
**AW 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**

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REVENTION AND PUNISHMENT OF
ONEY LAUNDERING, FINANCING OF
ERRORISM AND FINANCING OF
ROLIFERATION OF WEAPONS OF
MASS DESTRUCTION**

We, KAGAME Paul,
President of the Republic;

**THE PARLIAMENT HAS ADOPTED AND
VE SANCTION, PROMULGATE THE
OLLOWING LAW AND ORDER IT BE
UBLISHED IN THE OFFICIAL
AZETTE OF THE REPUBLIC OF
RWANDA**

THE PARLIAMENT:

the Chamber of Deputies, in its session of 30
December 2019;

pursuant to the Constitution of the Republic of
rwanda of 2003 revised in 2015, especially in
articles 64, 69, 70, 88, 90, 91, 93, 106, 112,
120, 122, 167, 168 and 176;

ursuant to the International Convention for the suppression of the Financing of Terrorism adopted by the United Nations General Assembly on 9 December 1999 ratified by Presidential Order n° 43/01 of 14/04/2002;

ursuant to the Comprehensive Nuclear Test Ban Treaty signed at New York, United States of America on 10/09/1996 ratified by Presidential Order n° 32 bis/01 of 17/10/2003;

ursuant to the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction signed in Paris, France, on 13/01/1993 ratified by Presidential Order n° 32 bis/01 of 17/10/2003;

ursuant to the African-Weapons-Free Zone Treaty signed in Addis Ababa, Ethiopia, in 1995 ratified by Presidential Order n° 60/01 of 18/12/2004;

pursuant to the Agreement of accession of Rwanda to the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) notified by Presidential Order n° 33/01 of 14/01/2018;

having reviewed Law n° 69/2018 of 11/08/2018 on prevention and punishment of money laundering and terrorism financing;

DOPTS:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of this Law

This Law aims at preventing and punishing:

- 1° money laundering;
- 2° financing of terrorism;
- 3° financing of proliferation of weapons of mass destruction.

Article 2: Scope of this Law

This Law applies to any individual or legal person that, in the framework of his or her profession, conducts, controls or advises on transactions involving deposits, exchanges, investments, conversions or any other movement of capital or other property.

Article 3: Definitions

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

freezing or seizure: temporarily prohibiting the transfer, conversion, disposition or movement of property or funds or temporarily assuming custody or control of property or funds on the basis of an order issued by a competent authority;

financing of the proliferation of weapons of mass destruction:

- a. providing property or funds for the manufacture, production, possession, acquisition, stockpiling, development, transportation, sale, supply, transfer,
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import, export, transshipment or use of nuclear weapons, chemical weapons, biological weapons and such other materials, as may be prescribed, which are related to nuclear weapons, chemical weapons or biological weapons;

b. providing technical training, property or funds, financial service, advice, service, brokering or assistance related to any of the activities specified in point a;

financing of terrorism: an act committed directly or indirectly by a natural or legal person, on behalf of a terrorist or terrorist organisation in giving, collecting or managing property or funds, offering advice, teaching, training in order to acquire property or funds that may be used, knowing or is likely to know that they are intended to be used, in whole or in part in terrorism activities;

predicate offence: any offence as a result of which proceeds have been generated that may be used to commit an offence;

casino: a place where various gambling games are played including table games, slot machines and other devices which may be added and others which require special knowledge in competition;

financial institution: a legal person who conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- a. acceptance of deposits and other repayable funds from the public;
- b. lending;
- c. financial leasing;
- d. money or value transfer services;
- e. issuing and managing means of payment;
- f. financial guarantees and commitments;
- g. trading in money market instruments, foreign exchange, interest rate and

index instruments, transferable securities, commodity futures trading;

- h. participation in securities issues and the provision of financial services related to such issues;
 - i. management of individual or collective property or funds;
 - j. safekeeping and administration of cash or liquid securities on behalf of other persons;
 - k. otherwise investing, administering or managing other properties or money on behalf of other persons;
 - l. underwriting and placement of life insurance and other investment related insurance as well as their intermediaries;
 - m. money and currency changing;
-

n. any other activity that the competent authority may determine.

proceeds of crime: property or funds derived from or obtained, directly or indirectly, through the commission of an offence;

bearer negotiable instruments: monetary instruments in bearer form such as traveller's cheques, negotiable instruments that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery; incomplete negotiable instruments signed but with the payee's name omitted;

money laundering:

a. the conversion, transfer or handling of property or funds whose perpetrator knows or is likely to know that such property or funds is the proceeds of crime or it derives from an act of participation in such crime;

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- b. the concealment, disguise of the true nature, origin, location, movement, disposition, donation, disguise of the beneficial owner of the property or funds or the person having rights on it, knowing or likely to know that such a property or funds is proceeds of crime or from an act of participation in such crime;
 - c. acquisition, possession or use of property or funds the author knows or is likely to know, at the time of reception, that such a property or funds is derived from proceeds of crime or from an act of participation in such crime;
 - d. participation in, association with or conspiracy to commit, attempt to commit, aiding, inciting, abetting, facilitating or counselling the commission of any of the acts mentioned in point a), b) and c).

