



GUIDELINES

IMPLEMENTATION OF THE UN SECURITY COUNCIL RESOLUTIONS CONCERNING TARGETTED FINANACIAL SANCTIONS, TRAVEL BAN, AND ARMS EMBARGO

Issued By
National Committee For Overseeing Implementation Of Sanctions
Against Individuals And Entities Designated By
The UN Security Council 1267 Al Qaida /da'esh Sanctions Regime)
And Security Council 1988 (taliban Sanctions Regime)¹

Ministry of Foreign Affairs
Government of Pakistan
Islamabad

¹ SRO No 1015 (I)/2018 dated 24 August 2018



Message from the Foreign Minister

Pakistan has made significant contribution to the global fight against terrorism. It has also been a major victim of this scourge and has paid a huge price in terms of lost lives and the cost to our economy. However, we have managed to turn the situation around due to concerted efforts and sacrifices of our security forces which have been fully backed by the nation.

Prime Minister Imran Khan has made it abundantly clear that in “*Naya Pakistan*” there is no space for proscribed organizations and their affiliates to operate. While we have won the kinetic battle, the government is now determined to further consolidate these gains through full implementation of National Action Plan, which is a comprehensive 20 point strategy to deal with the menace of terrorism.

One of the key action items under the National Action Plans pertains to countering financing of terrorism in line with international best practices. The United Nations Security Council 1267 Sanctions Committee and Financial Action Task Force (FATF) have set global normative standards for all member states to effectively address the terrorism financing threat through imposition of targeted financial sanctions against designated individuals and entities.

As these global standards continue to evolve, countries are also required to adapt their domestic legal frameworks accordingly. In order to meet these international obligations, in particular implementation of UNSC 1267 sanctions, the Government of Pakistan has prepared detailed guidelines for relevant domestic authorities. This document is intended to facilitate and further streamline implementation of targeted sanctions by clearly delineating obligations of each stakeholder in the process of implementation of the UNSC Sanctions.

As we embark upon consolidating gains in our fight against terrorism, we expect that these guidelines would not only help better implementation of UNSC sanctions in Pakistan but would also prove to be a bench mark for other countries to emulate as a best practice.

MAKHDOOM SHAH MAHMOOD QURESHI



Message from Foreign Secretary

Implementation of the resolutions of the United Nations Security Council (UNSCRs), adopted under Chapter VII of the United Nations Charter is an international legal obligation for all Member States of the United Nations. As a dualist country, these resolutions are implemented in Pakistan through the United Nations (Security Council) Act, 1948 (Act No. XIV of 1948). Under this Act the Ministry of Foreign Affairs issues Statutory Regulatory Orders (S.R.Os) to give legal effect in Pakistan these decisions of the Security Council.

Over the years Pakistan has made significant progress in developing the necessary framework for implementing the UNSCRs. However, in view of the evolving international standards, especially those established by the Financial Action Task Force relating to the implementation of Targeted Financial Sanctions (Assets Freeze), a need was felt especially by the Provincial Governments for further elaboration of the legal framework.

In this regard, on 4 March 2019 the Federal Government issued the United Nations Security Council (Freezing and Seizure) Order, 2019. The Order has been issued in accordance with Section 2 of the United Nations Security Council Act, 1948 (Act No. XIV of 1948) that authorizes the Federal Government to “make such provisions as appears to it necessary enabling those measures to be effectively applied”. The Order would especially provide clarity to the Provincial authorities on the on the procedure for implementing the Assets Freeze measures of the UNSCRs.

The Ministry of Foreign Affairs, in consultation with all relevant stakeholders, has also prepared Guidelines that would provide further details of the measures our authorities need to take to effectively apply the UNSC Sanctions in Pakistan.

The Guidelines would particularly help officials in various Ministries, Departments and Agencies at the Federal and Provincial levels to understand the provisions of the UNSC 1267 Sanctions regime including 1989/2253/2368 (Al-Qaida/Da'esh Sanctions Committee) and Security Council 1988/2254 (Taliban Sanctions Committee); understand the domestic enabling legislation to implement the resolutions in Pakistan; and provide a common understanding of the obligations of each stakeholder and of the operational issues for implementation of relevant UNSC resolutions.

I sincerely hope that these documents will facilitate the work of our authorities. They also demonstrate the resolve and seriousness of the Government of Pakistan about countering terrorism as a responsible member of the United Nations.

TEHMINA JANJUA

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ABBREVIATIONS

i.	MOI	Ministry of Interior
ii.	MOFA	Ministry of Foreign Affairs
iii.	MOF	Ministry of Finance
iv.	MOD	Ministry of Defence
v.	FIA	Federal Investigative Agency
vi.	FMU	Financial Monitoring Unit
vii.	STRs	Suspicious Transactions Reports
viii.	CTRs	Cash Transactions Reports
ix.	SBP	State Bank of Pakistan
x.	SECP	Security and Exchange Commission of Pakistan
xi.	UNSC	United Nations Security Council
xii.	NADRA	National Database and Registration Authority
xiii.	IMPASS	Directorate General of Immigration & Passports
xiv.	SROs	Statutory Regulatory Orders
xv.	DNFBPs	Designated Non-Financial Businesses and Professions
xvi.	NACTA	National Counter Terrorism Authority

GLOSSARY OF TERMS

1. “Designated” means listed by the relevant United Nations Security Council (UNSC) Sanctions Committee.
2. “Consolidated list” means list maintained by the by the relevant UNSC Sanctions Committee under the 1267 UNSC Sanctions regime.
3. “Sanctions” means the measures imposed by the UNSC against the designated individuals and entities.
4. “Statutory Regulatory Orders” means executive orders issued by Ministry of Foreign Affairs under the United Nations (Security Council) Act 1948.
5. “Listing” means inclusion of a designated individual or entity in the consolidated list.
6. “De-listing” means removal of an individual or entity’s name from the consolidated list.

PREFACE

A National Committee for overseeing implementation of sanctions against individuals and entities designated by UN Security Council 1267 & 1989/2253/2368 (Al-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime) was constituted vide S.R.O 1015 (I)/2018 dated 24 August 2018 (**Annex-I**). The National Committee has been mandated to, inter alia, provide guidance on implementation of UNSC 1267/1989 and 1988 sanctions against designated individuals and entities. Pursuant to this task, these Guidelines have been prepared to assist officials in various Ministries, Departments and Agencies at Federal and Provincial levels to better understand and effectively implement the provisions of these sanctions regimes in the country. These guidelines would also supplement the United Nations Security Council (Freezing and Seizure Order, 2019) (**Annex-II**)

The objective of these Guidelines is to help officials in various Ministries, Departments and Agencies at the Federal and Provincial levels to understand the provisions of the UNSC 1267 Sanctions regime including 1989/2253/2368 (Al-Qaida/Da'esh Sanctions Committee) and Security Council 1988/2254 (Taliban Sanctions Committee); understand the domestic enabling legislation to implement the resolutions in Pakistan; and to provide a common understanding of the obligations of each stakeholder and of the operational issues for implementation of relevant UNSC resolutions.

The guidelines also provide information, which would strengthen the capacity of government agencies through increased knowledge of what is required for effective implementation.

After reading this guideline, you should:

- a. Understand why Pakistan is required to act upon the UNSC resolutions adopted under Chapter VII of the Charter of the United Nations;
- b. Know your responsibilities in implementing the UNSC resolutions;
- c. Understand the domestic legislation and regulations that empowers you to implement the resolutions;
- d. Know the administrative arrangements and lines of communications related to implementing the UNSC resolutions; and
- e. Understand the operational procedures and measures that would lead to effective implementation of the sanctions measures.

SECTION I

1. OVERVIEW OF THE UNITED NATIONS SECURITY COUNCIL 1267 UNSC SANCTIONS REGIME

1.1. Role of the UNSC

Under the Charter of the United Nations, the Security Council has the primary responsibility for the maintenance of international peace and security. It has 15 Members, and each Member has one vote. The Security Council takes the lead in determining the existence of a threat to the peace or act of aggression. Chapter VII of the United Nations Charter sets out the UNSC's powers to maintain international peace. It allows the Council to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to take military and non-military action to "restore international peace and security" (Article 41-42 UN Charter). It is important to note that resolutions adopted by the UNSC under Chapter VII are **binding** on all UN Member States.

1.2. UNSC of 1267 Sanctions Regime

The 1267 sanctions regime was established by the United Nations Security Council (UNSC) pursuant to its resolution 1267 (1999). The resolution imposed a limited air embargo and assets freeze on the Taliban. Resolution 1333 (2000) included Al-Qaida in the sanctions regime and the sanctions measures became a **targeted assets freeze, travel ban and arms embargo** against designated individuals and entities. Overtime the details of these sanctions have been modified through various resolutions. Summary of these resolutions is at **Annex-III**.

On 17 June 2011, the Security Council unanimously adopted resolutions 1988 (2011) and 1989 (2011) and decided to split the Sanctions Committee as well as the list of individuals and entities subject to the sanctions measures in two: Taliban to be covered by 1988 Committee; and Al-Qaida by 1989 Committee. In December 2015, the Security Council through resolution 2253 (2015) decided to expand the listing criteria to include individuals and entities supporting the Islamic State in Iraq and the Levant (ISIL) to the mandate of the 1989 Al-Qaida Sanctions Committee.

1.3. Sanctions Measures under 1267 Sanctions Regime

As per UNSC 1267 Sanctions Regime (both Taliban and Al-Qaida/Da'esh Sanctions Committees), all States are required to implement the following three sanctions measures against designated individuals and entities:

1.3.1. Asset Freeze:

Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and to ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory; and no person shall make donations to individuals and entities by the Committee or those acting on behalf of or at the direction of

the entities. It would also include “property of any description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and includes deeds and instruments evidencing title to, or interest in, such property, including cash and monetary instruments, wherever located”, as per Article 2 (i) of the UNSC (Freezing and Seizure Order, 2019).

1.3.1.1. Definition of “funds and other financial assets or economic resources”

As confirmed by paragraph 5 of resolution 2161 (2014), the assets freeze applies to “financial and economic resources of every kind including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al- Qaida and other individuals, groups, undertakings or entities included on the Al-Qaida Sanctions List.

1.3.1.2. Funds and other financial assets

Funds and other financial assets should be understood to include, but not limited to:

- a. cash, cheques, claims on money, drafts, money orders, bearer instruments, internet-based payment instruments such as virtual currencies and other payment instruments;
- b. deposits with financial institutions or other entities and balances on accounts, including but not limited to: (1) fixed or term deposit accounts, (2) balances on share trading accounts with banks, brokerage firms or other investment trading accounts;
- c. debts and debt obligations, including trade debts, other accounts receivable, notes receivable, and other claims of money on others;
- d. equity and other financial interest in a sole trader or partnership;
- e. publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- f. interest, dividends or other income on or value accruing from or generated by assets;
- g. credit, right of set-off, guarantees, performance bonds or other financial commitments;
- h. letters of credit, bills of lading, bills of sale; notes receivable and other documents evidencing an interest in funds or financial resources and any other instruments of export-financing;
- i. insurance and reinsurance.

1.3.1.3. Economic resources

Economic resources should be understood to include assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods or services, such as:

- a. land, buildings or other real estate, including funds or negotiable benefit arising from this property such as rents¹;
- b. equipment, including computers, computer software, tools, and machinery;
- c. office furniture, fittings and fixtures and other items of a fixed nature;
- d. vessels, aircraft and motor vehicles;
- e. inventories of goods;
- f. works of art, cultural property, precious stones, jewellery or gold;
- g. commodities, including oil, minerals, or timber;
- h. arms and related materiel, including all items mentioned in the arms embargo at paragraph 1 (c) of resolution 2161 (2014);
- i. raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, including but not limited to chemical components, detonating cord, or poisons;
- j. patents, trademarks, copyrights, trade names, franchises, goodwill, and other forms of intellectual property;
- k. internet hosting or related services;
- l. any other assets.

1.3.1.4. Assets owned directly or indirectly

If a person is a designated person their name will be recorded on the consolidated list. However, an asset freeze and some financial services restrictions will also apply to entities that are owned or controlled, directly or indirectly, by a designated person. Those entities may not be designated in their own right, so their name may not appear on the consolidated list. However, those entities are similarly subject to the assets freeze sanctions.

¹[F]unds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction Funds or other financial assets or economic resources made available to or for the benefit of a designated party are not always held directly by them; they may be held by others on the designated party's behalf or acting at the designated party's direction. In this case Member States must ensure that any funds or negotiable benefit arising from this property is also frozen. In identifying such funds and benefits, Member States should be alert to the possibility that property owned or controlled indirectly by the designated party may not be immediately visible, and that the designated party may have arranged the indirect ownership or control in order to conceal an interest in the property.

1.3.1.5. Ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory

For example: Entity X is not listed on the UN consolidated list. However, research shows that the majority owner of Entity X's asset is designated Entity Y.

As the ownership criterion has been met, Entity X is also subject to the same restrictions as designated Entity Y

The authorities must ensure that Pakistani nationals or other persons on Pakistani territory including the private sector do not make available any funds, financial assets or economic resources for the benefit of an individual or entity designated on the Al-Qaida/ISIL Sanctions list. These include the following:

- a. Payment of donations (paragraph 15 of resolution 2170 (2014))
- b. Payment of ransoms (paragraphs 7 of resolution 2161 (2014) and 17 of resolution 2170 (2014))
- c. Engage in any commercial or financial transactions with or for the benefit, directly or indirectly (Security Council Presidential Statement (S/PRST/2014/14) dated 28 July 2014)

1.3.1.6. Preventing the abuse of non-profit organizations, informal/alternative remittance systems and physical trans-border movement of currency

The authorities should take measures to prevent the misuse/abuse of **non-profit organizations, informal/alternative remittance systems and the physical trans-border movement of currency** specifically by designated individuals and entities and terrorists in general. In this regard reliance may be made on FATF Recommendation 8 and international standards designed to prevent the abuse of non-profit organizations, informal/alternative remittance systems and the physical trans-border movement of currency, while working to mitigate the impact on legitimate activities through these mediums (Paragraph 12 of resolution 2161 (2014)).

For further details about the Assets Freeze and related measures, please refer to Al-Qaida Sanctions Committee's Assets Freeze: EXPLANATION OF TERMS (**Annex-IV**)

1.3.2. Travel Ban:

Member States are required to prevent the entry into or transit through their territories of the designated individuals. However, this provision does not oblige any State to deny entry or require the departure from its territories of its own nationals. Furthermore, this provision shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified.

