

**THE ANTI-TERRORISM AND NON-PROLIFERATION  
ACT, 2018**

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GOVERNMENT OF ZAMBIA

**ACT**

**No. 6 of 2018**

Date of Assent: 28th July, 2018

**An Act to prevent and prohibit the carrying out of terrorism financing and proliferation activities; provide for measures for the detection and prevention of terrorism and proliferation activities; provide for the continued existence of the National Anti-Terrorism Centre and redefine its functions; provide for the offences of proliferation and proliferation financing; domesticate the international conventions and treaties on anti-terrorism and proliferation; repeal the Anti-Terrorism Act, 2007; and provide for matters, connected with, or incidental to the foregoing.**

[31st July, 2018

ENACTED by the Parliament of Zambia

Enactment

PART I  
PRELIMINARY

**1.** This Act may be cited as the Anti-Terrorism and Non-Proliferation Act, 2018.

Short title

**2.** (1) In this Act, unless the context otherwise requires—  
“Anti-Corruption Commission” has the meaning the assigned to the words in the Anti-Corruption Act, 2012;  
“anti-terrorism officer” means a person appointed as such under section 12;  
“applicable United Nations Security Council Resolutions (UNSCR)” means—

Interpretation

Act No. 3 of 2012

(a) United Nations Security Council Resolution 1267 of 1999;

(b) United Nations Security Council Resolution 1373 of 2001;

- (c) United Nations Security Council Resolution 1390 of 2002;
- (d) United Nations Security Council Resolution 1452 of 2002;
- (e) United Nations Security Council Resolution 1718 of 2006;
- (f) United Nations Security Council Resolution 1737 of 2006;
- (g) United Nations Security Council Resolution 1735 of 2006;
- (h) United Nations Security Council Resolution 1822 of 2008;
- (i) United Nations Security Council Resolution 1904 of 2009;
- (j) United Nations Security Council Resolution 1988 of 2011;
- (k) United Nations Security Council Resolution 1989 of 2011; and
- (l) any other United Nations Security Council Resolution that may be issued concerning the designation, asset freezing, arms embargo and travel ban in respect of a designated person, entity or country in relation to the application of measures for the combatting of terrorism;

“article” means any equipment, instrument, tool, implement or utensil used to commit or attempt to commit an act of terrorism or proliferation;

“authorised officer” means—

- (a) a police officer;
- (b) officer of customs;
- (c) an immigration officer;
- (d) an army officer;
- (e) an intelligence officer;
- (f) an officer from the Drug Enforcement Commission;
- (g) an officer from the Anti-Corruption Commission; or
- (h) any person appointed as such in writing by the Minister;

- 
- “bank” has the meaning assigned to the word in the Banking and Financial Services Act; Act No. 7 of 2017
- “Centre” means the National Anti-Terrorism Centre established under section 5;
- “Committee” means the National Anti-Terrorism and Proliferation Committee established under section 7;
- “Counter Terrorism Convention” means any Convention listed in the Second Schedule;
- “declared terrorist organisation” has the meaning assigned to the words in section 40;
- “Director” means the person appointed as Director under section 11;
- “Drug Enforcement Commission” has the meaning assigned to the words in the Narcotic Drugs and Psychotropic Substances Act; Cap. 96
- “explosive” has the meaning assigned to the word in the Explosives Act; Cap. 115
- “exclusion order” means an order issued against an individual that prohibits that individual from entering the Republic;
- “financial institution” has the meaning assigned to the words in the Banking and Financial Services Act, 2017; Act No. 7 of 2017
- “financial service provider” has the meaning assigned to the words in the Banking and Financial Services Act, 2017; Act No. 7 of 2017
- “firearm” has the meaning assigned to the word in the Firearms Act and includes an air gun or air pistol; Cap. 110
- “funds” means legitimately or illegitimately sourced, acquired, provided or available—
- (a) cash;
  - (b) assets of every kind, including any financial interest that accrues to such assets;
  - (c) real or personal property of any description, whether tangible or intangible, however acquired; and
  - (d) any interest in any real or personal property, however acquired, including legal documents or instruments in any form, electronic or digital, evidencing title to, or interest in such assets;

Act No. 18 of 2010	“immigration officer” means a person appointed under the Immigration and Deportation Act;
Cap. 466	“inland waters” means such waters as may be declared to be inland waters by the President under the Inland Waters Shipping Act;
Cap. 30	“practitioner” has the meaning assigned to the word in the Legal Practitioners Act;
	“national listing” means the listing of a person or entity by the Minister as being engaged in or concerned with terrorism or proliferation activity by the Centre of the name of a designated person or entity in accordance with applicable United Nations Resolutions;
Cap. 322	“officer of customs” means an officer appointed by the Commissioner-General of the Zambia Revenue Authority to carry out a customs function under the Customs and Excise Act;
	“organisation” includes any association or combination of persons;
	“premises” includes a vehicle, an offshore installation, a tent or moveable structure;
	“proliferation” includes the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling, supply, sale or use of nuclear, ballistic, chemical, radiological or biological weapons or any other weapon capable of causing mass destruction and their means, of delivery and related materials, including both technologies and dual use goods used for non-legitimate purposes, including technology, goods, software, services or expertise, in contravention of this Act or, where applicable, international obligations derived from relevant Security Council Resolutions and “proliferation activity” shall be construed accordingly;
	“proliferation financing” means an act by any person who by any means, directly or indirectly, willfully or negligently provides funds or financial services to be used or knowing that they are to be used in whole or in part for proliferation, the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling, supply, sale or use of nuclear, ballistic, chemical, radiological or biological weapons or any other weapon capable of causing mass destruction and their means of



delivery and related materials including both technologies and dual-use goods used for non-legitimate purposes, including technology, goods, software, services or expertise, in contravention of this Act or, where applicable, international obligations derived from relevant Security Council Resolutions;

“proliferation related entity” means an entity concerned with the facilitation of proliferation and proliferation financing;

“property” includes any real or personal property, money or chose in action or other intangible or incorporeal property whether located in Zambia or elsewhere and property of corresponding value;

“record” includes—

(a) a photographic record;

(b) an electronic or magnetic record; and

(c) any computer, disk, tape, article or thing in or on which a record is stored;

“reporting entity” has the meaning assigned to the words in the Financial Intelligence Centre Act, 2010;

Act No. 46  
of 2010

“terrorism” means an act or omission in or outside Zambia that is intended, or by its nature and context, may reasonably be regarded as being intended to intimidate or threaten the public or a section of the public or compel a government or an international organisation to do, or refrain from doing, any act, and is made for the purpose of advancing a political, ideological or religious cause and which—

(a) constitutes an offence within the scope of a counter-terrorism convention listed in the Second Schedule;

(b) causes or is intended to cause death or serious bodily harm to a person;

(c) causes or is intended to cause serious damage to private or public property;

(d) endangers a person’s life;

(e) creates a serious risk to the health or safety of the public or a section of the public;

(f) involves the use of firearms or explosives;

- (g) involves the release into the environment or any part thereof or distributing or exposing the public or any part thereof to any dangerous, hazardous, radioactive, harmful substance, toxic chemical, microbial or other biological agent or toxin;
- (h) is designed or intended to disrupt any computer system or the provision of services directly related to communications, infrastructure, banking or financial services, utilities, transportation or other essential infrastructure or services;
- (i) is designed or intended to disrupt the provision of essential emergency services such as police, civil defence or medical services;
- (j) causes serious risk to national security;
- (k) causes damage to a vessel or is likely to endanger the safe navigation of any vessel on inland or international waters; and
- (l) causes damage to any aircraft or airport, is intended or likely to cause damage to any air navigation facilities or endanger the safety and lives of persons and property, affect the operations of air services or undermine the confidence of the public in the safety of civil aviation and “terrorist act” shall be construed accordingly;

“terrorist organisation” means a group of terrorists that—

- (a) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and willfully;
- (b) participates as an accomplice in terrorist acts;
- (c) organises or directs others to commit terrorist acts;  
or
- (d) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act;

“terrorist” means a person who—

- (a) has committed an offence under this Act; or

(b) is or has been involved in the commission, preparation or instigation of acts of terrorism;

“terrorism financing” means an act by any person who, irrespective of whether a terrorist act occurs, by any means, directly or indirectly, wilfully provides or collects funds or attempts to do so with the intention that the funds should be used or knowing that the funds are to be used in full or in part—

(i) to carry out a terrorist act;

(ii) by a terrorist;

(iii) by a terrorist organisation; or

(iv) for the travel of a person to a State other than the person’s State of residence or nationality for the purpose of perpetration, planning or preparation of, or participation in, terrorist act or the providing or receiving of terrorist training;

“terrorist investigation” means an investigation of—

(a) the commission, preparation or instigation of acts of terrorism or proliferation;

(b) an act which appears to have been done for the purposes of terrorism or proliferation;

(c) the resources of a declared terrorist organisation or proliferation related entity;

(d) the possibility of making an order under section 62 (1); or

(e) the commission, preparation or instigation of an offence under this Act; and

“vessel” includes a ship, fishing vessel and any water craft used or capable of being used as a means of transportation on water.

