

**Security Council**

Distr.: General
7 May 2004

Original: English

Letter dated 5 May 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 28 January 2004 (S/2004/89). The Counter-Terrorism Committee has received the attached third report from Rwanda submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Inocencio F. Arias
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 4 May 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

With reference to your letter of 16 January 2004, my letter of 19 April 2004 and the note verbale of 28 April 2004, I have the honour to transmit herewith the responses and clarifications provided by my Government on issues raised in the last supplementary report submitted by Rwanda in compliance with paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(Signed) Stanislas **Kamanzi**
Ambassador
Permanent Representative

Enclosure

Kigali, 29 April 2004.

RESPONSE TO COMMENTS AND QUESTIONS BY THE UNITED NATIONS COUNTER TERRORISM COMMITTEE ON THE REPORT SUBMITTED BY RWANDA PURSUANT TO PARAGRAPH 6 OF THE SECURITY COUNCIL RESOLUTION 1373 (2001).

Sub paragraph 1.2 (1).

The Bill modifying and completing the Rwandan Penal Code is now in the last phases of its enactment, having been passed by parliament and only awaiting publication into the official gazette of the Republic of Rwanda.

The Bill contains various provisions on terrorism act financing and other crimes linked to terrorism. The Bill in its Article 378 sets out a new form of economic crime, (Money Laundering) that never existed or was not explicitly stated in the old Penal Code. In this Article, money laundering is seen as an offence severely punishable. In cases where the offence is committed in a permanent manner or in violation of professional prerogatives, the provided penalties become severe. The penalties provided for this offence range from fines, property confiscation and to a sentence not exceeding 15 years depending on the circumstances and gravity of the offence.

Subparagraph 1.2(2)

The Bill modifying and completing the Rwandan Penal Code provides a number of offences and their criminal and civil penalties. The offences provided in the Bill include: Death sentence, imprisonment, fine, civil degradation, territorial confinement, and property confiscation. These penalties are covered under article 29 of the said Bill.

Sub paragraph 1.2 (3).

In Rwanda new measures relating to the protection of the economic system in Rwanda (Anti-money laundering measures and criminalisation of terrorist financing have been set up.

In matters of legislation, Rwanda passed a law on the prevention and suppression of corruption and related offences- Law n° 23/2003 of

7/8/2003. Money laundering is seen as an offence severely punishable in this law.

The draft law on terrorism currently under preparation also severely punishes an act of money laundering or any other terrorist financing activities.

The regulation of 3rd March 2003 governing currency exchange sets out rules and conditions governing the organization and the functioning of exchange markets as well as the condition under which such operations are effected. This together with the aforementioned laws sets out control measures on money laundering in Rwandan Banking/Financial institutions.

Other measures put in place to fight money laundering include the creation of a division within the National Police in charge of economic and financial crimes. The division of economic and financial crimes has formed a committee for co-operation between law enforcement agencies and Banking institutions. (COCLAB)

The committee was formed with a principle objective of enhancing co-operation with law enforcement and Banking/Financial institutions. The committee brings together officers from the National Police, the Central Bank and the Prosecution Department. There is a plan to expand the committee to include other relevant role players especially all the financial institutions in the Country.

Rwanda is a member of the Eastern and Southern Africa Anti Money Laundering Group (ESAAMLG). This is also a form of a control measure within the region.

Personnel from Banking/Financial institutions have undergone training on anti money laundering, this is still on a small scale but it is an area identified among priorities in Banking Institutions in Rwanda.

Sub paragraph 1.2 (4)

The Government of Rwanda is in the process of implementing the international conventions against terrorism into the domestic law, in the near future all the conventions will have been implemented into our domestic law.

Rwanda has established national committees in charge of counter terrorism pursuant to Security Council resolution 1373 (2001). These committees were created by a Prime Ministerial Order n° 39/03 of 16 June 2002, and these committees are: National Counter terrorism Committee, and executive committee on counter terrorism.

Rwanda has established a specialized terrorism unit, with in the National Police. This is in the line of implementing the United Nations conventions on terrorism into domestic laws.

In implementing the conventions against terrorism into the domestic laws of Rwanda, several laws are undergoing a reform process, and notable among these include: The Bill modifying and completing the Rwandan Penal Code, The draft legislation relating to the Criminal Procedure Act, and the draft Legislation for the Organization and Jurisdiction of the Courts of Judicature.

The Banking/Financial institutions have put in place regulations and rules for currency exchange and the conditions governing the organization and the functioning of exchange markets. (Refer to regulation of 3rd march 2003). This together with the above mentioned is a form of implementing the UN conventions against terrorism into Rwandan domestic laws.

The draft law on terrorism that is now ready for presentation to Parliament is also in the line of implementing Conventions against terrorism into Rwanda's domestic laws.

Sub paragraph 1.3

On matters concerning, the manufacturing, selling, possession, storage and transport of weapons and explosives in Rwanda, the law concerning firearms and their ammunition stipulates as follows:

In Article 1 of law n° 13/2000 of 14/06/2000 modifying the decree-law n° 12/97 of May, 1979 concerning firearms and their ammunitions, it is clearly stipulated that, "Importing, storing both in the states arms stores, withdrawing from those locations, donating, selling firearms and their parts separately, their ammunitions or spare parts separately, their ammunitions or spare parts of the later, are subject to a prior authorization of the Defense Minister.

Notwithstanding provisions of the government decree n° 12/79 of May 7/1979 as modified to this day, authorisation conditions are determined by a presidential order".

Concerning firearms and their ammunitions to be used by the National Police, private security organisations as well as other non-Military people, the Minister responsible for the National Police gives the authorisation.