The travel ban applies to all designated individuals wherever they may be located. The

responsibility to implement the travel ban lies with the State(s) of entry and/or transit.

To implement the travel ban, the authorities are required to:

- a. Prevent the entry into their territories of the designated individuals, and
- b. Prevent the transit through their territories of the designated individuals unless one of the exceptions or exemption provisions apply (explained in the sections on Exceptions below).

The obligation to prevent the entry of designated individuals into their territories applies in all circumstances, regardless of the method of entry, the point of entry or the nature of the travel documents used, if any, and despite any permissions or visas issued by the State in accordance with its national regulations.

The obligation to prevent the transit through a Member State's territory applies to any passage through the territory of a Member State, however brief, even if the designated individual has travel documents, permissions and/or transit visas as required by the State in accordance with its national regulations and is able to demonstrate that he/she will continue his/her journey to another State.

For further details about the travel ban and related measures, please refer to Al-Qaida Sanctions Committee's TRAVEL BAN: EXPLANATION OF TERMS (**Annex-V**)

1.3.3. Arms Embargo

The sanctions regimes require States to prevent the direct or indirect supply, sale, or transfer to the designated individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities.

For further details about the Arms Embargo and related terms and measures, please refer to Al-Qaida Sanctions Committee's Arms Embargo: EXPLANATION OF TERMS (**Annex-VI**)

SECTION II

2. LEGAL FRAMEWORK IN PAKISTAN FOR IMPLEMENTATION OF UNSC RESOLUTIONS

2.1. United Nations Security Council Act, 1948 (XIV of 1948)

Chapter VII resolutions of the UN Security Council are implemented in Pakistan through the United Nations (Security Council) Act, 1948 (XIV of 1948) (**Annex VII**). The Act empowers the Federal Government to apply measures to give effect to the decisions of the UN Security Council. The Ministry of Foreign Affairs, on behalf of Federal Government, issues Statutory Regulatory Orders (S.R.Os) under UNSC Act 1948.

The SROs provide the full legal basis for the implementation of all aspects of the sanctions measures. Moreover, the mechanism for implementing asset freezing under the SROs is explained under UNSC Act 1948 (Assets Freezing and Seizure Order 2019). The authorities can also rely on other relevant domestic laws and regulations for strengthening the implementation of the sanctions. These are explained in subsequent sections.

2.1.1. Explanation of the S.R.O.

This section would explain the format of the S.R.O with a view to simplify its interpretation by relevant stakeholders in particular law enforcement agencies.

2.1.1.1. Format

Broadly, the S.R.O can be divided into three parts.

The first part contains information about the various Chapter VII UNSC resolutions pertaining to relevant Sanctions Committee, on the basis of which the subject S.R.O is issued under section 2 of the United Nations Security Council Act 1948.

The second part of the S.R.O contains information on the three sanctions measures which have to be applied on designated individuals and entities. These sanctions measures, as explained above, include, assets freeze, arms embargo and travel ban.

The third part of the S.R.O, being the annex, contains the list entry of the designated individual or entity. The list entry is very useful for ascertaining the identity of the designated individual or entity as it contains information such as names, aliases, location, identity/travel document details etc. The list entry also contains web link to special UNSC-INTERPOL notice for the designated individuals/entities.

In case of de-listing, the annex of the SRO contains the name of individuals and entities who are no longer subject to sanctions measures.

In case of amendment in the list entry, the annex contains the subject amendments reflected in the list entry through strike through and underline.

2.1.1.2. Operational information

From operational perspective, the LEAs in particular should carefully study the annex part of the S.R.O which contains the list entry. This information helps in verifying the identity of the listed individual and entity so that sanctions could be applied accordingly.

2.1.1.3. Other sources of information (Narrative Summary)

Once an individual or entity is designated under the S.R.O, more information on reasons for their listing by the respective UNSC Sanctions Committee could be obtained by studying their Narrative Summaries at the following links maintained by UNSC:

https://www.un.org/sc/suborg/en/sanctions/1267/aq_sanctions_list/summaries

<https://www.un.org/sc/suborg/en/sanctions/1988/materials/summaries>

Each narrative summary includes the date of listing, basis for listing according to relevant resolutions adopted by the Security Council as well as, as appropriate, any other relevant information available. The information contained in each narrative summary is presented as much as possible in chronological order. This would further help our LEAs and other stakeholders in understanding the context of the listing, as well as, the S.R.O giving effect to the listing. Information provided in the Narrative Summary is also useful in conducting any investigation or prosecution against the listed entity or individual.

2.2. Appointment and Communication of Details of Focal persons

As regards appointment and communication of details of focal persons for implementation of UNSC 1267 Sanctions regime, the focal person from Ministry of Foreign Affairs would be Director General (CT). His contact details are Email: dg.ct@mofa.gov.pk, (Tel & Fax): +92-51-9221821.

All the relevant Federal and Provincial stakeholders are required to appoint focal persons of the rank of Joint Secretary (Federal departments) and Additional Secretary (Provincial departments) and communicate their names and contact details to the CT Division of the Ministry of Foreign Affairs. The CT Division in MOFA would maintain the consolidated list of all focal persons.

2.3. Process for implementation of Sanctions Measures

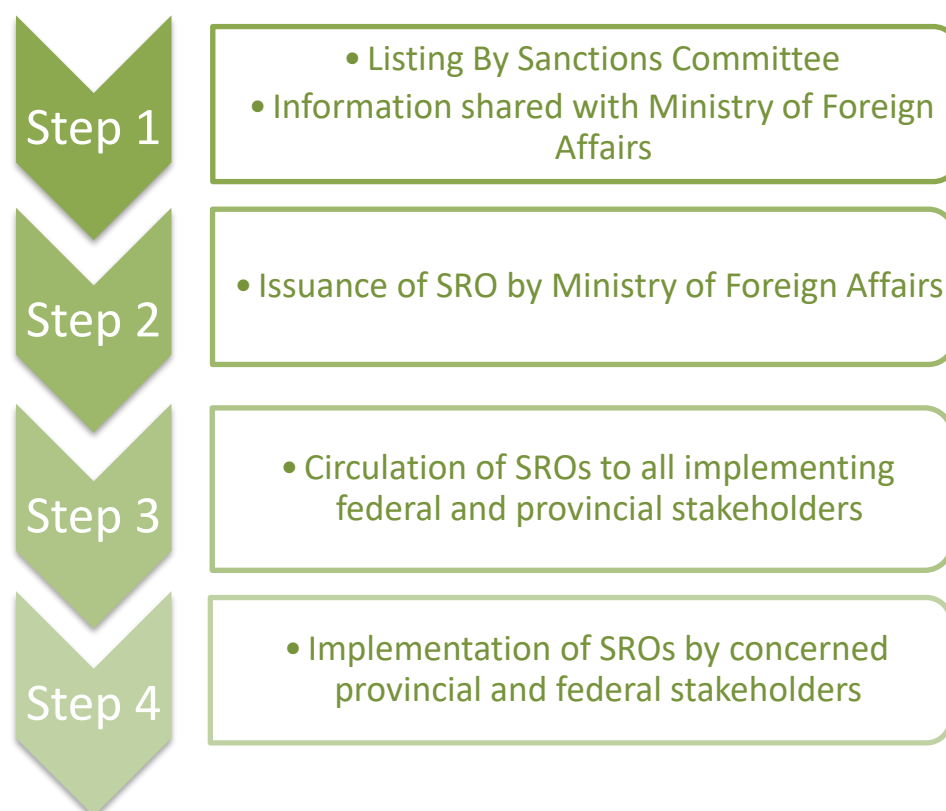
2.3.1. Communication of the updates in the consolidated list of individuals/entities and circulation of SRO

The Ministry of Foreign Affairs (CT Division) shall immediately upon revision/update in the consolidated list, notified by the respective UNSC Sanctions Committee, issue an SRO **on the** same day, to give legal effect to the update in Pakistan. The SRO would be shared electronically as well as by post with all concerned focal persons at federal and provincial level.

The Ministry of Foreign Affairs would also maintain the updated consolidated list of designated individuals and entities on its official website at the following link:

(<http://www.mofa.gov.pk/contentsro.php>). All federal and provincial stakeholders should regularly access the UNSC Consolidated List to ensure compliance with sanction measures.

FLOW CHART EXPLAIN THE PROCESS FOR IMPLEMENTATION OF UNSC SANCTIONS



2.4. Implementation of Assets Freeze (Targeted Financial Sanctions)

Upon receiving the SROs the following actions would be initiated by the various stakeholders.

2.4.1. Regarding funds, financial assets or economic resources or related services held in the form of bank accounts, stocks or Insurance policies etc.

2.4.1.1. State Bank of Pakistan, Securities and Exchange Commission of Pakistan, Central Directorate of National Savings (CDNS) and Pakistan Post

As regards funds, financial assets or economic resources held in the form of bank accounts, stocks or Insurance policies etc. as well as related services, SBP, SECP, Central Directorate of National Savings and Pakistan Post would take the following actions:

- i. Issue necessary guidelines to their regulated entities requiring them to:
 - i. Freeze funds, financial assets and economic resources of the designated individuals and entities **without delay** upon receiving the S.R.O. “Without delay” is generally interpreted as within 24 hours. The actions are to be taken in accordance with Chapters II and IV of the United Nations Security Council (Freezing and Seizure Order, 2019).

- ii. Maintain updated lists in electronic form and run a check on the given parameters **on an ongoing basis** to verify whether individuals or entities, designated in the S.R.Os issued by MoFA, are holding any funds, financial assets or economic resources and prevent the provision of related services e.g. provision of loans and insurance policies etc.
- iii. The search criteria should include assets owned directly or indirectly or for the benefit of the designated individual or entity.
- iv. In case, there is a **target match**, i.e. all the particulars of the designated entities or individuals mentioned in the SRO, match with particulars of an individual or entity in the databases, the regulated entities would **immediately freeze** such assets and would stop providing services to them.
- v. In case the search in the databases leads not to a **target match** but a **potential match** i.e. where some particulars of the designated individual or entity match with the particulars of an individual or entity in the databases, the concerned regulated entity would immediately convey this information to the regulators (SBP, SECP, CDNS & Pakistan Post), which would immediately forward full particulars of the potential match and the designated individual or entity to the focal point in Ministry of Interior (MoI) for verification of identity.
- vi. On receipt of such particulars, the focal point from MOI would undertake verification through the relevant law enforcement and security agencies for confirmation of the identity. This verification would be completed within a period **not exceeding 5 working days** from the date of receipt of such particulars. During this interim period the entities would place a temporary freeze on the assets of the **potential match** to prevent the funds from being utilized in case an affirmative report is received from the MoI.
- vii. In case, the results of the verification indicate that the **potential match** is in fact the **target match**, the concerned regulated entity would **immediately freeze** the assets under intimation to respective Regulators (SBP, SECP, CDNS & Pakistan Post).
- viii. For the purpose of inter-agency cooperation and for detection of additional assets being owned directly or indirectly by the designated entities and individuals or on their behalf, SECP, CDNS & Pakistan Post would share details of the assets frozen with focal points in MoFA, MOI, NACTA CFT Task Force, FMU, and FIA. Given the bank secrecy laws, SBP would share details of the frozen assets with FMU (in the form of STR) which would then forward it to concerned law enforcement agencies for further investigations in accordance with Anti Money Laundering Act 2010.
- ii. SBP, SECP, CDNS & Pakistan Post would also share monthly compliance reports with focal point in MoFA.

2.4.2. Regarding financial assets or economic resources of the nature of immovable and movable properties

2.4.2.1. Immoveable Assets (Mol, Home Departments, ICT, MoD (Cantonment Boards, DHAs))

The CT Division of MOFA would electronically forward SROs to focal points in all MoD (for Cantonment Boards and DHAs), Mol, Home Departments, and ICT. They will take the following actions:

- i. To identify immoveable assets registered in the names of the designated individuals/entities, from the relevant land registration authorities under their jurisdiction and freeze the titles and seize the assets in accordance with Chapter II and IV of the United Nations Security Council (Freezing and Seizure) Order, 2019.
- ii. The search criteria should include assets owned directly or indirectly or for the benefit of the designated individual or entity.
- iii. In case, there is a **target match**, i.e. all the particulars of the designated entities or individuals mentioned in the SRO, match with particulars of an individual or entity in the databases, the land registration authorities will **immediately freeze** the title to such assets to prevent the sale or transfer of those assets and convey the details of such assets to the respective controlling authorities and the Home Departments.
- iv. The Home Departments will seize the assets in accordance with the Article 15 of the United Nations Security Council (Freezing and Seizure) Order, 2019.
- v. In case the search in the databases leads not to a **target match** but a **potential match** i.e. where some particulars of the designated individual or entity match with the particulars of an individual or entity in the databases, the relevant land registration authority would immediately convey this information to the requesting department (MoD, Mol, Home Departments, and ICT), which would immediately forward full particulars of the potential match and the designated individual or entity to the focal point in Ministry of Interior for verification of identity.
- vi. On receipt of such particulars, the focal point from MOI would undertake verification through the relevant law enforcement and security agencies to confirm the identity. This verification would be completed within a period **not exceeding 5 working days** from the date of receipt of such particulars. During this interim period the land registration authorities would place a **temporary freeze** on the assets of the **potential match** to prevent the assets from being transferred.
- vii. In case, the results of the verification indicate that the **potential match** is in fact the **target match**, the concerned land registration authority would **immediately freeze** the title of the immoveable assets under intimation to requesting authority and the Home Departments which would seize the assets.
- viii. For the purpose of inter-agency cooperation and for detection of additional assets being owned directly or indirectly by the designated entities and individuals or on their

behalf, the MoD, MoI, Home Departments, and ICT would share details of the assets frozen with focal points in MoFA, MOI, NACTA CFT Task Force, FMU, and FIA.

- ix. The land registration authorities would be advised to maintain updated lists in electronic form and run a check on the given parameters **on an ongoing basis** to verify whether individuals or entities, designated in the S.R.Os issued by MoFA, are holding any immoveable assets.
- x. The MoD, MoI, Home Departments, and ICT would share monthly compliance reports with focal point in MoFA.