Money laundering is committed even if the original acts leading to the acquisition, disposition or transfer of the property or funds

to be laundered or the protection of the offender, are carried out on the territory of a third State;

0° **Coordination Council:** national committee on the prevention and fight against money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction;

1° **Minister:** Minister in charge of finance;

2° **beneficial owner:** a natural person who ultimately owns or controls a customer or the natural person on whose behalf a transaction is being conducted. It also includes those persons who exercise ultimate effective control over a legal person or legal arrangement;

3° **client:** an individual or legal person who:

- a. opens an account or in the name of whom an account is opened;
- b. has the power to sign on that account;

- c. deposits, transfers or receives money on that account;
- d. is authorised to conduct transactions on that account;
- e. has business relations or occasional transaction with the reporting person.

4° **politically exposed person:** any person who is or has been entrusted with prominent public functions in Rwanda or in other countries, including his or her family members or other persons who are his or her close associates or have business or financial relationships with him or her;

5° **legal entity:** company, cooperative, institution, national non-governmental organisation, international non-governmental organisation and faith-based organisation with legal personality;

6° **property or funds:** assets 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 assets, including, bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, bank drafts, letters of credit;

7° **Centre:** Financial Intelligence Centre;

8° **competent authority:** authority responsible for combating money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction including:

- a. centre in charge of financial intelligence;
- b. authority in charge of investigation;
- c. authority in charge of prosecution;

- d. authority receiving reports on cross-border transportation of currency and bearer negotiable instruments;
- e. supervisory authority;
- f. authority having the power to seize or freeze and confiscate offence related property or funds;

9° **supervisory authority:** competent authority in charge of regulating, supervising, controlling or monitoring the functioning of reporting persons.

CHAPTER II: PREVENTION, DETECTION OF MONEY LAUNDERING, FINANCING OF TERRORISM AND FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Article 4: Financial intelligence

Financial intelligence is carried out by the Centre for the purpose of preventing and countering money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction.

Article 5: Provisional measures on offence-related property or funds

The authority having the power to freeze or seize property or funds must immediately freeze or seize property or funds when there are reasons to suspect that such property or funds are proceeds of crime.

Property or funds to be frozen or seized include:

- 1° property or funds laundered;
 - 2° proceeds from money laundering or predicate offences;
 - 3° instrumentalities used in or intended for use in money laundering or predicate offences;
 - 4° property or funds from the financing of terrorism, terrorist acts or terrorist organisations, as well as the financing of proliferation of weapons of mass destruction;
 - 5° property or funds used in, or intended for use in, the financing of terrorism, terrorist acts or terrorist organisations, as well as the financing of proliferation of weapons of mass destruction;
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6° property or funds of corresponding value in absence of offence-related properties or funds.

The authority having the power to freeze or seize on its own initiative or on the request of a person claiming rights to the property or funds may lift the freezing or seizure decision. The competent court may also issue a lifting order of freezing or seizure.

Article 6: Duration of freezing or seizure by the Centre

The Centre may decide to freeze or seize property or funds or transactions for a period of not more than three (3) working days depending on the gravity of a transaction and the urgency to verify it and immediately communicate to the reporting person the decision taken.

During this time, when reasons for the basis of presumption of money laundering, financing of terrorism and financing of proliferation of

weapons of mass destructions are founded, the Centre refers the case to the authority in charge of investigation. In case of no founded reasons, the freezing or seizure decision is lifted and the reporting person is informed accordingly.

