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GOVERNMENT GAZETTE EXTRAORDINARY

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Bill No. 31 of 2026

COUNTER-TERRORISM (AMENDMENT) BILL, 2026
(*Published on 19th August, 2026*)

MEMORANDUM

1. A draft of the above Bill, which is intended to be presented to the National Assembly, is set out below.

2. The objective of the Bill is to amend the Counter-Terrorism Act (Cap. 08:08) for consistency with the Financial Action Task Force Recommendations.

3. To this end, the Bill proposes the following amendments to the Counter-Terrorism Act —

(*a*) in clause 2, by substituting the definition of "terrorist", with a new definition and by inserting a new definition of "proliferation financing";

(*b*) in clause 3, by deleting section 5 (1) (*h*) in the Act, in order to delink the offence of financing of terrorism under section 5 from the offence of proliferation financing, as provided for under Recommendation 7 of the FATF Recommendations;

(*c*) in clause 4, further by providing for a new section 5A to provide for a separate offence for the act of proliferation financing" as defined in clause 2;

(*d*) in clause 5, by introducing new sections 11A, 11B and 11C. The new section 11A provides for the procedure on declaring a person or structured group as a terrorist or terrorist group, section 11B provides for the establishment of the National Sanctions Monitoring Committee, whose main function will be to coordinate and implement the United Nations Security Council Resolutions and section 11C provides for the freezing of the accounts or other assets of designated persons and entities. The provision further makes it an exception that payments may be made from the frozen accounts or assets of a designated person or entity on humanitarian assistance purposes or basic human needs;

(*e*) in clause 6, by inserting a new section 14A which provides for the procedure in identifying persons or entities for possible designation in accordance with applicable United Nations Security Council Resolutions and for the procedure for the de-listing of persons or entities who had been designated as terrorists or part of terrorists groups;

(*f*) in clause 7, by amending section 41 by providing for further functions of the Counter-Terrorism Analysis and Fusion Division to include developing strategies such as strategies for counter-radicalisation and de-radicalisation, conducting public awareness programmes on the prevention of terrorism, and facilitating capacity building for investigating authorities; and

(*g*) in clause 8, by inserting a new section 43A to provide for the sharing of information with the Counter-Terrorism Analysis and Fusion Division on terrorism offences, by Government Ministries, Departments and any other organisation or institutions.

MOETI C. MOHWASA,
Minister for State President, Defence and Security.

ARRANGEMENT OF SECTIONS

A BILL

— entitled —

An Act to amend the Counter-Terrorism Act.

Date of Assent:
Date of Commencement:
ENACTED by the Parliament of Botswana.

Short title and commencement

1. This Act may be cited as the Counter-Terrorism (Amendment) Act, 2026, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Amendment of section 2 of Cap. 08:08

2. The Counter-Terrorism Act (in this Act referred to as "the Act) is amended in section 2 by –

(*a*) substituting for the definition of "terrorist", the following new definition –

"terrorist" means a person who unlawfully or wilfully —

(i) commits or attempts to commit an act of terrorism by any means, directly or indirectly,

(ii) participates as an accomplice in an act of terrorism,

(iii) organises or directs another person to commit an act of terrorism, or

(iv) contributes to the commission of an act of terrorism by a group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering an act of terrorism or with the knowledge and intention of the group to commit an act of terrorism, and

(*b*) inserting in their correct alphabetical order, the following new definitions —

(i) "accountable institution" has the same meaning as assigned to it under the Financial Intelligence Act,

Cap. 08:07

(ii) "Committee"means the National Sanctions Monitoring Committee established under section 11B of the Act,

(iii) "supervisory authority" has the same meaning as assigned to it under the Financial Intelligence Act,

(iv) "proliferation financing" means the provision of funds or financial services used for the —

(*aa*) manufacture;
(*bb*) acquisition;
(*cc*) possession;
(*dd*) development;
(*ee*) export;
(*ff*) trans-shipment;
(*gg*) brokering;
(*hh*) transport;
(*ii*) transfer;
(*jj*) stockpiling; or
(*kk*) use of nuclear, chemical or biological weapons and their means of delivery and related materials, including both technology and dual use goods used for unlawful purposes,

in contravention of this Act and any other law and international agreement to which Botswana is a signatory to; and

"specified party" means a person listed under Schedule I of the Financial Intelligence Act, and includes branches or subsidiaries of that person.".