2.4.2.2. Rents derived from immoveable assets (MoI, Home Departments, Excise Department, ICT, MoD (Cantonment Boards, DHAs))

- i. The Home Departments will also direct the Land Registration Authorities and Excise Departments to search from their databases if the designated individuals and entities are deriving rent from the properties. In such a case the Home Department will have the rent deposited in a special account in accordance with Article 9 of the United Nations Security Council (Freezing and Seizure) Order, 2019.

2.4.2.3. Moveable Assets (MoI, Home Departments, Excise Departments)

- ii. The Home Departments would also forward SROs to the Excise Departments with the instruction to have the names of the designated individuals/entities, verified from their respective motor vehicle registration records.
- iii. In case, there is a **target match**, i.e. all the particulars of the designated entities or individuals mentioned in the SRO, match with particulars of an individual or entity owning the motor vehicle in the databases, the Excise Departments will **immediately freeze** the title of the vehicle in the relevant database to prevent its sale or transfer to a third person and convey the details of such assets to the respective Home Departments.
- iv. The Home Departments will seize the assets in accordance with the Article 14 of the United Nations Security Council (Freezing and Seizure) Order, 2019.
- v. In case the search in the databases leads not to a **target match** but a **potential match** i.e. where some particulars of the designated individual or entity match with the particulars of an individual or entity in the databases, the Excise Departments would immediately convey this information to the Home Departments, which would immediately forward full particulars of the potential match to the focal point in Ministry of Interior for verification of identity.
- vi. On receipt of such particulars, the focal point from MOI would undertake verification through the relevant law enforcement and security agencies to confirm the identity. This verification would be completed within a period **not exceeding 5 working days** from the date of receipt of such particulars. During this interim period the Excise Departments would place a **temporary freeze** on the title of the motor vehicles of the **potential match** to prevent the assets from being transferred.

- vii. In case, the results of the verification indicate that the **potential match** is in fact the **target match**, the concerned Excise Departments would **immediately freeze** the title of the immoveable assets under intimation to the Home Departments which would seize the assets in accordance with the Article 14 of the United Nations Security Council (Freezing and Seizure) Order, 2019.
- viii. For the purpose of inter-agency cooperation and for detection of additional assets being owned directly or indirectly by the designated entities and individuals or on their behalf, the Home Departments would share details of the assets frozen with focal points in MoFA, MOI, NACTA CFT Task Force, FMU, and FIA.
- ix. The Excise Departments would be advised to maintain updated lists in electronic form and run a check on the given parameters **on an ongoing basis** to verify whether individuals or entities, designated in the S.R.Os issued by MoFA, are holding any moveable assets (motor vehicles).

2.4.2.4. Ongoing Monitoring (Mol, Home Departments, CTDs, Special Branch, and Security Agencies)

- i. The Home Departments would forward S.R.Os to the Deputy Commissioners with the direction to use the mechanism of District Intelligence Committees (DICs) to identify other assets which are owned directly or indirectly by designated individuals and entities or by persons acting on their behalf or which are in the use of the designated individuals and entities or from which they are drawing benefit and report to the Home Departments.
- ii. The Home Departments would seize those assets in accordance with Article 15 of the United Nations Security Council (Freezing and Seizure) Order, 2019.
- iii. For the purpose of inter-agency cooperation and for detection of additional assets being owned directly or indirectly by the designated entities and individuals or on their behalf, the Home Departments would share details of the additional assets identified and frozen with focal points in MoFA, MOI, NACTA CFT Task Force, FMU, and FIA.
- iv. Home Departments would direct Deputy Commissioners to conduct ongoing monitoring of the designated individuals and entities, through the DIC mechanism, to ensure that they are complying with the assets freeze provisions.
- v. In the case of designated individuals, the Home Departments will ascertain how they are meeting their day to day expenses and whether they have applied for the exemption from the assets freeze for this purpose, as detailed in Section III of these guidelines and Article 16 of United Nations Security Council (Freezing and Seizure) Order, 2019. In case the designated individuals do not have exemption, it should be treated as a violation of the assets freeze and action should be initiated against them and those persons who have made the funds, financial assets and economic resources available to them in accordance with Sections 11F, 11H, 11I and 11J of the Anti-Terrorism Act 1997, as applicable.

2.4.3. Prohibition on fund raising activities by individuals and entities

The Home Departments (with assistance from LEAs, Security Agencies and SBP/SECP) shall continue to monitor activities of the designated individuals/entities to ensure that they do not engage in any fundraising activities and that no funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by any person (natural or legal); and no person shall make donations to designated individuals and entities or those acting on behalf of or at the direction of the entities.

Fund raising activities through following means would be strictly monitored:

- a. **Hides collection:** No designated entity or individual would be allowed to raise funds through collection of sacrificial hides. Only those charitable organizations, which are not designated, and have the requisite "No Objection Certificate" from the local district administration, would be able to collect hides. In this regard, Focal Points from the Provincial Authorities would share consolidated list of designated individuals and entities with district administrators to ensure that NOCs are not granted to designated entities/individuals. In case of violation, legal action would be taken by respective LEAs in accordance with Sections 11F, 11H, 11I and 11J of the Anti-Terrorism Act 1997, as applicable.
- b. **Chanda/Donation Boxes:** No designated entity or individual would be allowed to raise funds through "Chanda/Donation Boxes". Respective LEAs, under supervision of the Home Departments, shall continue to monitor activities of the designated individuals/entities and immediately dismantle/seize chanda boxes. In case of violation, legal action to be taken by respective LEAs in accordance with Sections 11F, 11H, 11I and 11J of the Anti-Terrorism Act 1997, as applicable.

MoI and Home Departments would take out advertisements in the media periodically to advise the public about the prohibition to make available any funds or financial resources to the designated individuals and entities.

For the purpose of inter-agency cooperation and for detection of additional assets being owned directly or indirectly by the designated entities and individuals or on their behalf, the Home Departments would share details of the assets frozen with focal points in MoFA, MOI, NACTA CFT Task Force, FMU, and FIA.

2.4.4. Prohibition of raising funds online:

No designated entity or individual would be allowed to raise funds through internet or social media. The focal point from the Ministry of Foreign Affairs would share the consolidated list (SROs) with Pakistan Telecommunication Authority (PTA).

- i. The Cyber Crime Wing of FIA and PTA will continuously monitor the internet to prevent any online fundraising activities by the designated individuals/entities within Pakistan.
- ii. In case any designated individual/entity is reportedly using internet and social media platform for fund raising activities, PTA would immediately block the respective webpage/URL under intimation to the focal point in the Ministry of Foreign Affairs.

- iii. In case the webpage is hosted on a secured server hosted outside Pakistan, PTA would approach the company hosting the server for having the link blocked. If there is lack of cooperation from that company, PTA would share details of such links with focal point in Ministry of Foreign Affairs which would take up the issue with concerned host government through proper diplomatic channels.
- iv. PTA would also maintain a database of blocked links/websites which are being used by designated individuals and entities. Details of such blocked links/URLs would be shared with FIA cybercrime wing for further investigations and legal action under the Prevention of Electronic Crimes Act 2016.

2.4.5. Role of Financial Monitoring Unit (FMU)

The focal point from Financial Monitoring Unit (FMU) would regularly receive Suspicious Transactions Reports (STRs) and Cash Transaction Reports (CTRs) from financial institutions and such non-financial businesses and professions as may be necessary to ensure compliance with SROs issued by Ministry of Foreign Affairs and in accordance with Anti Money Laundering Act 2010.

- i. FMU would analyze all the STRs and CTRs. In this respect FMU may call for record and information from any agency or person in Pakistan related to the transaction in question in accordance with Section 4 (b) of the Anti Money Laundering Act 2010. All such agencies or persons shall be required to promptly provide the requested information.
- ii. FMU would also disseminate, after having considered the reports and having reasonable grounds to suspect involvement of any designated individual/entity, the STRs/CTRs and any necessary information to FIA for further inquiry and legal action.

2.4.6. Designated Non-Financial Businesses and Professions (DNFBPs)

The assets freeze obligations also extend to the following businesses and professions:

- Auditors
- Dealers in precious metals or stones
- Estate agents
- External accountants
- Independent legal professionals
- Tax advisers

If one of the above businesses or professions, during the course of carrying out the business have reasonable cause to suspect that a designated individual or entity has approached or has engaged in a business transaction, the matter must be reported to the respective Home Department. The nature and amount or quantity of any funds or economic resources involved or held by the business or profession must also be reported.

The Home Departments would further proceed in the matter in accordance with preceding paragraphs of these guidelines, as applicable.

2.4.7. Cases of inadvertent assets freeze (false positions)

Any individual or entity, if it has evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned/held by them have been **inadvertently frozen**, they shall move an application giving the requisite evidence, in writing, to the concerned agency (e.g. bank, stock exchanges/ depositories, intermediaries regulated by SECP, insurance companies, Registrar of Immovable Properties and the concerned focal points in the Home Departments, as applicable).

The concerned agency shall forward a copy of the application together with full details of the asset frozen given to the MoI. On receipt of such particulars, the focal point from MOI would undertake verification through the relevant law enforcement and security agencies to confirm the identity. This verification would be completed within a period **not exceeding 5 working days** from the date of receipt of such particulars.

In case the identity of the individual/entity is not verified, the MoI will convey this information to the relevant agency holding the asset and that agency would unfreeze the assets. However, if the identity of the individual/entity is confirmed, the MoI will convey this information to the concerned agency which will continue to maintain the assets freeze.

2.5. Implementation of Travel Ban

The CT Division of MOFA, shall forward the SRO (electronically and manually) to Ministry of Interior, FIA, Directorate General of Immigration & Passports (IMPASS), National Database and Registration Authority (NADRA) and security agencies. Following actions will be taken:

- i. The names of the designated individuals would immediately be placed in the block list maintained by FIA and IMAPSS.
- ii. If there is a positive match for a designated individual who is a foreign national, attempting to enter or transit Pakistan, the person will be refused entry or transit and the matter will be reported to the Focal Point at FIA Headquarters. The Focal Point from FIA will report the matter to the Focal Point at MOI, who will in turn report to the DG (CT), MoFA.
- iii. If there is a positive match for a designated individual who is a Pakistani national attempting to enter or transit Pakistan the person will be allowed entry but transit would be refused and the matter will be reported to the Focal Point at FIA Headquarters. The Focal Point from FIA will report the matter to the Focal Point at MOI, who will in turn report to the DG (CT), MoFA.
- iv. If there is a positive match for a designated individual who is a Pakistani national attempting to exit Pakistan, the person will be refused exit and the matter will be reported to the Focal Point at FIA Headquarters. The Focal Point from FIA will report the matter to the Focal Point at MOI, who will in turn report to the DG (CT), MoFA.

The Focal Point from Ministry of Foreign Affairs will also share the SROs and the consolidated list with the Pakistan Embassies and Consulates abroad. The concerned visa officer would ensure that if there is a positive match for an individual applying for a visa to enter Pakistan

the visa should not be issued and report the matter to Director General (CT), Ministry of Foreign Affairs.

2.6. Arms Embargo

For implementation of arms embargo, the Ministry of Foreign Affairs will transmit the S.R.Os to the focal points in the Ministry of Interior, the Home Departments and the intelligence agencies. Following actions would be taken by all concerned to ensure that the arms embargo is implemented on the designated individuals and entities.

- i. Cancel arms licenses that have been issued to any designated individual/entity.
- ii. MOI and Home Departments would instruct the LEAs to seize all licensed arms/weapons from the designated individuals/entities.
- iii. The LEAs and intelligence agencies to monitor the designated individuals and entities to ensure that they do not procure arms and related materials or are provided to them from any source.
- iv. The Focal point from Customs Department (FBR), as part of its process for the registration of importers and exporters, shall run the names of the import or export entities and related persons against the names in the Sanctions Lists.
- v. If a name match is detected, the Customs Department will initiate inquiries to confirm the nature of the goods to be imported or exported to ensure that weapons and ammunition and other goods will not be traded in contravention of SROs. Customs Intelligence Directorate will also have ready access to the sanctions lists for purpose of checking names of persons or entities that come to notice.
- vi. If shipments of arms and related materials are detected by Customs being smuggled into or out of Pakistan or otherwise entering or leaving Pakistan, the investigation of such detections should include inquiries to determine if the goods are in any way related to an individual or entity on the sanctions lists. Goods deemed to be covered by the provisions of the SROs should be attached for inquiry and investigation. The Customs Department would arrange training for relevant officers to ensure they have the knowledge and skills to implement the SROs.
- vii. Fortnightly compliance report would be shared with focal point from CT Division Ministry of Foreign Affairs.

SECTION III

3. EXEMPTIONS FROM SANCTIONS MEASURES

3.1. Exemption from Asset Freeze

The assets freeze provisions do not apply to necessary basic expenses, such as payments for food, rent or mortgage, medicine and medical care, health insurance, taxes and professional fees for maintenance of frozen funds, etc. or for extraordinary expenses approved by the 1267 Committee or the 1988 Committee. However, the designated person or entity has to apply for the exemption in accordance with Article 16 of United Nations Security Council (Freezing and Seizure) Order, 2019. Details of such exemptions as allowed by UNSC are annexed (**Annex VIII**)

An individual or entity may make application for exemption from the freezing provisions. The application for exemption must contain the following details.

recipient (name and address)

- i. recipient's permanent reference number on the Al-Qaida or Taliban Sanctions Lists**
- ii. recipient's bank information (name and address of bank, account number)**
- iii. purpose of payment and justification of the determination of the expenses falling under paragraph 1(a) or under paragraph 1(b) of UNSC Resolution 1452 (2002):**

- under paragraph 1(a):

- basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;**
- payment of reasonable professional fees and reimbursement of incurred expenses associated with the provisions of legal services;**
- fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources under paragraph 1(b):**
- extraordinary expenses (other categories than the ones mentioned under paragraph 1 (a)).**
 - a. amount of instalment**
 - b. number of instalments**
 - c. payment starting date**
 - d. bank transfer or direct debit**

- e. interests
- f. specific funds being unfrozen
- g. other information.

The application will be processed in the following manner read in conjunction with Article 16 of the United Nations Security Council (Freezing and Seizure) Order, 2019.

