

Rwanda

## Prime Minister's Order governing the National Counter-Terrorism Committee

Prime Ministers Order 18 of 2021

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Prime Minister's Order governing the National Counter-Terrorism Committee  
Contents

Chapter One – General provisions .....	1
Article One – Purpose of this Order .....	1
Article 2 – Definitions .....	1
Chapter II – Organisation, responsibilities and powers of the Committee .....	2
Article 3 – Composition of the Committee .....	2
Article 4 – Responsibilities of the Committee .....	2
Article 5 – Powers of the Committee .....	2
Chapter III – Functioning of Committee .....	3
Section One – Meetings of the Committee .....	3
Article 6 – Convening the meeting of the Committee .....	3
Article 7 – Holding of a meeting of the Committee .....	3
Section 2 – Procedure for domestic designation .....	3
Article 8 – Designation criteria .....	3
Article 9 – Foreign country request for designating a person .....	4
Article 10 – Publication and dissemination of designation .....	4
Article 11 – Notification of designation .....	5
Article 12 – Appeal for reconsideration and court referral .....	5
Article 13 – Domestic delisting .....	5
Section 3 – International designation procedure .....	5
Article 14 – Dissemination of United Nations Sanctions List .....	5
Article 15 – International designation proposal .....	6
Article 16 – Notification of designation .....	6
Article 17 – Request for delisting .....	6
Article 18 – Delisting requests for dead individuals and defunct entities .....	7
Article 19 – Publication, notification, and dissemination of delisting .....	7
Chapter IV – Final provisions .....	7
Article 20 – Authorities responsible for the implementation of this Order .....	7
Article 21 – Repealing provision .....	7
Article 22 – Commencement .....	7

## Rwanda

# Prime Minister's Order governing the National Counter-Terrorism Committee

## Prime Ministers Order 18 of 2021

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**Assented to on 26 August 2021**

**Commenced on 26 August 2021**

*[This is the version of this document from 26 August 2021.]*

### **The Prime Minister;**

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 119, 120, 122 and 176;

Pursuant to Law n° 46/2018 of 13/08/2018 on counter-terrorism as amended to date, especially in Article 40 bis;

On proposal by the Minister of Justice and Attorney General;

After consideration and approval by the Cabinet, in its meeting of 11/08/2021;

### **ORDERS:**

## **Chapter One General provisions**

### **Article One – Purpose of this Order**

This Order determines the composition, organization, functioning, responsibilities, and powers of the National Counter Terrorism Committee, hereinafter referred to as “Committee”.

### **Article 2 – Definitions**

In this Order, the following terms have the following definitions:

- 1° designation: listing a person at domestic level as a terrorist or terrorist financier or listing a person on the United Nations Sanctions list by a relevant United Nations Sanctions Committee;
- 2° delisting: write off a person's names from the domestic list or the international sanctions list;
- 3° domestic list: the list of terrorists and terrorist financiers prepared and approved by the National Counter Terrorism Committee;
- 4° focal Point: the focal point established within the United Nations Secretariat under the United Nations Security Council Resolution 1730 (2006);
- 5° reporting persons: persons whose list is provided for by Law N° 75/2019 of 29/01/2020 on prevention and punishment of money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction as amended to date;
- 6° sanctions list: the 1267/1989 Al-Qaida sanctions list, the 1988 sanctions list or other similar list issued by the Security Council;
- 7° supervisory authority: the authority regulating, supervising, controlling or monitoring the functioning of reporting persons.

## **Chapter II**

### **Organisation, responsibilities and powers of the Committee**

#### **Article 3 – Composition of the Committee**

The Committee is composed of the following members:

- 1° Prosecutor General, Chairperson;
- 2° Deputy Secretary General of Rwanda Investigation Bureau, Vice Chairperson;
- 3° Deputy Governor of the National Bank of Rwanda;
- 4° Director General of Financial Intelligence Centre, Rapporteur;
- 5° Director General of Immigration and Emigration in Rwanda;
- 6° Permanent Secretary in the Ministry of Foreign Affairs and international Cooperation;
- 7° Commissioner for Counter terrorism in Rwanda National Police.

#### **Article 4 – Responsibilities of the Committee**

The Committee has the following responsibilities:

- 1° to develop strategies for counter terrorism;
- 2° to publish the domestic list;
- 3° to identify a person that meets the listing criteria for designation on the United Nations Sanctions List;
- 4° to make proposals to the relevant United Nations Sanctions Committee for the designation of a person;
- 5° to request another country to make a designation;
- 6° to consider foreign country requests for designation;
- 7° to consider requests for delisting;
- 8° to review and, where applicable, update the domestic list;
- 9° to issue a public notice on updates related to designation and delisting;

The Committee may set up such subcommittees as it considers necessary to assist it in the discharge of its functions.

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

#### **Article 5 – Powers of the Committee**

The Committee has the following powers:

- 1° to access financial, administrative and law enforcement information;
- 2° to request for documents which may help the Committee to achieve its mission;
- 3° to make designation and delisting.

