

**Security Council**

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**Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities****Note verbale dated 19 April 2005 from the Permanent Mission of Botswana to the United Nations addressed to the Coordinator of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) and forwarded to the Chairman of the Committee**

The Permanent Mission of the Republic of Botswana to the United Nations presents its compliments to the Coordinator of the Monitoring Team assisting the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to the latter's note of reference S/AC.37/2004/M7/OC.187 dated 29 October 2004, concerning national reports by Member States.

The Permanent Mission has the further honour to enclose the report of the Republic of Botswana to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (see annex).

**Annex to the note verbale dated 19 April 2005 from the Permanent Mission of Botswana to the United Nations addressed to the Coordinator of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) and forwarded to Chairman of the Committee**

**Report of the Republic of Botswana to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities**

**I. Introduction**

1. Pursuant to the United Nations Security Council resolution 1267 (1999), the Government of Botswana has kept a vigilant eye on possible activities by Osama bin Laden, the Al-Qaida Organization, the Taliban and their associates within the territory of Botswana. To date, the country has no reason to believe that either the Taliban or their associates have any presence in the territory of Botswana.

Botswana is desirous to contribute effectively to international efforts to fight the scourge of terrorism. The following activities attest to this commitment:

(a) Local structures are constantly being modified to make them more responsive and effective in the fight against terrorism. A national Counter-Terrorism Committee with the requisite statutory powers and a network of support structures is being formed. This Committee will replace the current one, which had a narrow mandate and powers;

(b) National and regional country programmes are organized on a regular basis to sensitize and prepare law enforcement agencies to deal with issues related to terrorism. Botswana hosted one such subregional conference on terrorism in Southern Africa in November 2004. Participants included representatives of the Southern African Regional Police Chiefs Cooperation Council (SARPCCO), Interpol, experts in the field of counter-terrorism, foreign envoys and academics.

**II. Consolidated list**

2. Pursuant to paragraph 4 of Security Council resolution 1267 (1999), the information received from the Security Council Committee established pursuant to resolution 1267 (1999) is regularly shared with the police, immigration control, customs and consular authorities, and these authorities are given clear instruction to be vigilant.

3. None

4. No

5. Botswana is not aware of any individuals or entities associated with Osama bin Laden or members of the Taliban or Al-Qaida that have been left out of the list.

6. No

7. No

8. The laws of Botswana provide for the arrest and prosecution of persons who conspire, incite, instigate, command or promote others to commit acts of violence

within the territory of Botswana or in other States, or to aid or promote the commission of any act of violence. The law is, however, not specific to Al-Qaida.

### III. Financial and economic assets freeze

9. In 2000 the Proceeds of Serious Crime Act Cap 08:03 of the Laws of Botswana was amended in order to introduce additional provisions that sought to address the shortcomings of the original act. The act as amended now applies to activities intended to conceal or disguise the nature, source, location, disposition, movement, ownership or any rights with respect to money or property. These requirements cover a broad range of financial activities, among them, insurance, securities and money transmission services:

(a) Mutual Assistance in Criminal Matters Act Cap 08:04 of the Laws of Botswana was enacted to facilitate mutual assistance between Botswana and neighbouring countries that have a reciprocal application of its provisions. This act facilitates the exchange of information for purposes of tracking the movement of funds and for extraditing suspects;

(b) The Banking (Anti-money Laundering) Regulations Statutory Instrument No. 17 of 2003 provides guidelines on “Know Your Customer” requirements, record-keeping, recognition and reporting of suspicious transactions, cooperation with law enforcement agencies, awareness-raising and staff training on identification of suspected transactions;

(c) The Criminal Procedure and Evidence Act Cap 08:02 of the Laws of Botswana provides for the confiscation of artefacts determined to be used for criminal conduct or in any manner likely to breach the peace, or expose the Republic of Botswana to any risk or threat of harm. Equally, restraining provisions under the Proceeds of Serious Crime Act provide for the seizure of assets and derivatives or proceeds of serious crimes, pending both investigation and prosecution for criminal acts. Upon conviction of the accused these restraining orders are confined in the form of confiscation orders whereby the seized assets are forfeited to the State;

(d) These provisions have proven to be effective in their civil application, however, it has been found desirable to introduce provisions for civil forfeiture which are not dependent upon conviction. This is a matter that is still under consideration, and it is hoped relative legislation will follow soon thereafter.

