

## **CABINET DECISION NO 74**

Issued on 27/10/2020.

Corresponding to 10 Rabi' Al Awwal 1442 AH

### **Regarding Terrorism Lists Regulation and Implementation of UN Security Council Resolutions on the Suppression and Combating of Terrorism, Terrorist Financing, Countering the Proliferation of Weapons of Mass Destruction and its Financing and Relevant Resolutions**

#### **Abrogating:**

**Cabinet Decision No. 20 dated 25/02/2019**

The Cabinet:

- Having perused the Constitution,
- Federal Law No (1) of 1972 on the Mandates of Ministries and Powers of Ministers, and amendments thereto;
- Federal Law No. (17) of 2006 on the Establishment of the Supreme Council for National Security;
- Federal Law No. (13) of 2007 on Goods Subjected to Import and Export Control, and amendments thereto;
- Federal Law No. (7) of 2014 on Combating Terrorism Offences;
- Federal Decree Law No. (20) of 2018 on Anti-Money Laundering and Combating the Financing of Terrorism and Financing of Illegal Organizations;
- Cabinet Decision No. (20) of 2019 on Terrorism Lists Regulation and Implementation of UN Security Council Resolutions on the Suppression and Combating of Terrorism, Terrorist Financing and Proliferation of Weapons of Mass Destruction, and Relevant Resolutions, and
- Based on the proposal of the Minister of Foreign Affairs and International Cooperation and the Cabinet's approval;

Resolved as follows:

#### **Article 1 - Definitions**

In the implementation of the provisions of this Decision, and unless the context otherwise requires, the following terms and expressions shall have the meanings cited against each:

**The State:** The United Arab Emirates;

**The Council:** The Supreme Council for National Security;

**The Ministry:** The Ministry of Foreign Affairs & International Cooperation;

**The Competent Court:** The Court that has jurisdiction over State Security Offences;

**The Office:** The Executive Office of the Committee for Goods Subjected to Import and Export Control;

**Supervisory Authorities:** Federal and Local authorities entrusted as per Legislations, with the supervision of Financial Institutions and Designated Non-Financial Businesses and Professions.

**Law Enforcement Authorities:** Federal and Local authorities entrusted, as per Legislations with the tasks of combating crime, search, investigation, and collection of evidence in offences, including money laundering, financing of terrorism and the financing of illegal organizations.

**Sanctions Committee:** Any of the UN Security Council Committees established as per its resolutions, including UNSCRs 1267 (1999) and 1989 (2011) relating to ISIL and Al-Qaida, 1988 (2011) relating to the Security and Stability of Afghanistan, and 1718 (2006) relating to the suppression and combating of proliferation of weapons of mass destruction for the DPRK.

**Listed Person:** A person or organization listed by the UN Security Council on the Sanctions List, or listed by the Cabinet on Local Lists, as the case may be.

**Person:** A natural or legal person.

**Ombudsperson:** The person appointed by the UN Secretary General to assist the Sanctions Committee when examining requests submitted by individuals, groups, undertakings and entities for delisting from the ISIL and Al Qaeda Sanctions List.

**Focal Point:** The focal point established within the Secretariat pursuant to UNSCR 1730 (2006) to receive petitions from persons or entities in the State or holding the State's nationality, listed on the relevant list, requesting to be de-listed or seeking exemptions for humanitarian reasons, from a travel ban, or from freezing measures or persons claiming to have been wrongfully sanctioned.

**Relevant UNSCRs:** All current and future UN Security Council resolutions relating to the suppression and combating of terrorism, terrorist financing and proliferation of weapons of mass destruction and its financing, including but not limited to Resolutions 1267 (1999), 1988 (2011), 1989 (2011), 1718 (2006), 2231 (2015) and any successor resolutions.

**Listing:** Identifying the individual or organization subject to sanctions imposed pursuant to relevant UNSCRs, decisions of the Sanctions Committee, or relevant decisions of the Cabinet, as the case may be, and implementing relevant sanctions against such individual or organization, with a statement of the reasons for listing.

**Local Lists:** Terrorism lists issued by the Cabinet pursuant to the provisions of Article (63) paragraph (1) of Federal Law No (7) of 2014.

**Sanctions List:** A list containing the names of individuals and organizations linked to terrorism, financing of terrorism or proliferation of weapons of mass destruction and its financing, and that are subject to sanctions imposed as per UNSCRs and decisions of the Sanctions Committee, along with information related to such persons and reasons for their listing.

**Narrative Summary:** The declared part of the reasons for Listing an individual or organization on the Sanctions List annexed to the Listing decision by the Sanctions Committee.