## **Chapter III Functioning of Committee**

### **Section One – Meetings of the Committee**

#### **Article 6 – Convening the meeting of the Committee**

The meeting of the Committee is convened and chaired by the Chairperson or the Deputy Chairperson in absence of the Chairperson.

Members of the Committee are invited to its meeting at least fourteen (14) days before the date of the meeting through an invitation letter that contains the agenda accompanied by working documents.

#### **Article 7 – Holding of a meeting of the Committee**

The meeting of the Committee is held twice a year and whenever necessary at such time and place as the Chairperson may determine.

The quorum for the meeting of the Committee to be held is two thirds (2/3) of its members.

The meeting is attended by members of the Committee themselves. No delegation is allowed.

The Committee regulates its meetings and proceedings.

### **Section 2 – Procedure for domestic designation**

#### **Article 8 – Designation criteria**

A person who becomes aware of any information relevant to the designation of a person on domestic list transmits that information to the Committee.

The Committee designates a person where it is satisfied on reasonable grounds that the person is suspected on one of the following acts:

- 1° to commit or attempt to commit a terrorist act, to finance or attempt to finance, terrorist acts or terrorist persons;
- 2° to participate in or to facilitate the commission of a terrorist act;
- 3° to accept to be owned or controlled, directly or indirectly, by a designated person;
- 4° to act on behalf or at the direction of a designated person;
- 5° to participate in the financing, planning, facilitating, preparing, or perpetrating of terrorist acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, a designated person;
- 6° to supply, sell, transfer, or facilitate the access to arms or any related material to a designated person;
- 7° to recruit for or otherwise support acts or activities of a designated person;
- 8° to finance the travel of an individual for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or for the purposes of providing or receiving terrorist training;
- 9° to travel, attempt to travel or intend to travel for the purpose of the perpetration, planning or preparation of, or participation in terrorist acts or for the purposes of providing or receiving terrorist training;
- 10° to provide or receive terrorist training;

- 11° to be concerned in the commission, preparation, or instigation of an act of international terrorism;
- 12° to be involved in the commission, preparation, or instigation of an act of financing of proliferation of weapons of mass destruction;
- 13° to be a member of, or the owner of a designated entity;
- 14° to have links with a designated person, and it is reasonably believed that the person is a risk to the national security;
- 15° to be considered to be involved in a terrorist act by another State or other organization;
- 16° to accept to be subject to the control or influence of persons outside Rwanda, and the National Counter Terrorism Committee reasonably suspects that he or she is concerned in the commission, preparation, or instigation of an act of international terrorism.

A designation under this Article is not conditional upon the existence of criminal proceedings and operates without prior notice to the proposed designated person.

### **Article 9 – Foreign country request for designating a person**

Any country which, pursuant to United National Security Council Resolutions or any other international legal obligation, makes a request to designate a person transmits the details of such request to the Government of Rwanda through the appropriate diplomatic channels.

The Ministry in charge of foreign affairs, on receipt of a request made under paragraph One of this Article, immediately, submits the request to the Committee.

A request to designate a person provides at least the following:

- 1° relevant information on the person proposed to be designated, including sufficient identifying information to allow for the accurate and positive identification of the person;
- 2° the basis for the proposed designation, including specific information to support a determination that the person meets the relevant designation criteria together with any other supporting information or documents;

Designation of such a person is carried out in accordance with criteria provided for in Article 8 of this Order.

### **Article 10 – Publication and dissemination of designation**

After designation, the domestic list of designated persons is published on the website of the Ministry in charge of justice within forty-eight (48) hours. The domestic list indicates the following:

- 1° the name including any alias or title of the person;
- 2° the place and date of birth, establishment or incorporation;
- 3° the original or acquired nationality;
- 4° passport numbers, identity card numbers or registration numbers;
- 5° sex;
- 6° physical and postal addresses;
- 7° occupation;
- 8° telephone number;
- 9° any other information which the Committee may consider relevant.

The Financial Intelligence Centre immediately disseminates the domestic list to the supervisory authority, the reporting persons, and any other relevant public or private institution.

## **Article 11 – Notification of designation**

The Committee, after designation, informs within forty-eight (48) hours the designated person of the following:

- 1° the grounds for designation;
- 2° the information relied on in making the designation, with the exception of information which, in the opinion of the Committee, should not be disclosed on the grounds of national security;
- 3° the right to make an application for judicial review;
- 4° any other information that the Committee may determine.

If a designated person is a citizen or resident of Rwanda, or is registered or incorporated in Rwanda, the Committee causes the notice issued to be served at the designated person's last known residence address or business address in Rwanda.

## **Article 12 – Appeal for reconsideration and court referral**

A designated person who is not satisfied with the decision taken against him or her may file his or her appeal for reconsideration in the first instance in writing to the Committee.

The appeal for reconsideration is filed within fifteen (15) days of the designated person's being notified of the decision taken against him or her. The Committee decides and notifies its response in writing to designated person within thirty (30) days of receipt of the appeal for reconsideration.

A designated person who is not satisfied with a decision of Committee at appeal level may refer the case to a court of law in accordance with relevant legislation.

