

## CHAPTER 59B

### THE PREVENTION OF TERRORISM ACT

#### SUBSIDIARY LEGISLATION

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**THE PREVENTION OF TERRORISM (IMPLEMENTATION OF  
THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON SUPPRESSION OF TERRORISM) REGULATIONS, 2013**

[Legal Notice 211 of 2013]

*Revoked by Legal Notice 31 of 2022 on 12th November, 2013*



**THE DECLARATION OF DESIGNATED COUNTRIES**

[Legal Notice 200 of 2015]

IN EXERCISE of the powers conferred by section 30C (3) of the Prevention of Terrorism Act, the Cabinet Secretary for Interior and Coordination of National Government declared the following countries to be designated countries—

- (a) Somalia
  - (b) Syria
  - (c) Yemen
  - (d) Libya
  - (e) Iraq
  - (f) Afghanistan
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**THE PREVENTION OF TERRORISM (IMPLEMENTATION OF  
THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON SUPPRESSION OF TERRORISM) REGULATIONS**

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**THE PREVENTION OF TERRORISM (IMPLEMENTATION OF  
THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON SUPPRESSION OF TERRORISM) REGULATIONS**

[Legal Notice 31 of 2022]

WHEREAS the Republic of Kenya has enacted the Prevention of Terrorism Act (Cap. 59B), the Prevention of Organized Crimes Act (Cap. 59) and the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

WHEREAS the Constitution recognizes the general rules of international law and treaties or convention ratified by Kenya to be part of the laws of Kenya;

WHEREAS Kenya is a member of the United Nations and as such bound by the decisions and Resolutions of the United Nations Security Council by virtue of Article 41 of the Charter of the United Nations;

WHEREAS the Republic of Kenya has ratified the United Nations Conventions aimed at addressing terrorism and terrorism financing;

WHEREAS Article 41 of the Charter of the United Nations provides that the Security Council may determine the measures not involving the use of armed force that may be employed to give effect to its decisions, and call upon the Members of the United Nations to apply such measures;

NOW THEREFORE, IN EXERCISE of the powers conferred by section 50 of the Prevention of Terrorism Act (Cap. 59B), the Cabinet Secretary for Interior and Coordination of National Government makes the following Regulations—

PART I – PRELIMINARY

**1. Citation and commencement**

These Regulations may be cited as the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2022 and shall come into operation or be deemed to have come into operation as follows—

- (a) regulation 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30 and 31 shall be deemed to come into operation on the 12th November 2013; and
- (b) regulation 27 and 32 shall come into operation on publication.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to internal security;

"Centre" means the Financial Reporting Centre established under section 21 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"Committee" means the Counter Financing of Terrorism Inter- Ministerial Committee established under regulation 4;

"competent party" means the relevant regulatory agency, security agency, intelligence agency, law enforcement agency, supervisory body, or administrative agency;

"dealing" in relation to property or funds means receiving, acquiring, transacting, representing, concealing, disposing, converting, transferring or moving, using as security or providing financial services;

"designated entity" means an entity designated pursuant to the Act or the applicable United Nations Security Council Resolutions adopted under Chapter VII of the United Nations Charter;

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[Subsidiary]

"designation" or "listing" means the identification of a person, organization, association or group of persons that is subject to targeted sanctions pursuant to the applicable United Nations Security Council Resolutions or an entity specified under section 3 of the Act;

"domestic list" means the list prepared and approved by the Committee under regulation 12;

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

"freeze" means to prevent or restrain specific property or funds from being used, transferred, transacted, converted, altered, concealed, moved or disposed of without affecting the ownership thereof;

"person" means any natural or legal person;

"reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"Resolution" means a resolution of the United Nations Security Council and includes its successor resolution;

"Resolution 1267" means Resolution 1267 (1999) of the Security Council;

"Resolution 1267/1989 (Al-Qaida)" means Resolutions 1267 (1999) and 1989 (2011) of the Security Council;

"Resolution 1373" means Resolution 1373 (2001) of the Security Council;

"Resolution 1718" means Resolution 1718 (2006) of the Security Council;

"Resolution 1988" means Resolution 1988 (2011) of the Security Council;

"Sanctions Committee" means a committee of the Security Council of the United Nations established under a Resolution of the Security Council;

"Security Council" means the Security Council of the United Nations established under Article 7 of Chapter III of the United Nations Charter;

"sanctions list" means the 1267/1989 Al-Qaida sanctions list and the 1988 sanctions list or other similar list issued by the Security Council;

"terrorism financing" includes the offence specified under section 5 of the Act.

### 3. Application

These Regulations shall apply to—

- (a) an entity designated under Resolutions 1267/1989 (*Al-Qaida*);
- (b) an entity designated under Resolution 1373;
- (c) an entity designated under Resolution 1718 or Resolution 1988; and
- (d) a specified entity in respect of which an order has been issued under section 3 of the Act.

#### PART II – IMPLEMENTATION COMMITTEE

### 4. Counter Financing of Terrorism Inter-Ministerial Committee

(1) There is established a Committee to be known as the Counter Financing of Terrorism Inter-Ministerial Committee.

(2) The Committee shall consist of—

- (a) the Cabinet Secretary responsible for matters relating to internal security who shall be the chairperson;
- (b) the Cabinet Secretary responsible for matters relating to finance;
- (c) the Cabinet Secretary responsible for matters relating to foreign affairs;

- (d) the Attorney-General;
- (e) the Director-General of the National Intelligence Service;
- (f) the Inspector-General of Police;
- (g) the Director-General of the Kenya Citizens and Foreign Nationals Management Service;
- (h) the Governor of the Central Bank of Kenya; and
- (i) the Director of the Centre.

## **5. Functions of the Committee**

- (1) The functions of the Committee shall be to—
  - (a) implement Resolution 1267, 1373, 1718 and 1988, resolutions relating to the suppression of terrorism financing and the prevention, suppression and disruption of the proliferation of, and financing of, dealings with weapons of mass destruction and such other related resolutions in accordance with these Regulations;
  - (b) formulate and supervise the implementation of the National Strategy and Action Plan on Counter Financing of Terrorism; and
  - (c) perform such other functions as may be conferred on it by any other written law.
- (2) The Committee may, in carrying out its functions, co-ordinate with the relevant competent party and any other person for the purposes of—
  - (a) identifying persons or entities for the purpose of designation;
  - (b) examining and giving effect, upon a request by a foreign country, to an action initiated under the freezing mechanism of that foreign country, which is consistent with the public interest of Kenya;
  - (c) considering requests for the de-listing of a designated entity under these Regulations; and
  - (d) the performance of its functions under these Regulations.
- (3) The Committee shall, in carrying out its obligations under Resolution 1267, 1373, 1718 and 1988, the resolutions relating to the banning of travel, granting of visas and purchase of arms and related resolutions, coordinate with the relevant competent party for the purposes specified under paragraph (2).

## **6. Powers of the Committee**

- (1) The Committee shall have all the powers necessary for the performance of its functions under these Regulations.
- (2) Without prejudice to the generality of paragraph (1), the Committee shall have the powers to issue such directives, guidelines, rules or instructions as it may consider necessary for the effective implementation of these Regulations.
- (3) The Committee shall determine its own procedure for the conduct of its meetings and those of its sub-committees under these Regulations.

## **7. Establishment of sub-committees**

- (1) The Committee may, from time to time, establish such sub-committees as it may consider necessary for the effective discharge of its functions under these Regulations.
- (2) The Committee may co-opt into the sub-committees established under paragraph (1) such other persons whose presence, participation, knowledge or skills are necessary for the proper performance of the functions of the Committee.
- (3) A person co-opted under paragraph (2) may attend the meetings of the sub-committee and participate in the deliberations but shall have no right to vote at the meeting.

[Subsidiary]

**8. Law enforcement co-ordinating group**

(1) The Committee shall constitute such sector specific law enforcement co-ordinating group as it may consider necessary for the implementation of these Regulations.

(2) A co-ordinating group constituted under paragraph (1) shall consist of such representatives of the institutions set out in the First Schedule as the Committee shall consider necessary for the carrying out of its functions under these Regulations.

(3) The Committee shall designate the chairperson of the co-ordinating group from amongst the members of the team constituted under paragraph (1).

(4) Each co-ordinating group constituted under paragraph (1) shall be responsible for the day to day implementation of these Regulations in relation to such sector as may be specified by the Committee.

**9. Confidentiality**

(1) A member of the Committee or any other person shall not, without the consent of the Committee in writing, publish or disclose to any person other than in the course of his or her duties, the contents of any document, communication or information which relates to, and which has come to his or her knowledge in the course of his or her duties under these Regulations.

(2) A person who contravenes paragraph (1) commits an offence.

**PART III – RULES ON DESIGNATIONS****10. Circulation of United Nations sanctions list**

(1) The Kenyan Mission to the United Nations shall, without delay, submit to the Ministry responsible for matters related to foreign affairs, all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith.