**Funds:** Assets of all types, in whatever form and however acquired, whether corporeal or incorporeal, tangible or intangible, movable or immovable, electronic, digital or encrypted, including national currency, foreign currencies, documents and legal instruments establishing ownership of such assets or any associated rights, in whatever form, including electronic or digital forms, as well as economic resources considered as assets of any kind, including oil and natural resources, and bank credits, checks, money orders, shares, securities, bonds, drafts, and letters of credit and any interest, dividends, or other income accruing from or generated by such assets, and that may be used to obtain any other funds, goods or services including internet posting services or related services.

**Other Measures:** Sanction measures other than freezing that must be enforced, and which may be included in relevant UNSCRs or Cabinet decisions regarding the issuance of local lists, such as prohibitions relating to travel, weapons, imports, or provision of fuel supplies and other.

**Without Delay:** Within 24 hours of the Listing decision being issued by the UN Security Council, the Sanctions Committee or the Cabinet, as the case may be.

## **Article 2 - Mandate of the Council**

- 1- For the purposes of implementing the provisions of this decision, the Council shall have the following mandate:
  - a- Establish one Local List or more, where it proposes the listing, de-listing or re-listing of terrorist persons and organizations and the updating of such list, whether spontaneously or upon the request of another country, or in case the State has an international obligation to list such persons or organizations.
  - b- Coordinate with other countries to list a terrorist person or organization in their local terrorist lists.
  - c- Propose the listing of terrorist persons or organizations on the Local List to the Sanctions Committee.

- d- Submit requests for de-listing terrorist persons or organizations from the Sanctions List, when it believes that such terrorist persons or organizations do not or no longer meet the designation criteria, while taking into account procedures and criteria set out in relevant UNSCRs.
  - e- Conduct a regular review of Local Lists in coordination with the Ministry of Justice. The Council is entitled to request any clarifications or document it deems suitable from Law Enforcement Authorities and concerned entities in the State to review such, provided that the period for review does not exceed one year.
- 2- The Council shall exercise its powers set forth in sub-paragraphs a, b and c of paragraph 1 of this Article in accordance with the rules and procedures set forth in Relevant UNSCRs, whenever there are reasonable grounds for such, irrespective of the existence of criminal proceedings.

**Article 3 - Proposing Listing and Re-listing on Local Lists and Updating Such**

Subject to the provisions of Article (2) Paragraph (2) of the present Decision, the Council shall coordinate with any entity it deems suitable in the State and abroad to obtain information regarding the designation of terrorist persons and organizations that meet the designation criteria for the purpose of preparing a proposal for listing on Local Lists according to the following procedures:

- 1- The Council shall, unilaterally and without prior notice to the Listed Person, establish one Local List or more where it proposes the Listing of terrorist persons and organizations, or propose Listing upon the request of another country, whenever the Council is satisfied with the presence of reasonable grounds or sound basis for suspicion or when it believes that such person or organization meets the designation criteria for Listing, or if the State is internationally committed to list such persons and organizations. The Council shall take such decision as swiftly as possible.
- 2- In the Listing process, the Council shall take into account the designation criteria contained in UNSCR 1373 (2001), which include the following:
  - a- Any person or organization that commits, attempts to commit, participates in or facilitates the commission of terrorist acts.
  - b- Any organization directly or indirectly owned or controlled by a person or organization as set out in sub-paragraph (a) of paragraph (2) of the present Article.
  - c- Any person or organization acting on behalf of or at the direction of any person or organization as set out in sub-paragraph (a) of paragraph (2) of the present Article.
- 3- The Council shall coordinate with the Ministry of Justice with regard to proposed Listing on Local Lists, if the Council determines that a person or an organization meets the designation

- criteria referred to in paragraph (2) of the present Article. The Council then forwards the proposal to the Ministry of Presidential Affairs for consideration and issuing by the Cabinet.
- 4- In case Local Lists were issued by the Cabinet, the Office shall be notified for publication, Without Delay, as per its established procedures.
  - 5- The procedures set forth in the present Article shall be implemented when Local Lists are updated, and when re-listing any previously de-listed person, in case there are reasons requiring their Listing in such lists, in accordance with the provisions of paragraph (2) of the present Article.

#### **Article 4 - De-listing From Local Lists**

The Council may de-list a Listed Person from Local Lists according to the following procedures:

- 1- The Council shall notify the Ministry of Presidential Affairs of reasons to de-list, if it considers that the information or evidence regarding a Listed Person on the Local List no longer require their listing, and once it has verified that the reasons for the Listing no longer exist.
- 2- The Ministry of Presidential Affairs shall be in charge of submitting the proposal to de-list the Listed Person from the Local Lists to the Cabinet, in order for the Cabinet to decide whether to approve or reject the request.
- 3- The Office shall be notified of the de-listing decision referred to under paragraph (2) of the present Article, immediately upon issuance thereof, to circulate the decision, lift freezing and any other measures taken, as per its established procedures.