Article 7: Reporting persons

In this Law, the reporting persons are the following:

- ° the National Bank of Rwanda;
- ° a financial institution;
- ° a telecommunication company that provides money transfer services;
- ° a member of private legal practice, when he or she represents or assists his or her clients outside of a legal proceeding, in particular within the framework of the following activities:
 - a. to buy and sell properties, companies or businesses;

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- b. to manage money, negotiable instruments and other assets belonging to the client;
 - c. to open and manage current, savings or securities accounts;
 - d. creation, management or directing of companies, trusts or other similar ventures or the execution of any other financial transactions.
- ° auditor, accountant and tax advisor;
- ° real estate agent;
- ° dealer in precious metals and dealers in precious stones;
- ° natural person, institution or company involved in the business of distributing money;
- ° casino and national lotteries gaming halls;
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0° national non-governmental organisations,
international non-governmental
organisations and faith-based organisations;

1° trust and company service provider;

2° other reporting persons that may be
determined by an Order of the Minister.

The competent authority has the power to compel
the production of necessary documents and
information from reporting persons referred to
in this Article.

Article 8: Obligations of reporting persons

Reporting persons must:

1° identify, assess, monitor, manage and take
appropriate measures in mitigating risks
of money laundering, financing of
terrorism and financing of proliferation of
weapons of mass destruction and apply
risk-based approach;

2° develop and maintain programmes for combating money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction. These programmes include:

- a. the setting up or improvement of policies, procedures, controls and systems, including recruitment supervision mechanisms to check whether recruitment requirements are satisfactorily complied with;
- b. setting up at the management level, modalities for monitoring compliance with the law;
- c. an ongoing employee training programme;
- d. setting up a permanent audit programme to ensure the conformity and the efficiency of the adopted measures in order to apply this Law;

- e. putting in place any other policy that the supervisory authority may consider necessary.

3° identify and assess the money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction risks that may arise in relation to:

- a. the development of new products and new business practices, including new delivery mechanisms;
- b. the use of new or developing technologies for both new and pre-existing products;

4° assess the risks of non-face-to-face clients.

Article 9: Verifying client identification

Reporting persons must verify the client identification and beneficial owner:

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- 1° prior to establishing a business relationship;
 - 2° when they execute occasional transactions exceeding the threshold set by the Centre;
 - 3° when they receive a wire transfer that does not contain full information about the originator;
 - 4° when there is suspicion of money laundering and financing of terrorism;
 - 5° when they have doubts about the veracity or accuracy of the client's previously obtained identification data;
 - 6° dealers in precious metals and dealers in precious stones when they engage in any cash transaction with a client equal to or above the amount equal or exceeding the threshold set by the Centre;
 - 7° when real estate agents conclude transactions relating to the purchase or sale of immovable property with their clients;
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8° when advocates, notaries, other private professional lawyers, accountants, auditors and tax advisors prepare or conduct for their clients acts relating to the following transactions:

- a. to buy or sell immovable properties;
 - b. to manage a client money, negotiable instruments or other client assets;
 - c. to manage current, saving or negotiable instruments accounts;
 - d. to collect contributions for the creation, operation and management of companies;
 - e. to create, operate and manage organisation with legal personality or legal entities and to buy and sell business entities;
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f. advise clients on tax issues;

9° when the trust and company service providers prepare for or carry out transactions for a client concerning the following activities:

- a. to act as a formation agent of legal persons;
 - b. to act as a director or secretary of a company, a partner of a partnership or a similar position in relation to other legal persons;
 - c. to provide a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;
 - d. to act as a trustee of an express trust or performing the equivalent function for another form of legal arrangement;
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- e. to act as a nominee shareholder for another person.

A reporting person is required to apply client due diligence measures to existing clients on the basis of materiality and risk, and to conduct due diligence on such existing relationships, taking into account whether and when client due diligence measures have previously been undertaken and the adequacy of data obtained.

Reporting persons must conduct ongoing due diligence on the business relationship and scrutiny of transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the institution's knowledge of the client, their business and risk profile, including, where necessary, the source of property or funds.

Article 10: Client identification

While undertaking the client due diligence referred to in Article 9 of this Law, reporting person must identify the client and the beneficial owner by verifying official identification documents and any other information from a reliable source.

A person acting on behalf of a client must present evidence to act on his or her behalf, as well as his or her identity card or other official identification document.

When a client or a person acting on behalf of a client is unable to fulfil the requirements following the verification of his or her identification, the reporting person may reject to open an account or refuse any relationship with the client.

The Centre determines requirements and modalities for client and beneficial owner identification.

Article 11: Due diligence on occasional client

Provisions of Articles 9 and 10 of this Law apply to verify the identification of the occasional client in case of transactions involving an amount equivalent to at least the threshold set by the Centre.

This identification is also requested for any transaction whose amount is less than this threshold if it is part of set of transactions that

re or seem to be linked and the total of which is less than, equal to or exceeds the threshold.

