

ANTI-TERRORISM REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

Regulation

1. Prohibition of financial and other related services to specified entity
2. Organisation associated with acts of terrorism or proliferation of weapons of mass destruction
3. Effect of order declaring entity to be a specified entity
4. Provision of information relating to persons on vessels or aircraft and persons entering or leaving the country
5. Listing or de-listing of a terrorist individual, entity or organisation
6. Freezing of funds of a person engaged in terrorism or proliferation of weapons of mass destruction
7. Duty of accountable institutions to report on frozen funds
8. Duty of accountable institution to report on suspicious or unusual transaction
9. Website publication of information
10. Offences and penalties
11. Interpretation

ANTI-TERRORISM REGULATIONS, 2012

IN exercise of the power conferred on the Attorney-General and Minister responsible for Justice by section 39 of the Anti-Terrorism Act, 2008 (Act 762), these Regulations are made this 7th day of June, 2012.

Prohibition of financial or other related service to specified entity

1. (1) A person shall not provide or make available, a financial or other related service to a specified entity.

(2) For the purposes of subregulation (1) and section 7 of the Act, a person provides or makes available a financial or other related service to a specified entity if that person

- (a) gives,
- (b) offers,
- (c) furnishes,
- (d) exchanges,
- (e) trades, or
- (f) transfers

a financial or other related service to that specified entity.

(3) A financial or other related service includes a type of service that involves

- (a) transactions in money;
- (b) transactions in a negotiable instrument;
- (c) granting of credit;
- (d) leasing;
- (e) hire-purchasing;
- (f) granting of funds;
- (g) dealing in securities;
- (h) granting of capital;
- (i) providing means of payment;
- (j) transactions in foreign exchange; or
- (k) insurance business.

Organisation associated with acts of terrorism or proliferation of weapons of mass destruction

2. For the purposes of these Regulations and section 23 of the Act, an organisation associated with acts of terrorism or proliferation of weapons of mass destruction includes an organisation that participates in the

- (a) financing,
- (b) planning,
- (c) preparation,

ANTI-TERRORISM REGULATIONS, 2012

- (d) facilitation,
- (e) aiding, or
- (f) perpetration

of acts of terrorism or proliferation of weapons of mass destruction in conjunction with, under the name of, on behalf of or in support of an individual or a terrorist group by an affiliate or derivative of the individual or terrorist group.

Effect of order declaring entity to be a specified entity

3. (1) Where an order is made by the High Court declaring a person who is not a citizen of Ghana to be a specified entity by virtue of an application made by the Minister under section 19 of the Act, the Director of Immigration or an officer authorised by the Director of Immigration and the Refugee Board shall consider the order as a reasonable ground to suspect that the person is, will be or has been involved in the commission of a terrorist act or proliferation of weapons of mass destruction.

(2) A decision by the United Nations Security Council under Chapter VII of the United Nations Charter designating a person as

- (a) involved in, financing or facilitating a terrorist act or proliferation of weapons of mass destruction,
- (b) belonging to an organisation involved in a terrorist act or proliferation of weapons of mass destruction, or
- (c) subject to a travel ban or other restrictions because of the association of that person with persons involved in terrorist activities or proliferation of weapons of mass destruction

shall be considered as a reasonable ground for the Director of Immigration or an officer authorised by the Director of Immigration and the Refugee Board to suspect that the person is, will be or has been involved in a terrorist act or proliferation of weapons of mass destruction.

(3) The Minister shall, on the advice of the National Security Co-ordinator, issue a directive, without delay, to the Director of Immigration or an officer authorised by the Director of Immigration and the Refugee Board to recognise a designation of a person by an international organisation other than the United Nations, by a State or association of States as a person

- (a) involved in, financing or facilitating a terrorist act or proliferation of weapons of mass destruction,

ANTI-TERRORISM REGULATIONS, 2012

- (b) belonging to an organisation involved in a terrorist act or proliferation of weapons of mass destruction, or
- (c) subject to a travel ban or other restrictions because of an association with persons involved in a terrorist activity or proliferation of weapons of mass destruction.

(4) Where a directive is issued, the Director of Immigration or an officer authorised by the Director of Immigration and the Refugee Board shall, without delay, consider the designation in the directive as a factor in the determination of the existence of a reasonable ground to suspect that a person is, will be or has been involved in a terrorist act or proliferation of weapons of mass destruction.

(5) The Minister shall publish in the *Gazette* the directives issued under subregulation (3) within seven days after the directives have been issued.

Provision of information relating to persons on vessels or aircraft and persons entering or leaving the country

4. (1) In accordance with section 36 of the Act,

- (a) the operator of an aircraft or the master of a vessel arriving or departing from the country, or
- (b) the operator of an aircraft or the master of a vessel registered in the country departing from a place outside the country

shall provide the Inspector-General of Police or the competent foreign authority in a foreign State as required by the laws of that foreign State with information on the name, place of embarkation or destination of a person on board or expected to be on board the aircraft or vessel.

(2) The information shall be provided

- (a) in the format of a passenger manifest, and
- (b) not less than two hours before the departure or arrival of the vessel or aircraft.

(3) Where the Director of Immigration is required to provide information on persons leaving or entering the country to a competent authority in a foreign State as required by the laws of that foreign State, the competent authority shall submit the request in writing and give reasons for the request.

ANTI-TERRORISM REGULATIONS, 2012

(4) Where the Director of Immigration considers the reasons to be satisfactory, the Director of Immigration shall respond to the request and provide the information relating to

- (a) the date of entry or departure or both;
- (b) the vessel or aircraft used;
- (c) the biometric data of a person; and
- (d) any other relevant information.