#### **Article 5 - Enforcement and Publication of Local Lists**

- 1- Decisions to list, de-list and re-list on Local Lists, and to update such lists shall be effective from the date of their issuance, or from the date determined by the Cabinet, and shall be published in the Official Gazette.
- 2- Decisions to list, de-list and re-list on Local Lists, and to update such lists shall be published in the media, in both Arabic and English, as per the regulations established by the Council.

#### **Article 6 - Grievances Against Decisions to List on Local Lists**

Anyone whose name is listed on Local Lists may file a grievance against such decision according to the following procedure:

- 1- The Listed Person may submit, in person or through a legal representative, a written grievance application to the Office, in accordance with the latter's established mechanism, attaching thereto all documents supporting the grievance.

- 2- The Office shall refer the grievance to the Council for review and examination. Both the Office and the Council shall have the right to request any clarifications or further documentation from the applicant, or from Law Enforcement Authorities or other relevant entities in the State, for the purposes of deciding on the application.
- 3- The Council shall receive the grievance application, verify whether it is new or recurring, and may reject it, if it was recurring and did not include additional information other than the information contained in the previous grievance, or for any other reasons.
- 4- If the Council, during its review of the grievance application, determines that the information or evidence regarding the Listed Person on Local List no longer require their listing, and once it has confirmed that the reasons that called for the Listing no longer exist, the Council shall notify the Ministry of Presidential Affairs.
- 5- The Minister of Presidential Affairs shall be in charge of submitting the grievance application, along with the Council's opinion to the Cabinet, as per its established submittal mechanisms, in order for the Cabinet to make a decision to either approve or reject the grievance.
- 6- In case of approval of the grievance by the Cabinet, the name of the Listed Person shall be removed from Local Lists and freezing and other measures taken in accordance with the Listing decision shall be lifted. The Office shall be notified immediately upon issuance thereof to notify the applicant and publish the decision as per the Office's established procedures.
- 7- In case the grievance is rejected or if no response is received regarding the application within sixty days from the date of its submission, the applicant may appeal the Cabinet's Listing decision before the Competent Court within sixty days from the date he/she was notified of the rejection, or from the expiry of the response period.
- 8- The court's decision regarding the grievance shall be not be subject to appeal. If a grievance is rejected, a new grievance may only be submitted after six months from the date of rejection of the previous grievance, unless a serious reason that is accepted by the president of the court arises before the expiry of such period.
- 9- An appeal against a Listing or re-Listing decision shall not be accepted before a grievance against it is filed and rejected, or before the period given to respond expires, as set out in the present Article.

#### **Article 7 - Lifting Freezing and Other Measures in the Case of False Positives on Local Lists**

Any person or organization inadvertently affected by freezing or other measures due to a similarity between their name and the name of a Listed Person on Local Lists, and any person or organization that has been affected by such measures may cancel such procedures as follows:

- 1- Submitting a written request to the Office, in person or through a legal representative, to lift freezing or any other measures taken against them, along with all supporting documents.
- 2- The Office shall refer the request to the Council for examination. Both the Office and the Council may ask for any clarifications or additional documents from the applicant, Law Enforcement Authorities or relevant entities in the State, for the purpose of deciding on the request.
- 3- After examining that the applicant or his/her funds are not related to the Listing, the Council shall issue its decision to accept or reject the request, and shall send such decision, within thirty days from date of receipt of the request to the Office, which would in turn notify the applicant of the outcome in writing.
- 4- In case the request is accepted by the Council, the Office shall address the entity where the funds are frozen, Law Enforcement Authorities and the entities concerned with Other Measures, to lift the actions taken against the applicant. The addressed entity should immediately execute the decision.
- 5- In case the request is rejected by the Council, or if no response to the request is received within thirty days from date of its submission, the applicant may file a grievance before the Competent Court within sixty days from the date of notification of the rejection, or from the expiry of the response period.
- 6- The court's decision on the grievance shall not be subject to appeal, and if the court ruled to reject the grievance, a new grievance may only be filed after six months from the date of rejection of the grievance, unless a serious reason that is accepted by the president of the court arises before the expiry of such period.
- 7- An appeal against a decision to apply freezing and Other Measures shall not be accepted before a grievance against such is filed and rejected, or before the period given to respond expires, as set out in the present Article.

#### **Article 8 - Permission to Use Funds Frozen pursuant to Listing on Local Lists**

- 1- Any Listed Person on Local Lists, or their legal representative, and any interested party may submit to the Office a written request to use the Listed Person's frozen Funds. The Office shall refer the request to the Ministry of Justice, provided such request includes all supporting documents.
- 2- The Ministry of Justice shall examine the request, its reasons and the amounts to which access is requested and may reduce such amounts or reject the request based on justified reasons.

