



Delisting and Unfreezing Procedures: Terrorist Financing

CFATF Secretariat Research Desk
September 30th, 2021.





De-listing Procedures UNSCR 1267



Countries should develop and implement publicly known procedures to submit de-listing requests to the Security Council for persons/entities that no longer meet the designation criteria.



The procedures and criteria for de-listing requests related to **Al-Qaida** should be in line with procedures adopted by the 1267 Committee under the relevant Security Council resolutions.(1)



The procedures and criteria for de-listing requests related to the **Taliban** should be in accordance with procedures adopted by the 1988 Committee under Security Council resolutions. (2)

1. UNSCRs 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1989 (2011), and any successor resolutions.
2. UNSCRs 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and any successor resolutions.





De-listing Procedures UNSCR 1267



Where a person/entity is de-listed by the 1267 Committee or 1988 Committee, the obligation to freeze funds/assets no longer exist.



Countries should have mechanisms for communicating de-listings and unfreezing action to the financial sector and the DNFBPs immediately.



Even when de-listed by the 1267 or 1988 Committee, a country may maintain targeted financial sanctions against a person/entity of concern, if it is determined that they meet the designation criteria of UNSCR 1373.





De-listing Mechanisms UNSCR 1267 Office of the Ombudsperson



The Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee was established to review de-listing requests.



The Ombudsperson's mandate was established under UNSCR 1904 (2009) and extended by its successor resolutions.

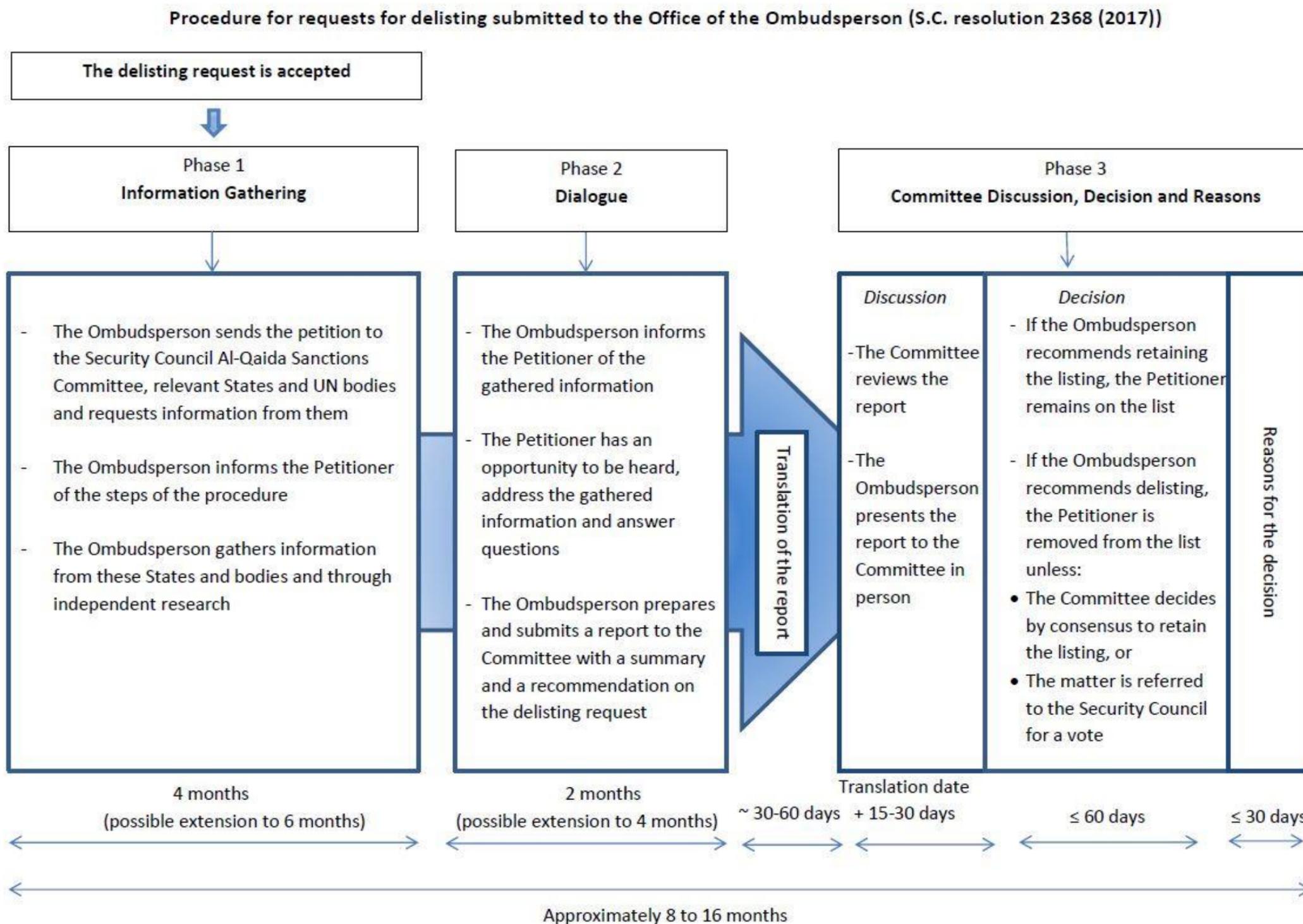


The Ombudsperson is mandated to gather information and to interact with the petitioner, relevant States and organizations with regard to the request.





