

**LAW N° 039/2021 OF 28/07/2021
AMENDING LAW N° 46/2018 OF
10/08/2018 ON COUNTER-
TERRORISM**

TABLE OF CONTENTS

Article One: Definitions

**Article 2: Dealing in funds or other assets
of a designated person**

**Article 3: Making funds or other assets
available to a designated person**

**Article 4: National Counter-Terrorism
Committee**

**Article 5: Publication of the list of
terrorists and terrorism financiers**

**Article 6: Drafting, consideration and
adoption of this Law**

Article 7: Repealing provision

Article 8: Commencement

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**LAW N° 039/2021 OF 28/07/2021
AMENDING LAW N° 46/2018 OF
/08/2018 ON COUNTER-
TERRORISM**

Paul KAGAME,
President of the Republic;

**THE PARLIAMENT HAS ADOPTED
AND WE SANCTION, PROMULGATE
THE FOLLOWING LAW AND ORDER
TO BE PUBLISHED IN THE OFFICIAL
GAZETTE OF THE REPUBLIC OF
RWANDA**

THE PARLIAMENT:

the Chamber of Deputies, in its sitting of 2
July 2021;

pursuant to the Constitution of the Republic
of Rwanda of 2003 revised in 2015,
especially in Articles 64, 69, 70, 88, 90, 91,
106, 119, 120, 122 and 176;

having reviewed Law n° 46/2018 of
/08/2018 on counter-terrorism;

DOPTS:

Article One: Definitions

Article 2 of Law n° 46/2018 of 13/08/2018
on counter terrorism is amended as follows:

In this Law, the terms below have the
following meanings:

- 1° **public place:** part of any building,
part of land, pathways or roads,
airspace, waterway or other location
that is accessible or open to members
of the public, whether continuously,
periodically or occasionally,
including a commercial, business,
cultural, historical, educational,
religious, governmental,
entertainment, recreational or similar
place that is so accessible or open to
the public;

2° **funds or other assets:** any assets, including, but not limited to, financial assets, economic resources, including natural resources, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, traveler's cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets, and any other assets which potentially may be used to obtain funds, goods or services;

3° **electronic communication device:** a tool that is capable of storing, transmitting or receiving images, sounds or information by electronic

means;

4° **toxic chemical:** any chemical product which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to living beings;

5° **terrorist act:**

a. any deliberate act which is a violation of the criminal Laws and which may endanger the life, security, cause injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural or historical heritage and is intended to:

i. intimidate, put in fear, force, coerce or induce any government, body,

institution, the general public or any segment thereof, to do or abstain from doing any act or to adopt or abandon a particular standpoint or to act according to certain principles;

ii. disrupt any public service, the delivery of any essential service to the public or to create a public emergency;

iii. create general insurrection in a State;

b. any promotion, sponsoring, contribution to, command, aid, incitement, teaching, training, attempt, encouragement, threat, conspiracy, organizing or procurement, of any person, with the intent to commit any act referred to under item a.

6° explosive device:

- a. explosive, non-explosive or incendiary weapon that is designed or has the capability to cause death, serious bodily injury or material damage when detonated;
- b. weapon or device that is designed or has the capability to cause death, serious bodily injury or material damage through the release, dissemination or impact of toxic chemicals, biological agents, toxins or similar substances or radiation or radioactive material.

7° motor vehicle: any device designed for transporting persons and goods and which uses an engine;

8° dealing: receiving, acquiring, transacting, representing, concealing, disposing, converting, moving or transferring, using as security or

providing financial services;

9° **nuclear weapon:** weapon whose destructive power comes from a nuclear energy;

10° **chemical weapons:** the following elements, together or separately:

a. toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, as long as the types and quantities are consistent with such purposes;

b. munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-item a, which would be released as a result of the employment of such munitions and devices;

c. any equipment specifically designed

for use directly in connection with the employment of munitions and devices specified in sub-item b;

11° internationally protected person:

- a. a Head of State, including any member of a collegial body performing or any other official authorized to perform the functions of a Head of State under the Constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him or her;
- b. any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international Law to special protection from any attack on his or

her person, freedom or dignity, as well as members of his or her family forming part of his or her household;