- 3- Following coordination with the Council, The Ministry of Justice may approve the request to use the frozen funds of a Listed Person on Local Lists, for any of the following purposes:
  - a- To cover necessary or basic expenses, such as the amounts payable for foodstuff, rent, mortgage, medicine, medical treatment, taxes, insurance premium, educational or judicial fees, or public utility fees.
  - b- To pay professional fees or costs relating to legal services rendered or other extraordinary expenses within reasonable limits; or fees for services relating to safekeeping or management of frozen Funds.
- 4- The Ministry of Justice shall notify the Office of the approval or rejection of the request, and the Office shall in turn notify the applicant of the decision in writing.
- 5- In case the request is rejected, or if no response to the request is received within thirty days from date of its submission, the applicant may file a grievance before the Competent Court within thirty days from the date when he/she was notified of the rejection, or from the expiry of the response period.
- 6- An appeal against the rejection of the request shall not be accepted before a grievance against it is filed and rejected, before the period given to respond expires, as set out in the present Article.
- 7- In all cases, the procedures set forth in UNSCR 1452 (2002) and any successor resolutions shall be taken into account.

### **Article 9 - Request to Listing on Another Country's List**

Subject to paragraph (2) of Article (2) of the present Decision, the Council may, unilaterally, request a foreign country to list a person or organization that meets the designation criteria under UNSCR 1373 (2001) on the local list of such country, through the following procedures:

- 1- Communicate through diplomatic or established security channels with the country of nationality or previous or current residence of the person or organization, to obtain, as much as possible, information supporting the Listing request.
- 2- The Listing request should include as much details as possible on the grounds and justifications of such request and may include the following:
  - a- Specific information supporting links to terrorist organizations, individuals or activities or otherwise establishing that the person or organization meets the designation criteria.
  - b- Evidence or documents supporting the Listing request such as reports from Law Enforcement Authorities, security services, the Judiciary, the media and others.



- 3- The Council shall attach to the Listing request all personal information to enable accurate and positive identification of the person requested for listing, along with all data and information supporting that the person requested for listing meets the designation criteria set forth in UNSCR 1373 (2001).
- 4- The Council shall send the Listing request to the Ministry, which would in turn address the concerned country and notify the Council upon receipt of the response.

### **Article 10 - Proposal for Listing to the Sanctions Committee**

Subject to paragraph (2) of Article (2) of the present Decision, and if the Council is satisfied that there are reasonable grounds or a sound basis to suspect or believe that a person or organization meets the designation criteria for Listing on the Sanctions List, the Council may, unilaterally and without prior notice, propose Listing on the relevant Sanctions List of any person or organization, by submitting such proposal to the Security Council or the concerned Sanctions Committee such as those established pursuant to UNSCRs 1988 (2011), 1267 (1999), 1989 (2011), 2253 (2015), 1718 (2006) and 2231 (2015) for designation and successor resolutions, while taking into account the relevant designation criteria and using the standard forms approved by the relevant committee for Listing in accordance with the following procedures:

- 1- The Council shall seek to collect information about the person or organization proposed for Listing using the assistance of Law Enforcement Authorities and relevant entities in the State, for the purposes of preparing the proposal for Listing on the Sanctions List.
- 2- The Council shall communicate, through diplomatic or established security channels with the country of nationality or current or past residence of the proposed person in order to obtain information, if possible.
- 3- The Listing proposal must include a detailed statement of the case to support the proposed Listing, and the specific criteria on the basis of which the name of the person or organization was proposed for Listing, including:
  - a- Specific results and reasons showing fulfillment of the Listing criteria as set out in relevant UNSCRs or by the relevant Sanctions Committee.
  - b- Evidence or documents supporting the Listing proposal such as reports of Law Enforcement Authorities, security services, the Judiciary, the media and others.
  - c- Details on any relationship with a person currently listed on the Sanctions List.
- 4- The Council shall work on providing a statement of information to the extent possible as per the Consolidated Form for the purposes of Listing on the relevant Sanctions List.

- 5- The Listing proposal must include a statement by the State as to whether the Sanctions Committee can disclose that the State is the entity requesting the listing or not.
- 6- The Council shall send the Listing proposal to the relevant Sanctions Committee through the Office.