(2) The Ministry shall, immediately upon receipt of a designation or list under paragraph (1), submit such designation or sanctions list to the Cabinet Secretary.

(3) The Cabinet Secretary or any member of the Committee designated in writing by Cabinet Secretary for that purpose shall, immediately upon receipt of the designation or sanctions list under paragraph (2), circulate it to the members of the Committee.

(4) The Committee shall, upon receipt of the designation or sanctions list under paragraph (3) and without delay, circulate the designation or sanctions list to—

- (a) the supervisory bodies specified under the First Schedule to the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A).
- (b) the national security organs specified under Article 239 of the Constitution;
- (c) such law enforcement agencies as it may consider necessary; and
- (d) any other person who is authorized—
  - (i) to detect, freeze or seize the funds or the property of a designated entity under any written law; or
  - (ii) to take such action as may be necessary to give effect to Resolution 1267, 1373, 1718, 1988 or such other relevant Resolutions.

(5) A supervisory body shall, upon receipt of the designations or sanctions list submitted to it under paragraph (4)—

- (a) circulate the designations or sanctions list to the reporting institutions under its purview for their information and action;
- (b) where necessary, provide guidance to the reporting institutions holding funds or other assets of a designated person, in relation to their obligations under these Regulations; and
- (c) ensure that the reporting institutions comply with the requirements of these Regulations.

## PART IV – AUTHORITY TO FREEZE

**11. Authority to freeze**

(1) Subject to these Regulations, the Cabinet Secretary shall, either on his or her own motion or at the request of the Committee, make an order freezing the property or funds of a designated entity, whether held directly or indirectly by the entity or by a person acting.

(2) An order to freeze property or funds under paragraph (1) shall include an on-going prohibition against the provision of funds or financial services to the designated entity against which the order is made.

(3) A designation or sanctions list circulated by the Cabinet Secretary or the Committee shall be deemed to authorise a reporting institution and any other institution which holds the property or funds of a designated entity to freeze, until further notice, such property or funds.

(4) Any person claiming to have a *bona fide* right to funds or assets frozen pursuant to regulation 11(1) shall within fourteen days apply to the Committee for the exclusion of his interest from the freezing order.

(5) An application referred to in paragraph (4) shall be accompanied by a sworn statement setting out—

- (a) the nature and extent of the applicant's right, title or interest in the funds or assets frozen;
- (b) the time and circumstances of the applicant's acquisition of the right, title or interest in the funds or assets; and
- (c) any additional facts supporting the application which can assist in the determination of such rights.

**12. Action to be taken on the receipt of the Sanctions List**

(1) A person to whom a designation or sanctions list is submitted under regulation 10 shall, where applicable—

- (a) take the necessary measures to freeze the funds owned or controlled by the designated entity without delay and without notice to the entity;
- (b) within twenty hours of detecting the funds and freezing them, file a suspicious transaction report with the Centre in accordance with section 44 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A) or in such form as may be prescribed by the Committee; and
- (c) take such other action as may be necessary to give effect to Resolutions 1267, 1373, 1718 and 1988.

(2) A person who is required to take action under paragraph (1) shall, without delay, inform the Committee, in writing in the form prescribed by the Committee, of the action taken.

**13. Domestic list**

(1) The Committee shall compile a domestic list comprising of specified entities under section 3 of the Act.

(2) The domestic list prepared under paragraph (1) shall include, where available, the following information in relation to a specified entity—

- (a) the name including any alias or title of the entity;
- (b) the place and date of birth, establishment or incorporation;
- (c) the original or acquired nationality;
- (d) passport numbers, identity card numbers or registration number;
- (e) gender;
- (f) physical and postal addresses;
- (g) occupation;
- (h) telephone number; and
- (i) any other information which the Committee may consider relevant.

[Subsidiary]

(3) The Committee shall circulate the domestic list compiled under paragraph (1) in accordance with regulation 10(4).

(4) The Committee shall review and, where applicable, update, the domestic list annually.

(5) The Committee shall circulate the domestic list to another State as specified in the relevant Resolution.

(6) A circulation under paragraph (5) shall, as far as practically possible and where available, provide such identifying or specific information as set out under paragraph (2) to in support of the circulation.

(7) The Committee shall, where it intends to propose a person or entity to the security council 1267(1999), 1989(2011), 1988(2011), 1718(2006) or 1737(2006) Committee for designation, identify such person, entity or organization through the procedure provided for under Section 3 of the Act, as far as its applicable to the requirements of Security Council 1267(1999), 1989(2011), 1988(2011), 1718(2006) or 1737(2006) Committees.

(8) Upon identification, the Committee shall circulate to the Security Council the specified entity together with any information which the Committee considers relevant, through the Cabinet Secretary responsible for foreign affairs, to take action as specified in the Security Council Resolution 1267(1999), 1989(2011), 1988(2011), 1718(2006) or 1737(2006) Committee and any of their successor resolutions.

#### **14. Publication of Designation**

(1) The Centre shall publish the domestic list on its website and make available to the public, an electronic version of the list.

(2) The Committee may adopt such measures or make such arrangements for the prompt publication and dissemination of the domestic list.

#### **15. Third Party Requests**

(1) A designation or request for designation made by a country pursuant to Resolution 1373 shall be transmitted to the Kenyan Mission in that country.

(2) Where a Kenyan Mission does not exist in the country making the request, the country shall transmit the request to the Ministry responsible for matters relating to foreign affairs in Kenya.

(3) Upon receipt of a request under paragraph (2), the Kenyan Mission or the Ministry shall, without delay, submit the request to the Cabinet Secretary for his or her consideration.

(4) The Cabinet Secretary shall, upon receipt of a request under paragraph (3) and without delay, submit the request to the Committee for a determination as to whether there are reasonable grounds to designate the entity in accordance with the Act and these Regulations.

(5) Where the Committee determines that there are reasonable grounds to designate that entity, the Cabinet Secretary shall, without delay.

- (a) make an order designating the entity;
- (b) make an order freezing the assets of the entity; and
- (c) circulate the order in accordance with regulation 10(4).

#### **16. Humanitarian exemptions; procedure for claiming**

(1) Where an order has been made freezing the property or funds of an entity, such entity shall not withdraw any monies or deal with such property or funds unless.

- (a) the property or funds are necessary to cover the basic and necessary expenses or extraordinary expenses of the entity; and
- (b) the entity has applied for, and obtained an authorization from the Cabinet Secretary in accordance with this regulation.

(2) An entity under paragraph (1) which requires funds to cover its basic and necessary expenses may make an application for that purpose to the Cabinet Secretary.

(3) The Cabinet Secretary shall, subject to paragraph (4), consider an application submitted to him or her under paragraph (2) within seven days from the date of receipt of the application.

(4) The Cabinet Secretary shall, subject to paragraph (5)—

- (a) where an order freezing the property or funds of the person is made pursuant to a resolution of the Sanctions Committee;
- (b) where he or she finds merit in the application made under paragraph (2); and
- (c) prior to authorizing the withdrawal of monies requested under the application,

notify the appropriate Sanctions Committee of the application and request the Sanctions Committee to submit to him or her, its recommendations on the matter.

(5) The Cabinet Secretary may, within ten days from the date of notification of the Sanctions Committee under paragraph (4) and in the absence of negative recommendations from the Sanctions Committee, authorize the withdrawal of such monies as he or she may consider reasonable to cover the basic and necessary expenses of the entity.

(6) In authorizing the withdrawal of monies under paragraph (5), the Cabinet Secretary shall take into account the recommendations of the appropriate Sanctions Committee and shall not authorize such withdrawal where the Sanctions Committee makes a negative recommendation in relation to the application for withdrawal.

(7) Where an application is for the withdrawal of monies to cover extraordinary expenses of the entity, the Cabinet Secretary shall not grant an authorization for the withdrawal of such monies unless he or she has obtained the prior written approval of the relevant Sanctions Committee.

(8) For purposes of this regulation—

"basic and necessary expenses" includes—

- (i) monthly family expenses, payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurances premiums, and public utility charges;
- (ii) reasonable professional fees and reimbursement of expenses related to the provision of legal services;
- (iii) fees or service charge incurred for the routine holding or maintenance of frozen funds or other financial assets or economic resources;

"extraordinary expenses" means expenses not falling under item (i).

## **17. Application for the de-listing of a designated person**

(1) A designated entity may make an application for de-listing by filing a petition with the appropriate Sanctions Committee in the case of Resolution 1267(1999), 1989(2011), 1988(2011), 1718(2006) or 1737(2006) Resolutions or to the Committee in the case of Resolution 1373(2001).

(2) An application made under paragraph (1) may be made based on the following grounds—

- (a) mistaken identity;
- (b) relevant and significant change of facts or circumstances including the inclusion of the applicant in a witness protection program;
- (c) the death dissolution or liquidation of a designated entity; or
- (d) any other circumstance which would show that the basis for designation no longer exists.