- i. Ministry of Foreign Affairs will receive the application (Form C of United Nations Security Council Freezing and Seizure Order 2019) from the individual or entity directly or through a reporting agency.
- ii. The application will be assessed to determine if the exemption, including nature of expenses, amount of instalment and number of instalments is reasonable given all the circumstances.
- iii. In case of application for basic expenses, the Ministry of Foreign Affairs, through its Permanent Mission in New York, will notify the respective UNSC Committee of the intention to grant the exemption from the asset freeze.
- iv. The respective Sanctions Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 3 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification. The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.
- v. Upon receipt of the decision from the relevant Sanctions Committee, Ministry of Foreign Affairs would inform the applicant as well as the respective agency responsible for de-freezing of assets for provision of basic expenses, as approved by the relevant UNSC Sanctions Committee in line with Article 18 of United Nations Security Council (Freezing and Seizure) Order, 2019.
- vi. FMU will monitor transaction granted under the exemption to ensure all dealings are in accordance with the determination of the exemption granted by Sanctions Committee.

3.2. Exemption from Travel BAN

There are, in limited circumstances, exemptions from the travel ban. The travel ban imposed under the Al-Qaida/Taliban sanctions regime shall not apply where the 1267 Committee or 1988 Committee determines, on a case by case basis only, that the entry or transit is justified. Further guidance on exemptions is provided by the 1267 Committee in section 12 of its

Guidelines of the Committee for the Conduct of its Work and by the 1988 Committee in section 13 of its *Guidelines of the Committee for the Conduct of its Work*.

SECTION IV

4. DELISTING PROCEDURE

Individuals and Entities who have been designated by Security Council's 1267/2253/2368 Sanctions regime can apply for de-listing by following the procedure mentioned below:

4.1. Procedure for de-listing under 1989 Al-Qaida/Da'esh Sanctions Committee

A petitioner seeking to submit a request for delisting can do so directly, or through a representative, by contacting the **Office of the Ombudsperson**. The contact particulars for the Office of the Ombudsperson are as follows:

Office of the Ombudsperson
Room DC2-2206
United Nations New York, NY 10017
United States of America
Tel: +1 212 963 8226
E-mail: ombudsperson@un.org

The website of the Ombudsperson sets out the procedures and requirements for making such a request.² Delisting requests should contain the following information:

- a. 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 individual or entity);
- b. the designee's current occupation and/or activities, and any other relevant information, such as information on assets;
- c. any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

For a deceased individual, the following information should be included:

- a. death certificate or similar official documentation confirming the death whenever possible;
- b. whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the Sanctions Lists.

In cases where the Ombudsperson recommends retaining a name on the ISIL (Da'esh) & Al-Qaida Sanctions List, the measures will remain in place. In cases where the Ombudsperson recommends delisting, the name will be removed from the ISIL (Da'esh) & Al-Qaida Sanctions List after a fixed time period unless (a) all fifteen members of the Committee are in favour of maintaining the listing; or (b) the matter is referred to the Security Council for a decision.

²<https://www.un.org/sc/suborg/en/ombudsperson>

4.2. Procedure for de-listing under 1988 Taliban Sanctions Committee

A petitioner designated under 1988 Taliban Sanctions Committee seeking to submit a request for delisting to the **Focal Point for Delisting** established pursuant to resolution 1730 (2006). Contact details for the focal point are as follows:

Focal Point for De-listing
Security Council Subsidiary Organs Branch
Room DC2 2034
United Nations, New York, N.Y. 10017
United States of America
Tel. +1 917 367 9448
Fax. +1 212 963 1300
Email: delisting@un.org

Delisting requests should contain the following information:

- a. explanation as to why the designation does not or no longer meets the Listing Criteria (in particular through countering the reasons for listing as stated in the publicly releasable statement of case for that particular individual or entity);
- b. the petitioner's current occupation and/or activities, and any other relevant information;
- c. any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

For a deceased individual, the petition shall be submitted either directly to the Committee by a State, or through the Focal Point for Delisting by his/her legal beneficiary, together with an official documentation certifying that status. The statement of case supporting the delisting request shall include the following information:

- a. death certificate or similar official documentation confirming the death;
- b. whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the Sanctions Lists.

In cases where the Focal Point recommends retaining a name on the Taliban Sanctions List, the measures will remain in place. If the Taliban Sanctions Committee approves the delisting request, the Secretariat will, after removal of the name from the List, notify the Permanent Mission of the concerned country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national or resident (to the extent this information is known).

4.3. Consequences of Delisting

Once an individual or entity is removed/de-designated from the sanctions list, the Ministry of Foreign Affairs, upon notification from the relevant Sanctions Committee, would immediately issue an SRO, instructing all national stakeholders that the de-designated individual or entity is no longer subject to sanction measures.

SECTION V

5. MECHANISM FOR SUBMITTING PROPOSALS FOR DESIGNATION TO 1988 TALIBAN AND 1989 AL-QAIDA/DA'ESH SANCTIONS COMMITTEES

S.R.O 1014 (I)/2018 dated 24 August 2018 lays down the mechanism for proposing the designation of persons and entities to the 1267 Committee.

5.1. Mechanism

A Committee, comprising the following members is responsible for proposing names of individuals and entities for listing to the UN Security Council 1267 & 1989/2253/2368 (Al-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime):

- i. Representative from Ministry of Foreign Affairs;
- ii. Representative from Ministry of Interior;
- iii. Representative from Intelligence Bureau;
- iv. Representative from Inter-Services Intelligence; and
- v. Representative from National Counter Terrorism Authority.

5.2. The terms of reference of the Committee

- i. The Committee shall be responsible for proposing names of individuals and entities for listing to the 1267/1989 (Al-Qaida/Da'esh Sanctions regime) and/or 1989 Sanctions Committees (Taliban Sanctions regime);
- ii. The identification of individuals and entities for designation shall be done on the basis of listing criteria set out in the relevant United Nations Security Council resolutions;
- iii. While formulating these proposals, the evidentiary standard of proof of "reasonable grounds" or "reasonable basis" shall be applied;
- iv. Ministry of Foreign Affairs shall be the competent authority for submitting final proposals to the relevant United Nations Security Council Sanctions Committees through its Permanent Mission in New York;
- v. The proposals shall be submitted on the standard forms for listing, as adopted by the relevant Sanctions Committee (Annex). The standard forms shall contain as much detailed information as possible to provide the basis for listing; and
- vi. The Committee shall also be responsible for procedures to facilitate review by the 1267/1989 (Al-Qaida/Da'esh Sanctions regime) and/or 1989 Sanctions Committees (Taliban Sanctions regime) in accordance with any applicable guidelines or procedures adopted by the relevant United Nations Security Council Sanctions Committee.

SECTION VI

6. NATIONAL COMMITTEE FOR OVERSEEING IMPLEMENTATION OF SANCTION MEASURES

S.R.O 1015 (I)/2018 dated 24 August 2018 has established a National Committee for overseeing implementation of sanctions against individuals and entities designated by UN Security Council 1267 & 1989/2253/2368 (A1-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime).

6.1. Members

The membership of the National Committee consists of the following federal and provincial ministries, departments and agencies:

1. Ministry of Foreign Affairs
2. Ministry of Interior
3. Ministry of Finance
4. Ministry of Law and Justice
5. Ministry of Human Rights
6. Ministry of Information , Broadcasting and National Heritage
7. Ministry of States and Frontier Region (SAFRON)
8. Intelligence Bureau
9. National Accountability Bureau
10. National Counterterrorism Authority
11. Federal Investigation Agency
12. Immigration and Passport Office
13. Pakistan Electronic Media Regulatory Authority
14. Pakistan Telecommunication Authority
15. Securities and Exchange Commission of Pakistan
16. Inter Services Intelligence Directorate General
17. State Bank of Pakistan
18. Financial Monitoring Unit
19. Federal Board of Revenue
20. National Database and Registration Authority (NADRA)
21. Chief Commissioner, Islamabad
22. Ministry of Information Broadcasting and National Heritage
23. Chief Secretary Office, Government of Punjab
24. Chief Secretary Office, Government of Sindh
25. Chief Secretary Office, Government of KPK
26. Chief Secretary Office, Government of Baluchistan
27. Chief Secretary Office, Government of Azad Jammu and Kashmir
28. Chief Secretary Office, FATA
29. Home Secretary Office, Government of the Punjab
30. Home Secretary Office, Government of Sindh
31. Home Secretary Office, Government of KPK
32. Home Secretary Office, Government of Baluchistan
33. Attorney General of Pakistan Office.

6.2. Terms of reference:

- i. The Committee shall be responsible for overseeing the implementation of sanctions measures against Al-Qaida/Da'esh and Taliban associated individuals and entities under the UN Security Council 1267 & 1989/2253/2368 (Al-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime), implemented through SROs issued under Pakistan's United Nations (Security Council) Act 1948 (XIV of 1948).
- ii. To provide guidance to the stakeholders on implementation of the sanctions measures.³
- iii. To seek compliance reports from all concerned at the Federal and Provincial levels regarding the measures taken towards the implementation of the sanctions
- iv. To discuss or review cases of non-compliance with the sanctions regime and recommend actions
- v. To take-up any ancillary and incidental matter thereto; and
- vi. To fulfil the above-mentioned task, the Committee may invite any concerned Federal or Provincial Ministry or Department or agency to attend its meetings, as required.

³ These guidelines have been issued in pursuance of this power under SRO No 1015 dated 24 August 2018.

SECTION VII

7. PENALTIES FOR SANCTIONS VIOLATIONS

7.1. Penalty for Violation of SROs issued under UN Security Council Act 1948

Section 2 of the United Nations (Security Council) Act 1948 clearly states that provision may be made for the punishment of person (s) found in violation of the SROs. The **United Nations Security Council (Enforcement) Order, 2012** notified vide S.R.O. 381 (I)/2012 dated 29th March, 2012 and last amended on 11th January, 2013 prescribed the penalty for violation of SROs.

7.1.1. Penalty for non-compliance

If any person, including a company or other juristic body, fails or refuses to comply with any SRO issued under UNSC Act 1948, the Federal Government may, if satisfied, after giving the opportunity of being heard, that the non-compliance or violation was wilful, can impose a fine of up to **10 Million Rupees**.

7.1.2. Authority

The Secretary, Ministry of Foreign Affairs, or any officer authorized by him on his behalf but not below the rank of Additional Secretary is the authority for imposition of the penalty.

Ministry of Foreign Affairs being the authority under S.R.O 381 dated 29 March 2012 has the powers to seek assistance from any Division, Department, Agency of the Federal and/or Provincial Government, regulatory bodies, LEAs including Police and FIA, for imposition of the penalty.

In this regard all Provincial and Federal Ministries/Departments and Agencies would share regular information about incidences of “non-compliance” with Ministry of Foreign Affairs. Once an incident of **wilful non-compliance** of SRO is brought to the attention of Ministry of Foreign Affairs, it would impose a penalty on the person, company or other juristic body in violation of the SRO, as applicable.

7.2. SBP & SECP

SBP and SECP shall impose penalties for violation of the SROs, on entities falling within their mandate, in accordance with their own laws and regulations.

7.3. Penalties for criminal violations of the sanctions

7.3.1. Assets Freeze

Persons within the territory of Pakistan, who wilfully violate the assets freeze provisions of the UNSC 1267 sanctions regime including making available funds, financial assets or economic resources, directly or indirectly for the benefit of designated persons or designated entities or those who act on behalf of or at the direction of the designated persons or designated entities, as explained in section 1.3 of this document, shall be prosecuted in accordance with Sections 11 H, 11 I and 11 J, as applicable. Some examples of violations and

suggested action are given below:

Scenario 1 (Provision of funds and economic resources indirectly): Individual X is not designated on the UN consolidated list and is not a member of the designated entity. However, individual X is raising funds on behalf of a designated Entity Y (a UN listed entity) through any means including: funds collection through charity and/or hides collection etc. In such a case, legal action to be taken against Individual X.

Scenario 2 (Provision of funds and economic resources directly): Entity X is designated on the UN consolidated list. Members of the Entity X (who themselves may or may not be on the consolidated list) attempt to raise fund with the view to provide humanitarian or emergency relief work to general public. In such a case, legal action to be taken against members of the Entity X, as the asset freezing restrictions apply to all activities including any apparent charitable or humanitarian efforts.

Scenario 3 (Provision of funds and economic resources for the benefit of or on behalf of): Individual X is not a listed on the UN Consolidated list. However, he wilfully holds legal title to any financial asset (moveable or immovable property including any motor vehicle) for the benefit of or on behalf of a designated Entity Y and/or designated Individual Z. In such a case, legal action to be taken against Individual X.

7.3.2. Violation of Arms Embargo

Persons involved in violations of the arms embargo provisions of the UNSC 1267 sanctions regime shall be prosecuted under the relevant Provincial laws (Arms Ordinances), as if those persons committed offences under those laws. Example of violations and suggested actions are given below:

Scenario 1: Individual X is a designated individual on the UN Consolidated list. He continues to keep in his possession any weapon for his personal use or security. In such a case, legal action to be taken against X for unauthorized access to arms.

Scenario 2: Individual X is a designated individual on the UN Consolidated list. His friend Y (not on the UN list) provides him access to arm(s). In such a case, legal action to be taken against individual Y for giving Individual X unauthorized access to arms.

Scenario 3: Individual X is a designated individual on the UN Consolidated list. His bodyguard Y (not on the UN list) has access to arm(s) for the purpose of providing security. In such a case, legal action to be taken against individual Y for giving Individual X unauthorized access to arms.

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NATIONAL COMMITTEE FOR OVERSEEING IMPLEMENTATION OF SANCTIONS



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, AUGUST 24, 2018

Part II
Statutory Notifications (S.R.O.)