### **Article 11 - Mandate of the Office**

For the purposes of implementing the provisions of the present Decision, the Office – as a National Coordination Body - shall have the following mandate:

- 1- Take necessary measures to implement UN Security Council resolutions, Without Delay and without prior notice to the Listed Person, in accordance with the requirements thereof, particularly resolutions related to Terrorism, Terrorist Financing and the Prevention, Suppression and Disruption of Proliferation of Weapons of Mass Destruction and its Financing.
- 2- Publish the Sanctions List and the updated Local Lists on the Office’s website, Without Delay.
- 3- Notify a Listed Person residing in the State of their Listing, after the completion of the Funds freezing procedures, and provide such Listed Person with the Narrative Summary directly, or with the necessary information on the reasons for their listing, and explain the implications of their Listing on the Sanctions List, the procedures that the Sanctions Committee follows in considering requests for de-listing from the Sanctions List, including the possibility of submitting such requests to the Ombudsperson or Focal Point, as the case may be, in addition to the possibility of using part of the Funds frozen in accordance with the provisions of the present Decision , by making this information available on the Office’s website.
- 4- Receive and process notifications relating to measures taken in implementation of the relevant UNSCR or Local Lists.
- 5- Receive grievances against Listing on Local Lists, requests for lifting freezing or Other Measures taken against persons with names similar to the names of Listed Persons, in addition to requests for using frozen Funds.
- 6- Internal coordination and exchange of information between concerned entities regarding the implementation of the provisions of the present Decision, including coordination to develop typology reports on the evasion of freezing and Other Measures, and cooperation with the Financial Intelligence Unit (FIU) in developing red flags at financial institutions and DNFBPs related to evading freezing and Other Measures.
- 7- Collect the results of supervision and enforcement measures from Supervisory Authorities related to implementing the provisions of the present Decision and coordinate efforts in this regard.

8- Communicate and engage with FIs, DNFBBs and the public with regards to the implementation of the provisions of the present Decision, including by providing training, outreach and awareness raising in coordination with Supervisory Authorities, in order to enhance effectiveness at the level of receiving notifications from the Office related to the Sanctions List and Local Lists, Without Delay; and issue the necessary instructions on compliance and collect statistics related to the implementation of the present Decision.

## **Article 12 - Publication of the Sanctions List, Local Lists, and Implementation of Related Decisions**

- 1- The Office shall publish Sanctions List and Local Lists by sending them using the means it deems appropriate to Supervisory Authorities, financial institutions and DNFBBs for the implementation of the freezing decision, and to Law Enforcement Authorities for the implementation of Other Measures, Without Delay and without prior notice to the Listed Person.
- 2- Law Enforcement Authorities and Supervisory Authorities shall provide the Office with any information, if applicable, regarding the outcome of the implementation of the freezing or Other Measures, as the case may be, within five business days from the date of implementation.
- 3- The Office shall send the data and information received from Supervisory Authorities and Law Enforcement Authorities to the UN Security Council and the Sanctions Committee, as the case may be, through the Ministry.
- 4- The Office shall send information and data received from Supervisory Authorities and Law Enforcement Authorities regarding measures taken in relation to Local Lists, to the Council.

## **Article 13 - Declared Procedures Relating to Sanctions List**

The Office shall state, on its official website, procedures for submitting requests for de-listing from the Sanctions List, including the following procedures:

- 1- Guiding Listed Person as per relevant UNSCRs to submit a de-listing request to the Ombudsperson or Focal Point directly, as the case may be, showing the applicable steps to submit a request as indicated below:
  - a- Submit a request to the Focal Point or the Ombudsperson, as the case may be, to verify such, coordinate with the concerned states and present the request to the relevant Sanctions Committee.
  - b- The Office shall receive, from the Ombudsperson or the Focal Point, the additional information request related to the Listed Person's request for de-listing.

- c- The Office shall coordinate with the concerned authorities it deems appropriate to examine the request for additional information during the period specified by the Ombudsperson or Focal Point, and provide them with its observations and to what extent the Listed Person or organization is entitled to be de-listed. The Office may ask any questions or ask for more clarifications from the Listed Person submitting the request and shall respond to any other queries raised by the Ombudsperson or Focal Point.
- 2- Procedures to lift freezing measures imposed due a false positive.
- 3- Cases where access to frozen Funds is permitted and cases of exemption from Other Measures.
- 4- Mechanisms for notifying Supervisory Authorities, Law Enforcement Authorities, Financial Institutions and DNFBPs of cases of de-listing or lifting of freezing measures.