(3) Where the Sanctions Committee or the Committee deletes the name of a person or entity appearing on a sanctions list or domestic list, the Cabinet Secretary shall, within twenty four hours of the deletion, notify the institutions specified under regulation 10(4) of such deletion and direct the institutions to delete that name from the list circulated to them.

[Subsidiary]

(4) A direction issued under paragraph (3) shall have the effect of revoking the freeze order and other sanctions imposed against the entity whose name is deleted from the list.

### **18. Request for de-listing under resolution 1267/1989 and 1988**

(1) Notwithstanding regulation 17, an entity designated pursuant to Resolution 1267/1989 (Al-Qaida) or Resolution 1988 may make a request for his or her de-listing in accordance with paragraph (2).

(2) A request made by a person designated—

- (a) under the Resolution 1267/1989 (Al-Qaida) shall be submitted to the Office of the Ombudsperson through the address specified under Part A of the Second Schedule or through such other address as may be specified by the Sanctions Committee; or
- (b) under Resolution 1988, shall be submitted to the Focal Point for De-listing through the address specified under Part B of the Second Schedule or through such other address as may be specified by the Sanctions Committee.

(3) A request for de-listing under paragraph (1) may be made on behalf of the designated person by his or her legal representative or estate.

(4) The Office of the Ombudsperson or Focal Point for De-listing shall, upon receipt of a request under paragraph (3), determine the request in accordance with the applicable procedures set out under the Security Council Resolutions.

### **19. Notices**

(1) The Committee shall notify—

- (a) the competent parties or entities of—
  - (i) any amendment to the name of any person on the sanctions list and the domestic list; and
  - (ii) information required for inclusion in the list; and
- (b) competent authorities or countries of any measures taken by the Committee in accordance with these Regulations.

(2) The Committee shall provide additional information including supporting documents which become available to it in relation to designated persons or entities to the Sanctions Committee.

### **20. Duty to report violation of Regulations**

A person who obtains information on the breach of any provision of these Regulations shall, within forty-eight hours after obtaining such information, inform the Committee or report the breach to the nearest police station.

#### PART V – RESTRICTIONS ON TRAVEL, DEALINGS IN ARMS AND OTHER PROHIBITIONS

### **21. Entry of designated persons into Kenya**

(1) A person who is designated under these Regulations shall not enter or transit through Kenya, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.

(2) Notwithstanding the provisions of any other written law, a Director of the Kenya Citizens and Foreign Nationals Management Service shall not grant a visa under the Kenya Citizenship and Immigration Act (Cap. 170) to a designated person unless he or she has obtained the advice of the Cabinet Secretary that the visa is consistent with the provisions of paragraph (1).

(3) The provisions of this regulation shall not be construed to vary or waive the requirements imposed under the Kenya Citizenship and Immigration Act (Cap. 170).



**22. Exemptions allowed under the travel restrictions**

Notwithstanding the provisions of regulation 21(1), a designated person shall not be prevented from entering or transiting through Kenya where—

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

**23. Transactions with designated person in relation to arms prohibited**

A person in Kenya or citizen of Kenya in any place outside Kenya shall not, directly or indirectly, enter into or deal in the supply, sale, transfer, carriage, delivery, training in or provision of technical assistance or any deal with any weapons or related materials of any type, knowing that the weapons or materials.

- (a) are intended to be imported by a designated person; or
- (b) are to be supplied or delivered to, or to the order of, a designated person.

**24. Carriage of arms to designated person prohibited**

A person shall not use a ship or aircraft in Kenya or use a Kenyan ship or aircraft in any place outside Kenya for the carriage of weapons or related materials from or to a designated person.

**25. Availing resources to prohibited persons**

No person shall avail any funds, assets, economic resources, or financial and other related services, directly or indirectly, wholly or jointly, for the benefit of designated persons and entities, entities owned or controlled, directly or indirectly, by designated persons or entities, and persons and entities acting on behalf of, or at the direction of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolutions.

**26. Protection from liability**

No proceedings shall lie against any entity, including reporting institutions and relevant government agencies, in respect of effecting or implementing an order designating an entity or freezing the property or funds of a designated entity in good faith under these Regulations.

**27. Penalties**

A person or entity that contravenes the provisions of these Regulations commits an offence and shall be liable, on conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years.

**28. Internal rules**

A competent party and any person concerned with the implementation of these Regulations may prescribe administrative rules in relation to its employees, agents, or staff for the purposes of implementing the obligations imposed under these Regulations.

**29. Return**

(1) A reporting institution and relevant government agency shall, within twenty four hours of receipt of a notice of an order to freeze the funds or property of a designated entity, submit to the Cabinet Secretary and Centre in writing, a return in the format prescribed by the Centre in consultation with the Cabinet Secretary for that purpose.

(2) A return submitted under paragraph (1) shall include the following information—

- (a) in the case of a reporting institution—
  - (i) the account number;
  - (ii) the name of the account owner or holder;

[Subsidiary]

- (iii) the time of freezing of all subject accounts;
- (iv) the balance of the account as at the time of freezing the funds;
- (v) the related accounts, if any, including the balance of monies in the accounts as at the time of freezing; and
- (vi) an explanation as to the ground for the identification of related accounts; and
- (b) in the case of a government agency—
  - (i) the nature and description of the property;
  - (ii) the name of the owner or holder of the property;
  - (iii) the mode and date of acquisition of the property by the owner; and
  - (iv) the location of the property.

(3) A reporting institution and relevant government agency shall notify the Cabinet Secretary and the Centre of any attempted dealing with property or funds against which an order freezing such property or funds has been issued, within twenty-four hours of such attempt.

### **30. On-going monitoring of transactions**

A reporting institution shall regularly review the domestic or sanctions lists and monitor transactions in relation to entities specified in the lists on an on-going basis to mitigate against the risks of the occurrence of the financing of terrorism.

### **31. Powers to issue directives and guidelines**

The Cabinet Secretary may issue such instructions, directions, guidelines or rules as he or she may consider necessary for the better carrying out of the provisions of these Regulations.

### **32. Revocation of L.N. No. 211/2013**

The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism), 2013 (L.N. 211/2013) are revoked.

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#### FIRST SCHEDULE

[r. 8(2)]

#### LAW ENFORCEMENT CO-ORDINATING TASK FORCE

- (a) Ministry of Interior and Co-ordination of National Government;
- (b) Ministry of Foreign Affairs;
- (c) Asset Recovery Agency;
- (d) Central Bank of Kenya;
- (e) The National Treasury;
- (f) Office of the Attorney General;
- (g) National Intelligence Service;
- (h) Directorate of Criminal Investigations;
- (i) Financial Reporting Centre,
- (j) Kenya Citizens and Foreign Nationals Management Service;
- (k) Kenya Defence Forces;
- (l) National Police Service;

- (m) Kenya Maritime Authority;
- (n) Capital Markets Authority,
- (o) Insurance Regulatory Authority;
- (p) Kenya Revenue Authority;
- (q) Kenya Airports Authority;
- (r) Public Benefits Organizations Authority; and
- (s) Such other agency as the Cabinet Secretary may consider necessary.

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**SECOND SCHEDULE**

[r. 18(2)]

**ADDRESSES FOR DE-LISTING REQUESTS****PART A**

Office of the Ombudsperson  
Room TB-08041D United Nations  
New York, NY 10017  
United States of America  
Tel: +1 212 963 2671  
Fax: +1 212 963 1300/3778  
E-mail: ombudsperson@un.org

**PART B**

Focal Point for De-listing  
Security Council Subsidiary Organs Branch  
Room TB-08041B  
United Nations  
New York, N.Y. 10017  
United States of America  
Tel. +1 917 367 9448  
Fax. +1 212 963 1300/3778  
Email: delisting@un.org

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**THE PREVENTION OF TERRORISM (IMPLEMENTATION OF  
THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON SUPPRESSION OF TERRORISM) REGULATIONS**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

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SCHEDULES

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SCHEDULE —

ADDRESSES FOR DE-LISTING REQUESTS [r.  
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**THE PREVENTION OF TERRORISM (IMPLEMENTATION OF  
THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON SUPPRESSION OF TERRORISM) REGULATIONS**

[Legal Notice 152 of 2023]

WHEREAS the Republic of Kenya has enacted the Prevention of Terrorism Act (Cap. 59B), the Prevention of Organized Crimes Act (Cap. 59) and the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

WHEREAS the Constitution recognizes the general rules of international law and treaties or convention ratified by Kenya to be part of the laws of Kenya;

WHEREAS Kenya is a member of the United Nations and as such bound by the decisions and Resolutions of the United Nations Security Council by virtue of Article 41 of the Charter of the United Nations;

WHEREAS the Republic of Kenya has ratified the United Nations Conventions aimed at addressing terrorism and terrorism financing;

WHEREAS Article 41 of the Charter of the United Nations provides that the Security Council may determine the measures not involving the use of armed force that may be employed to give effect to its decisions, and call upon the Members of the United Nations to apply such measures;

NOW THEREFORE, IN EXERCISE of the powers conferred by section 50 of the Prevention of Terrorism Act (Cap. 59B), the Cabinet Secretary for Interior and National Administration makes the following Regulations—

PART I – PRELIMINARY

**1. Citation**

These Regulations may be cited as the Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2023.