Government of Pakistan
MINISTRY OF FOREIGN AFFAIRS
ORDER

Islamabad the 24 August, 2018

S.R.O. 1015 (I)/2018 – WHEREAS the United Nations Security Council *vide* its Resolutions Numbers. 1267(1999), 1333 (2000), 1373 (2001), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), 2082 (2012), 2083 (2012), 2133 (2014), 2160 (2014), 2161 (2014), 2170 (2014), 2178 (2014), 2199 (2015), 2253 (2015), 2255 (2015) and 2368 (2017) has directed to apply travel restrictions, arms embargo and to freeze the funds and other financial resources of certain individuals and entities;

AND WHEREAS the United Nations (Security Council) Act, 1948 (XIV of 1948) enjoins upon the Federal Government to apply certain measures for giving effect to the decisions of the United Nations Security Council;

NOW, THEREFORE, in exercise of the powers conferred by Section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948), it has been decided to constitute a Committee consisting of the representatives from the following Ministries and Departments, for overseeing implementation of sanctions against individuals and entities listed by the UN Security Council 1267 & 1989/2253/2368 (Al-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime) namely:

- i. Ministry of Foreign Affairs;
- ii. Ministry of Interior;
- iii. Ministry of Finance;
- iv. Ministry of Law and Justice;
- v. Ministry of Human Rights;
- vi. Ministry of Information , Broadcasting and National Heritage;
- vii. Ministry of States and Frontier Region (SAFRON);
- viii. Intelligence Bureau;
- ix. National Accountability Bureau;
- x. National Counterterrorism Authority;
- xi. Federal Investigation Agency;
- xii. Immigration and Passport Office;
- xiii. Pakistan Electronic Media Regulatory Authority;
- xiv. Pakistan Telecommunication Authority;
- xv. Securities and Exchange Commission of Pakistan;
- xvi. Inter Services Intelligence Directorate General;
- xvii. State Bank of Pakistan;
- xviii. Financial Monitoring Unit;
- xix. Federal Board of Revenue;
- xx. National Database and Registration Authority (NADRA);
- xxi. Chief Commissioner, Islamabad;
- xxii. Ministry of Information Broadcasting and National Heritage;
- xxiii. Chief Secretary Office, Government of Punjab;
- xxiv. Chief Secretary Office, Government of Sindh;
- xxv. Chief Secretary Office, Government of KPK;
- xxvi. Chief Secretary Office, Government of Baluchistan;
- xxvii. Chief Secretary Office, Government of Azad Jammu and Kashmir;
- xxviii. Chief Secretary Office, FATA;
- xxix. Home Secretary Office, Government of the Punjab;
- xxx. Home Secretary Office, Government of Sindh;
- xxxi. Home Secretary Office, Government of KPK;
- xxxii. Home Secretary Office, Government of Baluchistan; and
- xxxiii. Attorney General of Pakistan Office.

The terms of reference of the Committee are as under:

- a) The Committee shall be responsible for overseeing the implementation of sanctions measures against Al-Qaida/Da'esh and Taliban associated individuals and entities under the UN Security Council 1267 & 1989/2253/2368 (Al-Qaida/Da'esh Sanctions regime) and Security Council 1988/2254 (Taliban Sanctions regime), implemented through SROs issued under Pakistan's United Nations (Security Council) Act 1948 (XIV of 1948);
- b) to provide guidance to the stakeholders on implementation of the sanctions measures;
- c) to seek compliance reports from all concerned at the Federal and Provincial levels regarding the measures taken towards the implementation of the sanctions;

- d) to discuss or review cases of non-compliance with the sanctions regime and recommend actions;
- e) to take-up any ancillary and incidental matter thereto; and
- f) to fulfil the above-mentioned task, the Committee may invite any concerned Federal or Provincial Ministry or Department or agency to attend its meetings, as required.

United Nations Security Council (Freezing and Seizure) Order, 2019

ORDER

S.R.O. 261 (I)/2019 dated 4 March 2019 - In exercise of the powers conferred by section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948), the Federal Government is pleased to make the following Order, namely:-

**CHAPTER I
PRELIMINARY**

1. Short title and commencement.-(1) This Order may be called the United Nations Security Council (Freezing and Seizure) Order, 2019.

(2) It shall come into force at once.

2. Definitions:- (1) In this Order, unless the context otherwise requires,-

(a) **“Act”** means the United Nations (Security Council) Act, 1948 (XIV of 1948);

(b) **“Authorized Agency”** means the Ministry of Foreign Affairs and such other agency or department designated by it;

(c) **“Designated”** means the listing of entities and individuals by the Sanctions Committee of the United Nations Security Council for applying sanctions including freezing and seizing **properties** of such entities, individuals as the case may be; and “designated entity” and “designated individual” shall be construed accordingly;

(d) **“Domestic listing”** means the issuance of an order by the Federal Government pursuant to section 2 of the Act to list a designated entity or designated individual in Pakistan for applying **sanctions** including freezing and seizing properties of such entity or individual;

(e) **“Effective Control”** means the ability to exercise actual or constructive control over a property whether or not that control is supported by any right, interest or other legally enforceable power relating to the property;

(f) **“Form”** means a form appended to this Order;

(g) **“Freeze”** means to take an action to prohibit the transfer, conversion, disposition or movement of a property;

(h) **“Person”** includes any agency, association, authority, body, company, department, entity, firm, office or individual;

(i) **“Property”** means property of any description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and includes deeds and instruments evidencing title to, or **interest** in, such property, including cash and monetary instruments, wherever located;

(j) **“Seize”** means to take custody or control of a property with a view to prohibit transfer, conversion, disposition or movement of the property; and

(k) **“Seizing Agency”** means any person, whether governmental or non-governmental, public or private, to whom a request is made by the Authorized Agency to freeze or seize any property.

(2) All other terms and expressions used but not defined in this Order shall have the same meaning as assigned to them in the Pakistan Penal Code, 1860 (XLV of 1860) or the Code of Criminal Procedure, 1898 (V of 1898).

CHAPTER II FREEZING AND SEIZURE

3. Obligation to freeze and seize.-(1) Any person in effective control of any property of a designated entity or designated individual shall freeze or seize such property without delay.

(2) The obligation under clause (1) shall,-

(a) commence from the date of notification of the domestic listing concerning the designated entity or designated individual; and

(b) be performed by any person to whom the direction in this regard is made by the Authorized Agency unless such person sufficiently explains that it is not in effective control of the property.

4. Properties to be frozen or seized.-(1) The properties liable to be frozen or seized pursuant to the Act include:-

(a) the properties owned or controlled, wholly or partly, directly or indirectly, by a designated entity or designated individual;

(b) the properties owned or effectively controlled by any person acting on behalf of or at the direction of any designated entity or designated individual; and

(c) the income, rents, profits, returns and any other increase or addition to such properties.

(2) The seizing agency shall act as the caretaker of the properties frozen or seized by it until further directions are issued by the Authorized Agency.

5. Prohibition.-As and when a property is frozen or seized, no further use, transfer, conversion, disposal, removal or dealing of such property shall take place except with prior written approval of the Authorized Agency.

CHAPTER III REPORTING

6. Responsibility of seizing agency. -The seizing agency carrying out the freeze or seizure of a property shall-

- (a) submit a report as set out in Form-A to the Authorized Agency within forty-eight hours of the freezing or seizure; and
- (b) attach with the report copies of any documents in its possession concerning the property that has been frozen or seized.

7. Information to persons having interest in property. -Within forty-eight hours of receipt of the report under Article 6, the Seizing Agency shall issue a notice of freezing or seizure of the property to the concerned designated entity or designated individual and any other person affected by the freezing or seizure of the property, as set out in Form-B.

CHAPTER IV MODE OF FREEZE OR SEIZURE

8. Procedure of freezing etc.-The properties of a designated entity or designated individual shall be frozen or seized in the manner given in this chapter and, where a specific provision has not been made, in such manner so as to ensure that the property is not acquired, used, converted, transferred, concealed, removed or otherwise dealt with by any person except with prior written approval of the Authorized Agency.

9. Deposit in Bank.-Any money, cash, instruments and articles of value seized may be deposited for safe custody with a bank or financial institution designated by the Seizing Agency and such bank shall issue a proper receipt for the money, instruments and articles of value so deposited.

10. Property in lockers.-Any money or articles of value deposited with the banks or financial institutions or placed in their safe lockers shall be frozen and no further dealings or transactions shall be made with respect to such money or articles, without prior permission of the Authorized Agency.

11. Profit.-The seizing agency may receive any profit, interest, income, return, earning or other addition relating to the property frozen or seized by it, which shall also be subjected to freezing or seizure, as the case may be, on receipt.

12. Rights of third parties.-A debt or other payment obligation, or securities owed, to a designated entity or designated individual by a third party shall not be paid for the benefit

of such entity or individual and the same shall be paid and dealt with in the manner set out in Articles 9 or 10 or 11.

13. Freezing by non-banking finance companies etc.- A corporate entity, including non-banking finance company, stock exchange, clearing house, or a depository company shall freeze and shall not transfer any share, debenture, bond, unit trust, or any other instrument of investment of a designated entity or designated individual:

Provided that any dividend, profit, return or bonus shares shall accrue but shall not be paid to the owners of such shares except with the prior written approval of the Authorized Agency.

14. Movable property:-The seizing agency shall not deliver possession of a movable property to the designated entity or designated individual and shall be responsible for the due custody thereof until further directions are issued by the Authorized Agency:

Provided that when the property seized is perishable or subject to speedy and natural decay, the seizing person may sell or auction it at once with permission of the Authorized Agency and submit a report about details of the sale to the Authorized Agency.

15. Immovable property.-An immovable property shall be frozen by way of avoiding or restraining the transfer of, or creation of an encumbrance over, such property.

CHAPTER V EXEMPTIONS FROM ASSETS FREEZE

16. Access to properties.-A designated entity or designated individual may submit written application as set out in Form C to the Authorized Agency for access to such services, money or other properties frozen or seized pursuant to the Act that are necessary to make payments to meet the following expenses, which may include family subsistence depending upon size of the family, namely:-

- (a) foodstuffs;
- (b) rent or mortgage;
- (c) medicines and medical treatment;
- (d) taxes;
- (e) insurance premiums;
- (f) public utility charges;
- (g) reasonable professional fees for the provision of legal services;
- (h) fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources;
- (i) education; and
- (j) bank loans.

17. Application for access to money or other properties.-The application for access to money or other properties frozen pursuant to the Act shall specify the types of expenses or payments for which exemption from freezing or seizure is sought, the total amount of money

or other property required for the purpose and full details to substantiate the need for such money or other property.

18. Grant of access.- The access to money or other properties may be granted by the Authorized Agency subject to any general or special conditions.

CHAPTER VI MISCELLANEOUS

19. Provision to be in addition and not in derogation.-The provisions of this Order shall be in addition to and not in derogation of any other provisions on attachment, seizure or confiscation of properties provided in the Code of Criminal Procedure, 1898 (Act V of 1898) or any other law for the time being in force.

20. Management of properties. -The Authorized Agency may enter into an arrangement to manage, preserve, recover or dispose off the properties frozen or seized pursuant to the Act and issue such directions and exercise such powers as may be necessary for proper management, preservation, recovery or disposal of the properties.

Form – A
[See Article 6 (a)]
Report on Freeze or Seizure of Property
of designated entities or designated individuals

This report is submitted pursuant to Article 6 in relation to the obligation to freeze or seize properties of designated entities and designated individuals.

1. Date of Report:
2. Date of Freeze or Seizure:
3. Location of Property:
4. Nature and particulars of Property frozen or seized:
5. Estimated Value of Property (if known):
6. Whether Property requires any special treatment (give details):
7. Name(s) of designated entity(s) or designated individual(s):
8. Address(s) of designated entity(s) or designated individual(s):
10. CNIC No. of the office bearers of designated entity(s) or designated individual(s):
11. Name(s) of affected person(s):
12. Address(s) of affected person(s):
13. CNIC No. of affected person(s):
14. Name of Reporter:
15. Authorized Officer of Reporter (in case of entities or bodies):
16. Signature and stamp:

FORM-B
[See Article 7]

Date
Name of the Person
Address

NOTICE OF FREEZE AND SEIZURE OF PROPERTIES

WHEREAS pursuant to Section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948) read with Article 6 and Statutory Regulatory Order No. **** dated ****, following properties have been frozen and/or seized:

Property 1:
Property 2:
Property 3:

AND WHEREAS the access to the above Properties may be granted by this Office under articles 16 and 17 of the United Nations Security Council (Freezing and Seizure) Order, 2019 for due cause shown.

AND WHEREAS the details of procedure for seeking exemptions from the freeze and/or seizure of the above Properties and removal from the list of the Sanctions Committee of the United Nations Security Council is provided in the Appendix attached herewith.

NOW, THEREFORE, take notice that no use, transfer or dealing in the above Properties is allowed except in accordance with the conditions and procedures mentioned herein. Any violation thereof shall be punishable pursuant to section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948) read with Statutory Regulatory Order No. 13 (I)/2013 dated 11 January 2013.

Authorized Agency

FORM-C
[See Articles 16 and 17]

PART-A: EXEMPTIONS FROM SANCTIONS MEASURES

Exemption from Freeze or Seizure of Properties

1. A designated individual or entity may make application for exemption from the freezing provisions. The application for exemption must contain the following details.

- recipient (name and address)
- recipient's permanent reference number on the Al-Qaida or Taliban Sanctions Lists
- recipient's bank information (name and address of bank, account number)
- purpose of payment and justification of the determination of the expenses falling under paragraph 1(a) or under paragraph 1(b) of UNSC Resolution 1452 (2002):
 - under paragraph 1(a):
- basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- payment of reasonable professional fees and reimbursement of incurred expenses associated with the provisions of legal services;
- fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources under paragraph 1(b):
- extraordinary expenses (other categories than the ones mentioned under paragraph 1 (a)).
 - amount of installment
 - number of installments
 - payment starting date
 - bank transfer or direct debit
 - interests
 - specific funds being unfrozen
- other information.

2. The application will be processed in the following manner:

2.1 Ministry of Foreign Affairs will receive the application from the individual or entity directly or through a reporting agency.

2.2 The application will be assessed to determine if the exemption, including nature of expenses, amount of installment and number of installments is reasonable given all the circumstances.

2.3 In case of application for basic expenses, the Ministry of Foreign Affairs, through its Permanent Mission in New York, will notify the respective UNSC Committee of the intention to grant the exemption from the asset freeze.

2.4 The respective Sanctions Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 3 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification. The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.

2.5 Upon receipt of the decision from the relevant Sanctions Committee, Ministry of Foreign Affairs would inform the respective agency responsible for de-freezing of assets for provision of basic expenses, as approved by the relevant UNSC Sanctions Committee.

PART-B: PROCEDURES FOR DELISTING UNDER 1267/2253/2368 AI QAIDA/Da'esh SANCTIONS REGIME

3. Individuals and Entities who have been listed by Security Council's 1267/2253/2368 Sanctions regime can apply for de-listing by following the procedure mentioned below:

3.1 A petitioner seeking to submit a request for delisting can do so directly, or through a representative, by contacting the Office of the Ombudsperson. The contact particulars for the Office of the Ombudsperson are as follows:

Office of the Ombudsperson
Room DC2-2206
United Nations
New York, NY 10017
United States of America
Tel: +1 212 963 8226
E-mail: ombudsperson@un.org

4. The website⁴ of the Ombudsperson sets out the procedures and requirements for making such a request. Delisting requests should contain the following information:

- 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 individual or entity);

⁴<https://www.un.org/sc/suborg/en/ombudsperson>

- the designee’s current occupation and/or activities, and any other relevant information, such as information on assets;
- any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

5. For a deceased individual, the following information should be included:

- death certificate or similar official documentation confirming the death whenever possible;
- whether or not any legal beneficiary of the deceased’s estate or any joint owner of his /her assets is on the Sanctions Lists.