(2) In this Act, a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a declared terrorist organisation, an individual terrorist or in contemplation of a terrorist act whether that act occurs or not.

(3) A requirement imposed by or under this Act to produce or deliver up a record shall, in relation to an electronic or magnetic record, be construed as a requirement—

(a) where practicable, to produce or deliver up a disk from which the record is fully and freely accessible, by the use of a personal computer of a common variety, by the officer or person to whom the record is required to be produced or delivered up; or

(b) where it is not reasonably practicable to—

(i) allow an officer or person full and free access to the record using facilities of, or in the custody or under the control of, the person on whom the requirement is imposed; or

(ii) produce or deliver up a documentary or a hard copy version of the record.

(4) A power conferred by or under this Act to inspect any record shall, in relation to an electronic or magnetic record, be construed as a power to require full and free access to the record using the facilities of the person having custody or control of the record, and any neglect or failure by that person to afford such access shall be deemed to constitute obstruction of the officer or person exercising the power.

(5) A power conferred by or under this Act to seize and retain a record includes, in relation to an electronic or magnetic record, a power to seize any computer, disk, tape or other thing on which the record is stored.

Jurisdiction  
of High  
Court

**3.** (1) Subject to the other provisions of this Act, the High Court has jurisdiction to try any offences under this Act.

(2) A person who commits an offence outside Zambia which, if wholly done within Zambia, would be an offence against this Act, may be tried and punished under this Act in the same manner as if that act had been wholly done within Zambia.

(3) When an act which, if wholly done within Zambia, would be an offence against this Act is done partly within and partly outside Zambia, any person who within Zambia does any part of such act may be tried and punished under this Act as if such act had been wholly done within Zambia.

(4) Any person who commits an offence outside Zambia is deemed to have committed that offence in Zambia if—

(a) that person is a Zambian citizen;

(b) that person is not a Zambian citizen but is ordinarily resident in Zambia;

- (c) that person, after the commission of the offence, is present in Zambia; or
- (d) that person has committed an offence against a Zambian citizen or against a person who is ordinarily resident in Zambia.

(5) Nothing in subsection (2) shall render a person liable to be tried and punished under this Act in respect of an act done outside Zambia which, if wholly done within Zambia, would be an offence against this Act if that person has been convicted and punished outside Zambia in respect of the same act, except that such a conviction shall for purposes of this Act or any other law be deemed to be a conviction for that offence under this Act.

4. Section 26 (2) of the Penal Code does not apply to this Act.

Non-application of section 26 (2) of Penal Code, Cap. 87

## PART II

### THE NATIONAL ANTI-TERRORISM CENTRE

5. (1) There is continued the National Anti-Terrorism Centre which shall be responsible for the enforcement of this Act.

Continuation of National Anti-Terrorism Centre

(2) The Centre is a unit based in the Ministry responsible for national security and shall be under the control and supervision of the Minister responsible for internal security.

(3) The expenses of the Centre shall be charged on and issued out of the Consolidated Fund.

6. (1) The Centre shall coordinate the prevention, detection, response to, mitigation and investigation of terrorists acts, financing of terrorism, proliferation, proliferation financing and threats to internal security.

Functions of Centre

(2) Without prejudice to the generality of subsection (1), the functions of the Centre are to—

- (a) draw up plans and coordinate actions for counter-terrorism acts, terrorism financing, proliferation and proliferation financing;
- (b) integrate and analyse intelligence pertaining to terrorism, proliferation and proliferation financing;
- (c) maintain a database of known and suspected terrorists and terrorist organisations, their networks, goals, strategies, capabilities, support and other relevant information;

- (d) provide law enforcement agencies access to the intelligence support necessary to execute counter-terrorism and proliferation plans and accomplish their assigned tasks;
- (e) coordinate with investigation and intelligence agencies to ensure effective detection and prosecution of terrorism, terrorism financing, proliferation and proliferation financing;
- (f) prepare regular threat assessment reviews and disseminate them to the appropriate levels in the Government;
- (g) develop and promote the adoption of best practices for coordination of law enforcement agencies, government institutions and the general public in combating of terrorism; and
- (h) enhance the State's capacity to—
  - (i) prevent the creation of safe havens for terrorists;
  - (ii) detect chemical, biological, radioactive or nuclear materials;
  - (iii) search, confiscate and establish safe control of chemical, biological, radioactive or nuclear materials;
  - (iv) account for, control and provide physical protection of chemical, biological, radioactive or nuclear threats;
  - (v) provide security of civilian and non-civilian institutions from chemical, biological, radioactive or nuclear threats;
  - (vi) respond to, mitigate and investigate chemical, biological, radioactive or nuclear incidents;
  - (vii) facilitate national, regional and global sharing of information for countering terrorism, terrorism financing, proliferation and proliferation financing;
  - (viii) ensure ratification and implementation of international conventions on terrorism and proliferation;
  - (ix) coordinate the implementation of the applicable United Nations Security Council Resolutions and other international conventions on terrorism;

- (x) provide centralised services to law enforcement agencies, Government institutions and the general public in matters of national security or public interest in the following:
  - (A) forensic criminal investigations;
  - (B) scene of crime investigations;
  - (C) forensic accounting investigations;
  - (D) visual technical surveillance of public places to help in investigations of crime;
  - (E) laboratory analysis of chemical, biological, radioactive and nuclear materials, whether connected to crime or not; and
  - (F) maintenance of a general national database of suspected terrorists or terrorist organisations; and
- (xi) facilitate or recommend appropriate training of security and defense personnel in countering terrorism.

7. (1) There is established the National Anti-Terrorism Committee which consists of the following part-time members:

National  
Anti-  
Terrorism  
Committee

- (a) the Director-General of the Zambia Security Intelligence Service who shall be the Chairperson;
- (b) the Inspector-General of Police, who shall be the Vice-Chairperson; and
- (c) one representative each of—
  - (i) the Zambia Army;
  - (ii) the Zambia Air Force;
  - (iii) the Zambia National Service;
  - (iv) the Immigration Department;
  - (v) Financial Intelligence Centre;
  - (vi) Drug Enforcement Commission;
  - (vii) Attorney-General's Chambers; and
  - (viii) any other relevant institution as the President considers necessary for purposes of this Act.

(2) The President shall appoint the members referred to under subsection (1) (c).

(3) A person shall not be nominated or appointed as a member of the Committee if that person—

- (a) is not a citizen of Zambia;
  - (b) is mentally and physically incapable of discharging the functions of a member;
  - (c) has been convicted of an offence under any law for a term exceeding six months without the option of a fine;
  - (d) is a Member of Parliament or an officer or employee of a local authority; or
  - (e) is an office bearer or employee of a political party.
- (4) The Director shall be the Secretary to the Committee.

Functions of Committee

**8.** The functions of the Committee are to—

- (a) give general or specific policy directives to the centre regarding obligations and measures to be taken in the prevention, detection, and deterrence of the commission of terrorism acts, financing of terrorism, proliferation and proliferation financing; and
- (b) perform such other functions as are necessary to give effect to this Act.

Sub-committees

**9.** (1) The Committee may, for the purpose of performing its functions under this Act, constitute any sub-committee and delegate to the sub-committee such of its functions as it considers necessary.

(2) The Committee may appoint, as members of a sub-committee constituted under subsection (1), persons who are or are not members of the Committee and such persons shall hold office for such period as the Committee may determine.

(3) A sub-committee may regulate its own procedure.

Delegation of functions of Committee

**10.** The Committee may, by direction, in writing, and subject to such terms and conditions as it considers necessary, delegate any of the functions of the Committee to the Director, a member or sub-committee.

Director and other staff

**11.** (1) The President shall, through a Service Commission appoint, as a public officer, the Director of the Centre.

(2) The Director shall, subject to the general or specific directions of the Committee—

- (a) be responsible for the administration of the Centre;
- (b) be responsible to the Committee for matters concerning the Centre;



- (c) notify reporting entities of individual terrorist or an organisation declared to be terrorist organisation and proliferation related entity; and
- (d) exercise the functions conferred or imposed upon the Director by or under this Act.