**2. Interpretation**

In these Regulations, unless the context otherwise requires—

"Act" means the Prevention of Terrorism Act (Cap. 59B);

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to internal security;

"Centre" means the Financial Reporting Centre established under section 21 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"Committee" means the Counter Financing of Terrorism Inter- Ministerial Committee established under section 40D(1) of the Act;

"competent party" means the relevant regulatory agency, security agency, intelligence agency, law enforcement agency, supervisory body, or administrative agency;

"dealing" in relation to property or funds means receiving, acquiring, transacting, representing, concealing, disposing, converting, transferring or moving, using as security or providing financial services;

"designated entity" means an entity designated pursuant to the Act or the applicable United Nations Security Council Resolutions adopted under Chapter VII of the United Nations Charter;

"designation" or "listing" means the identification of a person, entity, organization, association or group of persons that is subject to targeted financial sanctions pursuant to the

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applicable United Nations Security Council Resolutions or an entity specified under section 3 of the Act;

"Designated Non-Financial Businesses or Profession" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"domestic list" means the list prepared and approved by the Committee under regulation 9 of these Regulations;

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

"freeze" means to prevent or restrain specific property or funds from being used, transferred, transacted, converted, altered, concealed, moved or disposed of without affecting the ownership thereof;

"person" means any natural or legal person;

"reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"Resolution" means a resolution of the United Nations Security Council and includes its successor resolution;

"Resolution 1267" means Resolution 1267 (1999) of the Security Council;

"Resolution 1267/1989 (Al-Qaida)" means Resolutions 1267 (1999) and 1989 (2011) of the Security Council and includes its successor resolutions;

"Resolution 1373" means Resolution 1373 (2001) of the Security Council and includes its successor resolution;

"Resolution 1988" means Resolution 1988 (2011) of the Security Council and includes its successor resolution;

"Sanctions Committee" means a committee of the Security Council of the United Nations established under a Resolution of the Security Council;

"sanctions list" means the 1267/1989 Al-Qaida sanctions list and the 1988 sanctions list or other similar list issued by the Security Council;

"Security Council" means the Security Council of the United Nations established under Article 7 of Chapter III of the United Nations Charter;

"self-regulatory body" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"terrorism financing" includes the offence specified under section 5 of the Act; and

"without delay" means within twenty-four (24) hours of a designation by the United Nations Security Council or its relevant Sanctions Committee.

### **3. Application**

These Regulations shall apply to—

- (a) an entity designated under Resolutions 1267/1989 (Al-Qaida) and successor resolutions;
- (b) an entity designated under Resolution 1373;
- (c) an entity designated under Resolution 1988 and successor resolutions; and
- (d) a specified entity in respect of which an order has been issued under section 3 of the Act.



## PART II – RULES ON DESIGNATIONS

**4. Circulation of United Nations sanctions list**

(1) The Kenyan Mission to the United Nations shall, without delay, submit to the Ministry responsible for matters relating to foreign affairs, all designations made by the Security Council and any sanctions list or other similar list issued in connection therewith.

(2) The Ministry shall, upon receipt of a designation or list under subregulation (1), submit such designation or sanctions list to the Cabinet Secretary without delay.

(3) The Cabinet Secretary or any member of the Committee designated in writing by the Cabinet Secretary for that purpose shall, without delay, upon receipt of the designation or sanctions list under subregulation (2), circulate it to the members of the Committee.

(4) The Committee shall, upon receipt of the designation or sanctions list under subregulation (3), circulate the designation or sanctions list without delay to—

- (a) the supervisory bodies specified under the First Schedule to the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);
- (b) self-regulatory bodies under the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);
- (c) the national security organs specified under Article 239 of the Constitution;
- (d) such law enforcement agencies as it may consider necessary; and
- (e) any other person who is authorized—
  - (i) to detect, freeze or seize the funds or the property of a designated entity under any written law; or
  - (ii) to take such action as may be necessary to give effect to Resolution 1267, 1373, 1988 or successor Resolutions.

(5) The Committee shall upon designation, communicate and provide clear guidance to financial institutions and other persons or entities, including Designated Non-Financial Businesses or Professions (DNFBPs), that may be holding targeted funds or other assets, on their obligations in taking action under freezing mechanisms.

(6) A supervisory body and the self-regulatory body, shall, upon receipt of the designations or sanctions list submitted to it under subregulation (4)—

- (a) circulate the designations or sanctions list, without delay to the reporting institutions under its purview for their information and action;
- (b) where necessary, provide guidance to the reporting institutions holding funds or other assets of a designated person, in relation to their obligations under these Regulations; and
- (c) ensure that the reporting institutions comply with the requirements of the designation.

**5. Procedure for listing under UN Resolution 1267**

(1) Where there are reasonable grounds to believe that a person or entity meets the relevant listing criteria, the Committee shall direct the Cabinet Secretary in charge of foreign affairs to propose to the relevant United Nations Sanctions Committee, through diplomatic channels, the name of a person or entity which meets the listing criteria.

(2) A proposal for listing under this regulation shall not be conditional upon the existence of criminal proceedings and shall operate without prior notice to the proposed listed person or entity.

(3) The Cabinet Secretary for matters relating to foreign affairs shall, in proposing the name of a person or entity under subregulation (1) to the relevant United Nations Sanctions Committee—

- (a) follow the procedures, including using standard forms for listing, contained in or as may be adopted pursuant to any relevant United Nations Security Council Resolution;

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- (b) provide as much relevant information on the proposed person or entity, including—
  - (i) sufficient identifying information to allow for the accurate and positive identification of the person or entity, and to the extent possible, the information required by the International Criminal Police Organisation (Interpol) to issue a Special Notice;
  - (ii) a statement of case which contains as much detail as possible on the basis of the listing, including specific information supporting a determination that the person or entity meets the relevant listing criteria, the nature of the information, supporting information or documents that can be provided, and details of any connection between the proposed person or entity and any currently listed person or entity
  - (iii) such other relevant information as may be required under any United Nations Security Council Resolution;
  - (iv) the nature of supporting evidence;
  - (v) supporting evidence or documents;
- (c) specify whether the relevant United Nations Sanctions Committee may make known the status of Kenya as the designating State.

(4) Any information given under this regulation shall be given subject to conditions restricting the use and disclosure of the information communicated to the relevant United Nations Sanctions Committee, provided that the statement of case referred to in subregulation (2)(b)(ii) shall, upon request, be disclosed by the relevant United Nations Sanctions Committee, except for the parts the Committee identifies as being confidential.

(5) The Committee may, for the purpose of subregulation (1), consult or seek assistance from any competent authority, law enforcement agency, or other jurisdictions or United Nations entities, as may be necessary to determine whether, on reasonable grounds, there is sufficient evidence to support the listing of a person or entity on a United Nations Sanctions List.

### PART III – AUTHORITY TO FREEZE

#### **6. Authority to freeze**

(1) Subject to these Regulations, the Committee shall make an order to freeze, without delay, the property or funds of a designated person or entity, whether held directly or indirectly by the person or entity or by a person or entity acting on behalf of or at the direction of the person or entity, in accordance with these Regulations.

(2) Pursuant to subregulation (1), all natural and legal persons within the country shall freeze, without delay and without prior notice, the funds or other assets of designated persons and entities.

(3) An order to freeze property or funds under subregulation (1) shall include an on-going prohibition against the provision of funds or financial services to the designated person or entity against which the order is made.

(4) A designation or sanctions list circulated by the Cabinet Secretary or the Committee shall be deemed to authorise a reporting institution and any other person holding the funds or other assets of a designated person or entity to freeze, until further notice, such property or funds.

#### **7. Action to be taken on the receipt of the Sanctions List**

(1) A person to whom a designation or sanctions list is submitted under regulation 4 shall—

- (a) freeze, without delay and without prior notice—

- (i) all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular terrorist act, plot or threat;
- (ii) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
- (iii) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities;
- (iv) funds or other assets of persons and entities acting on behalf of, or at the direction of, designated persons or entities;
- (b) within twenty hours of detecting the funds and freezing them, file a suspicious transaction report with the Centre in accordance with section 44 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A) or in such form as may be specified by the Committee; and
- (c) take such other action as may be necessary to give effect to Resolutions 1267, 1373 and 1988, and successor resolutions.

(2) A person who is required to take action under subregulation (1) shall, without delay, inform the Committee, in writing in the form specified by the Committee, of the action taken.