#### **Article 14**

- 1- The Office shall submit a request for de-listing a deceased person or a defunct organization from the Sanctions List and Local Lists, to the Ombudsperson or Focal Point, as the case may be, along with a death certificate for natural persons and any information proving that the organization no longer exists or is no longer active.
- 2- The Office shall take necessary actions to ensure, in coordination with concerned entities, that the funds that were in the possession of the Listed Person are not transferred or at any time distributed to other persons listed on the Sanctions List or Local Lists, including ensuring that none of the legal heirs or beneficiaries of the Funds is listed on the Sanctions List or Local Lists, and the Office should notify the Ombudsperson or Focal Point, as the case may be, to such effect.
- 3- The Office shall take necessary actions to lift the freezing of Funds of Listed Person referred to in the present Article, after receiving the response of the Ombudsperson or Focal Point, as the case may be. If the State was the party that proposed the Listing on the Sanctions List, and a de-listing request was submitted to the Ombudsman or Focal Point, the Office shall examine the request in coordination with the Council and shall proceed with the actions mentioned the present Article.

#### **Article 15 - Freezing Funds As per the Sanctions List & Local Lists**

- 1- Any person shall, Without Delay and without prior notice, freeze Funds as per the Sanctions List and Local Lists without limiting such measure to funds that may only be used to perpetrate a certain act, conspiracy, threat or agreement related to terrorism and its financing or WMD proliferation and its financing. The freezing measure shall include the following:

- a- Funds owned or controlled, wholly or jointly, directly or indirectly, by the Listed Person or funds owned or controlled, wholly or jointly, directly or indirectly, by a person or organization acting on behalf or at the direction of the Listed Person;
  - b- Funds derived or generated from funds under sub-paragraph (a) of the present Article.
- 2- Any person must notify the Office of any freezing measures taken pursuant to Paragraph (1), within five business day of the date of the freezing.
  - 3- No person shall make funds available or provide financial or other related services, whether in whole or in part, directly or indirectly, to any of the persons or entities mentioned in paragraph (1) of the present Article, except upon authorization from the Office in line with the provisions of the present Decision, and after coordination with the Council or the UN Security Council or the relevant Sanctions Committee, and in line with Cabinet decisions regarding the issuance of Local Lists, or relevant UNSCRs, as the case may be.
  - 4- In all cases, the rights of bona fide third parties shall be taken into account when implementing any freezing measure.

#### **Article 16**

- 1- The implementation of freezing measures pursuant to UNSCRs 1718 (2006) and 2231 (2015) shall not prevent adding to the frozen account any interest, profits or other payments due under contracts, agreements or obligations that arose prior to the date on which the account was subject to provisions of the said resolutions, provided such additions are immediately frozen and reported to the Office.
- 2- In all cases, procedures set forth in UNSCRs 1452 (2002), 2231 (2015), 1718 (2006) and 2270 (2016) and any successor resolutions must be observed.

#### **Article 17**

The implementation of a freezing order pursuant to UNSCR 1737 (2006), continued pursuant to UNSCR 2231 (2015) or taken pursuant to UNSCR 2231 (2015), shall not prevent a Listed Person or organization from making a payment due under a contract that was concluded prior to their listing, subject to the following conditions:

- 1- The Office has determined that the contract is not related to any prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investments, brokerage or services referred to in UNSCR 2231 (2015) or any future successor resolution.
- 2- The Office has determined that the payment is not received, directly or indirectly, by any person or organization listed pursuant to Paragraph (6) of Appendix B of UNSCR 2231 (2015).

- 3- The Office has submitted a prior notification to the UN Security Council, including its request to make or receive such payments or to authorize, where appropriate, the unfreezing of funds for this purpose, within ten business days before the issuance of such authorization.

### **Article 18 - Lifting the Freezing of Funds & Other Measures Taken in Cases of False Positives on the Sanctions List**

The mechanism for lifting freezing and any other measures taken against a person or organization bearing a name similar to that of a listed person, shall be as follows:

- 1- The affected person shall submit a written request to the Office in person or through a legal representative, to lift freezing or any other measures taken against him, along with all documents supporting a false positive.
- 2- The Office shall examine the request, and for the purposes of deciding on the request, may ask for any clarifications or additional documents, it deems suitable from the applicant, the UN Security Council, the relevant Sanctions Committee or any other party.
- 3- The Office shall issue its decision to reject or approve the request to lift the freezing measures within thirty days from date of receipt of the request and shall notify the applicant accordingly.
- 4- The Office shall communicate the decision to approve the request, to the entity where the funds are frozen, Law Enforcement Authorities and concerned agencies. The addressed organization shall immediately execute the decision to lift freezing and other measures taken against the applicant due to a false positive.
- 5- In case the request to lift freezing and Other Measures is rejected, or remained without a response for thirty days from date of its submission, the applicant may file a grievance before the Competent Court within sixty days from the date on which he/she was notified of the rejection of the request, or from the expiry of the response period.
- 6- The court's decision regarding the grievance shall not be subject to appeal. If a grievance is rejected, a new grievance may only be submitted after six months from the date of rejection of the previous grievance, unless a serious reason that is accepted by the president of the Court arises before the expiry of such period.
- 7- An appeal against a decision regarding freezing or Other Measures shall not be accepted before a grievance against such is filed and rejected, or the period for responding to such grievance has elapsed, as set out in the present Article.