(3) There shall be appointed or seconded from the Public Service such other officers as shall be necessary to assist the Director in the performance of the Director's functions under this Act.

(4) A function conferred by or under this Act on the Director may be performed by any person acting as Director if the Director is unable to perform any function due to any cause.

(5) The Director may issue orders and instructions for the general administration of the Centre in relation to duties, distribution, inspection, transfer, training, arms, clothing, equipment, transport and places of residence and such other orders necessary to promote efficiency and discipline of the Centre.

(6) The command and control of the Centre in any place or area shall vest in the anti-terrorism and proliferation officer who is appointed by the Director to be in charge of the Centre in that place or area.

(7) The Director may request specialised agencies in law enforcement, intelligence and internal security to second staff to the centre.

**12.** (1) The Committee shall, in order to ensure compliance with the provisions of this Act, appoint such anti-terrorism officers and authorised officers as may be necessary for that purpose.

Anti-  
terrorism  
officers and  
authorised  
officers

(2) An anti-terrorism officer shall be provided with a certificate of appointment which shall be *prima facie* evidence of the anti-terrorism and proliferation officer's appointment as such.

(3) An anti-terrorism officer or an authorised officer carrying out any functions under this Act shall, on demand by any person who is affected by the exercise of power by that anti-terrorism and proliferation officer or authorised officer, produce for inspection the certificate referred to in subsection (2).

(4) An anti-terrorism officer or an authorised officer may, on production of the certificate of appointment issued under subsection (2), demand the production of, and inspect or make copies of any documents or accounts kept by a person, pursuant to the provisions of this Act.

(5) An anti-terrorism officer or an authorised officer may, on reasonable grounds provided on oath to a subordinate court, obtain a warrant to enter on, search or examine the premises prescribed in the warrant in order to ascertain whether an offence is being or has been committed in those premises and may make such examination, inspection and inquiry and do such things as the anti-terrorism officer or authorised officer may consider necessary for ascertaining whether or not the provisions of this Act are being complied with.

(6) All books, records and documents required to be kept by a person under any law shall be open to inspection at all reasonable times by an anti-terrorism officer or an authorised officer.

(7) An anti-terrorism officer or an authorised officer may seize—

(a) an article which the anti-terrorism officer or authorised officer reasonably believes is being used by, or is in the possession of, or under the control of, a person in contravention of this Act; and

(b) any book, record or document which the anti-terrorism officer or an authorised officer has reasonable cause to suspect may afford evidence of the commission of an offence under this Act.

(8) An anti-terrorism officer or an authorised officer may order a person to cease using, pending inquiry by the Centre, an article which is being operated in contravention of this Act.

(9) A person who obstructs or hinders an anti-terrorism officer or an authorised officer in the exercise of any powers under this Act or who neglects or fails to comply with an order commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

Powers of  
anti-  
terrorism  
officers  
Cap 111  
Cap. 112  
Cap. 103  
Cap. 107  
Cap. 88

**13.** (1) Without prejudice to any other law, an anti-terrorism officer shall, in the exercise of a function and performance of a duty, have all the powers conferred on an authorised officer by this Act, the State Security Act, the Preservation of Public Security Act, the Emergency Powers Act, the Police Act and the Criminal Procedure Code.

(2) Despite anything to the contrary contained in any other law, an anti-terrorism officer or an authorised officer may, while on duty, carry such small arms as may be prescribed under this Act and may, in the course of duties, use such arms in circumstances where the use of arms is necessary and justifiable.

**14.** (1) An anti-terrorism officer, or an authorised officer may, at any reasonable time, enter any site or premises and inspect the site or premises, after giving reasonable notice to the person responsible for the site or premises, for the purpose of ensuring compliance with this Act.

Entry by anti-terrorism officer or authorised officer

(2) Despite subsection (1), an anti-terrorism officer or an authorised officer may enter a site or premises for purposes of this Act, with a warrant, if the anti-terrorism and proliferation officer or an authorised officer has reasonable grounds to believe that a provision of this Act has been or is about to be contravened or the site or premises have been used or are being used for the commission of an offence.

(3) An anti-terrorism officer or an authorised officer shall, where requested by a person responsible for any site or premises, produce evidence of the authorisation or permission to enter the site or premises.

(4) A person exercising any power under this section shall do so with reasonable care and in a manner that causes as little damage as possible.

**15.** (1) A person responsible for a site or premises shall, on demand by an anti-terrorism officer or an authorised officer—

Duty to provide information to anti-terrorism officer and authorised officer

(a) provide to the anti-terrorism and proliferation officer or an authorised officer information that is within that person's knowledge in all matters relating to an inspection or investigation done under this Act; and

(b) produce for inspection, any document or record relating to any matter that is the cause for the inspection or investigation.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

**16.** The advisors, experts and other members of staff of the Centre shall, on appointment, take an oath or affirmation before the Director in the prescribed manner and form.

Oath of allegiance and declarations

Prohibition  
of  
publication  
or disclosure  
of  
information  
to  
unauthorised  
persons

**17.** (1) A person shall not, without the consent, in writing, given by or on behalf of the Centre, publish or disclose to an unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information that relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Duty of  
reporting

**18.** (1) A reporting entity notified of an individual terrorist or an organisation declared as a terrorist organisation under section 40 (1) shall freeze any funds held by the reporting entity for or on behalf of the organisation.

(2) A reporting entity that contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units.

### PART III

#### TERRORISM AND PROLIFERATION OFFENCES

Prohibition  
of  
terrorism

**19.** (1) A person or organisation shall not commit a terrorist act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

Prohibition  
of financing  
of terrorism

**20.** (1) A person commits an offence if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out—

- (a) an act which constitutes an offence within the scope of and as defined in one of the treaties specified in the Schedule or the annex to the International Convention for the Suppression of the financing of terrorism; or

(b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**21.** (1) A person or organisation shall not commit an act of proliferation.

Prohibition  
of  
proliferation

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

**22.** (1) A person commits an offence if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that the funds should be used or in the knowledge that the funds may be used, in full or in part, in order to—

Prohibition  
of  
proliferation  
financing

(a) carry out an act which consists an offence within the scope of international obligation derived from relevant Security Council Resolutions on proliferation financing; and

(b) deal with, enter into or facilitate any transaction or enable the acquisition of a business interest, or perform any other act in connection with funds, which such person knows or ought reasonably to have known or suspected to have been acquired, owned, collected, used, possessed or provided for proliferation financing.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**23.** (1) A person commits an offence if that person for purposes of or in connection with terrorism or proliferation provides instruction or training in terrorism or the making or use of firearms, explosives or chemical, biological, radiological or nuclear weapons.

Weapons,  
terrorism  
and  
proliferation  
training

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

(3) A person commits an offence if that person for purposes of, or in connection with, terrorism or proliferation receives instructions or training in terrorism, proliferation or in the making or use of firearms, explosives or chemical, biological, radiological or nuclear weapons.

(4) A person who commits an offence under subsection (3) is liable, on conviction, to imprisonment for life.

(5) A person commits an offence if that person invites another to receive instruction or training, or recruits any person for instruction, training or membership to a terrorist organisation or proliferation related entity the receipt or membership whereof—

(a) would constitute an offence under subsection (2); or

(b) would constitute an offence under subsection (2) but for the fact that it is to take place outside Zambia.

(6) A person who commits an offence under subsection (5) is liable, on conviction, to imprisonment for life.

(7) For the purposes of this section—

(a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons; and

(b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.

(8) Nothing in this section shall be construed as prohibiting -

(a) the provision of any instruction or training to, or the receipt of any instruction or training by members of the army, defence force or the Zambia Police Service;

(b) the provision or receipt of any instruction or training under or for the purposes of any law; or

(c) an invitation to receive any instruction or training referred to in paragraph (a) or (b).

Directing  
terrorist  
organisation  
or  
proliferation  
related  
entity

**24.** A person who directs the activities of a terrorist organisation or proliferation related entity which is concerned in the commission of acts of terrorism, financing of terrorism, proliferation or proliferation financing commits an offence and is liable, on conviction, to imprisonment for life.

Possession  
of article for  
terrorist or  
proliferation  
purposes

**25.** A person who possesses an article for a purpose connected with the commission, preparation or instigation of an act of terrorism or proliferation commits an offence and is liable, on conviction, to imprisonment for life.

Collection of  
information  
for  
terrorist or  
proliferation  
purposes

**26.** (1) A person commits an offence if that person for purposes of or in connection with terrorism and proliferation—

(a) collects, makes or transmits a record of information of a kind likely to be useful to a person committing or preparing an act of terrorism or proliferation; or

(b) possesses a document or record containing information likely to be used for a terrorist act or proliferation.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**27.** (1) A person who incites another person or organisation to commit an act of terrorism or proliferation, commits an offence and is liable, on conviction, to imprisonment for life.