Article 12: Due diligence on a suspected client

Whenever there is uncertainty as to whether the client acts on his or her personal behalf, the reporting person must by all means obtain information in order to establish the exact identification of the stakeholder on behalf of whom the client acts.

After verification, if uncertainty persists on the identification of the beneficial owner, the reporting person makes a report on a suspicious transaction and forwards it to the Centre within twenty four (24) hours as of the time he or she receives the client.

Article 13: Due diligence in business relationships with a politically exposed person

In case of business relationships with a politically exposed person, reporting persons, in addition to performing normal due diligence measures, are also required to do the following:

- 1° have appropriate risk management systems to determine whether the client or the real beneficial owner is a politically exposed person;
- 2° obtain the authorization from the senior management of the reporting persons before establishing business relationships with such a politically exposed person;
- 3° take reasonable measures to establish the source property or funds;
- 4° conduct enhanced ongoing monitoring of the business relationship.

the Centre determines administrative positions the occupants of which are considered as politically exposed persons.

Article 14: Obligations of a casino

A casino must observe the following:

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- 1° to demonstrate to the relevant public authorities, from the day of the application for the opening their activities, the lawful origin of the funds necessary to start them;
 - 2° to confirm the identification, upon presentation of a valid identity card or any valid original official document in lieu thereof, and of which a copy is kept, of the players who buy, bring, change chips or game tags for an amount of money superior or equal to a threshold set by the Centre;
 - 3° to record all transactions mentioned in item 2 of this Paragraph in an appropriate register in a chronological order, depending on their nature and amount, indicating all names of each player, as well as the number of the presented identification document;
 - 4° to record any transfers of funds transacted between casinos in an appropriate register in a chronological order.
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In case a casino is controlled by a legal entity that owns several subsidiaries, the gaming chips must identify the issuing branch. In no case shall the gaming chips issued by a branch be refunded by another branch, whether operating in Rwanda or in another country.

Article 15: Special monitoring of certain transactions

Reporting persons are required to particularly observe the following:

- 1° to pay special attention to all complex, unusual patterns of transactions or exceptionally large transactions, which have no apparent economic or visible lawful purpose. They must examine the background and purpose of such transactions, establish the findings in writing and transmit the report to the Centre;
- 2° to pay special attention to business relationships and transactions between persons in Rwanda with persons residing in countries which do not apply

anti-money laundering and financing of terrorism regulations or which apply insufficiently regulations equivalent to those provided for in this Law.

Article 16: Declaration of cash transactions

A reporting person must indicate to the Centre the following:

- 1° all cash transactions equal or above the threshold set out by the Centre in an appropriate form and time determined by regulations set by the Centre;
- 2° any transaction equivalent to the amount less than the threshold set by the Centre, if such a transaction is part of a whole of transactions which are or seem to be linked and the total is less, equal or exceeds the threshold.

Article 17: Declaration of suspicious transactions

Whenever a reporting person has reasonable grounds to suspect that the property or funds are

linked or likely to be linked to money laundering, financing of terrorism or financing of proliferation of weapons of mass destruction, they must report them immediately to the Centre.

Once the suspicion report is presented in accordance with provisions of Paragraph One of this Article, the reporting person also conveys without delay any additional information confirming or denying suspicion.

The Centre determines modalities and time limits for submission of suspicious money transactions.

Article 18: Cross border cash declaration

Any person who leaves or enters Rwanda transporting cash or bearer negotiable instruments of an amount above that of the threshold set by the Centre must declare them to the competent authority.

Article 19: Confidentiality

A reporting person cannot disclose to his or her clients or third parties suspicious transaction or information that has been reported to the Centre.

Article 20: Record-keeping

Reporting persons keep records as follows:

- 1° records on the identification data obtained through the client verification process are kept for a period of at least ten (10) years after the end of the business relationships. In the case of an occasional client, the ten (10) year period starts from the conclusion of the transaction;
- 2° all necessary records on transactions at the national or international level are kept for a period of at least ten (10) years;
- 3° findings of analysis and examination of transactions are kept for at least ten (10) years;

4° accounts books and business correspondences are kept for a period of at least ten (10) years after the end of the relationships with the client;

5° documents mentioned in items 3° and 4° of Article 14 of this Law are kept for a period of at least ten (10) years since the record of the last transaction or transfer of funds carried out by a casino.

Records and information provided for in this article are immediately given to the competent authority that request them.