## **Article 19 - Permission to Use Funds Frozen as Per the Sanctions List**

- 1- The Office may approve a person's request to access funds frozen as per the Sanctions List, in the following cases:
  - a- To cover necessary or basic expenses, such as the amounts payable for foodstuff, rent, mortgage, medicine, medical treatment, taxes, insurance premiums, educational or judicial fees, or public utility fees.
  - b- To pay professional fees and costs relating to rendered legal services within reasonable limits; or services relating to the safekeeping or management of frozen Funds.
  - c- To cover extraordinary expenses other than those mentioned in sub-paragraphs (a and b) of this paragraph.
  - d- In the case of sanctions imposed pursuant to UNSCRs 1718 (2006) and 1737 (2006), and continued as per UNSCR 2231 (2015), and in addition to the measures mentioned above, if access was requested to use frozen funds which are subject to mortgage, or a judicial, administrative or arbitral lien or ruling, and if the funds will be used, exclusively, to satisfy the expenses of that lien or judgment, and provided that the mortgage or the ruling entered into effect at a time prior to the date of the listing in accordance with the referenced resolutions, and that the funds are not used for the benefit of any Listed Person, and after the Office notifies the UN Security Council or the relevant Sanctions Committee, as the case may be.
- 2- Requests for the purpose of deciding on any of the items under paragraph (1) of this article, shall be submitted directly to the Office, by the Listed Person or their legal representative, along with all supporting documents.
- 3- The Office shall examine the requests referred to in paragraph (2) of this article, their reasons, and the requested amounts, and may reduce or reject such amounts, based on justifiable grounds.
- 4- In the event that the submitted request is related to the expenses mentioned in sub-paragraphs (a, b, and d) of paragraph (1) of the present Article, the Office must notify the UN Security Council or the Sanctions Committee of its intention to approve the submitted request following consideration thereof in accordance with the provisions of paragraph (3) of this article, and in case the sanctions committee does not object, or issue a decision of rejection within five business days from the date of its notification, the funds that the Office agreed to unfreeze shall be unfrozen and the entity holding the frozen funds shall be immediately notified in writing to such effect and asked to implement the decision immediately. Such entity shall notify the Office of the actions taken in this regard.

- 5- In case the submitted request relates to the expenses mentioned in sub-paragraph (c) of Paragraph (1) of the present Article, the Office shall notify the Sanctions Committee of its intention to approve the submitted request following consideration thereof in accordance with the provisions of Paragraph (3) of this article, and obtain the Sanctions Committee's written approval.
- 6- For the purposes of paragraphs (4) and (5) of this article, the Office must notify the person requesting the use of funds frozen as per the Sanctions List, or their legal representative, in writing, of its approval of the request or its justified rejection of such, as soon as possible.
- 7- The Office may revoke its decision to approve the request to use funds frozen under the Sanctions List, any time there are reasonable grounds for suspicion that the funds are used for financing terrorism or financing WMD proliferation.
- 8- In case the request to use funds frozen under the Sanctions List is rejected, or remains without response for thirty days from date of its submission, the applicant may file a grievance before the Competent Court within sixty days from the date on which he/she was notified of the rejection of the request, or from the expiry of the response period.
- 9- The Court's decision on the grievance may not be appealed, and if the court ruled to reject the grievance, a new grievance may only be filed after six months from the date of rejection of the grievance, unless a serious reason that is accepted by the president of the Court arises before the expiry of such period.
- 10- An appeal against a decision to refuse the use of frozen funds shall not be accepted before a grievance against such is filed and rejected, or the period for responding to such grievance has elapsed.
- 11- In all cases, the procedures set forth in UNSCRs 1452 (2002), 1718 (2006) and 2231 (2015) and any successor resolutions, shall be observed.

## **Article 20**

The Office may set any controls it deems appropriate for the exemptions and payments stipulated in this Decision, to prevent the use of the funds for financing terrorism or WMD proliferation.