Incitement of offences

(2) For the purposes of subsection (1), it is immaterial whether or not the person or organisation incited is in Zambia at the time of the incitement.

**28.** A person who aids, abets, counsels, procures, incites or solicits the commission of a terrorist act or proliferation, commits an offence and is liable on conviction, to imprisonment for life.

Aiding, abetting, conspiracy, etc of terrorist act or proliferation

**29.** A person who knowingly makes a false report or issues any false communication purporting that a terrorist act and proliferation offence has been or is intended to or is likely to be committed commits an offence and is liable, on conviction, to imprisonment for a term of not less than twenty years, but not exceeding thirty years.

False reporting

**30.** (1) A person commits an offence if that person harbours, conceals or provides a safe haven to—

(a) a terrorist, a terrorist organisation, or person who finances or supports a terrorist, terrorist organisation, or the commission of a terrorist act; or

(b) to a person who is involved in proliferation, proliferation financing or supports the commission of proliferation or proliferation financing.

Harbouring, concealing, etc of terrorist act, financing of terrorism, proliferation or proliferation financing

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**31.** (1) A person who conspires or attempts to commit an act of terrorism, financing of terrorism, proliferation and proliferation financing commits an offence and is liable, on conviction, to imprisonment for life.

Attempts, conspiracies etc to commit act of terrorism, terrorism financing, proliferation or proliferation financing  
Cap 87

(2) A person commits an offence if that person does any of the acts listed under sections 21 and 394 of the Penal Code.

(3) A person who commits an offence under subsection (2) is liable, on conviction, to imprisonment for life.

Fundraising  
and other  
support

- 32.** (1) A person commits an offence if that person—
- (a) participates in terrorism financing or proliferation financing, irrespective of an occurrence of a terrorist act or proliferation whether the funds have actually been used to commit that act;
  - (b) invites another person to provide or make available funds or other property for purposes of terrorism or proliferation; and
  - (c) intends that any funds or other property should be used for the purposes of terrorism or proliferation.
- (2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.
- (3) A person commits an offence if that person—
- (a) provides or makes available funds or other property; or
  - (b) knows that the funds or other property provided shall or may be used for the purposes of terrorism or proliferation.
- (4) A person who commits an offence under subsection (3) is liable, on conviction, to imprisonment for life.
- (5) A reference in this section to the provision of funds or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

Use and  
possession  
of property  
for terrorism  
and  
proliferation

- 33.** (1) A person who knowingly uses, or who causes or permits any other person to use, funds or article for the purposes of terrorism or proliferation commits an offence and is liable, on conviction, to imprisonment for life.
- (2) A person commits an offence if that person possesses funds and intends those funds to be used for the purposes of terrorism or proliferation.
- (3) A person who commits an offence under subsection (2) is liable, on conviction, to imprisonment for life.

Assisting  
retention or  
control of  
terrorist  
funds

- 34.** (1) A person commits an offence if that person facilitates knowingly the retention or control by or on behalf of another person of terrorist or proliferation funds whether—
- (a) by concealment;
  - (b) by removal from the jurisdiction;
  - (c) by transfer to nominees; or
  - (d) in any other way.



(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**35.** (1) A person commits an offence if that person with intent that the same should be used, or having reasonable cause to suspect that the same shall be used, for the purposes of terrorism, financing of terrorism, proliferation or proliferation financing, provides or makes available, or offers to provide or make available—

Support services for terrorism or proliferation

- (a) a financial service or any service for the safe keeping of any property;
- (b) any forged or falsified document;
- (c) access to any premises, vehicle, vessel, aircraft or place;
- (d) access to any communications equipment or capability;
- or
- (e) any services, skill or expertise of any kind.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

**36.** (1) Subject to subsection (2) and the Plea Negotiations and Agreement Act, 2010, a person who is involved in a transaction or arrangement relating to funds or other property may be granted immunity from prosecution if, as soon as practicable after becoming involved in the transaction or arrangement, and on that person's own initiative, the person discloses to an anti-terrorism officer or an authorised officer—

Disclosure of information relating to offence Act No. 20 of 2010

- (a) that person's suspicion or belief that the funds or property are terrorist property; and
- (b) the information on which that person's suspicion or belief is based.

(2) Subsection (1) does not apply to a person if—

- (a) an anti-terrorism and proliferation officer or an authorised officer forbids that person to continue the person's involvement in the transaction or arrangement to which the disclosure relates; and
- (b) the person continues that person's involvement.

(3) It is a defence for a person charged with an offence under this section to satisfy the court on a balance of probabilities that—

- (a) the person intended to make a disclosure under subsection (1); and
- (b) there is a reasonable excuse for the person's failure to make a disclosure.

(4) Where a person is in employment and the person's employer has established a procedure for the making of disclosures that may be made to an anti-terrorism and proliferation officer or an authorised officer under subsection (1), this section shall have effect in relation to that person as if a reference in this section to disclosure included a reference to disclosure in accordance with that procedure.

Terrorism or proliferation property or related property Act No. 19 of 2010

**37.** The Forfeiture of Proceeds of Crime Act, 2010 applies in relation to funds or property related to terrorism, financing of terrorism, proliferation or proliferation financing and any other property liable to seizure or forfeiture under this Act.

Causing damage to public place, facility, etc

**38.** (1) A person commits an offence if that person knowingly delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a Government facility, a public transportation system or an infrastructure facility with—

- (a) intention to cause death or serious bodily harm; or
- (b) intention to cause extensive destruction to the place, facility or system, where destruction results in or is likely to result in major economic loss.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

(3) In this section—

Cap. 436

“energy” has the meaning assigned to the word in the Energy Regulation Act;

Cap. 115

“explosive” has the meaning assigned to the word in the Explosives Act;

“lethal device” means—

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

Cap. 436

“fuel” has the meaning assigned to the word in the Energy Regulation Act;

“Government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of the State, members of Government, the Legislature, the Judiciary, any officer or employees of the State or any other public authority or entity, or officers or employees of an inter-governmental organisation in connection with their official duties; and

“infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewerage, energy, fuel or communications.

**39.** A criminal prosecution under this Part shall not preclude parallel civil or administrative proceedings in respect of a legal person.

Parallel civil  
or  
administrative  
proceedings

#### PART IV

##### DECLARED TERRORIST ORGANISATION OR PROLIFERATION RELATED ENTITY

**40.** (1) For the purposes of this Act, an organisation is a declared terrorist organisation or proliferation related entity if—

- (a) the Minister has, by notice, under this section, declared the organisation or entity to be engaged in terrorism or proliferation activity;
- (b) the organisation or entity operates under the same name as an organisation or entity referred to in paragraph (a); or
- (c) the organisation or entity has been declared by the Security Council of the United Nations, or the African Union or nationally listed as a terrorist or proliferation organisation.

Declared  
terrorist  
organisation  
or  
proliferation  
related  
entity

(2) Subsection (1) (b) has effect subject to the terms of any notice published under this section.

(3) The Minister may, where the Minister has reasonable grounds to believe that an organisation or entity is engaged in terrorism or proliferation activity, by notice published in the *Gazette* declare that the specified organisation or entity is engaged in terrorism or proliferation, respectively.

(4) For purposes of subsection (3), an organisation or entity is engaged in terrorism or proliferation activity, respectively, if it—

- (a) commits or participates in acts of terrorism or proliferation;
- (b) prepares for terrorism or proliferation;

(c) promotes or encourages terrorism or proliferation; or

(d) is otherwise involved in terrorism or proliferation.

Membership

**41.** (1) A person who forms, owns, belongs or professes to belong to an organisation that is a declared terrorist organisation or proliferation related entity commits an offence and is liable, on conviction, to imprisonment for life.

(2) It is a defence for a person charged with an offence under subsection (1) to satisfy the court, on a balance of probabilities—

(a) that the organisation or entity was not a declared terrorist organisation or proliferation related entity under this Act on the last or only occasions on which the person became a member or began to profess to be a member; and

(b) that the person has not taken part in the activities of the organisation or entity at any time while it was declared a terrorist organisation or proliferation related entity under this Act.

Support and meetings

**42.** (1) A person who invites support for a declared terrorist organisation or proliferation related entity commits an offence.

(2) A person commits an offence if that person arranges or manages, or assists in arranging or managing, a meeting which the person knows is to—

(a) support a declared terrorist organisation or proliferation related entity;

(b) further the activities of a declared terrorist organisation or proliferation related entity; or

(c) be addressed by a person who belongs or professes to belong to a declared terrorist organisation or proliferation related entity.