6. In cases where the Ombudsperson recommends retaining a name on the ISIL (Da'esh) & Al-Qaida Sanctions List, the measures will remain in place. In cases where the Ombudsperson recommends delisting, the name will be removed from the ISIL (Da'esh) & Al-Qaida Sanctions List after a fixed time period unless (a) all fifteen members of the Committee are in favour of maintaining the listing; or (b) the matter is referred to the Security Council for a decision. These procedures are set out in more detail in resolution 2368 (2017).

Summary of Important UNSC Resolutions Relating To 1267 Sanctions Regime

UNSCR 1989 (2011) / 2253 (2015) / 2368 (2017) Al-Qaida/Da'esh Sanctions Committee

As mentioned above UNSCR 1267 (1999) was adopted in 1999, after recalling previous resolutions on the situation in Afghanistan. This Resolution established a sanctions regime to cover individuals and entities associated with Al-Qaida, Osama bin Laden and/or the Taliban. The sanctions regime has since been reaffirmed and modified by a number of subsequent UN Security Council Resolutions. The regime is composed of a UN Security Council Committee, a consolidated list of individuals and entities it has determined as being associated with Al-Qaida/Da'esh or the Taliban, and sanctions which must be implemented by each Member State. The Resolution also provides for the Committee to receive reports from each Member State as to how they are working under UNSC Resolution 1267.

The UNSC established a 1267 Monitoring Team pursuant to UNSCR 1363, adopted in July 2001. The Monitoring Team is responsible to:

- (a) Monitor the implementation of measures included in resolution 1267 and 1333;
- (b) Provide assistance to states neighboring Afghan territory under Taliban control with regard to the implementation of the sanctions; and
- (c) Investigate violations of the measures.

Brief overview of some of the most important UNSCRs in the context of Al-Qaida/Da'esh Sanctions Committee is as follows:

UNSCR 1526 (2004) strengthened sanctions, including the freezing of financial assets and funds controlled by the Taliban, Al-Qaida, Osama bin Laden and other groups. All states were called upon to cut the supply of financial assets and funds to designated individuals and organizations and to establish internal procedures for the monitoring of currency across borders. At the same time, states had to inform sanctioned individuals of the measures imposed against them and report on the measures they had taken to implement the sanctions. An Analytical Support and Sanctions Monitoring Team was established to assist the 1267 Committee in the fulfillment of its mandate.

UNSCR 1617 (2005) continued sanctions of asset freezing, travel ban and the prevention of sale of weapons, against Al-Qaida, the Taliban, Osama bin Laden and associate groups. It also defined the nature of entities to be "associated with" Al-Qaida, the Taliban, Osama bin Laden. The resolution also addressed the role of the Al-Qaida and Taliban Sanctions Committee and its subsidiary, the monitoring team, in dealing with terrorist suspects and groups. Measures included a checklist in order for states to fulfill their obligations to the Committee, and for Member States forwarding names to the Committee to put forward a "statement of case" describing the reasoning behind the request.

UNSCR 1735 (2006) reiterated the previously adopted freezing, travel ban and other sanctions measures in respect of individuals and entities of the Consolidated List. It emphasized that the sanctions measures were preventative and should not be reliant upon criminal standards set out in respective national laws. The resolution also provided a cover sheet for listing submissions to ensure clarity and consistency in requests for listing. It also adopted precise rules regarding listing and delisting procedures and required Member States to inform listed individuals and entities of their designation.

UNSCR 1989 (2011) concerns the sanctions regime first established by resolution 1267 (1999) and modified and strengthened by subsequent resolutions, including resolutions 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009), so that the sanctions measures now apply to designated individuals and entities associated with Al-Qaida, wherever located. This resolution (along with UNSCR 1988) split the Al-Qaida related lists and the Taliban related lists and leaves the Al-Qaida Sanctions List under the 1267 Committee (1267 / 1989 Committee). The resolution reinforces all sanctions measures implemented under the 1267 (1999) and its successor resolutions.

UNSCR 2253 (2015) expands the listing criteria to include individuals and entities supporting the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh). Directs the Monitoring Team to submit reports on the global threat posed by ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings, and entities. Encourages all Member States to (a) designate national focal points on issues related to the implementation of the measures described in the resolution, (b) report to the Committee on obstacles to the implementation of the measures described in the resolution; also, calls upon all States to submit an updated report to the Committee no later than 120 days from the adoption of the resolution. Extends the mandates of the Monitoring Team and the Office of the Ombudsperson to December 2019.

UNSCR 2368 (2017) is the latest update related to Al-Qaida/Da'esh Sanctions Committee. It reaffirms the assets freeze, travel ban and arms embargo affecting all individuals and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List. Notes that the assets freeze requirements apply to financial transactions involving any funds, economic resources or income-generating activities that benefit individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List, including, but not limited to, trade in petroleum products, natural resources, chemical or agricultural products, weapons, or antiquities by listed individuals, groups, undertakings and entities, kidnapping for ransom, and the proceeds of other crimes including, trafficking in persons, extortion and bank robbery. Calls upon Member States to develop the capability to process Passenger Name Records (PNR) data and to ensure PNR data is used by the relevant national competent authorities. Calls upon Member States to improve cooperation to address the issue of foreign terrorist fighters returning to their countries of origin, transiting through, traveling to or relocating to or from other Member States. Also urges Member States to expeditiously exchange information concerning the identity of foreign terrorist fighters. Calls upon all States to submit an updated report on their implementation of the measures to the Committee no later than 120 days from the adoption of the resolution. Extends the mandates of the Monitoring Team and the Office of the Ombudsperson to December 2021.

UNSCR 1988 (2011) / 2255 (2015) Taliban Sanctions Committee

UNSCR 1988 (2011) imposes an assets freeze, a travel ban and an arms embargo on individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee on the List established pursuant to resolution 1988 (2011). The Afghan-Taliban individuals listed under the list of sanctioned individuals created after Resolution 1267 were moved to the new sanctions list created by this current resolution (1988 (2011)). A new "Afghanistan Sanctions Committee" was established to oversee the implementation of the sanctions. The new Committee was to lift sanctions against former Taliban members who had renounced violence and joined the reconciliation process and new sanctions regime was to be transparent and sanctions had to be enforced fairly.

UNSCR 2255 (2015) reaffirms the asset freeze, travel ban and arms embargo on individuals, groups, undertakings and entities associated with the Taliban, in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee on the List established pursuant to resolution 1988 (2011). Establishes possibility for listed individuals and entities to avail themselves of the Focal Point process established pursuant to resolution 1730 (2006) for requesting exemptions from the asset freeze and the travel ban. Extends the mandate of the Analytical Support and Sanctions Monitoring Team until December 2019 and requests the Team to engage in a regular dialogue with Member States and other relevant organizations, including the Shanghai Cooperation Organization, the Collective Security Treaty Organization and the Combined Maritime Forces, on the nexus between narcotics trafficking and listed individuals and entities, as well as to consult with relevant stake-holders on the threat posed by improvised explosive devices (IEDs) to peace, security and stability in Afghanistan. Requests the Secretary-General to publish the 1988 Sanctions List in all official languages of the United Nations and in addition in Dari and Pashtu languages.

ASSETS FREEZE: EXPLANATION OF TERMS

Approved by the Al-Qaida Sanctions Committee on 24 February 2015

Objective of the assets freeze

1. The assets freeze, as set out in paragraph 1 (a) of resolution 2161 (2014), applies to individuals, groups, undertakings and entities whose names are referred to in the Al-Qaida Sanctions List of the Al-Qaida Sanctions Committee. It obliges Member States to:

Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory.

2. The purpose of the assets freeze is to deny designated individuals, groups, undertakings and entities the means to support terrorism. To achieve this it seeks to ensure that no funds, financial assets or economic resources of any kind are available to them for so long as they remain subject to the sanctions measures.

Scope of the assets freeze

3. The assets freeze applies to all assets owned or controlled by designated individuals, groups, undertakings and entities. It also applies to the funds that derive from property that they own or control, directly or indirectly, or that are owned or controlled by persons acting on their behalf or at their direction.

Proceeds of crime

4. In paragraph 3 of resolution 2161 (2014), the Security Council noted that such means of financing or support include, but are not limited to, the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors.
5. Member States should be mindful that funds are fungible, and therefore funds raised by designated individuals, groups, undertakings and entities for seemingly legitimate purposes can be redirected to support terrorism.

Exemptions

6. Exemptions to the assets freeze may be granted:

- (i) In accordance with paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006). In addition, pursuant to paragraphs 9 and 62 of resolution 2161 (2014) the Focal Point mechanism established in resolution 1730 (2006) may also receive exemption requests submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List, or by the legal representative or estate of such a designated party for consideration by the Committee provided that the request has first been submitted for the consideration of the State of residence.
- (ii) Pursuant to paragraph 62 of resolution 2161 (2014), the Ombudsperson may also request, with the agreement of the delisting petitioner, that the Committee consider granting exemptions to the assets freeze for the sole purpose of allowing the petitioner to meet travel expenses and travel to another State to be interviewed by the Ombudsperson, in cases in which the Ombudsperson is unable to interview the petitioner in his or her state of residence.

7. The procedures for exemptions are set out in section 11 of the Committee's guidelines and are available on the Committee's website at:

http://www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf.

The Committee has provided further guidance on this point in a fact sheet which can be found on the Committee's website under "Exemptions" at:

http://www.un.org/sc/committees/1267/fact_sheet_assets_freeze.shtml.

8. As confirmed in paragraph 6 of resolution 2161 (2014) all proposed uses of funds or other financial assets or economic resources in connection with the travel of a designated individual, including costs incurred with respect to transportation and lodging, may only be provided in accordance with the exemption procedures set out above.

Definition of the term "freeze"

9. *Freeze* of funds and other financial assets and economic resources includes preventing their use, alteration, movement, transfer or access, unless allowed under the specific exemption procedures under resolution 2161(2014).

10. *Freeze* of economic resources also includes preventing their use to obtain funds, goods, or services in any way, including, but not limited to, by selling, hiring or mortgaging them.

11. The term "*freeze*" does not mean confiscation or transfer of ownership. Whatever person or State body is responsible for regulating frozen assets should make reasonable efforts to do so in a manner that does not result in their undue deterioration, provided that this does not conflict with the overall intention behind the freezing action - to deny designated individuals, groups, undertakings and entities the financial means to support terrorism.

12. In cases where a designated party owns or controls funds or other financial assets

or economic resources in which undesignated persons also have a segregable interest, for example as joint-owners or employees, the freeze is directed against that share of the asset owned or controlled by the designated party. In such cases, Member States should ensure that the designated party is not able to exercise its interest in the asset directly or indirectly, including by issuing instructions regarding any benefit, financial or otherwise, that may accrue from the asset. If an asset is owned or controlled by a designated party and an undesignated party and the interest owned or controlled by the undesignated party cannot be segregated, the entire asset should be subject to the freeze.

13. In cases where an asset owned or controlled in part or in full by a designated party continues to produce benefit, for example in the form of dividends or interest, Member States should ensure that the relevant portion of such benefit is also frozen.

Additions to frozen accounts

14. Pursuant to paragraph 8 of resolution 2161 (2014), Member States are permitted to credit payments in favour of designated parties to their frozen accounts, so long as the additional amounts are also subject to the assets freeze.

Unfreezing of assets

15. Should the Committee remove a name from its List, any assets that have been frozen solely as a result of the listing are no longer subject to the assets freeze. However, in accordance with paragraph 57 of resolution 2161 (2014), the unfreezing of any assets that have been frozen as a result of the listing of Usama bin Laden requires prior approval from the Committee. The request from Member States must provide assurances to the Committee that the assets will not be transferred directly or indirectly to a designated individual, group, undertaking or entity, or otherwise used for terrorist purposes in line with resolution 1373 (2001). Such assets may only be unfrozen in the absence of an objection by a Committee member within 30 days of receiving the request.

Definition of “funds and other financial assets or economic resources”

As confirmed by paragraph 5 of resolution 2161 (2014), the assets freeze applies to “financial and economic resources of every kind including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al- Qaida and other individuals, groups, undertakings or entities included on the Al-Qaida Sanctions List.

Funds and other financial assets should be understood to include, but not limited to:

- a. cash, cheques, claims on money, drafts, money orders, bearer instruments, internet-based payment instruments such as virtual currencies and other payment instruments;
- b. deposits with financial institutions or other entities and balances on accounts, including but not limited to: (1) fixed or term deposit accounts, (2) balances on share trading accounts with banks, brokerage firms or other investment trading accounts;

- c. debts and debt obligations, including trade debts, other accounts receivable, notes receivable, and other claims of money on others;
- d. equity and other financial interest in a sole trader or partnership;
- e. publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
- f. interest, dividends or other income on or value accruing from or generated by assets;
- g. credit, right of set-off, guarantees, performance bonds or other financial commitments;
- h. letters of credit, bills of lading, bills of sale; notes receivable and other documents evidencing an interest in funds or financial resources and any other instruments of export-financing;
- i. insurance and reinsurance.

16. *Economic resources* should be understood to include assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods or services, such as:

- a. land, buildings or other real estate;
- b. equipment, including computers, computer software, tools, and machinery;
- c. office furniture, fittings and fixtures and other items of a fixed nature;
- d. vessels, aircraft and motor vehicles;
- e. inventories of goods;
- f. works of art, cultural property, precious stones, jewelry or gold;
- g. commodities, including oil, minerals, or timber;
- h. arms and related materiel, including all items mentioned in the arms embargo at paragraph 1 (c) of resolution 2161 (2014);
- i. raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, including but not limited to chemical components, detonating cord, or poisons;
- j. patents, trademarks, copyrights, trade names, franchises, goodwill, and other forms of intellectual property;

- k. internet hosting or related services;
- l. any other assets.

Funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction

17. Funds or other financial assets or economic resources made available to or for the benefit of a designated party are not always held directly by them; they may be held by others on the designated party's behalf or acting at the designated party's direction. In this case Member States must ensure that any funds or negotiable benefit arising from this property is also frozen. In identifying such funds and benefits, Member States should be alert to the possibility that property owned or controlled indirectly by the designated party may not be immediately visible, and that the designated party may have arranged the indirect ownership or control in order to conceal an interest in the property.

Ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory

18. Member States must ensure that neither their nationals, nor anyone within their territory (regardless of nationality), makes any funds, financial assets or economic resources available for the benefit of a designated party, whether directly or indirectly, for so long as the party remains subject to the sanctions measures.

- m. This obligation applies to funds or other financial assets or economic resources identified (by the private sector or by regional, national, or local authorities) as directed to, collected for, or otherwise for the benefit of a designated party. This obligation prohibits the transfer of such assets at any time they can be identified as pertaining to a designated party

19. In this context, Member States should be aware that in paragraphs 7 of resolution 2161 (2014) and 17 of resolution 2170 (2014), the Security Council confirmed that the requirements in paragraph 1 (a) of resolution 2161 (2014) shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List regardless of how and by whom the ransom is paid. Under this requirement, the payment of ransom to any designated party should therefore be prohibited. Member States are strongly encouraged to work with the financial sector, in particular with banks and insurance companies, and other relevant stakeholders to effectively implement this requirement.

20. In its Presidential Statement (S/PRST/2014/14) dated 28 July 2014, the Security Council reminded all Member States that they are required to ensure that their nationals and any persons within their territory do not engage in any commercial or financial transactions with or for the benefit, directly or indirectly, of the Islamic State in Iraq and the Levant (ISIL) (designated as an a.k.a of Al-Qaida in Iraq (QE.J.115.04)) and Jabhat Al-

Nusra (designated as an a.k.a. of Al-Nusrah Front for the People of the Levant (ANF) (QE.A.137.14)), “notably with respect to oil in Syria and Iraq”.

21. Similarly in paragraph 14 of resolution 2170 (2014), the Security Council noted with concern the income generated from “oilfields and related infrastructure controlled by ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida” and condemned “any engagement in direct or indirect trade involving ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al- Qaida”. The Council reiterated that such engagement could constitute financial support for entities under 1267/1989 sanctions regime.

22. In paragraph 15 of resolution 2170 (2014) the Security Council also emphasized the importance of all Member States complying with their obligation to ensure that their nationals and persons within their territory do not make donations to individuals and entities on the Al-Qaida Sanctions List or those acting on behalf of or at the direction of entities.

Preventative nature of assets freeze

23. Paragraph 31 of resolution 2161 (2014) reiterates that the assets freeze measures are preventative in nature and are not reliant upon criminal standards set out under national law.

Wide circulation of the Al-Qaida Sanctions of the List

The common practice amongst most Member States has been to circulate the Al- Qaida Sanctions List to commercial banks for screening against their client databases. Member States should be mindful that the assets freeze measures should be implemented by all natural and legal persons and not just by commercial banks. Therefore, paragraph 13 of resolution 2161 (2014) urges Member States to promote a wider circulation of the List to relevant domestic agencies, the private sector and the general public to ensure effective implementation of the measures. Paragraph 13 also encourages Member States to urge their respective company, property and other relevant public and private registries to regularly screen their available databases against the Al-Qaida Sanctions List.

FATF Standards

24. The Security Council in paragraphs 10 and 11 of resolution 2161 (2014) strongly urged all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force’s (FATF) revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation¹, particularly Recommendation 6 on targeted financial sanctions related to terrorism and terrorism financing and to apply the elements in FATF Interpretive Note to Recommendation 6 and to take note of related best practices for effective implementation of targeted financial sanctions related to terrorism and terrorist financing.²

Preventing the abuse of non-profit organizations, informal/alternative remittance systems and physical trans-border movement of currency

25. Member States should be mindful that non-profit organizations, informal/alternative remittance systems and the physical trans-border movement of currency may be subject to abuse by and for terrorists. Member States are strongly encouraged to put into place measures to prevent the abuse of these mediums while ensuring that the conduct of legitimate business through these channels is not undermined. In paragraph 12 of resolution 2161 (2014), the Security Council calls upon Member States to move vigorously and decisively to cut the flows of funds and other financial assets and economic resources to individuals and entities on the Al-Qaida Sanctions List, as required by paragraph 1 (a), and *taking into account* relevant FATF Recommendations and international standards designed to prevent the abuse of non-profit organizations, informal/alternative remittance systems and the physical trans-border movement of currency, while working to mitigate the impact on legitimate activities through these mediums.

Designation of national focal points

Paragraph 22 of resolution 2161 (2014) encourages all Member States to designate national focal points in charge of liaising with the Committee and the Monitoring Team on issues related to the implementation of the restrictive measures under paragraph 1 of the same resolution.

ANNEX V

TRAVEL BAN: EXPLANATION OF TERMS

Objective of the travel ban

1. The travel ban as set out in paragraph 1 (b) of Security Council resolution 2161 (2014), obliges Member States to:

Prevent the entry into or transit through their territories of these [the listed] individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the [Al-Qaida Sanctions] Committee determines on a case-by-case basis only that entry or transit is justified.

2. The purpose of the travel ban is to limit the mobility of listed individuals. As with the other two measures referred to in paragraph 1 of resolution 2161 (2014) and as reiterated in paragraph 31 of resolution 2161 (2014), it is preventive in nature and not reliant upon criminal standards established under national law. Member States are encouraged to add the names of the listed individuals to their visa watch lists and national watch lists to ensure effective implementation of the travel ban. Member States are also encouraged to take other relevant measures in accordance with their international obligations and national laws and regulations, which may include, but are not limited to, cancelling visas and entry permits or refusing to issue any visa/permit for listed individuals.

3. In paragraph 6 of resolution 2161 (2014) the Security Council confirms that the assets freeze outlined in paragraph 1 (a) of resolution 2161 (2014) also applies to funds, financial assets or economic resources that may be made available, directly or indirectly, to or for the benefit of listed individuals in connection with their travel, including costs incurred with respect to transportation and lodging.

Scope of Member State obligations

4. All Member States of the United Nations are required to implement the travel ban against all individuals on the Al-Qaida Sanctions List maintained by the Al-Qaida Sanctions Committee. The travel ban applies to all listed individuals wherever they may be located. The responsibility to implement the travel ban lies with the State(s) of entry and/or transit.

5. The travel ban requires States to:

- (i) Prevent the entry into their territories of the listed individuals, and
- (ii) Prevent the transit through their territories of the listed individuals

6. The obligation to prevent the entry of listed individuals into their territories **applies in all circumstances**, regardless of the method of entry, the point of entry or the nature of the travel documents used, if any, and despite any permissions or visas issued by the State in accordance with its national regulations.

7. The obligation to prevent the transit through a Member State's territory **applies to any passage** through the territory of a Member State, however brief, even if the listed individual has travel documents, permissions and/or transit visas as required by the State in accordance with its national regulations and is able to demonstrate that he/she will continue his/her journey to another State.

8. In paragraph 16 of resolution 2161 (2014), the Security Council *urges* all Member States, in their implementation of the measures set out in paragraph 1 of resolution 2161 (2014), to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database.

9. In paragraph 17 of resolution 2161 (2014), the Security Council *encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the [Al-Qaida Sanctions] Committee with information in this regard.

10. In paragraph 18 of resolution 2161 (2014), the Security Council *encourages* Member States that issue travel documents to listed individuals to note, as appropriate, that the bearer is subject to the travel ban and corresponding exemption procedures.

11. In order to enhance the implementation of the travel ban, in paragraph 34 of resolution 2161 (2014) the Security Council *encourages* Member States to submit, where available and in accordance with their national legislation, photographs and other biometric data on individuals for inclusion in INTERPOL-United Nations Security Council Special Notices.

12. To strengthen the implementation of the travel ban, Member States are *requested* to include the Al-Qaida Sanctions List and the related travel ban sanctions measures in their national guidelines for inadmissible persons, in accordance with their national legislation.

13. Member States can contribute to the effective implementation of the travel ban by requesting their aviation authorities to inform the relevant institutions, such as the International Civil Aviation Organization and the International Air Transport Association, that not being subject to the travel ban, by virtue of not being listed or being subject to an exemption or an exception, is a necessary entry requirement for an individual. In particular, such information could be added to the International Air Transport Association's automated Travel Information Manual (TIMATIC) database that catalogues these requirements. Furthermore, Advanced Passenger Information (API) and Passenger Name Record (PNR) systems can serve as a useful tool to implement the travel ban against listed individuals.

14. In addition, paragraph 9 of resolution 2178 (2014) *calls upon* Member States to:

- (i) Require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Al-Qaida Sanctions Committee; and to
- (ii) Report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Al-Qaida Sanctions Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations.

15. Similarly paragraph 20 of resolution 2161 (2014), the Security Council also *encourages* Member States to exchange information expeditiously with other Member States, in particular states of origin, destination and transit, when they detect the travel of individuals on the Al-Qaida Sanctions List.

Exceptions

16. There are two types of exceptions to the travel ban and they are described in paragraph 1 (b) of resolution 2161 (2014):

- (i) Entry of Member States' own nationals,
- (ii) Where entry or transit is necessary for the fulfillment of a judicial process

17. There is no obligation under the Al-Qaida travel ban for a Member State to deny entry into or require the departure from its territories of its own nationals, including those who hold dual nationality.

18. There is no obligation to arrest or prosecute listed individuals on the basis of their designation on the Al-Qaida Sanctions List by the Al-Qaida Sanctions Committee. However, the competent national authority may take the appropriate measures to allow entry or transit of that listed individual into national territory to ensure his or her presence for the purposes of the fulfillment of a judicial process.

19. This may include, but would not be limited to, allowing a listed individual to enter the territory of a Member State in relation to judicial proceedings where the listed individual's presence may be necessary for the purposes of identification, testimony or other assistance relevant to the investigation or prosecution of an offence committed by someone other than that listed individual, or in relation to civil proceedings, and extradition.

20. Member States are not required to consult the Al-Qaida Sanctions Committee about the entry into or transit through their territory of a listed individual under exemptions (i) and (ii) above. However, any information on the entry into or transit through their territory of any listed individual under these exemptions is of interest to

the Committee. Therefore, in paragraphs 20 and 65 of resolution 2161 (2014) the Security Council *encourages* all Member States to exchange information expeditiously with other Member States, in particular States of origin, destination and transit, when they detect the travel of individuals on the Al-Qaida Sanctions List, and to submit to the Committee additional information on listed individuals, including updates on their movement, incarceration or other significant events, as such information becomes available. This is crucial to ensuring that the Al-Qaida Sanctions List remains as updated and accurate as possible.

21. In paragraph 6, the Security Council *confirms* that all proposed use of funds or other financial assets or economic resources in connection with travel of listed individuals may only be provided in accordance with the exemption procedures set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by paragraph 15 of resolution 1735 (2006) and paragraphs 9 and 61 of resolution 2161 (2014). The procedures for making a request under resolution 1452 (2002) can be found in section 11 of the

Committee's Guidelines. The Committee's Guidelines can be found at: http://www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf.

Exemptions

22. Exemptions are granted where *the Al-Qaida Sanctions Committee determines on a case-by-case basis only that entry or transit is justified*.

23. In November 2002, the Al-Qaida Sanctions Committee adopted a mechanism to consider requests for exemptions from the Al-Qaida travel ban. On 2 September 2008, the Committee approved specific procedures for this (see section 12 of the Committee's Guidelines).

24. According to paragraph 9 of resolution 2161 (2014) in combination with section 12 paragraph (o) of the Guidelines of the Committee, it is possible for listed individuals to apply for a travel ban exemption for necessary travel such as medical or humanitarian need, or the performance of religious obligations through the State(s) of destination, the State(s) of transit, the State of nationality, or the State of residence. If no effective central government exists in the country in which the listed individual is located, a United Nations office or agency in that country may submit the request for exemption on his/her behalf.

25. In paragraph 62 (b) of resolution 2161 (2014) the Security Council notes, that the Focal Point mechanism established in resolution 1730 (2006) may also receive requests from listed individuals for exemptions to the travel ban and transmit these to the Committee to determine, on a case-by-case basis and in consultation with States of transit and destination and any other relevant States, whether entry or transit is justified; the Committee shall only agree to exemptions with the agreement of the States of transit and destination and will subsequently notify such individuals of its decision through the Focal Point.

26. Once the Committee has approved a request for exemption from the travel ban, the Chair shall communicate in writing the decision, approved itinerary and timetable to the Permanent Missions to the United Nations of: the State in which the

listed individual is resident or believed to be located, the State(s) of which the person is believed to be a national, the State(s) to which the listed individual will be traveling, any transit State, as well as to any United Nations office/agency involved. Unless the Committee otherwise decides, all requests for exemptions and extensions thereto which have been approved by the Committee in accordance with the above procedures shall be posted in the

27. Written confirmation of the completion of the travel by the listed individual shall be provided to the Chair within five working days following the expiry of the exemption by the State (or United Nations office/agency involved) in which the listed individual has stated he will be resident after completion of the exempted travel.

28. In paragraph 61 of resolution 2161 (2014) the Security Council *reaffirms* that, in cases in which the Ombudsperson is unable to interview a petitioner in his or her State of residence, the Ombudsperson may request, with the agreement of the petitioner, that the Committee consider granting exemptions to the restrictions on assets freeze and travel ban for the sole purpose of allowing the petitioner to meet travel expenses and travel to another State to be interviewed by the Ombudsperson for a period no longer than necessary to participate in this interview, provided that all States of transit and destination do not object to such travel. The Committee will notify the Ombudsperson of the Committee's decision in such cases.

29. In paragraph 6, the Security Council confirms that all proposed use of funds or other financial assets or economic resources in connection with travel of listed individuals may only be provided in accordance with the exemption procedures set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by paragraph 15 of resolution 1735 (2006) and paragraphs 9 and 61 of resolution 2161 (2014). The procedures for making a request under resolution 1452 (2002) can be found in section 11 of the Committee's Guidelines.

Designation of national focal points

30. Paragraph 22 of resolution 2161 (2014) encourages all Member States to designate national focal points in charge of liaising with the Committee and the Monitoring Team on issues related to the implementation of the restrictive measures under paragraph 1 of the same resolution.