## **Article 21 - Obligations of Financial Institutions and DNFBPs**

For the purposes of implementing the present Decision, financial institutions and DNFBPs shall abide by the following:



- 1- Register on the Office's website in order to receive notifications related to new listing, re-listing, updating, or de-listing decisions issued by the UN Security Council, the Sanctions Committee or the Cabinet.
- 2- Regularly screen their databases and transactions against names on lists issued by the UN Security Council, the Sanctions Committee or the Local Lists, and also immediately when notified of any changes to any of such lists, provided that such screening includes the following:
  - a - Searching their customer databases.
  - b - Search for the names of parties to any transactions.
  - c - Search for the names of potential customers.
  - d - Search for the names of beneficial owners.
  - e - Search for names of persons and organizations with which they have a direct or indirect relationship.
  - f - Continuously search their customer database before conducting any transaction, or entering into a serious business relationship with any person, to ensure that their name is not listed on the Sanctions List or Local Lists.
- 3- Implement freezing measures, without delay, and without prior notice to the Listed Person, immediately when a match is found through the screening process referred to in paragraph (2) of this article.
- 4- Implement decisions to lift freezing measures without delay, pursuant to Relevant UNSCRs or decisions of the Cabinet regarding the issuance of Local Lists.
- 5- Immediately notify the Supervisory Authority in the following cases:
  - a - Identification of funds and actions that have been taken as per requirements of Relevant UNSCRs or decisions of the Cabinet regarding the issuance of Local Lists, including attempted transactions.
  - b - Detection of any match with listed persons or entities, details of the match data and actions that have been taken as per the requirements of Relevant UNSCRs and Local Lists, including attempted transactions.
  - c - If it was found that one of its previous customers or any occasional customer it dealt with, is listed on the Sanctions List or Local Lists.
  - d - If it suspects that one of its current or former customers, or a person it has a business relationship with is listed or has a direct or indirect relationship with the Listed Person.

- e - No action has been taken due to a false positive, and the inability to dismiss such false positive through available or accessible information.
  - f - Information relating to funds that have been unfrozen, including their status, nature, value and measures that were taken in respect thereof, and any other information relevant to such decisions.
- 6- Establish and effectively implement internal controls and procedures to ensure compliance with the obligations arising from this Decision.
  - 7- Establish and implement policies and procedures that prohibit staff from, directly or indirectly, informing the customer or any third party that freezing or any Other Measures shall be implemented in accordance with the provisions of this Decision.
  - 8- Cooperate with the Office and the Supervisory Authority in verifying the accuracy of submitted information.

## **Article 22 - Obligations of Supervisory Authorities**

Supervisory Authorities shall abide by the following:

- 1- Receive all information from FIs and DNFBPs regarding frozen funds, or any measures taken in compliance with prohibition requirements pursuant to the present Decision, including attempted transactions and send such information to the Office within five working days from the date of its receipt.
- 2- Supervise, monitor and follow-up to ensure compliance with the provisions of this Decision, through onsite and offsite inspection, and imposing appropriate administrative sanctions in case of violation or failure to implement such provisions.
- 3- Establish a list of cases detected, as per the provisions of this Decision, by FIs and DNFBPs, where the customer or beneficial owner was a Listed Person or organization.
- 4- Identify any funds related to a Listed Person that have been detected and frozen by FIs and DNFBPs, and whether or not relevant reports were submitted to the Office in line with the provisions of the present Decision.
- 5- Submit reports to the Office at least semiannually on results of supervision, monitoring and follow-up on the implementation of FIs and DNFBPs of their obligations under the present Decision.

## **Article 23 - General Provisions**

- 1- Any person who, due to the nature of their work, has access to, or becomes aware of, any information provided or exchanged pursuant to the provisions of the present Decision, whether


directly or indirectly, shall not disclose this information in any form, unless for the purposes of implementing the present Decision.

- 2- A person who, in good faith, freezes Funds, denies disposal thereof, refuses to provide financial services relating thereto, or declines to perform any other obligation in compliance with the provisions of the present Decision, shall be exempt from any damages or claims resulting from such actions.
- 3- Violating the provisions of the present Decision shall result in the implementation of penal and administrative sanctions stipulated in Federal Decree Law No. (20) of 2018.

#### **Article 24 - Administrative Measures**

- 1- Both the Council and the Office may, within the limits of their respective mandates, issue procedures and instructions concerning the implementation of the present Decision.
- 2- Procedures, criteria and templates adopted by the UN Security Council and its Committees are considered the main reference for implementing the provisions of the present Decision and any other related procedures.
- 3- Subject to relevant UNSCRs, the Council or the Office, as the case may be, may ask the Ministry of Justice to appoint whoever it deems appropriate to manage frozen Funds, if necessary.

#### **Article 25 - Repeal of Conflicting Provisions**

Cabinet Decision No. (20) of 2019 referred to above is hereby repealed  as any provisions conflicting with the provisions of the present Decision are repealed.

#### **Article 26 - Publication and Entering into Effect**

The present Decision shall be published in the Official Gazette, and shall come into effect on the day following the date of its publication.

**The original copy is signed by his Highness Sheikh**

:Issued on  
Rabi' Al Awwal 1442 AH 10  
October 2020 AD 27

**Mohamed Bin Rashid Al Maktoum  
Prime Minister**