(3) A person who addresses a meeting commits an offence if the purpose of that person's address is to encourage support for a declared terrorist organisation or proliferation related entity to further its activities.

(4) It is a defence for a person charged with an offence under paragraph (c) of subsection (2) to satisfy the court, on a balance of probabilities, that the person had no reasonable cause to believe that the address mentioned in that paragraph would support a declared terrorist organisation or proliferation related entity or further its activities.

(5) A person who commits an offence under this section is liable, on conviction, to imprisonment for life.

PART V

RESTRICTIVE MEASURES AND SANCTIONS IN RELATION TO DESIGNATED  
OR NATIONALLY LISTED PERSONS

**43.** The Centre shall, on receipt of the national listing—

- (a) direct all reporting entities to immediately freeze all property, funds, and other financial assets or economic resources suspected or belonging to a listed person or entity including funds derived from property owned or controlled directly or indirectly, by that nationally listed person or entity or by a person acting on that nationally listed person's or entity's behalf or at the nationally listed person's or entity's direction, and ensure that these funds and other financial assets or any other funds, financial assets or economic resources are not made available, directly or indirectly for the nationally listed person's or entity's benefit, by their nationals or by persons within their territory;
- (b) give written notice of the national listing to the nationally listed person or entity, specifying its implications and the procedure for review and information on the delisting process after the national listing has taken effect; and
- (c) publicise the national listing as soon as is practicable in a national newspaper of general circulation and on its website.

Freezing of assets of nationally listed persons

**44.** (1) Subject to sections 49 and 50, a person shall not deal with funds or economic resources owned, held or controlled by a designated or nationally listed person, terrorist organisation or proliferation related entity if the person knows, or reasonably suspects, that the person is dealing with those funds or economic resources.

Prohibition on dealing with funds and economic resources

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

(3) In this section, “deal with” means—

- (a) in relation to funds—
  - (i) use, alter, move, allow access to or transfer;
  - (ii) treat the funds in a way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
  - (iii) make any other change that would enable use, including portfolio management; and

(b) in relation to economic resources, exchange or use the resources in exchange for funds, goods or services.

Making funds or financial services available to designated or nationally listed person or entity prohibited

**45.** (1) Subject to sections 49 and 50, a person shall not make funds or financial services available, directly or indirectly, to a designated or nationally listed person or terrorist organisation or proliferation related entity if that person or entity knows, or reasonably suspects, that the person is making the funds or financial services so available for the purposes of terrorism or proliferation.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

Prohibition on making funds or financial services available for benefit of designated or nationally listed person, terrorist organisation or proliferation related entity

**46.** (1) A person shall not make funds or financial services available to another person or entity for the benefit of a designated or nationally listed person, terrorist organisation or proliferation related entity if that person or entity knows, or reasonably suspects that the other person or entity is making the funds or financial services available to a designated or nationally listed person, terrorist organisation or proliferation related entity for the purposes of terrorism, financing of terrorism, proliferation or proliferation financing.

(2) For the purposes of this section, funds are made available for the benefit of a designated, listed or nationally listed person or entity if that person, group or entity thereby obtains, or is able to obtain, a financial benefit.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

Prohibition on making Economic resources available to designated or nationally listed person, terrorist organisation or proliferation related entity

**47.** (1) Subject to section 50, a person or entity shall not make economic resources available directly or indirectly to a listed or nationally listed person, terrorist organisation or proliferation related entity if that person or entity knows, or reasonably suspects—

(a) that the person or entity is making the economic resources so available to the designated or nationally listed person, terrorist organisation or proliferation related entity; and

(b) that the designated or nationally listed person, terrorist organisation or proliferation related entity would be likely to exchange the economic resources, or use them in exchange, for funds, goods, services or arms.

(2) A person or entity that contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

**48.** (1) A person or entity shall not facilitate the acquisition, transportation or other transactions, relating to firearms, explosives, chemical, biological, radiological or nuclear weapons or their components within or through the Republic on behalf of a designated or nationally listed person, terrorist organisation or proliferation related entity or for the benefit of that designated or nationally listed person or entity.

Prohibition of procuring, supplying, provision, import or export of weapons, arms and related materials, sanctioned items and technical advice, services, assistance and training

(2) A person who knows or reasonably suspects that a transaction under sub-section (1) is about to take place must notify an authorised officer immediately that person becomes aware of that transaction or as soon as practicable after that person becomes aware of the transaction.

(3) An authorised officer who receives information under subsection (2) must take immediate steps to prevent the performance or conclusion of the transaction.

(4) A person from the Republic or elsewhere commits an offence if that person, directly or indirectly —

- (a) procures, supplies, delivers, sells, brokers, or transfers, imports or exports;
- (b) agrees to procure, supply, deliver, sell, broker, transfer, import or export; or
- (c) does any act calculated to promote the procurement, supply, delivery, brokering, sale, transfer, import or export of, items which are subject to sanctions, firearms, explosives, chemical, biological, radiological or nuclear weapons or their components and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts, inclusive of technical advice, services, assistance, or training related to military or terrorist acts to or from—
  - (i) a designated or nationally listed person or entity;
  - (ii) a person or entity controlled or owned directly or indirectly by a designated or nationally listed person, terrorist organisation or proliferation related entity referred to in paragraph (a); or
  - (iii) a person or entity acting on behalf of, or at the direction, of a designated or nationally listed person or entity mentioned in paragraph (a), using a Zambian or non-Zambian flagged vessel or aircraft or aircraft registered in Zambia.

(5) A person who commits an offence under subsection (4) is liable, on conviction, to imprisonment for life.

(6) A person who, directly or indirectly—

(a) procures, supplies, delivers, sells, brokers, transfers, imports or exports;

(b) agrees to procure, supply, deliver, sell, broker, transfer, import or export; or

(c) does any act calculated to promote the procurement, supply, delivery, sale, brokering, transfer, import or export of, items which are not subject to sanctions, to or from, or brokered by—

(i) a designated or nationally listed person or entity;

(ii) a person or organisation controlled or owned directly or indirectly by a designated or nationally listed person, terrorist organisation or proliferation related entity referred to in paragraph (a); or

(iii) a person or entity acting on behalf of, or at the direction of a designated or nationally listed person or entity referred to in paragraph (a);

using a Zambian or non-Zambian flagged vessel or aircraft registered in Zambia, shall—

(A) follow the requirements of the applicable Security Council Sanctions Committees;

(B) verify the enduse and enduse location of such items; and

(C) notify the relevant Security Council Sanctions Committee and where applicable, the International Atomic Energy Agency, within ten days of the supply, sale or transfer of those items.

(7) An officer of customs or an authorised officer may—

(a) search and inspect all cargo to and from a designated country, including cargo on an aircraft or a vessel, where reasonable grounds exist to suspect a violation of applicable terrorism, financing of terrorism, proliferation or proliferation financing Security Council resolutions and sanctions;

(b) seize any items subject to sanctions, arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment,



and their spare parts, where reasonable grounds exist to suspect a violation of applicable Security Council resolutions and sanctions relating to terrorism, financing of terrorism, proliferation and proliferation financing; or

- (c) cause the disposal of any items subject to sanctions, arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and their spare parts, where reasonable grounds exist to suspect a violation of applicable Security Council resolutions and sanctions relating to terrorism, financing of terrorism, proliferation or proliferation financing.

(8) Where a search and inspection is refused by a flagged vessel of another State, the officer of customs or an authorised officer shall—

- (a) through the Ministry responsible for foreign affairs, request the flag State permission to carry out a cargo search and inspection;
- (b) where a requested flag State refuses a search and inspection under paragraph (a), request the flag State, through the Ministry responsible for foreign affairs, to instruct the vessel to proceed to an appropriate and convenient port for the required search and inspection; or
- (c) if the search is still refused, deny the flagged vessel entry into the territory of the Republic.

(9) An officer of customs or an authorised officer shall inform the Minister of the action taken within fourteen days after—

- (a) conducting a search and inspection of cargo under subsection (7)(a);
- (b) seizure of an item subject to sanctions under subsection (7)(b); or
- (c) disposal of an item subject to sanctions under subsection (7)(c).

(10) A person, entity and any officer of customs or an authorised officer, must cause the refusal of any bunkering service to be provided to a vessel or aircraft, where—

- (a) reasonable grounds exist to suspect a Security Council resolution or sanctions violation; or

(b) a search or inspection is refused under this section, except where those services are necessary for humanitarian purposes or until such time as the cargo has been inspected, or seized and disposed of, if necessary.