### 8. Rights of *bona fide* third parties

(1) A person who claims to have a *bona fide* right to funds or assets frozen in terms of regulation 6 may apply to the Committee through the Cabinet Secretary for the exclusion of his or her interest from the freezing order.

(2) An application referred to in subregulation (1) shall be accompanied by a sworn statement setting out—

- (a) the nature and extent of the right, title or interest of the applicant in the funds or assets concerned;
- (b) the time and circumstances of the acquisition by the applicant of the right, title or interest in the funds or assets; and
- (c) any additional facts supporting the application, which assist the Cabinet Secretary to make an assessment on the *bona fide* ownership or interest in the frozen funds.

### 9. Domestic list

(1) The Committee shall compile a domestic list comprising of specified entities under section 3 of the Act.

(2) The domestic list prepared under subregulation (1) shall include, where available, the following information in relation to a specified entity—

- (a) the name, including any alias or title of the entity;
- (b) the place and date of birth, establishment or incorporation;
- (c) the original or acquired nationality;
- (d) passport numbers, identity card numbers or registration number;
- (e) gender;
- (f) physical and postal addresses;
- (g) occupation;
- (h) telephone number; and
- (i) any other information which the Committee may consider relevant.

(3) The Committee shall circulate the domestic list compiled under subregulation (1) in accordance with regulation 4(4).

(4) The Committee shall circulate the domestic list to another State as specified in the relevant Resolution.

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(5) A circulation under subregulation (3) shall, provide such identifying or specific information as set out under subregulation (2) in support of the circulation.

(6) The Committee shall, where it intends to propose a person or entity to the security council 1267 (1999), 1989 (2011) or 1988 (2011), Committee for designation, identify such person, entity or organization through the procedure provided for under section 3 of the Act, as far as it is applicable to the requirements of Security Council 1267 (1999), 1989 (2011), or 1988 (2011) Committees.

(7) Upon identification, the Committee shall circulate to the Security Council the specified entity together with any information which the Committee considers relevant, through the Cabinet Secretary responsible for foreign affairs, to take action as specified in the Security Council Resolution 1267 (1999), 1989 (2011), or 1988 (2011) Committee and any of their successor resolutions.

#### **10. Authority to solicit and collect information**

(1) For the purposes of making a determination on a person or entity meeting the criteria for designation under relevant UNSCRs, the Committee may—

- (a) consult or seek assistance from relevant regulatory agency, security agency, intelligence agency, law enforcement agency, supervisory body or administrative agency, including countries or United Nations entities, as may be necessary to determine whether, on reasonable grounds, there is sufficient evidence to support the listing of a person or entity on a United Nations Sanctions List; and
- (b) collect or solicit information to identify a person and entity that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation.

(2) The Committee shall operate *ex-parte* against a person or entity who has been identified and whose proposal for designation is being considered.

#### **11. Publication of Designation**

(1) The Centre shall publish the domestic list on its website and make available to the public, an electronic version of the list.

(2) The Committee may adopt such measures or make such arrangements for the prompt publication and dissemination of the domestic list.

#### **12. Third Party Requests**

(1) A designation or request for designation made by a country pursuant to Resolution 1373 shall be transmitted to the Kenyan Mission in that country.

(2) Where a Kenyan Mission does not exist in the country making the request, the country shall transmit the request to the Ministry responsible for matters relating to foreign affairs in Kenya.

(3) Upon receipt of a request under subregulation (2), the Kenyan Mission or the Ministry shall, without delay, submit the request to the Cabinet Secretary for his consideration.

(4) The Cabinet Secretary shall, upon receipt of a request under subregulation (3) and without delay, submit the request to the Committee for a determination as to whether there are reasonable grounds to designate the entity in accordance with the Act and these Regulations.

(5) Where the Committee determines that there are reasonable grounds to designate that entity, the Cabinet Secretary shall, without delay;

- (a) make an order designating the entity;
- (b) make an order freezing the assets of the entity; and
- (c) circulate the order in accordance with regulation 4(4).

**13. Request to any other country**

The Committee may instruct the Cabinet Secretary to request any other country to give effect to the actions initiated under the freezing mechanisms against any person or entity designated under this part, by circulating the domestic list containing as much identifying information, and specific information supporting the designation, which the Committee considers relevant to that other country to take the actions as specified in the request and in the Security Council Resolutions 1373 (2001) and any of its successor resolutions.

**14. Humanitarian exemptions; procedure for claiming**

(1) Where an order has been made freezing the property or funds of an entity, such entity shall not withdraw any monies or deal with such property or funds, unless—

- (a) the property or funds are necessary to cover the basic and necessary expenses or extraordinary expenses of the entity; and
- (b) the entity has applied for, and obtained an authorization from the Cabinet Secretary in accordance with this regulation.

(2) An entity under subregulation (1) which requires funds to cover its basic and necessary expenses may make an application for that purpose to the Cabinet Secretary in accordance with the guidelines and procedures set by the Committee, apply through a written request to be delisted.

(3) The Cabinet Secretary shall, subject to subregulation (4), consider an application submitted to him or her under subregulation (2) within seven days from the date of receipt of the application.

(4) The Cabinet Secretary shall, subject to subregulation (5)—

- (a) where an order freezing the property or funds of the person is made pursuant to a resolution of the Sanctions Committee;
- (b) where he or she finds merit in the application made under subregulation (2); and
- (c) prior to authorizing the withdrawal of monies requested under the application,

notify the appropriate Sanctions Committee of the application and request the Sanctions Committee to submit to him or her, its recommendations on the matter.

(5) The Cabinet Secretary may, within ten days from the date of notification of the Sanctions Committee under subregulation (4) and in the absence of negative recommendations from the Sanctions Committee, authorize the withdrawal of such monies as he or she may consider reasonable to cover the basic and necessary expenses of the entity.

(6) In authorizing the withdrawal of monies under subregulation (5), the Cabinet Secretary shall take into account the recommendations of the appropriate Sanctions Committee and shall not authorize such withdrawal where the Sanctions Committee makes a negative recommendation in relation to the application for withdrawal.

(7) Where an application is for the withdrawal of funds to cover extraordinary expenses of the entity, the Cabinet Secretary shall not grant an authorization for the withdrawal of such funds unless he or she has obtained the prior written approval of the relevant Sanctions Committee.

(8) For purposes of this regulation—

"basic and necessary expenses" includes—

- (a) monthly family expenses, payments for foodstuff, rent or mortgage, medicines and medical treatment, taxes, insurances premiums, and public utility charges;
- (b) reasonable professional fees and reimbursement of expenses related to the provision of legal services;
- (c) fees or service charge incurred for the routine holding or maintenance of frozen funds or other financial assets or economic resources;

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"extraordinary expenses" means expenses not falling under paragraph (a) (b) and (c).

#### **15. Application for the de-listing of a designated entity**

(1) A designated entity may make an application for de-listing by filing a petition with the appropriate Sanctions Committee in the case of Resolution 1267 (1999), 1989 (2011), or 1988 (2011) Resolutions or to the Committee in the case of Resolution 1373 (2001).

(2) An application made under subregulation (1) may be made based on the following grounds—

- (a) mistaken identity;
- (b) relevant and significant change of facts or circumstances including the inclusion of the applicant in a witness protection program;
- (c) the death dissolution or liquidation of a designated entity; or
- (d) any other circumstance which would show that the basis for designation no longer exists.

(3) Where the Sanctions Committee or the Committee deletes the name of a person or entity appearing on a sanctions list or domestic list, the Cabinet Secretary shall, within twenty four hours of the deletion, notify the institutions specified under regulation 4(4) of such deletion and direct the institutions to delete that name from the list circulated to them.

(4) A direction issued under subregulation (3) shall have the effect of revoking the freeze order and other sanctions imposed against the entity whose name is deleted from the list.

#### **16. Request for delisting by a designated person or entity**

(1) A designated person or entity who claims—

- (a) not to be the person or entity on the designation list;
- (b) to no longer meet the criteria for designation; or
- (c) to have been incorrectly designated,

may, in accordance with the guidelines and procedures set by the Committee, apply through a written request to be delisted.

(2) Within 30 days of receiving the request, the Committee shall consider the request under subregulation (1), and where reasonable grounds exist—

- (a) shall revoke the order of designation against the applicant; publish a notice of revocation in the *Gazette*; and
- (b) provide clear guidance to financial institutions and other persons or entities, including Designated Non-Financial Businesses and Professions (DNFBPs), that may be holding targeted funds or other assets, on their obligations to respect the revocation order.

(3) Where the Committee decides that no reasonable grounds exist to revoke the designation, the Committee shall, within 30 days of receiving the application, instruct the Cabinet Secretary to inform the applicant of its decision.

(4) Within 60 days of receiving information of the decision referred to in subregulation (3), the applicant may apply to the High Court for review of that decision.