(5) The Director of Immigration shall within twenty-four hours after the receipt of the request, inform the Inspector-General of Police of a request for information from a foreign State and provide details of the information given.

Listing or de-listing of terrorist individual, entity or organisation

5. (1) The Minister responsible for Foreign Affairs shall, without delay, forward to the Minister the listing or de-listing of any individual, entity or organisation by the United Nations Security Council in accordance with Chapter VII of the United Nations Charter as subject to financial sanctions or other restrictions related to terrorism or proliferation of weapons of mass destruction and particularly to the freezing of assets.

(2) The Minister shall, on the receipt of the information, inform institutions including

- (a) the Bank of Ghana;
- (b) the National Insurance Commission;
- (c) the Securities and Exchange Commission;
- (d) the Customs Division of the Ghana Revenue Authority;
- (e) the Ghana Immigration Service;
- (f) the Ghana Real Estate Developers' Association;
- (g) the General Legal Council;
- (h) the Institute of Chartered Accountants;
- (i) the Gaming Commission;
- (j) the Precious Minerals and Marketing Company;
- (k) the Financial Intelligence Centre;
- (l) the Narcotics Control Board;
- (m) the Economic and Organised Crime Office;
- (n) the Ghana Police Service;
- (o) the National Security Council Secretariat; and
- (p) any other institution that the Minister may determine.

(3) The Minister shall, within twenty-four hours, cause the listing or de-listing of a terrorist individual, entity or organisation to be published

ANTI-TERRORISM REGULATIONS, 2012

in the *Gazette* and the institutions specified under subregulation (2) shall inform institutions, businesses or individuals which they supervise, represent or license.

(4) An institution, business or individual supervised, represented or licensed by the institutions specified under subregulation (2) shall review its records and activities and take the appropriate action as required by the institution, business or individual including reporting the holding of any asset associated with an individual, entity or organisation listed by the United Nations Security Council.

(5) An accountable institution, business or individual shall submit the required information to the Financial Intelligence Centre established under section 4 of the Anti-Money Laundering Act, 2008 (Act 749) which shall inform the Inter Ministerial Committee on Anti-Money Laundering and Counter Financing of Terrorism established in accordance with the Instructions issued by Executive Instrument by the Minister in accordance with section 37A of the Act.

(6) The Minister shall, on the advice of the Inter Ministerial Committee, seek an order by the High Court under section 5 (2) of the Act or a declaration under section 19 of the Act.

Freezing of funds of a person engaged in terrorism or proliferation of weapons of mass destruction

6. (1) Where the High Court issues

- (a) an order to freeze the funds of a person engaged in terrorism or proliferation of weapons of mass destruction in accordance with section 5(2) of the Act, or
- (b) a declaration that an entity is a specified entity under section 19 of the Act

the Minister shall, within twenty-four hours inform the institutions specified under regulation 5(2) and publish the order in the *Gazette* within seven days.

(2) The institutions specified under regulation 5 (2) shall monitor and secure compliance with the Act by the institutions, businesses or individuals which the institutions specified under regulation 5 (2) supervise, represent or license.

Duty of accountable institutions to report on frozen funds

7. An accountable institution shall report on funds frozen by order of the High Court to the Financial Intelligence Centre in accordance with section 5(4) of the Anti-Terrorism Act, 2008 (Act 762).

*ANTI-TERRORISM REGULATIONS, 2012***Duty of accountable institution to report on suspicious or unusual transaction**

8. An accountable institution shall report on a suspicious or unusual transaction to the Financial Intelligence Centre in accordance with section 30 of the Anti-Money Laundering Act, 2008 (Act 749) and regulation 32 to regulation 36 of the Anti-Money Laundering Regulations, 2011 (L.I. 1987).

Website publication of information

9. The Minister in collaboration with the Minister for Information shall publish and update on a publicly available website the

- (a) listings, de-listings, orders and revocations published in the *Gazette* in accordance with regulations 5 and 6;
- (b) duties of accountable institutions, businesses and individuals under the Act; and
- (c) points of contact which the relevant regulated sectors and members of the general public can contact for information and guidance concerning the implementation of the Act.

Offences and penalties

10. Except as otherwise provided, a person or an accountable institution that contravenes a provision of these Regulations commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both the fine and the term of imprisonment.

Interpretation

11. In these Regulations, unless the context otherwise requires,
- “business” includes a trade, profession or vocation, but does not include employment;
 - “financial instrument” means a physical or electronic document which embodies or conveys monetary value;
 - “negotiable instrument” includes a cheque, bank draft, traveller’s cheque, bill of exchange, money order, postal remittance and any other similar instrument;
 - “passenger manifest” means a list of the names of passengers, their places of embarkation and disembarkation and other details in a specified format in accordance with the requirements of the Convention on International Civil Aviation

ANTI-TERRORISM REGULATIONS, 2012

and the Convention on Facilitation of International Maritime Traffic, 1965 as amended;

“proliferation of weapons of mass destruction” means the development, manufacture or transfer of nuclear, radiological, chemical or biological weapons that can cause death or significant harm to members of the public, to property or to the environment; and

“Refugee Board” means the Refugee Board established under section 4 of the Refugee Act, 1992 (P.ND.C.L. 305D).

DR. BENJAMIN KUNBUOR
Attorney-General and Minister for Justice

Date of *Gazette* notification: 8th June, 2012

Entry into force: