously by the United Nations Security Council on October 14, 2006, imposing a series of economic and commercial sanctions on the Democratic People's Republic of Korea (the DPRK, North Korea) in the aftermath of the Democratic People's Republic of Korea's claimed nuclear test of October 9, 2006, and its successor resolutions; and
- (d) United Nations Security Council Resolution 1737 (2006), whose designations were continued by United Nations Security Council resolution 2231 (2015), or United

Nations Security Council Resolution 2231 itself, adopted on October 18, 2015, endorsing the Joint Comprehensive Plan of Action (JCPOA) and providing for the termination of the previous Security Council resolutions on the Iranian nuclear issue while establishing specific restrictions that apply to all States without exception, and its successor resolutions,

the Permanent Mission of Uganda to the United Nations shall, within eight hours after the designation, submit to the Minister responsible for foreign affairs, and notify the Minister and the Financial Intelligence Authority, of the particulars of the designation.

(2) The Minister responsible for foreign affairs shall forward the designation submitted to him or her under subregulation (1) to the Minister and Minister shall, within twenty four hours after receipt of the designation, declare the person or organisation as a suspected terrorist or terrorist organisation in accordance with these Regulations.

(3) For the avoidance of doubt, a person may only be declared as a suspected terrorist, or an organisation or entity as a terrorist organisation, by the Minister under this Part if that person or organisation or entity is designated as such by the United Nations Security Council or one of its relevant Sanctions Committees, or if that person or organisation or entity is designated for activities related to the proliferation of weapons of mass destruction or proliferation financing by the United Nations Security Council or one of its Sanctions Committees, in accordance with a relevant United Nations Security Council Resolution.

(4) The declaration under subregulation (2) shall be in Form 1 in the Schedule.

11. Delisting of person or organisation designated by the United Nations

(1) A person designated as a suspected terrorist or an organisation designated as a terrorist organisation, or a person or an organisation or entity designated for activities related to the

proliferation of weapons of mass destruction or its financing by the United Nations Security Council or one of its Sanctions Committees, may apply to the United Nations Security Council to be delisted in accordance with the procedures set out in the relevant United Nations Security Council Resolution under which the person or organisation was designated.

(2) A person, organisation or entity seeking to be removed from the Security Council's ISIL (Da'esh) and Al-Qaida Sanctions List may submit a request for delisting directly to the Office of the Ombudsperson at ombudsperson@un.org or any other address provided for the purpose.

(3) In the case of a person who, or organisation or entity which, has been designated for activities sanctioned under United Nations Security Council Resolutions, the concerned person, organisation or entity may apply for delisting directly at the Focal Point for de-listing established pursuant to resolution 1730 (2006) at delisting@un.org.

(4) All requests for delisting shall be accompanied by information and documents supporting the request.

(5) A person, organisation or entity residing in Uganda which is designated by the United Nations Security Council or any of its Sanctions Committees may submit to the Minister a request for delisting.

(6) A request submitted to the Minister under subregulation (5) shall be forwarded to the Office of the Ombudsperson or to the Focal Point within ten working days, in coordination with the Minister responsible for foreign affairs and accompanied by the Minister's observations as to the admissibility of the request.

(7) The Minister may submit a request for delisting by the United Nations Security Council or its relevant Sanctions Committee, whether on his own initiative or based on a request received from a designated person, organisation or entity, if the Minister determines that the applicable criteria do not or no longer apply.

(8) Where a person or organisation is delisted as a terrorist or terrorist organisation by the United Nations Security Council, or where a person or organisation is delisted by the United Nations Security Council where they were listed for activities related to the proliferation of weapons of mass destruction or their financing, and that person or organisation has been declared as a suspected terrorist or terrorist organisation in Uganda as a consequence under these Regulations, the person or organisation shall be removed from the list of declared suspected terrorists or terrorist organisations.

(9) Where a person or organisation is removed from the list of declared suspected terrorists or terrorist organisations, the Minister shall immediately notify the Financial Intelligence Authority, and the Financial Intelligence Authority shall, upon receipt of the notification, immediately circulate the information in an expeditious manner, to all accountable persons and any relevant public or private body to facilitate the timely unfreezing or unseizing of the funds or property of the relevant person or organization.

PART V—NOTIFICATION OF DESIGNATED PERSONS AND
ORGANISATIONS TO FINANCIAL INTELLIGENCE AUTHORITY
AND FREEZING OR SEIZING OF FUNDS OR PROPERTY

12. Financial Intelligence Authority to freeze assets or funds of declared person or organisation

(1) Where the Minister declares a person or organisation as a terrorist, suspected terrorist or a terrorist organisation under these Regulations, the Minister shall immediately after the declaration, notify the Financial Intelligence Authority.