#### **17. Obligation of Financial Institutions and Designated Non-Financial Businesses and Professions to respect de-listing**

Upon revocation of the order of designation—

- (a) all Financial institutions and other persons or entities, including Designated Non-Financial Businesses or Professions, that may be holding targeted funds or other assets, must take action, without delay, to un-freeze the funds or other assets; and
- (b) respect the revocation order.

**18. Request for de-listing under resolution 1267/1989 and 1988**

(1) Notwithstanding regulation 15, an entity designated pursuant to Resolution 1267/1989 (Al-Qaida) or Resolution 1988 may make a request for his or her de-listing in accordance with subregulation (2).

(2) A request made by a person designated—

- (a) under the Resolution 1267/1989 (Al-Qaida), 1904 and 2083 shall be submitted to the Office of the Ombudsperson through the address specified under Part A of the Schedule or through such other address as may be specified by the Sanctions Committee; or
- (b) under Resolution 1988, shall be submitted to the Focal Point for De-listing through the address specified under Part B of the Schedule or through such other address as may be specified by the Sanctions Committee.

(3) A request for de-listing under subregulation (1) may be made on behalf of the designated person by his or her legal representative or estate.

(4) The Office of the Ombudsperson or Focal Point for De-listing shall, upon receipt of a request under subregulation (3), determine the request in accordance with the applicable procedures set out under the relevant Security Council Resolutions.

**19. Access to frozen funds or other assets**

(1) A person whose funds has been affected by the freezing order issued in accordance with United Nations Security Council Resolution 1267 and 1373 may submit a request, in the manner specified by the Committee, to have such funds or part thereof released 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 for extraordinary expenses provided that such request is assessed by the Cabinet Secretary and if favorably considered, forwarded to the relevant Sanctions Committee for its approval.

(2) The request to have funds released for expenses outlined in subregulation (1), shall be assessed by the Committee within the 30 working days, and if favorably considered, the request shall be directed to the relevant Sanctions Committee established pursuant to Security Council Resolutions 1267 (1999), 1988 (2011) or 1989 (2011) for its decision.

(3) The Committee may, within 48 hours from date of submission of the request to the relevant UN Sanctions Committee, and in the absence of any negative decision received from such Committee, authorise the release of funds as applied for.

**20. Notices**

(1) The Committee shall notify—

- (a) the competent parties or entities of—
  - (i) any amendment to the name of any person or entity on the sanctions list and the domestic list; and
  - (ii) information required for inclusion in the list; and
- (b) competent authorities or countries of any measures taken by the Committee in accordance with these Regulations.

(2) The Committee shall provide additional information including supporting documents which become available to it in relation to designated persons or entities to the Sanctions Committee.

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**21. Duty to report violation of Regulations**

A person who obtains information on the breach of any provision of these Regulations shall, within forty-eight hours after obtaining such information, inform the Committee or report the breach to the nearest police station.

PART IV – RESTRICTIONS ON TRAVEL,  
DEALINGS IN ARMS AND OTHER PROHIBITIONS

**22. Entry of designated persons into Kenya**

(1) A person who is designated under these Regulations shall not enter or transit through Kenya, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.

(2) Notwithstanding the provisions of any other written law, a Director of the Kenya Citizens and Foreign Nationals Management Service shall not grant a visa under the Kenya Citizenship and Immigration Act (Cap. 170), to a designated person unless he or she has obtained the advice of the Cabinet Secretary that the visa is consistent with the provisions of subregulation (1).

(3) The provisions of this regulation shall not be construed to vary or waive the requirements imposed under the Kenya Citizenship and Immigration Act (Cap. 170).

**23. Exemptions allowed under the travel restrictions**

Notwithstanding the provisions of regulation 22(1), a designated person shall not be prevented from entering or transiting through Kenya where—

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

**24. Transactions with designated person in relation to arms prohibited**

A person in Kenya or citizen of Kenya in any place outside Kenya shall not, directly or indirectly, enter into or deal in the supply, sale, transfer, carriage, delivery, training in or provision of technical assistance or any deal with any weapons or related materials of any type, knowing that the weapons or materials—

- (a) are intended to be imported by a designated person; or
- (b) are to be supplied or delivered to, or to the order of, a designated person.

**25. Carriage of arms to designated person prohibited**

A person shall not use a ship or aircraft in Kenya or use a Kenyan ship or aircraft in any place outside Kenya for the carriage of weapons or related materials from or to a designated person.

**26. Availing resources to prohibited persons**

No person shall avail any funds, assets, economic resources, or financial and other related services, directly or indirectly, wholly or jointly, for the benefit of designated persons and entities, entities owned or controlled, directly or indirectly, by designated persons or entities, and persons and entities acting on behalf of, or at the direction of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolutions.

**27. Protection from liability**

No proceedings shall lie against any entity, including reporting institutions and relevant government agencies, in respect of effecting or implementing an order designating an entity or freezing the property or funds of a designated entity in good faith under these Regulations.



**28. Penalties**

A person or entity that contravenes the provisions of these Regulations commits an offence and shall be liable, on conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years.

**29. Internal rules**

A competent party and any person concerned with the implementation of these Regulations may provide administrative rules in relation to its employees, agents, or staff for the purposes of implementing the obligations imposed under these Regulations.

**30. Return**

(1) A reporting institution and relevant government agency shall, within twenty four hours of receipt of a notice of an order to freeze the funds or property of a designated entity, submit to the Cabinet Secretary and the Centre, in writing, a return in the format specified by the Centre in consultation with the Cabinet Secretary for that purpose.

(2) A return submitted under subregulation (1) shall include the following information—

(a) in the case of a reporting institution—

- (i) the account number;
- (ii) the name of the account owner or holder;
- (iii) the time of freezing of all subject accounts;
- (iv) the balance of the account as at the time of freezing the funds;
- (v) the related accounts, if any, including the balance of monies in the accounts as at the time of freezing; and
- (vi) an explanation as to the ground for the identification of related accounts; and

(b) in the case of a government agency—

- (i) the nature and description of the property;
- (ii) the name of the owner or holder of the property;
- (iii) the mode and date of acquisition of the property by the owner; and
- (iv) the location of the property.

(3) A reporting institution and relevant government agency shall notify the Cabinet Secretary and the Centre of any attempted dealing with property or funds against which an order freezing such property or funds has been issued, within twenty-four hours of such attempt.

**31. On-going monitoring of transactions**

A reporting institution shall regularly review the domestic or sanctions lists and monitor transactions in relation to entities specified in the lists on an on-going basis to mitigate against the risks of the occurrence of the financing of terrorism.

**32. Powers to issue directives and guidelines**

The Cabinet Secretary may issue such instructions, directions, guidelines or rules as he or she may consider necessary for the better carrying out of the provisions of these Regulations.

**33. Revocation of L.N. No. 211 of 2013**

(1) The Prevention of Terrorism (Implementation of the United Nations Security Council Resolutions on Suppression of Terrorism) Regulations, 2022, are revoked.

(2) Despite the provisions of subregulation (1)—

- (a) any criminal proceedings taken or pending against any person immediately before the commencement of these Regulations may be continued by or against that person as if instituted under these Regulations; or

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- (b) any investigation or inquiry instituted in terms of the revoked Regulations which was pending before the commencement of these Regulations shall be continued or disposed of as if instituted under these Regulations.

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**SCHEDULE**

**ADDRESSES FOR DE-LISTING REQUESTS**

[r. 18(2)(a) and (b)]

**Part A**

Office of the Ombudsperson  
Room TB-08041D United Nations  
New York, NY 10017  
United States of America  
Tel: +1 212 963 2671  
Fax: +1 212 963 1300/3778  
E-mail: *ombudsperson@un.org*

**Part B**

Focal Point for De-listing  
Security Council Subsidiary Organs Branch  
Room TB-08041B  
United Nations  
New York, N.Y. 10017  
United States of America  
Tel. +1 917 367 9448  
Fax. +1 212 963 1300/3778  
Email: *delisting@un.org*

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**PREVENTION OF TERRORISM (IMPLEMENTATION OF THE  
UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON PREVENTION, SUPPRESSION AND DISRUPTION  
OF PROLIFERATION FINANCING) REGULATIONS, 2023**

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**PREVENTION OF TERRORISM (IMPLEMENTATION OF THE  
UNITED NATIONS SECURITY COUNCIL RESOLUTIONS  
ON PREVENTION, SUPPRESSION AND DISRUPTION  
OF PROLIFERATION FINANCING) REGULATIONS, 2023**

[Legal Notice 189 of 2023]

WHEREAS the Republic of Kenya has enacted the Prevention of Terrorism Act (Cap 59B), the Prevention of Organized Crimes Act (Cap 59) and the Proceeds of Crime and Anti-Money Laundering Act (Cap 59A);

WHEREAS the Constitution recognizes the general rules of international law and treaties or convention ratified by Kenya to be part of the laws of Kenya;

WHEREAS Kenya is a member of the United Nations and as such bound by the decisions and Resolutions of the United Nations Security Council by virtue of Article 41 of the Charter of the United Nations;

WHEREAS the Republic of Kenya has ratified the United Nations Conventions aimed at addressing proliferation and proliferation financing;

WHEREAS Article 41 of the Charter of the United Nations provides that the Security Council may determine the measures not involving the use of armed force that may be employed to give effect to its decisions, and call upon the Members of the United Nations to apply such measures;

NOW THEREFORE IN EXERCISE of powers conferred by section 50 of the Prevention of Terrorism Act (Cap 59B), the Cabinet Secretary for Interior and National Administration makes the following Regulations—

PART I – PRELIMINARY

**1. Citation.**

These Regulations may be cited as the Prevention of Terrorism (Implementation of The United Nations Security Council Resolutions on Prevention, Suppression and Disruption of Proliferation Financing) Regulations, 2023.