(11) A person shall not—

(a) directly or indirectly, interfere with an officer of customs or an authorised officer in the exercise of their functions under this section; or

(b) provide bunkering services in contravention of this Act.

(12) A person who contravenes this section, commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or imprisonment for a term not exceeding ten years, or to both.

(13) A person who facilitates a transaction knowing or reasonably suspecting that the transaction contravenes subsection (1), commits an offence and is liable, on conviction, to imprisonment for life.

Prohibition of travel by designated or nationally listed person or terrorist organisation or proliferation related entity

**49.** (1) A road, water or air transportation provider or any transportation agent operating within the Republic or whose transportation carries persons or goods within or outside the Republic shall not knowingly permit or facilitate the transportation of a designated or nationally listed person, terrorist organisation, proliferation related entity or restricted goods specified by the Centre.

(2) A person shall not knowingly carry a designated or nationally listed person or transport restricted goods specified by the Centre by road, water or air transportation within or outside the Republic.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for life.

Prohibition of transit by designated or nationally listed person or entities

**50.** (1) A designated or nationally listed person shall not enter or transit through the Republic if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Act No. 18 of 2010 Charter of the United Nations.

(2) Despite the provisions of any other law, the Director-General of Immigration shall not knowingly grant a visa to a designated or nationally listed person unless the Director-General has obtained the advice of the Centre that the issuance of the visa is consistent with a determination of the Security Council referred to in subsection (1).

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.

(4) The provisions of this section shall not be construed as varying or waiving the requirements imposed by the Immigration and Deportation Act, 2010.

Act No. 18  
of 2010

**51.** Despite the provisions of section 41, a designated or nationally listed person shall not be prevented from entering or transiting through the Republic where—

Permitted  
transit

- (a) the designated or nationally listed person is a citizen;
- (b) the entry or transit is necessary for compliance with a judicial process; and
- (c) the appropriate United Nations Sanctions Committee determines, on a case by case basis, that the entry or transit is justified.

**52.** (1) A reporting entity may credit a frozen account with—

Exceptions

- (a) interest or other earnings due on the account; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the account was frozen.

(2) A reporting entity may credit a frozen account where it receives funds transferred to the account.

(3) A payment may be made which—

- (a) is a benefit under or by virtue of a law relating to social security; and
- (b) is to a person or entity that is not a designated or nationally listed person, terrorist organisation, or proliferation related entity whether or not the payment is made in respect of that designated or nationally listed person, terrorist organisation or proliferation related entity.

(4) A reporting entity shall inform the Centre without delay if it credits a frozen account in accordance with subsections (1) or (2).

(5) In this section “frozen account” means an account with a reporting entity which is held or controlled, directly or indirectly, by a designated or nationally listed person or entity.

(6) A person whose property has been frozen following a designation or national listing under this Act may submit a request to the Minister to release that property or a portion of that property to cover—

- (a) necessary and basic expenses, including payments for rent or mortgage, foodstuffs, monthly family expenses, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) expenses exclusively for payment of reasonable professional fees, or reimbursement of incurred expenses associated with the provision of legal services;
- (c) fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources;
- (d) necessary extraordinary expenses; and
- (e) in respect of funds frozen under UNSCR 1718 and 1737 (2006)—
  - (i) expenses necessary to honour any judicial, administrative or arbitral lien or judgement; or
  - (ii) payments due under contracts entered into prior to the listing of such person or entity, where—
    - (A) it has been determined that 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 the relevant Security Council resolution;
    - (B) it has been determined that the payment is not directly or indirectly received by a person or entity designated pursuant to UNSCR 1737; and
    - (C) ten working days prior to the notification of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, has been given to the 1737 Sanctions Committee.

(7) The request to have funds released for expenses under subsection (6) (a), (b), (c) and (e), shall be assessed by the Centre within fourteen working days, and if favourably considered, the request shall be directed to the relevant Sanctions Committee for its decision.

(8) The Centre may, within forty-eight hours from date of submission of the request to the relevant Committee in terms of subsection (6) and in the absence of any negative decision received from that Committee, authorise the release of funds as applied for.

(9) The request to have funds released as outlined in subsection (6) shall be—

(a) assessed by the Centre and if favourably considered, the request is forwarded to the relevant Sanctions Committee for its approval; and

(b) authorised by the Centre upon receipt of approval from the relevant Sanctions Committee.

**53.** A person who participates in activities knowing that the object or effect of those activities is to directly or indirectly circumvent, enable or formulate the contravention of provisions of this Part, commits an offence and is liable, on conviction, to one million penalty units or to imprisonment for a term of ten years, or to both.

Circumventing prohibitions

#### PART VI INVESTIGATIONS

**54.** (1) Subject to subsection (2), an anti-terrorism officer or an authorised officer may, for the purpose of preventing the commission of an offence under this Act or preventing interference in the investigation of an offence under this Act, apply *ex parte*, to a judge of the High Court for a detention order.

Detention orders

(2) An anti-terrorism officer or an authorised officer shall before making an application under subsection (1), obtain the prior written consent of the Attorney-General.

(3) A judge to whom an application is made under subsection (1) may make an order for the detention of the person named in the application if the judge is satisfied that the written consent of the Attorney-General has been obtained as required by subsection (2) and that there are reasonable grounds to believe or suspect that—

(a) the person is preparing to commit an offence under this Act; or

(b) is interfering, or is likely to interfere with, an investigation into an offence under this Act.

(4) An order under subsection (3) shall be for a period not exceeding fourteen days in the first instance and may, on application made by an anti-terrorism officer or an authorised officer, be extended for a further period, provided that the maximum period of detention under the order does not exceed thirty days.

(5) An order under subsection (3) shall specify the place at which the person named in the order is to be detained and the conditions subject to which the person is to be detained including conditions relating to access to a government medical officer and the video recording of the person in detention so as to constitute an accurate continuous and uninterrupted record of the person's detention for the whole period of that person's detention.

Powers of investigation

**55.** Subject to this Part, the special powers conferred by this Act for the purposes of a terrorist or proliferation investigation are available by means of a warrant issued by a judge of the High Court on application by an anti-terrorism and proliferation officer or an authorised officer.

(2) A judge may issue a warrant authorising an anti-terrorism and proliferation officer or an authorised officer—

(a) to enter any premises specified in the warrant;

(b) to search any premises, any person and inspect any document, record or thing, found in the premises; and

(c) to seize and retain any relevant material, including any relevant document, record or thing found in the premises.

(3) A judge shall not issue a warrant under subsection (2) unless the judge is satisfied that—

(a) the warrant is sought for the purpose of a terrorist or proliferation investigation; and

(b) there are reasonable grounds for believing that there is material on the premises which may be relevant to the terrorist or proliferation investigation.

Powers of investigation in cases of urgency

**56.** (1) Where, in a case of urgency, communication with a judge to obtain a warrant would cause delay that may be prejudicial to the maintenance of public safety or public order, an anti-terrorism officer or an authorised officer may, despite any other Act, with the assistance of such other authorised officers as may be necessary—

(a) enter and search any premises or place, if the authorised officer has reason to suspect that, within those premises or at that place—

(i) an offence under this Act is being committed or is likely to be committed; or

(ii) there is evidence of the commission of an offence under this Act;

- (b) search any person or vehicle found on any premises or place which the authorised officer is empowered to enter and search under paragraph (a);
- (c) stop, board and search any vessel, aircraft or vehicle if the authorised officer has reason to suspect that there is in it evidence of the commission or likelihood of the commission of an offence under this Act; or
- (d) seize, remove and detain anything which is, or contains or appears to the anti-terrorism and proliferation officer or authorised officer to be or to contain or to be likely to be or to contain, evidence of the commission of an offence under this Act.

(2) An anti-terrorism and proliferation officer or an authorised officer who has exercised any power under this section shall bring the matter before a judge of the High Court within forty-eight hours of doing so and the judge shall make such orders as the judge considers necessary in respect of the matter.

(3) Where a seizure is effected under this section, a list of all the articles seized shall be prepared and signed by the authorised officer who effected the seizure and shall immediately be delivered—

- (a) to the person on whom the search is made; or
- (b) to the owner of the premises, place, vessel, aircraft or vehicle searched.

**57.** An anti-terrorism officer or an authorised officer may, for the purpose of obtaining evidence of the commission of an offence under this Act, apply to the High Court to intercept communication in accordance with Part XI of the Electronic Communications and Transactions Act, 2009.