10. The Bank of Botswana, the Botswana Police and the Botswana Defence Force are responsible for all investigations and regularly share information between themselves. These structures work in consultation and coordination with the Southern African Regional Police Chiefs Cooperation Council (SARPCCO).

11. Under Botswana law, banks and other financial institutions are under obligation to enforce regulations intended to prevent anti-money-laundering practices. These regulations contain detailed requirements for the identification and knowledge of customers and their business activities, funding and revenue sources. These regulations also dictate that even where banks know those customers and the customers’ business activities, the banks must still exercise due care to identify unusual patterns in their banking records. Any suspicious activities have to be brought to the attention of the law enforcement agencies.

The lists referred to in section II above are also shared with the Bank of Botswana, which then passes them on to commercial banks and other financial institutions for appropriate enforcement. Bank of Botswana conducts regular on-site examinations of all financial institutions to determine compliance with all statutory requirements. These examinations serve both as an enforcement tool and as a remedial measure to advise institutions on best practices and areas of improvement.

12. No transactions by the listed individuals and entities have been reported or uncovered in the territory of Botswana. As such, a "Comprehensive summary of frozen assets of the listed individuals and entities" does not exist.

13. For reasons stipulated in paragraph 12 above, there are no funds, financial assets or economic assets that have been unfrozen.

14. Paragraphs 9 and 11 of the present report contain the required information.

#### **IV. Travel ban**

15. The Department of Immigration and Citizenship is empowered by the Immigration Act, Cap 25:02, of the Laws of Botswana to enforce all travel bans and control the movement of persons into and out of Botswana. The Department has remained vigilant in order to ensure that the persons on the List and any other undesirable persons are denied entry into the territory of Botswana. Botswana also has visa requirements for nationals of some countries, and the vetting of their applications serves as an additional safeguard.

16. The lists of suspected individuals are shared with all immigration offices, all border control points and all the country's missions and consular offices abroad. In the event that an individual on the list attempts to gain entry into Botswana, the border control will refuse her/him entry and inform the security agencies.

To date, no attempts of entry into Botswana by any of the persons on the list has been recorded.

17. As soon as a new list is received, the border control authorities are directed to update their existing list. Currently all records at entry points are checked manually. The Department of Immigration is, however, in the process of computerizing all its migration and citizenship functions.

18. None of the listed individuals has ever attempted to enter the territory of Botswana.

19. Botswana immigration authorities have not dealt with any visa applications from individuals appearing on the list.

#### **V. Arms embargo**

20. Botswana does not produce nor export conventional arms, neither does it produce nor export weapons of mass destruction.

21. There are no measures adopted to specifically criminalize the violation of the arms embargo directed at Osama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them. However, Botswana Law, Cap 24:01, Section 6, prohibits the importation of arms and ammunition without an import permit. Any person who contravenes any provision of this law is liable to a fine or a term of imprisonment.

22. See response in paragraph 21 above.
23. Botswana does not produce any weapons and ammunition.

**Assistance and conclusion**

24. Botswana is willing within its limited resources and capacity, to provide assistance to other States to help them implement the measures contained in resolution 1267 (1999). However, like many other small countries, Botswana needs the assistance of the international community to put in place some of the measures necessary for the implementation of the requirements of resolution 1267 (1999).

25. As indicated above, Botswana is currently restructuring its entire counter-terrorism network. This exercise should result in the identification of areas where assistance would be required. Only then would the country be in a position to request targeted assistance from the United Nations Security Council Counter-Terrorism Committee.

26. No additional information is included.
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