(2) The notification under subregulation (1) shall be in the Form 2 in the Schedule to these Regulations.

(3) Upon receipt of the notification under subregulation 10(1), the Financial Intelligence Authority shall cause the temporary freezing or seizing of the funds or property of the declared person or terrorist organisation and any other funds derived or generated from such

funds, including any funds or other assets wholly or jointly owned or controlled, directly or indirectly, by the declared person or organisation or by any person acting on behalf of or at the direction of the declared person or organisation.

(4) A directive by the Financial Intelligence Authority under subregulation (3) shall remain in force until the court issues a formal order freezing or seizing the funds or property.

(5) For the purposes of subregulation (3), the Financial Intelligence Authority shall, within eight hours after receipt of the notification, and without notice to the suspected terrorist, terrorist or terrorist organisation, circulate the information in an expeditious manner, to all accountable persons and any relevant public or private body to facilitate the timely freezing or seizing of the funds or property of the suspected terrorist or terrorist organisation.

(6) Within eight hours after receipt of information under subregulation (5) by an accountable person or relevant public or private body, the accountable person or relevant public or private body shall conduct a check to verify whether the details of the suspected terrorist, terrorist or terrorist organisation match with the particulars of any customer, and if so, determine whether the customer holds any funds or property with it.

(7) Where a customer is determined to match the details of a suspected terrorist, terrorist or terrorist organisation and such customer holds any funds or property, whether wholly or jointly owned or controlled directly or indirectly by the customer, the accountable person or relevant public or private body shall, without delay and without notice to the suspected terrorist, terrorist or terrorist organisation, *freeze* or seize such funds or property and immediately stop all transactions related to those funds or property.

(8) The accountable person or relevant public or private body shall, immediately after freezing or seizing any funds or property under subregulation (7), inform the Financial Intelligence Authority of

the full particulars of the funds or property which have been frozen or seized and any other information that is relevant to or would facilitate compliance with these Regulations, including all transactions or attempted transactions relating to the funds or property.

(9) The particulars required under subregulation (8) shall include—

(a) in the case of an accountable person—

- (i) the account number;
- (ii) the name of the account owner or holder;
- (iii) the time of freezing of the account;
- (iv) the balance of the account at the time of freezing or seizing of the funds or property;
- (v) the related accounts, if any, including the balance of funds or property in the accounts at the time of freezing or seizing; and
- (vi) an explanation as to the grounds for the identification of the related accounts;

(b) in the case of a relevant public or private body—

- (i) the nature and description of the funds or property;
- (ii) the name of the owner or holder of the funds or property;
- (iii) the mode and date of acquisition of the funds or property by the owner; and
- (iv) the location of the funds or property;
- (v) the transactions relating to the funds or property.

(10) Subject to this regulation, an accountable person, relevant public or private body, Ugandan national or natural or legal person, within Uganda—

- (a) shall, without delay and without prior notice to the suspected terrorist, terrorist or terrorist organisation, freeze or seize—
 - (i) funds or property that are owned or controlled by the declared suspected terrorist, terrorist or terrorist organisation and not just those that can be tied to a particular terrorist or proliferation act, plot or threat;
 - (ii) funds or property that are wholly or jointly controlled, directly or indirectly by the declared suspected terrorist, terrorist, terrorist or terrorist organisation;
 - (iii) funds or property derived or generated from funds or property owned or controlled directly or indirectly by the declared suspected terrorist, terrorist or terrorist organisation; and
 - (iv) funds or property of persons and entities acting on behalf of, or at the direction of, the declared suspected terrorist, terrorist or terrorist organisation.
- (b) shall not permit any dealings in respect of any funds or property the Financial Intelligence Authority has directed should be frozen or seized; and
- (c) shall not have any dealings with a declared suspected terrorist, terrorist, or terrorist organisation, including making any funds or property, economic resources, or financial or other related services available, directly or indirectly, wholly or jointly, for their benefit or the benefit of entities owned or controlled, directly or indirectly, by a declared suspected terrorist, terrorist, or terrorist organization, or persons and entities acting on their behalf of, or at their direction, unless authorised or otherwise notified in accordance with these Regulations.

(11) An accountable person, relevant public or private body, Ugandan national or natural or legal person within Uganda, who contravenes subregulation (10) commits an offence and is liable, on conviction to imprisonment not exceeding six months.