ANNEX-VI

ARMS EMBARGO: EXPLANATION OF TERMS

Approved by the Al-Qaida Sanctions Committee on 24 February 2015

Objective of the arms embargo

1. The arms embargo, established by paragraph 2 of Security Council resolution 1390 (2002) and reiterated in subsequent resolutions, including paragraph 1 (c) of resolution 2161 (2014), obliges Member States to:

Prevent the direct or indirect supply, sale or transfer, to these [the listed] individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.

Scope of Member State obligations

2. All Member States of the United Nations are required to implement sanctions measures on arms and related materiel and services against those individuals, groups, undertakings and entities that have been designated on the Al-Qaida Sanctions List by the Al-Qaida Sanctions Committee. Member States are required to implement these measures - commonly referred by the Al-Qaida Sanctions Committee as the “arms embargo” - against listed individuals and entities wherever they may be located.

3. The obligation of Member States to implement the Al-Qaida arms embargo means that they have to prevent the direct or indirect supply, sale or transfer of arms and related material, and technical advice, assistance, or training related to military activities:

- (i) To listed individuals and entities from their territories;
- (ii) To listed individuals and entities by their nationals outside their territories;
- (iii) To listed individuals and entities through the use of their flag vessels or aircraft.

4. Member States are required to stop any supply or sale or transfer of arms related material and services to listed individuals and entities. This should be understood as an obligation to prevent listed individuals and entities from obtaining arms, or related material or services of all types and in any way, including through:

- (i) Intermediaries;
- (ii) Brokers or other third parties;
- (iii) A non-listed individual who is acting for on behalf of a listed individual or a listed entity;
- (iv) A non-listed entity that it is controlled by or acting for or on behalf of a listed individual or a listed entity.

5. Since the overall aim of the embargo is to deny access to listed individuals and entities to any type of arms and related materiel, Member States should adopt a broad interpretation of the term “arms embargo” to include arms brokers, exports, imports, transshipments and the provision of all these to listed individuals and entities so as to allow the fullest implementation possible. This would limit the means available to the listed individuals and entities who might try to use improvised or unconventional methods to circumvent the embargo against them.

6. In order to prevent both direct and indirect supply, sale and transfer of arms and related materiel and services of all types to listed individuals or entities, Member States are encouraged to create mechanisms to ensure that intermediaries and third parties are prevented from acquiring or transferring arms, and related materiel and/or services to, or under the name, on the behalf or in support of, listed individuals or entities.

7. Member States are further encouraged to take action against and submit proposals to the Al-Qaida Sanctions Committee for designation on the Al-Qaida Sanctions List of those who provide any arms and related materiel of all types to listed individuals or entities. Member States are encouraged to inform the Monitoring Team of all actions taken to implement the “arms embargo”.

8. The Security Council has not limited the Al-Qaida arms embargo to the geographical delimitation of the territories of Member States, but broadened the obligation of Member States with respect to implementation of the embargo based on their legal authority over their nationals abroad and their flag vessels and aircraft in accordance with international law.

No exemptions apply

9. The Al-Qaida “arms embargo” has no exemptions. When the arms embargo was first imposed under resolution 1333 (2000), it applied only to transfers to the territory of Afghanistan under Taliban control, and included an exemption for humanitarian or protective use. This exemption was removed, however, when the Al-Qaida arms embargo was modified by resolution 1390 (2002) to apply to all individuals and entities designated on the previous Consolidated List. There are currently no exemptions to the Al-Qaida arms embargo in terms of its application to the individuals and entities designated on the Al-Qaida Sanctions List.

Explanations of terminology

Arms and related materiel of all types

10. The embargo is defined in broad terms, as indicated by the illustrative list in paragraph 2 of resolution 1390 (2002), as reiterated in paragraph 1 (c) of resolution 2161 (2014): “... *arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for all of these*”.

Services related to the arms embargo

11. The Al-Qaida “arms embargo” has an important additional component. It includes an embargo on the provision of “*technical advice, assistance, or training related to military activities*”, which, without exception, must be denied to those designated on the Al-Qaida Sanctions List. This includes preventing any listed individual from participating in any training designed to teach military skills.

12. Since the overall aim of the embargo is to deny access by listed individuals and entities to any type of *“technical advice, assistance, or training related to military activities”*, Member States are encouraged to take action against the provision of any such services, and submit to the Al-Qaida Sanctions Committee relevant proposals for designation on the Al-Qaida Sanctions List. These can be of those who conduct, direct or provide such technical advice, assistance, or training to or for listed individuals or entities as well as those who receive themselves such advice, assistance or training from listed individuals or entities.

13. Therefore, Member States are further encouraged to submit to the Al-Qaida Sanctions Committee for listing those who recruit individuals to Al-Qaida or listed affiliates as this is akin to supplying technical advice, assistance, or training. Particular attention should be paid to indoctrination designed to recruit and train suicide bombers.

14. In order that the full scope of the Al-Qaida arms embargo on training and technical assistance is covered comprehensively, Member States should also prevent listed individuals and entities from having access to, establishing or maintaining military or terrorist training facilities inside their borders.

15. Member States are encouraged to inform the Monitoring Team on all actions taken to implement the arms embargo relating to any such services provided to listed individuals or entities.

Improvised explosive devices (IED)

16. Additionally, in order to prevent Al-Qaida and its associates accessing all types of explosives including raw materials and components that could be used to manufacture improvised explosive devices or unconventional weapons to conduct attacks, paragraph 14 of resolution 2161 (2014) obliges Member States to *“(...) undertake appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are involved in the production, sale, supply, purchase, transfer and storage of such materials, including through the issuance of good practices”*.

17. The purpose of the obligation is *“to prevent Al-Qaida and other individuals, groups, undertakings and entities associated with it from obtaining, handling, storing, using or seeking access to all types of explosives, whether military, civilian or improvised explosives, as well as to raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, including (but not limited to) chemical components, detonating cord, or poisons (...)”*.

18. In paragraph 17 of resolution 2178 (2014) the Security Council also *urges Member States, in this context, to act cooperatively when taking national measures to prevent terrorists from exploiting technology, communications and resources, including audio and video, to incite support for terrorist acts, while respecting human rights and fundamental freedoms and in compliance with other obligations under international law*.

19. Member States are also encouraged to inform private companies (e.g. mining, chemical and agribusiness) about the risks of the potential misuse of such raw materials.
20. Member States are encouraged *“to share information, establish partnerships, and develop national strategies and capabilities to counter improvised explosive devices”*.

THE UNITED NATIONS (SECURITY COUNCIL) ACT, 1948 (XIV of 1948)

[11th June, 1948]

An Act

to enable effect to be given to certain provisions of the Charter of the United Nations.

WHEREAS it is expedient to enable effect to be given to certain provisions of the Charter of the United Nations;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the United Nations (Security Council) Act, 1948.

2. Measures under Article 41 of the Charter of the United Nations.— If, under Article 41 of the Charter of the United Nations signed at San Francisco on the 26th day of June 1945, the Security Council of the United Nations calls upon the [Federal Government] to apply any measures, not involving the use of armed force, to give effect to any decision of that Council, the [Federal Government] may, by order published in the official Gazette, make such provisions (including provisions having extra-territorial operation) as appear to it necessary or expedient for enabling those measures to be effectively applied, and without prejudice to the generality of the foregoing power, provision may be made for the punishment of person offending against the order.

Procedure for exemptions under 1267/2253/2368 Sanctions Regime

Assets Freeze

I. Relevant Security Council resolutions and Committee Guidelines

The exemptions from the assets freeze are provided for by the following:

- Security Council Resolution 2368 (2017): paragraph 10 and paragraphs 81-82.
- Security Council Resolution 1452 (2002), as amended by resolution 1735 (2006)
- Committee Guidelines: Section 11

II. Who is entitled to submit the request for exemptions to the assets freeze?

Member States who intend to authorize, where appropriate, access to frozen funds or other financial assets or economic resources.

III. What type of exemptions to assets freeze can be requested?

There are two types of exemptions to assets freeze:

- For basic expenses
- For extra ordinary expenses

1. The basic expenses exemption

Pursuant to paragraph 1(a) of resolution 1452 (2002), as amended by paragraph 15 of resolution 1735 (2006) as well as Section 11 (d) of the Committee's [Guidelines](#), notifications regarding the basic expenses exemption are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
 2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
 3. Recipient's bank information (name and address of bank, account number)
 4. Purpose of payment and justification of the determination of the expenses falling under the basic expenses exemption:
- Basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

- Payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - Fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources.
1. Amount of installment
 2. Number of installments
 3. Payment starting date
 4. Bank transfer or direct debit
 5. Interests
 6. Specific funds being unfrozen
 7. Other information.

2. The extraordinary expenses exemption

Pursuant to paragraph 1 (b) of resolution 1452 (2002) as well as Section 11 (d) of the Committee's [Guidelines](#), requests for the extraordinary expenses are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
3. Recipient's bank information (name and address of bank, account number)
4. Purpose of payment and justification of the determination of the expenses falling under the extraordinary expenses (other categories than the ones mentioned under paragraph 1(a) of resolution 1452(2002)).
5. Amount of installment
6. Number of installments
7. Payment starting date
8. Bank transfer or direct debit
9. Interests
10. Specific funds being unfrozen
11. Other information.

Please Note that Member States are encouraged, when submitting requests for the extraordinary expenses exemption, to report in a timely way on the use of such funds, with a view to preventing such funds from being used to conduct any of the acts described in the Listing Criteria.

IV. How to make the request for exemptions to the assets freeze?

Please send the requests/notifications for exemptions to the assets freeze to:

- The Chair of the Committee, His Excellency Mr. Kairat Umarov, through the Permanent Mission of the Republic of Kazakhstan to the United Nations

With a copy to:

- The Secretary of the Committee, Mr. Kiho Cha Email address:SC-1267-Committee@un.org

For further details on how to apply for exemptions to the assets freeze measures in paragraph 1(a) of resolution 2368 (2017), please see the link below.

[Explanation of form and process for asset freeze exemption request](#)

V. Decision Making of the Committee

The Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 3 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification.

The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.

Travel Ban

I. Relevant Security Council resolutions Guidelines of the Committee

The exemptions to the travel ban are provided for by the following:

- Resolution 2368 (2017): paragraph 1(b)
- Committee Guidelines: Section 12

II. What types of travel ban exemptions exist?

There are two possible exemptions from the travel ban measure:

- The travel ban does not apply where entry or transit is necessary for the fulfillment of a judicial process;
- The Committee may determine on a case-by-case basis only that entry or transit is justified.

III. Who is entitled to submit the request for exemptions from the travel ban?

Member States

The State(s) of destination, the State(s) of transit, the State of nationality, and the State of residence may submit a request through their Permanent Mission to the United Nations. If no effective central government exists in the country in which the listed individual is located, a United Nations office or agency in that country may submit the request for exemption on the listed individual's behalf.

Listed individuals

Listed individuals, groups, undertakings and entities may submit exemption requests pursuant to the Focal Point mechanism established by resolution 1730 (2006), pursuant to paragraph 82(b) of resolution 2368 (2017). The Focal Point will transmit the request to the Committee to determine, on a case-by-case basis whether the travel is justified.

IV. What should be included in the request for exemption from the travel ban?

Each request for exemption pursuant to paragraph 1(b) of resolution 2368 (2017) must be submitted in writing, and should include the following information:

1. the permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List, full name, nationality, passport number or travel document number of the listed individual;
2. the purpose of and justification for the proposed travel, with copies of supporting documents, including specific details of meetings or appointments;
3. the proposed dates and times of departure and return;
4. the complete itinerary and timetable, including for all transit stops;
5. details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels;
6. all proposed uses of funds or other financial assets or economic resources in connection with the travel. Such funds may only be provided in accordance with the procedures for obtaining an exemption to the assets freeze, which can be found here [hyperlink to assets freeze exemption], and in section 11 of the Guidelines.
7. Each travel ban exemption request shall be received by the Committee Chair or the Focal Point as early as possible but not less than fifteen working days before the date of the proposed travel, except where humanitarian consideration requires a shorter period.

V. How to make requests for exemptions from the travel ban?

Member States

Please send the requests for exemptions from the travel bans to the Chair of the Committee,

with copy to Secretary of the Committee.

Listed individuals

Please send the requests for exemptions from the travel bans to:

- The Focal Point, Security Council Subsidiary Organs Branch
- Address: Room DC2 2034, United Nations, New York, N.Y. 10017, United States of America : Fax: +1 212 963 1300: Email: delisting@un.org

With a copy to the Secretary of the Committee, Email: SC-1267 Committee@un.org

Once the Committee has approved a request for exemption from the travel ban, the Secretariat will notify in writing the Permanent Missions to the United Nations of the State in which the listed individual is resident, the State of nationality, the State(s) to which the listed individual will be travelling, and any transit State, as well as any United Nations office/agency involved, to inform them of the approved travel, itinerary and timetable.

VI. Request for an extension of the exemption from the travel ban

Any request for an extension of the exemption is subject to the procedures set out above and need to be received by the Chairman in writing, with a revised itinerary, no less than **five working days before the expiry of the approved exemption**.

VII. Changes to the approved exemption from the travel plan

Any changes to the information provided in the request, including with regard to points of transit, require further consideration by the Committee and need to be received by the Chairman no less than **three working days prior** to the commencement of the travel.

The submitting State (or United Nations office/agency) will inform the Chair immediately and in writing of any change to the departure date for any travel for which the Committee has already issued an exemption.

In cases of emergency evacuation to the nearest appropriate State, including for medical or humanitarian needs or through force majeure, the Committee will determine whether the travel is justified within the provisions of paragraph 1(b) of resolution 2368 (2017), within 24 hours once notified of the name of the listed individual traveller, the reason for travel, the date and time of evacuation, along with transportation details, including transit points and destination. The notifying authority also needs to provide, as soon as possible, a doctor's or other relevant national official's note containing as many details as possible of the nature of the emergency and the facility where treatment or other necessary assistance was received by the listed individual without prejudice to respect of medical confidentiality, as

well as information regarding the date, time, and mode of travel by which the listed individual returned to his/her country of residence or nationality, and complete details on all expenses in connection with the emergency evacuation.

VIII. After the travel

Written confirmation of the completion of the travel by the listed individual needs to be provided to the Chair within five working days following the expiry of the exemption by the State (or United Nations office/agency) in which the listed individual has stated he will be resident after completion of the exempted travel.



Ministry of Foreign Affairs
Government of Pakistan
Islamabad