Article 21: Exchange of information

Competent authorities have obligation to share information on anti-money laundering, countering, financing of terrorism and financing of proliferation of weapons of mass destruction on both domestic and international levels, based on the obligation of confidentiality by the receiving persons.

Article 22: Exemption of liability

No proceedings of penal, civil or professional liability can be brought against:

- 1° reporting persons, members of the Board of Directors, executive officers and employees, without any bad faith, who have transmitted information or submitted the reports provided for in this Law, even if the investigations or the court orders did not result in any conviction;
- 2° reporting persons, members of the Board of Directors, executive officers and employees due to material or non-material damages resulting from the freezing of a transaction.

Article 23: Money transfer

Any transfer of money or negotiable instruments destined for or coming from a foreign country, of an amount at least equal to a threshold set by the Centre, is performed by the intermediary of financial institutions authorised to transfer money or their agents.

financial institutions authorised to transfer money or their agents include accurate payer's information in money transfer, in electronic or other form, along with any other related information. This information goes along with the transfer throughout the payment chain.

the Centre determines the payer's information required for a financial institution to conduct money transfer.

Article 24: Transparency

authorities in charge of registration of legal persons or legal arrangement must ensure that they maintain adequate, accurate and timely information on the beneficial ownership and control of legal persons and legal arrangements. That information must be obtained or accessed in a timely fashion by competent authorities and reporting persons.

Article 25: Prohibition of shell banks and anonymous accounts and taking of other preventive measures

to prohibit the shell banks and anonymous accounts, the following preventive measures must be observed:

- 1° reporting persons must be physically present in order to be authorized to operate on the territory of the Republic of Rwanda;
 - 2° reporting persons must not establish business relationships with institutions registered in places where they are not physically present;
 - 3° reporting persons must not open or maintain anonymous or digitised accounts, nor accounts with invisible or with incorrect names;
 - 4° reporting persons must ensure that their respondent financial institutions comply with measures to counter money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction;
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5° reporting persons must ensure that accounts opened in respondent financial institutions are not used by shell banks.

Article 26: Responsibilities of the supervisory authority

The supervisory authority must:

- 1° ensure that a reporting person complies with the provisions of this Law;
 - 2° determine administrative sanctions against any reporting person who does not fulfil his or her responsibilities as provided by this Law;
 - 3° issue regulations on anti-money laundering, countering the financing of terrorism or the financing of proliferation of weapons of mass destruction in accordance with the provisions of this Law and recognised international principles;
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4° compel production of or obtain access to all records, documents or information relevant to monitoring compliance to this Law and regulations.

CHAPTER III: COORDINATION COUNCIL

Article 27: Establishing a Coordination Council

There is established a Coordination Council in charge of coordinating activities for the purpose of preventing and countering money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction.

A Presidential Order determines the members of the Coordination Council as well as its organization and functioning.

Article 28: Mission of the Coordination Council

In order to prevent and counter money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction, the Coordination Council has the following responsibilities:

- 1° to devise strategies, policies and actions;
- 2° to monitor the implementation of strategies and policies;
- 3° to coordinate activities and exchange information between its members and other institutions.

CHAPTER IV: OFFENCES AND PENALTIES

Article 29: Money laundering

A person who carries out money laundering acts referred to in Article 3, Item 9° of this Law, or who is involved in an association aiming at committing one of the acts of money laundering, commits an offence. Upon conviction, he or she is liable to imprisonment for a term of not less than seven (7) years but not more than ten (10) years and a fine of Rwandan francs of three (3) to five (5) times the amount of money laundered.

A person who facilitates another person to benefit from laundered property or funds of a terrorist or of someone who may be a terrorist, by concealing, shifting from one place to another, transferring to other people the

property or funds or by any other way related to that which is referred to in this Article, commits an offence. Upon conviction, he or she is liable to imprisonment for a term of not less than ten (10) years but not more than fifteen (15) years.

Article 30: Terrorism financing

A person who carries out acts of terrorism financing referred to in Article 3 Item 3° of this Law or who is involved in an association aiming at committing one of the acts of financing terrorism commits an offence. Upon conviction, he or she is liable to imprisonment for a term of not less than twenty (20) years but not more than twenty-five (25) years and a fine of Rwandan francs of three (3) to five (5) times the amount of money given.

The penalties referred to in Paragraph One of this Article apply to a person who knowingly makes an agreement or has interest in it in order to acquire funds or any other assets, or enables another person to acquire money or support, knowing or having reasonable grounds to believe that they can be used for terrorist purpose.