Amendment of section 5 of the Act

3. Section 5 of the Act is amended in subsection (1), by deleting paragraph (*h*).

Insertion of section 5A in the Act

4. The Act is amended by inserting immediately after section 5, the following new section —

"Proliferation financing

5A. A person who, unlawfully or wilfully —

(*a*) commits or attempts to commit proliferation financing by any means, directly or indirectly;
(*b*) participates as an accomplice to proliferation financing;
(*c*) organises or directs another person to commit proliferation financing; or
(*d*) contributes to the commission of a proliferation financing act,

commits an offence and is liable to a term of imprisonment for life or a fine of P5 000 000 or to both.".

Insertion of sections 11A, 11B and 11C in the Act

5. The Act is amended by inserting immediately after section 11, the following new sections —

"National declaration of terrorist or terrorist group

11A. (1) The Minister may, on the recommendation of the Committee —

(*a*) declare a person or structured group as a terrorist or terrorist group, whichever is the case; or
(*b*) request another country to designate a person or structured group as terrorist or terrorist group, where there are reasonable grounds to believe that a person or structured group is engaged in terrorism, or where a person or structured group has been convicted of an offence under this Act.

(2) A declaration made under subsection (1) shall be made by Order published in the *Gazette*.

(3) For purposes of subsection (1), a person or structured group is engaged in terrorism, if the person or structured group, commits an act of terrorism or commits any offence under this Act.

(4) Notwithstanding the provisions of subsection (1), a terrorist or terrorist group declared as such under this section may include an individual or entity on the United Nations Security Council Sanctions list on the suppression of terrorism or financing of terrorism and the prevention and disruption of financing of the proliferation of arms of war or NBC weapons.

(5) A terrorist or terrorist group designated as such by the United Nations Security Council, referred to in subsection (4) —

(*a*) includes the list that exists at the commencement of this Act, and any other reviews and subsequent amendments made to the list; and

(*b*) extends to a person or group, notwithstanding any rights granted to or obligations imposed under an existing contract made prior to the designation.

(6) A person that is listed under this section, may apply, to the Minister for a review of the designation, in such manner, as may be prescribed.".

Establishment of National Sanctions Monitoring Committee

11B. (1) There is hereby established a National Sanctions Monitoring Committee.

(2) The Committee shall consist of the following members —

(*a*) the Permanent Secretary responsible for defence and security, who shall be the Chairperson;

(*b*) the Permanent Secretary, for the ministry responsible for international relations, who shall be the Deputy Chairperson;

(*c*) the Permanent Secretary for the ministry responsible for finance;

(*d*) the Commissioner-General, Botswana Unified Revenue Service;

(*e*) the Attorney-General;

(*f*) the Receiver;

(*g*) the Permanent Secretary for the ministry responsible for labour matters;

(*h*) the Director General of the Directorate of Intelligence and Security;

(*i*) the Director General of the Financial Intelligence Agency;

(*j*) the Commissioner, Botswana Police Service;

(*k*) the Director of the Chemical, Biological, Nuclear and Radiological, Weapons Management Authority; and

(*l*) such other representative from any entity assigned to deal with anti-money laundering, counter financing of terrorism and counter proliferation financing matters, as the Minister may appoint.

(3) The Division shall provide secretarial services to the Committee.

(4) The Committee shall coordinate and implement the applicable United Nations Security Council Resolutions relating to the suppression of financing of terrorism and the prevention and disruption of the financing of the proliferation of arms of war or NBC weapons and successor resolutions, or any other function as may be prescribed.

(5) For purposes of this section "applicable resolutions" mean the current United Nations Security Council Resolutions and future successor Resolutions, relating to combating and preventing terrorism, terrorism financing or the proliferation of weapons of mass destructions issued under the Chapter VII of the United Nations Charter.

(6) Subject to the provisions of this Act, the Committee may regulate its own proceedings.

(7) Meetings of the Committee shall be held at such places and times as the Chairperson may determine.

(8) There shall preside at the meetings of the Committee —

(*a*) the Chairperson;

(*b*) in the absence of the Chairperson, the Deputy Chairperson; or

(*c*) in the absence of the Chairperson and the Deputy Chairperson, a member of the Committee selected for the purpose of that meeting by the members present.

(9) At any meeting of the Committee, a quorum shall be constituted by not less than two thirds of the members.".

Freezing of property of designated persons

11C. (1) A specified party, accountable institution or any other person shall, without delay and without prior notification, identify and freeze all funds and other assets of designated persons and entities.