Procedure for De-listing Requests submitted to the Office of the Ombudsperson for UNSCR 1267





De-listing Procedures UNSCR 1373



Countries should have appropriate legal authorities and procedures or mechanisms to de-list and unfreeze the funds/assets of a person/entity that no longer meet the designation criteria.



Procedures should also be in place to allow, upon request, review of national and supranational designations before a court or other independent competent authority.



The designating authority and the relevant designated person or entity should be entitled to make submissions to the review body.





De-listing Procedures UNSCR 1373



Final decisions of the review body should be public, but the review body should be able to exclude any aspects of the decision which might raise significant privacy/security concerns.



Countries should consider implementing procedures for the periodic review of designations based upon new information regarding a designation or an application for review by a country affected by the designation.

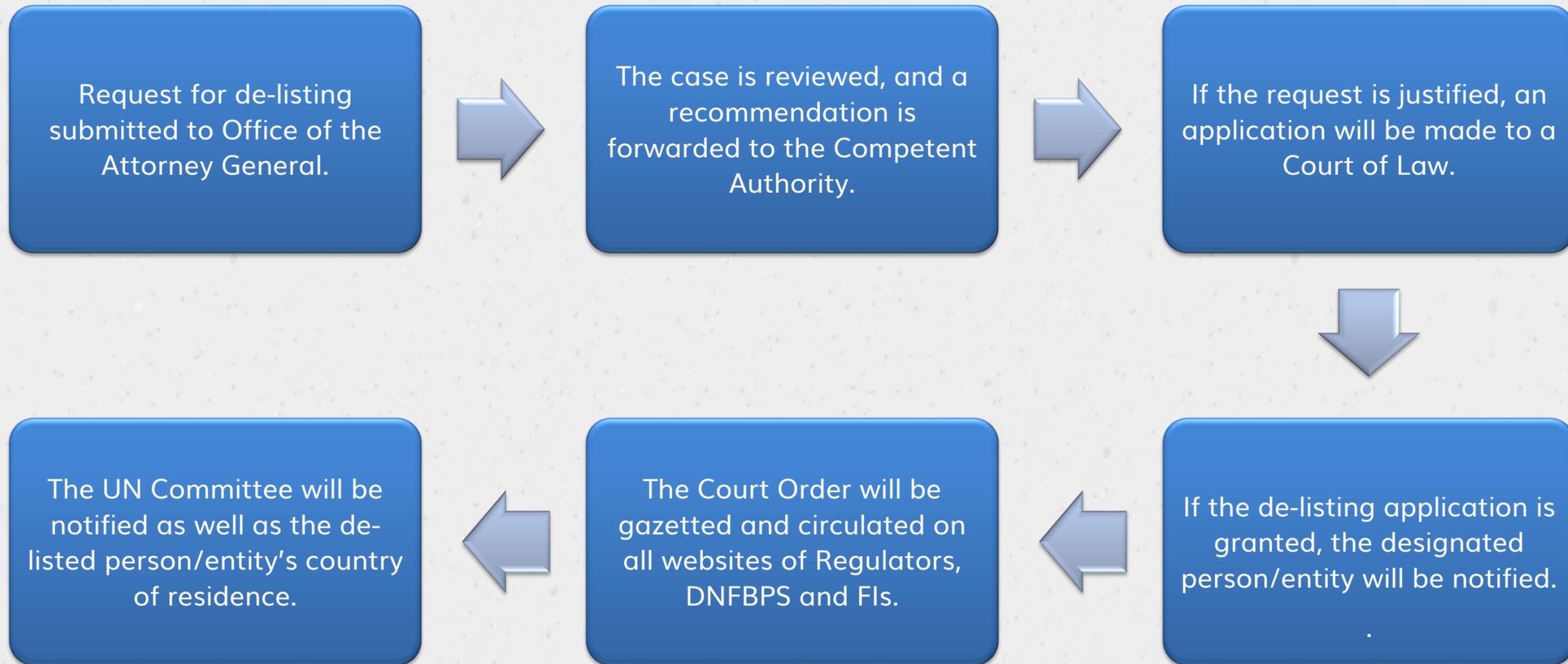


Countries should have the mechanisms to communicate de-listing and unfreezing actions to FIs and DNFBPs immediately.





Example: Domestic De-Listing under UNSCR 1373





Authorized Use of Frozen Funds and/or Assets



Where countries have determined that funds or other assets of persons and entities designated by the Security Council, or one of its relevant sanctions committees, are necessary for basic expenses, for the payment of certain types of fees, expenses and service charges, or for extraordinary expenses, countries should authorize access to such funds or other assets in accordance with the procedures set out in UNSCR 1452 (2002) and any successor resolutions.

Likewise, countries should authorize access to funds or other assets, if freezing measures are applied to persons and entities designated by a (supra)national country pursuant to UNSCR 1373 (2001) and as set out in UNSCR 1963 (2010).



Thank you!

CFATF Secretariat Research Desk

cfatf@cfatf.org

<http://www.cfatf-gafic.org>