(12) An accountable person who contravenes subregulations (6), (7), or (8) shall be subject to additional penalties prescribed in the Anti-Money Laundering Act, 2013.

13. Financial Intelligence Authority to inform Director of Public Prosecutions of freezing or seizing of assets

(1) After receipt of the particulars of the funds or property frozen or seized by an accountable person or relevant public or private body, the Financial Intelligence Authority shall immediately submit the particulars to the Director of Public Prosecutions in any case not later than forty eight hours after the freezing or seizing of the funds or property.

(2) The Director of Public Prosecution shall, after receipt of the particulars specified in subregulation (1), apply to court for an order freezing or seizing such funds or property and the court shall make a determination expeditiously.

14. Funds or property frozen or seized in error

Where funds or property are frozen or seized in error, the Financial Intelligence Authority shall immediately notify the Director of Public Prosecutions of the error and request the Director of Public Prosecutions to obtain a court order authorising the Financial Intelligence Authority to immediately unfreeze the funds or property.

15. Funds or property to remain frozen until determination by court

(1) Where funds or property are frozen or seized by virtue of a court order no dealing dealings related to those funds or property shall take place until the court makes a determination.

(2) A person who deals with funds or property in contravention of subregulation (1) commits contempt of court and is on conviction liable, in the case of—

- (a) an individual, a fine of two currency points for each day the individual continues in contravention or to imprisonment not exceeding two months or both; or
- (b) a body corporate or public or private body, a fine of two currency points for each day the body corporate or public or private body continues in contravention.

(3) An accountable person who contravenes subregulation (1) shall, in addition to the penalty prescribed under subregulation (2), be subject to additional penalties prescribed in the Anti-Money Laundering Act, 2013.

16. Preservation and management of frozen or seized funds or property

(1) A person, accountable person, relevant public or private body that seizes or freezes any funds or property under an order of court shall ensure the reasonable preservation of the seized or frozen funds or property.

(2) An accountable person, relevant public or private body shall permit the addition of interest or other earnings due on frozen accounts provided that any such interest or other earnings are frozen in accordance with these regulations.

(3) In cases where seized or frozen funds or property need to be actively managed given their nature, the court shall, on the advice of the Financial Intelligence Authority and the Director of Public Prosecutions, appoint a manager of such funds or property.

(4) The manager shall receive and produce an inventory of the funds or property in the presence of the concerned parties, a representative of the Financial Intelligence Agency and Director of Public Prosecutions, and a specialised expert according to the nature of the funds or property.

(5) The manager shall also have the obligation to preserve, adequately manage, and return the funds or property with their revenues when the freezing obligation is lifted.

17. Freezing or seizing of funds of declared organisations and persons outside Uganda

(1) Where the Minister declares a person or organisation as a suspected terrorist or terrorist organisation under these Regulations and that person or organisation has funds or property outside Uganda, the Financial Intelligence Authority may, through the Minister and the appropriate diplomatic channels, request that the relevant authority in the country where the funds or assets are located, free or seize those funds or property.

(2) A request under subregulation (1) shall be accompanied with as much relevant information as possible to enable the relevant authority in the country where the funds or property are located to make a determination on the request, including sufficient identifying information to allow for the accurate and positive identification of the person or organisation, as well as a statement containing as much detail as possible on the basis for the proposed listing, including specific information supporting a determination that the person or organization meets the relevant listing criteria.

18. Review of decision freezing or seizing funds or property

(1) The court may vary an order freezing or seizing funds or property, where the court is satisfied on the balance of probabilities that—

- (a) the order freezing or seizing of the funds or property was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;
- (b) the person or organisation had their funds or property frozen in error, owing to their having the same or similar names to those of declared suspected terrorist, terrorist, or terrorist organisation;
- (c) the person or organisation is an innocent third party with a *bona fide* right to the funds or property frozen or seized; or
- (d) the funds or property frozen or seized are exempt from freezing or seizure under any law or under the relevant

United Nations Security Council Resolutions on combatting terrorism or the proliferation of weapons of mass destruction or its financing.

(2) Upon an application being made under subregulation (1), the court shall examine *ex parte* and *in camera* any security or intelligence reports or other information or evidence considered confidential by the Financial Intelligence Authority, which were considered by the Financial Intelligence Authority and which formed, in part or in whole, the basis for the seizing or freezing of the funds or property.

(3) Where an order freezing or seizing funds or property is varied by the court, the Financial Intelligence Authority shall issue a notice of that fact to the person or organisation and to any person affected by the decision.