(2) Notwithstanding the provisions of subsection (1), the Committee may authorise a specified party, accountable institution or any other person holding frozen funds or other property of a designated person to make any payment due and necessary to ensure the timely delivery of humanitarian assistance or basic human needs, in accordance with the applicable United Nations Security Council resolutions.

(3) A specified party or accountable institution that fails to, without delay and without prior notification, identify and freeze all funds and other assets of designated persons and entities is liable to an administrative fine not exceeding P1 000 000, as may be imposed by a supervisory authority.

(4) A supervisory authority shall —

(*a*) supervise a specified party or accountable institution for compliance with implementation of the obligations under this section and related regulations including through on-site examinations;

(*b*) establish and issue guidance notes, and provide feedback to help a specified party or accountable institution comply with this Act; and

(*c*) have access to any record kept in accordance with this section and related regulations and may make extracts from or copies of any such records.

(5) A supervisory authority may —

(*a*) at any time, cause to be carried out on the business premises of a specified party an examination and an audit of its books and records to check whether the specified party is complying with the requirements of this section and related regulations, or any guidelines, instructions or recommendations issued under this Act;

(*b*) issue a directive, penalising a specified party by imposing an appropriate, prescribed fine where the specified party has without reasonable excuse, failed to comply in whole or in part with any obligations under this Part; or

(*c*) enter into an agreement with a specified party to implement an action plan to ensure compliance of the specified party's obligations under this section and related regulations.".

Insertion of section 14A in the Act

6. The Act is amended by inserting immediately after section 14, the following new section —

Designations pursuant to United Nations Security Council Sanctions Regimes

"14A. (1) The Minister responsible for defence and security on the recommendation of the Committee, shall identify persons or entities that may be proposed for designation in accordance with the designation criteria set out in the applicable United Nations Security Council resolutions.

(2) In exercising its functions under this section, the Committee shall ensure that the process of identifying potential targets is timely, effective and consistent with the obligations of the Republic of Botswana under the applicable United Nations Security Council resolutions.

(3) The Minister responsible for international relations shall, immediately, forward the updated list through electronic mail or any other means available to the Chairperson of the Committee, or any member of the Committee authorised, in writing by the Chairperson for that purpose.

(4) The Chairperson of the Committee or any other member of the Committee authorised, in writing by the Chairperson of the Committee for that purpose, shall, immediately, upon receipt of the United Nations Security Council List referred to in subsection (2), circulate, through electronic mail, surface mail or any other means available, the list to —

(*a*) supervisory authorities;
(*b*) investigatory authorities;
(*c*) specified parties;
(*d*) accountable institutions;
(*e*) Government agencies or departments; and
(*f*) any other person.

(5) A change to the United Nations Security Council Sanctions List shall have immediate legal effect in Botswana, from the date and time at which it takes effect at the United Nations.

(6) A designated person or their legal representative, may submit a petition for de-listing from the United Nations Security Council List, through the Minister responsible for international relations who, if satisfied that the individual or entity no longer meets the designation criteria, shall make a request for de-listing to the relevant United Nations Security Council Committee.

(7) A designated person or their legal representative, may submit a petition for de-listing from the United Nations Security Council List directly to —

(*a*) the office of the Ombudsperson established pursuant to United Nations Resolution 1904 (2009), in respect of ISIL (Da'esh) and Al- Quaida sanctions list; or
(*b*) the Focal Point established under United Nations Security Council Resolution 1730 (2006), in respect of all other sanctions regimes.

(8) The Minister shall, upon receipt of confirmation of de-listing by the United Nations Security Council, notify the Committee, in writing, and cause a public notice to be issued accordingly.".

Amendment of section 41 of the Act

7. Section 41 of the Act is amended by inserting immediately after paragraph (*n*), the following new paragraphs —

"(*o*) developing counter-terrorism strategies, including radicalisation and de-radicalisation;
(*p*) conducting public awareness programmes on the prevention of terrorism; and
(*q*) facilitating capacity building for investigating authorities on counter-terrorism.".

Insertion of section 43A in the Act

8. The Act is amended by inserting immediately after section 43, the following new section —

"Sharing of information

43A. A Government Ministry, Department or any other organisation or institution shall where in the course of the exercise of its functions, receives or becomes aware of any information, suggesting the possibility of a commission of an offence under this Act, share the information with the Division, without delay.".