## **Article 13 – Domestic delisting**

The Committee delists the person from a domestic list where it determines that a designated person no longer meets the criteria for designation, is dead or no longer exists in accordance with applicable laws.

After the name and other particulars of the designated person have been removed from the list of designated persons, the Committee serves a notice to the person's last known residence address or business address in Rwanda.

The Financial Intelligence Centre immediately disseminates the updated list of designated persons to the supervisory authority, the reporting persons and any other relevant public or private institution.

## **Section 3 – International designation procedure**

### **Article 14 – Dissemination of United Nations Sanctions List**

The Ministry in charge of foreign affairs submits, all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith, to the Financial Intelligence Centre and informs all members of the Committee.

Upon receipt of the sanctions list, the Financial Intelligence Centre circulates the sanctions list to the supervisory authority and reporting persons and publishes it on its website.

The supervisory authority may provide guidance to the reporting persons holding funds or other assets of a designated person.

## Article 15 – International designation proposal

The Committee is responsible for identifying a person who meets the criteria to be designated on a United Nations Sanctions List.

A person who receives or becomes aware of any information relevant to the designation of a person on a United Nations Sanctions List transmits that information to the Committee.

If there are reasonable grounds to believe that a person meets the designation criteria, the Committee submits a proposal of a person to the relevant United Nations Sanctions Committee, through diplomatic channels.

A proposal for designation is not conditional upon the existence of criminal proceedings and operates without prior notice to the proposed person to be designated.

In proposing for designation to the relevant United Nations Sanctions Committee, the Committee–

- 1° follows the procedures, including using standard forms for designation, contained in or as may be adopted pursuant to any relevant United Nations Security Council Resolution;
- 2° provides relevant information on the proposed person, including:
  - a. identifying information to allow for the accurate and positive identification of the person;
  - b. a statement of case which contains details on the basis of the designation, including specific information supporting a determination that the person meets the relevant designation criteria, the nature of the information, supporting information or documents that can be provided, and details of any connection between the proposed person and any currently designated person;
  - c. specify, where applicable, whether the relevant United Nations Sanctions Committee may not make known the status of Rwanda as a State that proposed the designation;
  - d. other relevant information as may be required under any United Nations Security Council Resolution.

Any given information is subject to conditions restricting the use and disclosure of the information imparted to the relevant United Nations Sanctions Committee, provided that the statement of case referred to in item 2° of Paragraph 5 of this Article, upon request, is disclosed by the relevant United Nations Sanctions Committee, except for the parts the Committee identifies as being confidential.

## Article 16 – Notification of designation

If a designated person is a citizen or resident in Rwanda, or is incorporated or registered in Rwanda, the Committee notifies the designated person of such designation in accordance with provisions of Paragraph 2 of Article 11 of this Order. The notification includes:

- 1° the narrative summary of reasons for designation;
- 2° a description of the effects of designation, as provided in the relevant United Nations Security Council Resolutions;
- 3° the relevant United Nations Sanctions Committee's procedures for considering delisting requests;
- 4° the provisions regarding the rights of the designated person, including where relevant, the possibility of submitting such requests through the Focal Point.

## Article 17 – Request for delisting

A designated person submits a request for delisting directly to the Office of the Ombudsperson of the United Nations or the Focal Point.



However, a designated person who is a citizen of Rwanda or a resident of Rwanda, or is incorporated or registered in Rwanda, may submit a request for delisting to the Committee.

If Committee is of the view that a designated person no longer meets the criteria for designation, it submits a request for delisting to the relevant United Nations Committee via diplomatic channels.

When submitting a request for delisting to the relevant United Nations Sanctions Committee, the Committee follows such procedures, including using any standard form for delisting as may be adopted by the relevant United Nations Sanctions Committee, and the request contains the reasons for submitting the delisting request, any relevant information and any documentation supporting the request.

### **Article 18 – Delisting requests for dead individuals and defunct entities**

If a designated person is a citizen or resident of Rwanda, or is incorporated or registered in Rwanda, and is confirmed to be dead or no longer exist, the Committee, through the Ministry in charge of foreign affairs, submits to the United Nations Sanctions Committee a request for the delisting of that person.

When submitting a request for delisting to the relevant United Nations Sanctions Committee, the Committee follows such procedures, including using any standard form for delisting as may be adopted by the relevant United Nations Sanctions Committee, and the request contains the reasons for submitting the delisting request and any documentation supporting the request.

### **Article 19 – Publication, notification, and dissemination of delisting**

If a delisted person is a citizen or resident of Rwanda, or is incorporated or registered in Rwanda, the name of the delisted person is published and disseminated in accordance with provisions of Article 10 of this Order. The Committee notifies the delisted person of such delisting in accordance with provisions of Paragraph 2 of Article 11 of this Order.

## **Chapter IV Final provisions**

### **Article 20 – Authorities responsible for the implementation of this Order**

The Minister of Justice and Attorney General, the Minister of Foreign Affairs and International Cooperation, the Minister of Defence and the Minister of Finance and Economic Planning are entrusted with the implementation of this Order.

### **Article 21 – Repealing provision**

All prior provisions contrary to this Order are repealed.

### **Article 22 – Commencement**

This Order comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.