**2. Interpretation.**

In these Regulations unless the context otherwise requires—

"Act" means the Prevention of Terrorism Act (Cap. 59B);

Cabinet Secretary" has the meaning assigned to it under section 2 of the Act;

"Committee" has the meaning assigned to it under section 2 of the Act;

"competent party" means the relevant regulatory agency, security agency, intelligence agency, law enforcement agency, supervisory body, or administrative agency;

"dealing" in relation to property or funds, means receiving, acquiring, transacting, representing, concealing, disposing, converting, transferring or moving, using as security or providing financial services;

"designated person or entity" means a person or entity designated pursuant to the applicable United Nations Security Council Resolutions adopted under Chapter VII of the United Nations Charter;

"designation" or "listing" means the identification of a person, organization, association or group of persons that is subject to targeted sanctions pursuant to the applicable United Nations Security Council Resolutions;

"DPRK" means Democratic People's Republic of Korea;

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[Subsidiary]

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

"electronic means" means, in relation to technology, having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities and includes any form of communication that is broadcast, transmitted, stored or viewed using electronic media;

"Financial Reporting Centre" has the meaning assigned to it under section 2 of the Act;

"freeze" means to prevent or restrain specific property or funds from being used, transferred, transacted, converted, altered, concealed, moved or disposed of without affecting the ownership thereof;

"person" means any natural or legal person;

"proliferation financing" means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both technologies and dual-use goods used for non-legitimate purposes), in contravention of the national laws or, where applicable, international obligations;

"reporting institution" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59A);

"Resolution" means a Resolution of the United Nations Security Council 1718 (2006), 2231 (2015) and successor Resolutions;

"Sanctions Committee" means a Committee of the Security Council of the United Nations established under a Resolution of the Security Council;

"Sanctions List" means the 1718 sanctions list or any list issued pursuant to UNSCR 2231 or other similar lists issued by Security Council.

"Secretary of the Committee" means the Director-General of the Financial Reporting Centre as provided for under section 40D(2)(j) of the Act;

"Security Council" means the Security Council of the United Nations established under Article 7 of Chapter III of the United Nations Charter;

"Self-regulatory body" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59B);

"Supervisory body" has the meaning assigned to it under section 2 of the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59B);

"Targeted Financial Sanctions" means both asset freezing and prohibitions to prevent funds or other assets from being made available, directly or indirectly, for the benefit of designated persons and entities; and

"without delay" means within twenty-four hours of a designation by the United Nations Security Council or its relevant Sanctions Committee.

### **3. Application.**

These Regulations shall apply to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing under—

- (a) UNSCR 1718(2006) and its successor Resolutions 1874(2009), 2087(2013), 2094(2013), 2270(2016), 2321(2016) and 2356(2017) and any future successor Resolutions;
- (b) UNSCR 2231(2015) and successor Resolutions; and
- (c) any future UNSCR Resolutions which impose targeted financial sanctions in the context of financing of proliferation of weapons of mass destruction.

PART II – IMPLEMENTATION OF UNITED NATIONS SECURITY  
COUNCIL RESOLUTIONS RELATING TO PROLIFERATION FINANCING

#### 4. Obligation to implement.

The Counter Financing of Terrorism Inter-Ministerial Committee shall be responsible for implementation of targeted financial sanctions relating to prevention, suppression and prevention of proliferation financing.

#### 5. Designation of the Secretary to the Committee and circulation of United Nations sanctions list.

(1) For the purpose of timely implementation of UN Resolution 1718 and 2231 and successor Resolutions, the Committee hereby designates the Secretary to the Committee to receive and circulate all designations made by the Security Council and any Sanctions List or other similar list issued in connection therewith.

(2) For the purpose of subregulation (1), the Secretary of the Committee shall, on a daily basis, monitor the Sanctions Lists.

(3) Upon designation by the UN Security Council, the Secretary of the Committee shall circulate the Sanctions List, including through electronic means, to—

- (a) reporting institutions under the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59B);
- (b) supervisory bodies and self-regulatory bodies specified under the Proceeds of Crime and Anti-Money Laundering Act (Cap. 59B);
- (c) the national security organs specified under Article 239 of the Constitution;
- (d) such law enforcement agencies as it may consider necessary; and
- (e) any other person so authorised—
  - (i) to detect, freeze or seize the funds or the property of a designated entity; or
  - (ii) to take such action as may be necessary to give effect to Resolution 1718, 2231 or successor Resolutions.

(4) In circulating the sanctions list under this regulation, the Secretary of the Committee shall provide clear guidance on freezing to all persons and competent parties that may be holding targeted funds or other assets.

(5) Any implementation action undertaken by the Secretary of the Committee under this regulation shall be subject to the provisions of regulation 7 to these Regulations.

#### 6. Freezing of funds and assets of designated persons or entities.

All persons including reporting institutions within Kenya shall, without prior notice, and subject to regulation 7—

- (a) freeze all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation;
- (b) freeze the funds or other assets of a designated person or entity including—
  - (i) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities;
  - (ii) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities; and
  - (iii) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities; and
- (c) take such action as may be necessary to give effect to Resolutions to which these Regulations apply.

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[Subsidiary]**7. Implementation timeframe.**

The implementation of the provisions of Regulations 5 and 6 shall be undertaken without delay.

**8. Reporting obligation.**

(1) A person or reporting institution shall, immediately, verify whether the details of a designated person or entity match with the particulars of any customer, and if so, identify whether the customer owns any funds or other assets in Kenya, including the funds or other assets referred to under regulation 6 to these Regulations.

(2) Where funds or other assets are identified by a person or reporting institution, the person or reporting institution shall make a report within twenty four hours to the Committee in a specified manner on any funds or other assets frozen or action taken in compliance with the prohibition requirements of the relevant United Nations Security Council Resolutions.

(3) Notwithstanding the provisions of sub-regulation (2), a reporting institution shall report any attempted transaction by a designated person or entity, by filing a suspicious transaction report to the Financial Reporting Centre and in such a form as may be specified by the Financial Reporting Centre.

(4) A person or reporting institution that fails to comply with subregulations (2) and (3) shall be liable, upon conviction to a fine—

- (a) in case of a natural person, not exceeding five million shillings; and
- (b) in case of a legal person, not exceeding twenty-five million shillings.

**9. Ongoing monitoring of transactions.**

A reporting institution shall regularly review the sanctions list and monitor transactions in relation to persons or entities specified in the lists on an on-going basis to mitigate against the risks of the occurrence of Proliferation Financing.

**10. Prohibition to making funds and other assets available.**

(1) No person within Kenya shall make available any funds or other assets to or for the benefit of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolutions.

(2) A person who contravenes the provisions of subregulation (1) commits an offence and shall be liable, on conviction—

- (a) in case of a natural person, to imprisonment for a term not exceeding twenty years; and
- (b) in case of a legal person, to a fine not exceeding twenty million shillings.

**11. Rights of *bona fide* third parties.**

(1) A person who claims in good faith to have a *bona fide* right to funds or other assets frozen under regulation 6 may apply in writing to the Committee through the Cabinet Secretary for the exclusion of his or her interest from the freezing order.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) a sworn statement setting out—
  - (i) the nature and extent of the right, title or interest of the applicant in the funds or other assets concerned;
  - (ii) the time and circumstances of the acquisition by the applicant of the right, title or interest in the funds or other assets; and
  - (iii) any additional facts supporting the application, which may assist the Committee to make an assessment on the *bona fide* ownership or interest in the frozen funds;
- (b) certified documents vesting ownership or interest in the assets or funds on the *bona fide* third party.



(3) Upon receipt of the application, the Committee shall within reasonable time determine the application and may accord the applicant an opportunity to make representation.

(4) The powers of the Committee under this regulation may be exercised by a sub-committee constituted under section 40G of the Act.

(5) The decision of the Committee shall be communicated to the applicant within 14 days from the date of the decision and the Committee shall take any further steps to effect its decision.

## **12. Monitoring and compliance.**

(1) The Financial Reporting Centre, supervisory bodies and self-regulatory bodies shall adopt measures for monitoring and ensuring compliance by reporting institutions with this Act and the Proceeds of Crime and Anti-Money Laundering Act relating to proliferation financing.