Power to intercept communication and admissibility of intercepted communications  
Act No. 21 of 2009

**58.** (1) Subject to subsection (2), an authorised officer may, for the purpose of an investigation of an offence under this Act, apply *ex parte* to a Judge of the High Court for an order for the gathering of information.

Power to gather information

(2) An authorised officer shall before making an application under subsection (1) obtain the prior written consent of the Attorney-General.

(3) A judge to whom an application is made under subsection (1) may make an order for the gathering of information if the judge is satisfied and that reasonable attempts have been made to obtain the information referred to in paragraph (b) from the person referred to in that paragraph and that the written consent of the Attorney-General has been obtained as required by subsection (2) and that there are reasonable grounds to believe that—

(a) an offence under this Act has been committed;

(b) information concerning the offence, or information that may reveal the whereabouts of a person suspected by the authorised officer of having committed the offence, is likely to be obtained as a result of the order; or

(c) a person has direct and material information that relates to an offence referred to in subparagraph (i), or that may reveal the whereabouts of a person who the authorised officer suspects may commit the offence referred to in this paragraph.

(4) An order made under subsection (3) may—

(a) order the examination, on oath or not, of a person named in the order;

(b) order the person to attend at the place fixed by the judge, or by the judge designated under paragraph (d), as the case may be, for the examination and to remain in attendance until excused by the presiding judge;

(c) order the person to bring to the examination any document or thing in that person's possession or control, and produce it to the presiding judge;

(d) designate another judge as the judge before whom the examination is to take place; and

(e) include any other terms or conditions that the judge considers desirable, including terms or conditions for the protection of the interests of the person named in the order and of third parties or for the protection of any ongoing investigation.

(5) An order made under subsection (3) may be executed anywhere in the Republic.

(6) The judge who makes the order under subsection (3), or another judge of the same court, may vary its terms and conditions.



(7) A person named in an order made under subsection (3) shall answer questions put to the person by the Attorney-General or the Attorney-General's representative, and shall produce to the presiding judge documents or things that the person was ordered to bring, but may refuse to do so if answering a question or producing a document or thing would disclose information that is protected by the law relating to non-disclosure of information or privilege.

(8) The presiding judge shall rule on an objection or other issue relating to a refusal to answer a question or to produce a document or thing.

(9) A person shall not be excused from answering a question or producing a document or thing under subsection (7) on the ground that the answer or document or thing may tend to incriminate the person or subject to any proceedings or penalty, but —

(a) no answer given or document or thing produced under subsection (7) shall be used or received against the person in any criminal proceedings against that person, other than in a prosecution for perjury or giving false evidence; and

(b) no evidence derived from the evidence obtained from the person shall be used or received against the person in any criminal proceedings against that person, other than in a prosecution for perjury or giving false evidence.

(10) A person has the right to retain and instruct a legal practitioner at any stage of the proceedings under this section.

(11) The presiding judge, if satisfied that any document or thing produced during the course of the examination is likely to be relevant to the investigation of any offence under this Act, shall order that the document or thing shall be given into the custody of the authorised officer or someone acting in the authorised officer's behalf.

**59.** Without prejudice to the Financial Intelligence Centre Act, 2010, the Second Schedule shall have effect with respect to obtaining financial information for the purposes of a terrorist or proliferation investigation.

Power to obtain financial information Act No.46 of 2010

**60.** (1) A person commits an offence if that person, knowing or having reasonable cause to suspect that an anti-terrorism officer or an authorised officer is conducting a terrorist or proliferation investigation—

Disclosure of information

(a) discloses to another person anything which is likely to prejudice the investigation; or

(b) interferes with material which is likely to be relevant to the investigation.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to imprisonment for life.

(3) A person commits an offence if that person, knowing or having reasonable cause to suspect that a disclosure has been or will be made under subsection (1)—

(a) discloses to another person anything which is likely to prejudice an investigation resulting from the disclosure under that section; or

(b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.

(4) A person who commits an offence under subsection (3) is liable, on conviction, to imprisonment for life.

(5) It is a defence for a person charged with an offence under this section to satisfy the court—

(a) that the person did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist or proliferation investigation; or

(b) that the person had a reasonable excuse for the disclosure or interference.

(6) Nothing in this section applies to a disclosure which is made by a practitioner—

(a) to the practitioner's client or to the client's representative in connection with the provision of legal advice by the legal practitioner to the client and not with a view to furthering a criminal purpose; or

(b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.

Special  
investigative  
techniques

**61.** An anti-terrorism officer or an authorised officer may in the performance of a function under this part, use special investigative techniques including controlled delivery, undercover operations, surveillance and use of informants as may be prescribed.

PART VII  
EXCLUSION ORDERS

**62.** (1) The Minister may make an exclusion order against the person prohibiting the person from being in, or entering, Zambia where the Minister is satisfied that the person is—

Making and effect of exclusion orders

- (a) or has been involved in the commission, preparation or instigation of acts of terrorism, terrorism financing, proliferation or proliferation financing in Zambia; or
- (b) attempting or may attempt to enter Zambia with a view to being involved in the commission, preparation or instigation of acts of terrorism, terrorism financing, proliferation or proliferation financing.

(2) In deciding whether to make an exclusion order under this section against a person who is ordinarily resident in Zambia, the Minister shall have regard to the question whether that person's connection with any country or territory outside Zambia is such as to make it appropriate that such an order should be made.

(3) An exclusion order shall not be made under this section against a person who is a citizen of Zambia.

(4) The First Schedule applies to exclusion orders.

(5) This section applies despite any provision of the Immigration and Deportation Act, 2010.

Act No. 18 of 2010

(6) A person who is the subject of an exclusion order may apply to the High Court for review of the order.

**63.** (1) A person who is subject to an exclusion order and who fails to comply with the order at a time after the person has been, or has become liable to be, excluded under this Act commits an offence and is liable, on conviction, to imprisonment for a term of not less than ten years but not exceeding twenty years.

Offences in connection with exclusion orders

(2) A person commits an offence if that person—

- (a) knowingly gets involved in arrangements for securing or facilitating the entry into the Republic of a person whom that person knows, or has reasonable grounds to believe, is the subject of an exclusion order; or
- (b) harbours the person under paragraph (a) in the Republic.

(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, to imprisonment for a term of not less than ten years but not exceeding twenty years.

PART VIII  
MUTUAL ASSISTANCE EXTRADITION AND OTHER FORMS OF  
COOPERATION

Exchange of  
information  
Cap. 98

**64.** (1) Without prejudice to the Mutual Legal Assistance in Criminal Matters Act, the Attorney-General may, at the request of a competent authority of a foreign State, disclose to that authority any information in the Attorney-General's possession if the disclosure is not prohibited by any provision of law and will not be prejudicial to national security or to public safety relating to—

- (a) the actions or movements of persons suspected of involvement in acts of terrorism, financing of terrorism, proliferation or proliferation financing;
- (b) the use of forged or falsified travel papers by persons involved in acts of terrorism, financing of terrorism, proliferation or proliferation financing;
- (c) traffic in weapons and sensitive materials by persons suspected of involvement in acts of terrorism or proliferation;
- (d) the use of communications technologies by persons suspected of involvement in acts of terrorism, financing of terrorism, proliferation or proliferation financing; and
- (e) the commission of offences by any person against this Act.

Other  
requests  
from foreign  
States

**65.** (1) Where a foreign State makes a request for assistance in the investigation or prosecution of an offence constituting an act of terrorism, financing of terrorism, proliferation or proliferation financing, or for the tracking, attachment or forfeiture of terrorist and proliferation property located in Zambia, the Attorney-General may—

- (a) execute the request; or
- (b) decline to execute the request, or delay its execution, and inform the foreign State making the request of the reasons therefor.

(2) Where the Attorney-General decides to execute a request for assistance under subsection (1), the Attorney-General may in the manner prescribed apply to the High Court for—

- (a) an order in writing authorising an officer—
  - (i) to search the premises, search any person and inspect any document, record or thing, found therein; and

(ii) to seize and retain any relevant material, including any relevant document, record or thing, found therein;

(b) a property tracking order;

(c) an attachment order; or

(d) an order for forfeiture of property.

**66.** (1) The Attorney-General may make a request to a foreign State—

Requests to  
foreign  
States

(a) to provide evidence or information relevant to an offence under this Act; or

(b) for the tracking, attachment or forfeiture of terrorist, financing of terrorism, proliferation or proliferation financing, funds and property located in that State.

(2) The Attorney-General may, in respect of any proceedings for an offence under this Act, apply to the High Court for an order directed to any person resident in a foreign State to appear before court or deliver any document, record, material or thing in that person's possession or under that person's control to the jurisdiction of the court or, subject to the approval of the foreign State, to the jurisdiction of a court of the foreign State for the purpose of giving evidence in relation to those proceedings.