(4) The Financial Intelligence Authority shall, upon receipt of an order by the court revoking an order freezing or seizing funds or property, cause an accountable person or any relevant public or private body, to unfreeze the funds or property.

(5) Every order made under this regulation shall be published, without delay, in the Gazette by the Financial Intelligence Authority.

(6) This regulation does not apply to funds or property frozen or seized by virtue of a United Nations Security Council Resolution unless the funds or property have been unfrozen in accordance with the United Nations Security Council Resolution under which the property was seized or frozen.

PART VI—DEALINGS IN FROZEN OR SEIZED FUNDS OR PROPERTY

19. Dealings in frozen assets and property

(1) A person who wishes to have any dealings with funds or property which have been frozen or seized under these Regulations shall apply to court.

(2) The court may permit dealings in frozen or seized funds or property on any grounds the court considers appropriate, including on humanitarian grounds recognised by the United Nations Security Council and specified in United Security Council Resolutions.

(3) Without limiting the general effect of subsection (2), a court may take into account the following matters before making an order permitting dealings in frozen or seized funds or property or dealings with a declared terrorist organisation—

- (a) that the funds or property are necessary to cover the basic and necessary expenses of the terrorist, suspected terrorist or terrorist organisation;
- (b) that the funds or property are necessary to cover the extraordinary expenses of the terrorist, suspected terrorist or terrorist organisation;
- (c) that the frozen or seized funds or property are subject to a judicial, administrative or arbitral lien or judgment; or
- (d) that the frozen or seized funds or property are payments due under a contract entered into prior to the declaration of the person or organisation as a suspected terrorist or terrorist organisation.

(4) In the case of individuals or entities designated by the United Nations, access to financial or related services or frozen assets may only be granted by the court without objection from, or upon approval by the Security Council or relevant Sanctions Committee, as follows—

- (a) in the case of a request for authorisation to access frozen funds or other assets to settle basic expenses, the court shall notify the Security Council or relevant Sanctions Committee in coordination with the Minister responsible for foreign affairs and the request shall only be granted upon the receipt of notification of no objection or negative decision from the Security Council or relevant Sanctions Committee;

- (b) in the case of a request for authorisation to access frozen funds or other assets to settle extraordinary expenses, the court shall notify the Security Council or relevant Sanctions Committee in coordination with the Minister responsible for foreign affairs and the request shall only be granted upon the receipt of approval from the Security Council or relevant Sanctions Committee;
- (c) with respect to individuals or entities designated pursuant to Resolutions 1718 (2006), or 1737 (2006) whose designations were continued by Resolution 2231 (2015), where a request is made to utilise frozen funds or property subject to a judicial or administrative judgment, or arbitral lien, in case these funds or property are to be exclusively utilized in meeting the costs of the judicial or administrative judgment, or arbitral lien, provided that the lien or judgment have occurred prior to listing the individual or entity per the mentioned Resolutions, and that the frozen funds or property are not used in the interest of any individual listed, and after the court notifies the Security Council or relevant Sanctions Committee as needed;
- (d) with respect to individuals or entities designated pursuant to United Nations Security Council Resolutions 1718 (2006) or 2231 (2015), the court may authorise the addition to frozen accounts of payments due under contracts, agreements, or obligations that arose prior to the date of the designation, provided that the court has submitted a notification to the Security Council or relevant Sanctions Committee at least ten days prior to the authorisation; or
- (e) with respect to individuals or entities designated pursuant to United Nations Security Council Resolution 1737 (2006), whose designations were continued by United Nations Security Council resolution 2231 (2015), or pursuant to United Nations Security Council resolution 2231 (2015), the court may authorise a payment due under

a contract that arose prior to the date of the addition of the person or entity to the United Nations List provided that—

- (i) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering, or services referred to in United Nations Security Council Resolution 2231 (2015) and any future successor resolutions;
- (ii) the payment is not received, directly or indirectly, by a person or entity subject to the measures in paragraph 6 of Annex B of United Nations Security Council Resolution 2231 (2015); and
- (iii) the Minister has submitted, in coordination with the Minister responsible for foreign affairs, a prior notification to the Security Council of its intention to authorise such a payment to be made or to authorise, where appropriate, the unfreezing of funds or property for the same purpose at least ten working days prior to such authorisation.

(5) Where a request is granted to deal in frozen accounts and property, the Financial Intelligence Authority shall issue a notice of that fact to the person or organisation and to any person affected by the decision.