(2) In monitoring and ensuring compliance by reporting institutions for purpose of Targeted Financial Sanctions, the Financial Reporting Centre, supervisory bodies and self-regulatory bodies shall consider, amongst others—

- (a) maintenance of sanctions list;
- (b) sanctions screening of customers;
- (c) dealing with false positives;
- (d) related parties;
- (e) freezing, blocking and rejecting customers and related parties;
- (f) allowable transactions;
- (g) exemption for basic and extraordinary expenditures;
- (h) exemptions for payments due under existing contracts;
- (i) reporting on positive name match;
- (j) reporting of suspicious transactions on related transactions;
- (k) on name match with other unilateral sanctions lists; and
- (l) imposition of new measures.

(3) In addition, the Financial Reporting Centre, supervisory bodies and self-regulatory bodies shall—

- (a) provide clear guidance to financial institutions, Designated Non-Financial Business and Professions, and other entities on their obligation to take freezing action in accordance with this regulation;
- (b) monitor implementation of freezing obligations to ensure compliance through on-site and off-site inspections;
- (c) identify any funds related to a Listed Person that have been detected and frozen by Financial Institutions and Designated Non-financial Business and Professions, and whether or not relevant reports were submitted to the Committee and the Financial Reporting Centre in line with the provisions of this regulation;
- (d) provide guidance to financial institutions and other persons or entities, including Designated Non-Financial Business and Professions, that may by holding targeted funds or other assets, on their obligations to respect a de-listing or unfreezing action;
- (e) where necessary, impose administrative sanctions against a financial institution, Designated Non-financial Business and Professions, and other entities in breach of freezing obligations.

[Subsidiary]

## PART III – DE-LISTING AND UNFREEZING

**13. Application for de-listing.**

(1) An application for delisting of a designated person or entity who does not meet or no longer meets the criteria for designation may be made to the Focal Point established pursuant to UNSCR 1730.

(2) An application for delisting of a designated person or entity under subregulation (1) may be made by—

- (a) the Committee, at any time, to the relevant Sanctions Committee; or,
- (b) a designated person or entity who is a citizen or resident of Kenya, or incorporated or registered in Kenya.

(3) A petition to the Focal Point for de-listing established pursuant to UNSCR 1730 requesting for delisting shall contain—

- (a) an explanation as to why the designation does not or no longer meets the listing criteria through countering the reasons for listing as stated in the list entry for that particular person or entity;
- (b) any documentation supporting the request that can be referred to and attached together with the explanation of its relevance, where appropriate;
- (c) a designated person or entity's current occupation or activities, and any other relevant information.

(4) The petition shall be submitted to the Focal Point for delisting through the address specified under the Schedule or such other address as may be specified by the Sanctions Committee.

(5) A request for de-listing under this regulation may be made on behalf of the designated person by his or her legal representative or estate.

(6) The Focal Point for de-listing shall, upon receipt of a request under this regulation, determine the request in accordance with the applicable guidelines or procedures adopted under the relevant Security Council Resolutions.

**14. Communication of delisting.**

(1) Upon confirmation that a designated person or entity has been delisted from the Sanctions List, the Committee shall, through a public notice or in any other manner the Committee may specify, notify and provide guidance on unfreezing to all persons and reporting institutions holding targeted funds or other assets of the delisted person or entity.

**15. Obligations of persons and reporting institutions.**

A person or reporting institution holding targeted funds or other assets shall upon receiving notification of delisting of a person or entity—

- (a) take action, to unfreeze the funds or other assets without delay; and
- (b) shall be obliged to respect the delisting by the relevant Sanctions Committee.

**16. Unfreezing where funds were frozen in error.**

(1) A person, whose name is similar to that of a designated person or entity, and whose funds have been inadvertently or mistakenly frozen due to the similarity, may apply for unfreezing.

(2) The application under subregulation (1) shall be made in writing and reviewed by the Committee.

(3) Unfreezing action under subregulation (1) shall be upon verification by the Committee that the person or entity is not the designated person or entity.

**17. Exemptions to freezing action.**

A designated person or entity whose funds have been affected by the freezing order may submit a request, in writing, to the Committee, to have such funds or part thereof released to cover—

- (a) basic expenses;
- (b) extraordinary expenses;
- (c) funds or assets that are subject to judicial, administrative or arbitral lien or judgement;
- (d) funds or assets that are required to carry out activities by the DPRK's mission to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK;
- (e) funds or assets that the Sanctions Committee determines in advance on a case-by-case basis and which are required for the delivery of humanitarian assistance, denuclearization or any other purposes consistent with the objectives of Resolution 2270 (2016);
- (f) financial transactions with the DPRK Foreign Trade Bank or the Korea National Insurance Corporation if such transactions are solely for the operation of diplomatic or consular missions in the DPRK or humanitarian assistance activities that are undertaken by, or in coordination with, the United Nations.

**18. Contracts, Agreements and other obligations.**

(1) Pursuant to Resolutions 1718 or 2231, an order freezing funds or other assets of designated person and entities shall extend—

- (a) to any funds or assets held in a bank account, as well as any additions that may come into such account after the initial or successive freezing;
- (b) to any interests or other earnings due on those accounts;
- (c) to payments due under contracts, agreements; or
- (d) to obligations that arose prior to the date on which those accounts became subject to the provisions of this Resolution;

Provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.

(2) A designated person or entity shall not be prevented from making any payment due under a contract entered into prior to the listing of such person or entity under Resolution 1737 and continued by Resolution 2231, or pursuant to Resolution 2231, provided that the Committee has—

- (a) determined that the contract is not related to any prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in Resolution 2231 and any future successor Resolutions;
- (b) determined that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B to UNSCR 2231; and
- (c) submitted prior notification to the Security Council 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, ten working days prior to such authorization.

[Subsidiary]

PART IV – RESTRICTIONS ON TRAVEL,  
DEALINGS IN ARMS AND OTHER PROHIBITIONS**19. Entry of designated persons into Kenya.**

(1) A person who is designated under these Regulations shall not enter or transit through Kenya, if the entry or transit would be contrary to a determination of the Security Council made under Article 41 of the Charter of the United Nations.

(2) Notwithstanding the provisions of any other written law, a Director of the Kenya Citizens and Foreign Nationals Management Service shall not grant a visa under the Kenya Citizenship and Immigration Act (Cap. 170), to a designated person unless he or she has obtained the advice of the Cabinet Secretary that the visa is consistent with the provisions of subregulation (1).

(3) The provisions of this regulation shall not be construed to vary or waive the requirements imposed under the Kenya Citizenship and Immigration Act (Cap. 170).

**20. Exemptions allowed under the travel restrictions.**

Notwithstanding the provisions of regulation 19(1), a designated person shall not be prevented from entering or transiting through Kenya where—

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

**21. Transactions with designated person in relation to arms prohibited.**

A person in Kenya or citizen of Kenya in any place outside Kenya shall not, directly or indirectly, enter into or deal in the supply, sale, transfer, carriage, delivery, training in or provision of technical assistance or any deal with any weapons or related materials of any type, knowing that the weapons or materials—

- (a) are intended to be imported by a designated person; or
- (b) are to be supplied or delivered to, or to the order of, a designated person.

**22. Prohibition to carry arms for designated persons and entities**

A person shall not use a ship or aircraft in Kenya or use a Kenyan ship or aircraft in any place outside Kenya for the carriage of weapons or related materials from or to a designated person.

## PART V – MISCELLANEOUS PROVISIONS

**23. Protection from liability.**

No proceedings shall lie against any person, reporting institution or government entity, in respect of effecting or implementing an order designating a person or an entity or freezing the property or funds of a designated person or entity in good faith under these Regulations.

**24. Duty to report violation of Regulations.**

A person who obtains information on the breach of any provision of these Regulations where a penalty has not been provided for shall, within forty-eight hours after obtaining such information, inform the Committee or report the breach to the Financial Reporting Centre.

**25. Contravention of these Regulations.**

Except as provided for under these Regulations, a person who is found guilty of contravening the provisions of these Regulations for which no penalty is given, that person is liable to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years.

**26. Internal rules.**

A competent party and any person concerned with the implementation of these Regulations may prescribe administrative rules in relation to its employees, agents, or staff for the purposes of implementing the obligations imposed under these Regulations.

**27. Powers to issue directives and guidelines.**

The Cabinet Secretary may issue such instructions, directions, guidelines or rules as he or she may consider necessary for the better carrying out of the provisions of these Regulations.

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**SCHEDULE**

[r. 13(4)]

**ADDRESS FOR DE-LISTING REQUEST****Part A -**

Focal Point for De-listing

Security Council Subsidiary Organs Branch

Room TB-08041B

United Nations

New York, N.Y. 10017

United States of America

Tel. +1 917 367 9448

Fax. +1 212 963 1300/3778

Email: [delisting@un.org](mailto:delisting@un.org)

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