12° **pedestrian:** person traveling on foot or using any means other than a motor vehicle;

13° **terrorist group:** a structured group of persons acting in concert and with intent to commit terrorist acts;

14° **travel document:** passport, identification card, ticket or other document that permits a person to make a journey from a specified area to another;

15° **economic resources:** assets of every kind, whether movable or immovable, tangible or intangible, actual or potential, which are not funds and which may be used to obtain funds, goods or services;

16° **person:** any natural or legal person;

17° **list:** a list of suspected terrorists and terrorism financiers established by the United Nations Security Council or by a country in accordance with relevant Laws;

18° **designated person:** a person, a group, a company and an entity that are placed on the list of terrorists and terrorism financiers pursuant to relevant domestic Laws or the United Nations Security Council Resolutions adopted under Chapter VII of the United Nations Charter.

Article 2: Dealing in funds or other assets of a designated person

Article 32 *bis*, worded as follows, is

inserted into Law n° 46/2018 of 13/08/2018
counter terrorism:

**Article 32 bis: Dealing in funds or other
assets of a designated person**

person who, knowingly or is likely to
know, deals in:

- 1° any funds or other assets that are
owned or controlled by the
designated person;
- 2° any funds or any other assets that are
wholly, partly or jointly owned or
controlled, directly or indirectly, by
the designated person;
- 3° any funds or any other assets derived
or generated from funds or other
assets owned or controlled, directly
or indirectly, by the designated
person;

4° funds or other assets of a person acting on behalf of, or at the direction of, the designated person;

commits an offence.

Upon conviction of one of the acts provided for under Paragraph One of this Article, he or she is liable to imprisonment for a term of not less than three (3) years, but not exceeding five (5) years and a fine of not less than three million Rwandan francs (FRW 3,000,000), but not exceeding five million Rwandan francs (FRW 5,000,000).”

Article 3: Making funds or other assets available to a designated person

In Article 32 *ter*, worded as follows, is inserted into Law n° 46/2018 of 13/08/2018 on counter terrorism:

Article 32 *ter*: Making funds or other assets available to a designated person

person who, knowingly or is likely to

...ow, make any funds or other assets or
...onomic resources, financial or any other
...lated service available, directly or
...directly, or wholly or partially, to or for the
...nefit of:

- 1° a designated person;
- 2° an entity acting on behalf, or at the
direction, of a designated person;
- 3° an entity owned or controlled,
directly or indirectly, by a designated
person;

...mmits an offence.

...pon conviction of any of the acts provided
...r under Paragraph One of this Article, he or
...e is liable to imprisonment for a term of not
...ss than three (3) years, but not exceeding
...ve (5) years and a fine of not less than three
...illion Rwandan francs (FRW 3,000,000),
...t not exceeding five million Rwandan
...ancs (FRW 5,000,000).”

Article 4: National Counter-Terrorism Committee

Article 40 *bis*, worded as follows, is inserted into Law n° 46/2018 of 13/08/2018 on counter-terrorism:

Article 40 bis: National Counter-terrorism Committee

There is hereby established a National Counter-Terrorism Committee. A Prime Minister's Order determines its composition, organization, functioning, responsibilities and powers.”

Article 5: Publication of the list of terrorists and terrorism financiers

Article 41 of Law n° 46/2018 of 13/08/2018 on counter-terrorism is repealed.

Article 6: Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Ikinyarwanda.

<u>Article 7: Repealing provision</u>	<u>A</u>
All prior legal provisions contrary to this Law are repealed.	T c
<u>Article 8: Commencement</u>	<u>A</u>
This Law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.	L p R

(sé)

KAGAME Paul

Perezida wa Repubulika
President of the Republic
Président de la République

(sé)

Dr NGIRENTE Edouard

Minisitiri w’Intebe
Prime Minister
Premier Ministre

Ukuriye kuri iki kandi bishyizweho Ikirango cya Repubulika
and sealed with the Seal of the Republic:
Vu et scellé du Sceau de la République:

(sé)

BUSINGYE Jonhson

Minisitiri w’Ubutabera akaba n’Intumwa Nkuru ya Leta
Minister of Justice and Attorney General
Ministre de la Justice et Garde des Sceaux