(6) An accountable person, relevant public or private body, Ugandan national, or natural or legal person within Uganda holding the frozen funds or property shall take necessary measures to implement the decision of the court and shall also report to the Financial Intelligence Authority on the manner in which the funds or property used to pay extraordinary expenses are disposed of.

(7) The Minister shall in turn send those reports to the Security Council or relevant Sanctions Committee, in coordination with the Minister responsible for foreign affairs.

(8) In all cases in which a request is granted by the court, the holder of the frozen funds or property shall inform the Financial Intelligence Authority of any action taken to implement the court's decision within three working days of implementation.

(9) The court may reverse its decision to approve the use of frozen funds or property at any time if reasonable suspicions appear regarding the use of such funds or property in terrorist financing or financing of proliferation of weapons of mass destruction.

PART VII—GENERAL

20. Confidentiality

A person who processes or receives any information under these Regulations shall treat the information as confidential and shall not disclose the information unless required by law.

21. Notification of Directorate of Citizenship and Immigration Control of designated persons

(1) Where a person is declared a terrorist or suspected terrorist under these Regulations, the Minister shall immediately notify the Directorate of Citizenship and Immigration Control and request the Directorate of Citizenship and Immigration Control to effect the appropriate immigration control in respect of that person.

(2) Without limiting the general effect of subregulation (1), where the person is declared a suspected terrorist as a consequence of a United Nations Security Council Resolution which requires that a travel ban be effected in respect of that person, the Directorate of Citizenship and Immigration Control shall immediately effect a travel ban in respect of that person.

22. Cooperation with other agencies and exchange of information

The Financial Intelligence Authority, the Police, the Director of Public Prosecutions, ministries, departments and agencies of government shall cooperate, and where necessary exchange information, in order to give effect to the Act and these Regulations.

23. Publication of designated person or organisation

The Minister shall publish, in the Gazette by legal notice and in a newspaper of wide circulation in Uganda, all persons declared or delisted as terrorists, suspected terrorists and terrorist organisations under the Act and these Regulations.

24. Registers

(1) The Minister shall maintain a register, in an appropriate form, of all persons declared as terrorists, suspected terrorists and terrorist organisations.

(2) The Financial Intelligence Authority shall maintain a register, in an appropriate form, of all funds or property frozen or seized under the Act or these Regulations.

25. Request for information

(1) A person, foreign state or international organisation may, in writing, request from the Minister, the Financial Intelligence Authority or the Director of Public Prosecutions, for information kept by virtue of the Act or these Regulations.

(2) A request for information relating—

- (a) to a person declared as a terrorist, suspected terrorist or terrorist organisation under the Act or these Regulations shall be addressed to the Minister;
- (b) to the freezing or seizing of funds or property under the Act or these Regulations, shall be addressed to the Financial Intelligence Authority.

(3) The rights of *bona fide* third parties acting in good faith shall be taken into consideration when implementing the provisions of these Regulations.

26. Revocation of S.I. No. 63 of 2016

The Anti-Terrorism Regulations, 2016, S.I. No. 63 of 2016 are revoked.

SCHEDULE

Regulations 3(11), 7(10), 9(5), and 10(4)

FORM 1

DECLARATION OF TERRORISTS, SUSPECTED TERRORISTS AND TERRORIST ORGANISATIONS

In accordance with section of the Anti – Terrorism Act, 2002 and regulations 3(8), 7(5), 9(4), and 10(4) [*choose whichever is applicable*] of the Anti - Terrorism Regulations, 2016, I hereby declare(*specify whether the declaration is in respect of a terrorist, suspected terrorist or terrorist organisation and provide as much detail as possible to identify the declared person or entity*)*

Dated

.....
Minister of Internal Affairs

** Declaration shall specify the details required under the Act and may be attached as a schedule to Form 1*

FORM 2

The Executive Director
Financial Intelligence Authority
Kampala

**NOTIFICATION OF DECLARATION OF TERRORIST/
SUSPECTED TERRORIST/TERRORIST ORGANISATION**

(choose whichever is applicable).

Take note that, I have this day of 20..... declared.....
person/organisation terrorist) (choose whichever is applicable) a terrorist/
suspected terrorist/terrorist organisation (choose whichever is applicable) in
accordance with the Anti-Terrorism Act, 2002.

Dated this day of 20.....

Signature

.....
Minister of Internal Affairs

Cross Reference

Anti-Money Laundering Act, 2013, Act No. 12 of 2013
Anti-Terrorism Act, 2002, Act No. 14 of 2002

HON. MAJ. GEN (RTD) KAHINDA OTAFIIRE,
Minister of Internal Affairs.

