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The Chairman of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) (hereafter referred to as “the Committee”) presents his compliments to the Permanent Representatives of Member States and to the Permanent Observers of Non-Member States to the United Nations.

The Chairman has the honour to convey the following information regarding the implementation of Security Council resolution 1989 (2011), the adoption of which has modified the sanctions regime and the Consolidated List previously overseen by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. A copy of the resolution is attached for ease of reference.

On 30 June 2011, the Security Council decided to change the name of the Committee in light of the change to its mandate. Detailed information about the Committee, including updates to the Al-Qaida Sanctions List, remains available on the website of the Committee: <http://www.un.org/sc/committees/1267/>.

MODIFICATION OF SANCTIONS REGIME AND LISTS

On 17 June 2011, with the adoption of Security Council resolution 1988 (2011), the Consolidated List was split into two separate lists: the names previously included in sections A (“Individuals associated with the Taliban”) and B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List are now included on the List of individuals and entities established pursuant to Security Council resolution 1988 (2011), also known as the “1988 Sanctions List”, which is maintained by the Committee established by the same resolution.

The names previously included in sections C (“Individuals associated with Al-Qaida”) and D (“Entities and other groups and undertakings associated with Al-Qaida”) of the Consolidated List are now included on the Al-Qaida Sanctions List, which is maintained by this Committee. Henceforth the Al-Qaida Sanctions List shall include only the names of those individuals, groups, undertakings and entities associated with Al-Qaida.

In accordance with paragraph 3 of resolution 1989 (2011), the Committee has transmitted to the Committee established pursuant to resolution 1988 (2011) all listing submissions, delisting requests and proposed updates to the existing information relevant to sections A (“Individuals associated with the Taliban”) and B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List that were pending as of 17 June 2011, so that the appropriate Committee can consider those matters in accordance with resolution 1988 (2011). States should address any communications related to names previously included in sections A (“Individuals associated with the Taliban”) and B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List to the Committee established pursuant to resolution 1988 (2011).

Annex enclosed

RESOLUTION 1989 (2011) – MEASURES

The Security Council has decided that all States shall implement the mandatory assets freeze, travel ban, and arms embargo measures set out in paragraph 1 of resolution 1989 (2011) with respect to the individuals and entities whose names are included in the Al-Qaida Sanctions List.

LISTING

In resolution 1989 (2011) the Security Council reaffirmed that acts or activities indicating that an individual, group, undertaking, or entity is associated with Al-Qaida include:

- (a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
- (b) Supplying, selling or transferring arms and related materiel to;
- (c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof.

The Chairman wishes to recall that Member States are encouraged to submit to the Committee for inclusion on the Al-Qaida Sanctions List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, and other individuals, groups, undertakings and entities associated with it. The Security Council has reiterated that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities.

In this connection, the Chairman further recalls that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall also provide a detailed statement of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 16 of resolution 1989 (2011).

DELISTING

Member States may submit to the Committee requests for the removal of individuals and entities from the Al-Qaida Sanctions List, in accordance with the Guidelines of the Committee: http://www.un.org/sc/committees/1267/pdf/1267_guidelines.pdf. Individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests through the Office of the Ombudsperson (<http://www.un.org/en/sc/ombudsperson/>). Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

In resolution 1989 (2011), the Security Council expressed its intent to continue efforts to ensure that procedures are fair and clear, noted the Ombudsperson's important role in improving fairness and transparency, and introduced enhanced procedures for the Ombudsperson to present a recommendation to retain the listing or a recommendation that the Committee consider delisting. In this connection, the Chairman wishes to underline that in the same resolution the Security Council requested that Member States and relevant international organizations and bodies encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to seek removal from the Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson.



In an additional modification of its delisting procedures, the Security Council decided, in paragraph 27 of resolution 1989 (2011), that when the designating State submits a de-listing request, the concerned individual, group, undertaking or entity will be removed from the Al-Qaida Sanctions List after 60 days, unless the Committee unanimously affirms that the listing of the concerned individual, group, undertaking or entity remains appropriate; provided that in cases where consensus does not exist, the Chair shall, on the request of a Committee member submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days.

OTHER PROVISIONS

To ensure that the Al-Qaida Sanctions List is as updated and accurate as possible, the Committee has been requested to review each entry on the List on a regular basis, including, as appropriate, through reviews of individuals whose entries lack identifiers, individuals who are reportedly deceased, and entities reported or confirmed to have ceased to exist. In this context, relevant Member States may be contacted by the Committee or the Monitoring Team as part of the conduct of these reviews.

Through this note verbale, the Chairman also wishes to draw attention to those new elements of resolution 1989 (2011), contained in paragraphs 14, 21, 22, 23, 26, 27, 28, 29 and 50, that are of particular relevance to Member States. The Chairman would also like to note that the Committee is currently reviewing, as a matter of priority, the guidelines for the conduct of its work to incorporate the new provisions introduced by resolution 1989 (2011).

The Chairman would like to take this opportunity to reiterate that the Committee and the Analytical Support and Sanctions Monitoring Team stand ready to assist Member States in all issues related to the Al-Qaida sanctions regime.

27 September 2011

T. C. H.