Article 31: Financing the proliferation of weapons of mass destruction

A person who carries out acts of financing the proliferation of weapons of mass destruction acts referred to in article 3 Item 2° of this Law, commits an offence. Upon conviction, he or she is liable to imprisonment for a term of not less than fifteen (15) years but not more than twenty (20) years and a fine of Rwandan francs of five (5) to ten (10) times the amount of money given.

The penalties referred to in Paragraph One of this Article apply to a person who knowingly makes an agreement or has interest in it in order to acquire property or funds or enables another person to acquire money or support, knowing or having reasonable grounds to suspect that they can be used for proliferation of weapons of mass destruction.

Article 32: Penalties against a legal entity

Without prejudice to provisions of other laws, a legal entity that conducts money laundering, financing of terrorism and financing of proliferation of mass destructions acts through

their representatives or members, commits an offence. Upon conviction, it is liable to a fine of Rwandan francs of ten (10) to twenty (20) times the amount of money laundered or given, without prejudice to the liability for complicity of its representatives.

The court's decision stating the penalties is published in newspapers and through any other means used by the media.

Article 33: Aggravating circumstances

Penalties mentioned in Articles 29, 30 and 31 of this Law are doubled:

- 1° if the predicate offence is punishable by a term of imprisonment higher than the one in Articles 29, 30 and 31 of this Law;
- 2° if the offence is committed as an occupation;
- 3° if the offence is committed within the framework of an organised criminal conspiracy;
- 4° in case of recidivism.

Article 34: Mitigating circumstances

Without prejudice to the provisions of other laws, the penalties provided for in Articles 29, 30 and 31 of this Law can be reduced when the author of the offence has provided information which would have not obtained otherwise, which helps to prevent or limit the effects of the offence, identify or take legal action against offenders, find evidence or prevent the commission of other offences provided for in Articles 29, 30 and 31 of this Law.

Article 35: Penalties for other offences related to money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction

A person who, in the exercise of his or her duties of managing, supervising or providing advice on deposit, currency exchange, investment or using any other means of transfer of funds or any other property:

1° reveals to third parties, the suspicious transactions report made to the Centre, in the context of the execution of his or her activities;

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- 2° knowingly destroys or makes disappear records or documents filed;
- 3° performs or attempts to perform under a false identification, the transactions for which the declaration of identification is prescribed;
- 4° having been informed because of his or her office or profession, of an intelligence for money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction informs, by all means, the persons subject to the intelligence;
- 5° communicates to judicial authorities or to the competent civil servants, documents that he or she knows are truncated or erroneous;
- 6° disregards the rules related to the secrecy of information collected, to the prohibition to reveal them or communicate them except in the cases provided for in this Law;
- 7° does not submit the suspicious transactions report, despite the fact that the circumstances of the transactions lead to deduce that the funds could come from one
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of the offences related to money laundering and to financing of terrorism;

3° makes or accepts payments in cash for the amount of money which is higher than the threshold set by the Centre;

9° violates the rules related to the international transfer of funds;

commits an offence.

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

Article 36: Confiscation

In case of a conviction for an offence provided for in this Law, the court orders the confiscation of the following assets:

1° property or funds emanating from the offence, including revenues and other advantages which were drawn from it,

whoever the owner may be, unless their beneficial owner establishes that he or she acquired them in good faith;

- 2° property or funds belonging, directly or indirectly, to a person convicted, unless he or she establishes its licit origin and his or her property right.

the decision of confiscation indicates the concerned property or funds and the details necessary for their identification and location.

CHAPTER V: MISCELLANEOUS AND FINAL PROVISIONS

Article 37: Evidence of criminal intent

knowledge, intent or purpose required as an element of the offence of money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction can be inferred from objective factual circumstances to discern an unknown fact.

Article 38: Non-requirement of prior conviction of predicate offence

When prosecuting the offence of money laundering, financing of terrorism and financing of proliferation of weapons of mass destruction it is not required that the suspect be first convicted of a predicate offence.

Article 39: Drafting, consideration and adoption of this Law

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

Article 40: Repealing provision

Law n° 69/2018 of 31/08/2018 on prevention and penalizing the crime of money laundering and terrorism financing and all prior legal provisions contrary to this Law are repealed.

Article 41: Commencement

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

Kigali, on 29/01/2020

(Sé)

KAGAME Paul

President of the Republic

(Sé)

Dr NGIRENTE Edouard

Prime Minister

**Seen and sealed with the Seal of the
Republic:**

(Sé)

BUSINGYE Johnston

Minister of Justice/Attorney General