(3) Evidence taken, pursuant to a request under this section, in any proceedings in a court of a foreign State may, if it is authenticated, be admitted in evidence in any proceedings to which it relates.

(4) For the purposes of subsection (3), a document is authenticated if—

(a) it purports to be signed or certified by a judge, magistrate or officer in or of a foreign State; and

(b) it purports to be authenticated by the oath or affirmation of a witness or to be sealed with an official or public seal of a Minister, the Ministry responsible for foreign matters, Department, or an officer in or of the Government of the foreign State.

**67.** (1) A request under section 64 or 65 shall be in writing and shall be dated and signed by or on behalf of the person making the request.

Form of  
request

(2) A request may be transmitted in writing or by an electronic device.

- (3) A request shall—
- (a) confirm either that an investigation or prosecution is being conducted in respect of a suspected offence related to terrorism, financing of terrorism, proliferation or proliferation financing or that a person has been convicted of an offence related to terrorism, financing of terrorism, proliferation or proliferation financing;
  - (b) state the grounds on which any person is being investigated or prosecuted for an offence related to terrorism, financing of terrorism, proliferation or proliferation financing or details of the conviction of the person;
  - (c) give sufficient particulars of the identity of the person;
  - (d) give particulars sufficient to identify any bank, financial institution or financial service provider or other person believed to have information, document, record or materials which may be of assistance to the investigation or prosecution;
  - (e) request assistance to obtain from a bank, financial institution, financial service provider or other person any information, document, record or material which may be of assistance to the investigation or prosecution;
  - (f) specify the manner in which and the person to whom any information, document, record or material obtained pursuant to the request is to be produced;
  - (g) state whether an attachment order or forfeiture order is required and identify the property to be the subject of such an order; and
  - (h) contain such other information as may assist the execution of the request.

(4) A request shall not be invalidated for purposes of this Act or any legal proceedings by virtue of a failure to comply with subsection (3) where the Attorney-General is satisfied that there is sufficient compliance to enable the execution of the request.

**68.** (1) Where Zambia is a party to a counter-terrorism convention and there is in force an extradition agreement between the Government of Zambia and another State which is a party to that convention, the extradition agreement shall be deemed, for the purposes of the Extradition Act, to include provision for extradition in respect of offences falling within the scope of that convention.

(2) Where Zambia is a party to a counter-terrorism convention and there is no extradition agreement in force between the Government of Zambia and another State which is a party to that convention, the Minister responsible for foreign affairs may, by order published in the *Gazette*, deem the counter-terrorism convention, for the purposes of the Extradition Act, to be an extradition agreement between the Government of Zambia and that State, providing for extradition in respect of offences falling within the scope of that convention.

Cap. 94

## PART IX

## GENERAL PROVISIONS

**69.** (1) There is established the Compensation of Victims of Terrorism Fund, which shall be administered in accordance with rules to be made by the Minister.

Establishment  
of Victims of  
Terrorism  
Fund

(2) There shall be paid into the Fund—

- (a) such fines as shall be imposed and paid pursuant to any convictions under this Act;
- (b) grants, gifts, donations or bequests received by the Fund with the approval of the Minister; and
- (c) such other monies payable to the Fund by virtue of any law.

**70.** An action or other proceedings shall not lie or be instituted against a member, a committee or a member of staff of the Agency, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance of any of the powers, functions or duties conferred under this Act.

Immunity

**71.** (1) The Minister may, by statutory instrument, in consultation with the centre, make regulations that are necessary to give effect to the provisions of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), the regulations made thereunder may—

- (a) provide for measures to implement applicable United Nations Security Council and other Resolutions;
- (b) provide procedures for listing and delisting of persons, entities or contracts;
- (c) provide measures for freezing and unfreezing of assets;
- (d) provide for the protection of third party rights;

- (e) prescribe offences and penalties for contravention of or failure to comply with the regulation made pursuant to this Act up to a maximum of life imprisonment; and
- (f) prescribe all matters required to be prescribed under this Act.

(3) The Minister may, by statutory instrument, amend the Schedules.

Offences by principal officer or shareholder of body corporate or unincorporated body

**72.** Where an offence under this Act is committed by a body corporate or unincorporated body, and the director, manager or shareholder of that body is suspected to have committed the offence and is charged of that offence, that director, manager or shareholder of the body corporate or unincorporated body is liable, on conviction, to the penalty specified for the offence, unless the director, manager or shareholder proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director, manager or shareholder or that the director, manager or shareholder took reasonable steps to prevent the commission of the offence.

Rules of court

**73.** The Chief Justice may, by rules of court, make provision with respect to the procedure on applications to any court under this Act.

General penalty

**74.** A person who contravenes a provision of this Act for which a specific penalty is not provided for shall, on conviction, be liable to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years or to both.

Offences to be cognisable  
Cap. 88

**75.** An offence under this Act is a cognisable offence for the purposes of the Criminal Procedure Code.

Repeal of Act No. 21 of 2007

**76.** The Anti-Terrorism Act, 2007 is repealed.



## FIRST SCHEDULE

(Section 62 (4))

## EXCLUSION ORDERS

- 1.** (1) An exclusion order may be revoked at any time by a further order made by the Minister. Duration
- (2) The revocation of an exclusion order against a person shall not prevent the making of a further exclusion order against the person.
- 2.** (1) A notice of the making of an exclusion order shall be served on the person against whom it has been made within fourteen days of the making of the order. Notice of order
- (2) Nothing in this paragraph imposes an obligation to take any steps to serve a notice on a person at a time when the person is outside Zambia.
- (3) Where the person against whom an exclusion order is made is not for the time being detained by virtue of this Act, notice of the making of the order may be served on the person by posting it to the person's last known address or by the publication of a notice in the *Gazette* or newspaper of general circulation in the area.
- 3.** (1) The Minister may give directions for the removal from Zambia of any person who is the subject of an exclusion order. Directions for removal
- (2) Any person who without reasonable excuse fails to comply with the directions given to that person under this paragraph commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years or to both.
- 4.** (1) A person in respect of whom directions for removal may be given under paragraph 3 may be detained pending the giving of such directions and pending removal in pursuance of the directions. Detention pending removal
- (2) An anti-terrorism officer, proliferation officer or authorised officer may arrest, without warrant, a person liable to be detained under this paragraph.
- (3) A captain of a ship or aircraft, if so required by an anti-terrorism officer, proliferation officer or authorised officer shall prevent any person on board the ship or aircraft from disembarking in Zambia.

(4) Where a captain of a ship or aircraft is required to prevent a person from disembarking, the captain may for that purpose detain the person in custody on board the ship or aircraft.

(5) A captain of a ship or aircraft who fails to take reasonable steps to comply with a requirement imposed under this Act commits an offence and is liable to imprisonment for a term not exceeding two years or to a fine not exceeding eighty thousand penalty units or to both.

(6) An anti-terrorism officer, proliferation officer or authorised officer may remove a person from a vehicle for detention under this Act.

Provisions  
suppleme-  
ntary to  
detention

**5.** (1) If a magistrate is satisfied that there are reasonable grounds for suspecting that a person who is the subject of an exclusion order is to be found on any premises, the magistrate may grant a search warrant authorising an anti-terrorism officer, proliferation officer or authorised officer to enter the premises for the purpose of searching for and arresting that person.

(2) A person detained under this Schedule shall be deemed to be in legal custody at any time when the person is detained in police custody in Zambia otherwise than on board a ship, vehicle or aircraft.

(3) Where a person is detained under this Schedule, any examining officer may take all such steps as may be reasonably necessary for identifying the person.

SECOND SCHEDULE

(Section 2 (1))

COUNTER TERRORISM CONVENTIONS

1. The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963;
2. The Convention for the Suppression of Unlawful Seizure of Aircraft of 1970;
3. The Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971 and the Protocol thereto of 1984;
4. The New York Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents of 1973;
5. The International Convention against the Taking of Hostages of 1979;
6. The Convention on the Physical Protection of Nuclear Material of 1980;
7. The United Nations Convention on the Law of the Sea of 1982;
8. The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1988;
9. The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 1988;
10. The Convention for the Suppression of Unlawful Acts against Maritime Navigation of 1988;
11. The Convention on the Marking of Plastic Explosives of 1991;
12. The International Convention for the Suppression of Terrorist Bombings of 1997;
13. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1977;
14. The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971;

**15.** The Organisation of African Unity Convention on the Prevention and Combatting of Terrorism, 1999; and

**16.** The International Convention for the Suppression of the Financing of Terrorism, 1999.

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