



# Requests for Assistance with a United Nations De-Listing

# REQUESTS FOR ASSISTANCE WITH A UNITED NATIONS DE-LISTING

## POLICY

Whereas Jersey does not have a direct relationship with the UN, it is the policy of the MER to maintain a MoU with the FCDO in the UK concerning requests for assistance with de-listing a person or entity from UNSCRs.

## DEFINITIONS

- “FATF” means Financial Action Task Force
- “FCDO” means the Foreign, Commonwealth and Development Office of the United Kingdom
- “FIU” means the Financial Intelligence Unit
- “GoJ” means the Government of Jersey
- “Minister” or “MER” means the Minister for External Relations
- “MoU” means Memorandum of Understanding
- “SAFL” means the Sanctions and Asset Freezing (Jersey) Law 2019
- “UK” means the United Kingdom
- “UN” means the United Nations
- “UNSC” means United Nations Security Council
- “UNSCR” means UNSC Resolutions

## BACKGROUND AND PURPOSE

This procedure applies in the event that the Minister agrees to comply with a request for assistance with a UN de-listing from a UN-listed person or entity.

When the Minister receives a request from a UN-listed person for assistance with UN de-listing, the Minister must consider the request and decide whether or not to comply with it.

The Minister will not consider a request for assistance with de-listing if:

- a. the designated UN-listed person has made a previous request under this Article 43A of SAFL or under section 25 of the Sanctions and Anti-Money Laundering Act 2018 of the UK; and
- b. the grounds on which the current request is made do not include a significant matter that has not previously been considered by the Minister or by Her Majesty’s Government in the UK.

If the Minister agrees to comply with the request for assistance, then the Minister must request the UK to use its best endeavours to ensure that the person ceases to be a UN-listed person.

It is standard procedure for the UK to follow the relevant UNSC Committee Guidelines (including the use of standard forms for listing/de-listing, as adopted by the relevant UNSC Committees) when making a proposal for a listing or request for delisting. The UK has confirmed that it will also do this when making such proposals/requests on behalf of Jersey. However, MER must secure confirmation from the UK each time such a request is made and

provide such assistance to the UK as is required to facilitate this. The relevant UN Security Council Committees are as follows:

- 1518 Sanctions Committee (Iraq)
- 1636 Sanctions Committee (Lebanon)
- 1718 Sanctions Committee (DPRK)
- 1988 Sanctions Committee (Taliban)
- 1989 Sanctions Committee (Al-Qaida and associated individuals and groups)
- 2140 Sanctions Committee (Yemen)
- 2207 Sanctions Committee (Central African Republic)
- 2231 Sanctions Committee (Libya)
- 2653 Sanctions Committee (Haiti)
- Al-Shabaab Sanctions Committee
- Democratic Republic of Congo Sanctions Committee
- Guinea-Bissau Sanctions Committee
- South Sudan Sanctions Committee
- Sudan Sanctions Committee

Of these committees, 1718 Sanctions Committee (DPRK), 1988 Sanctions Committee (Taliban) and 1989 Sanctions Committee (Al-Qaida and associated individuals and groups), are responsible for monitoring the implementation of UNSCRs that target Terrorist Financing and Proliferation Financing.

## **PROCEDURE**

### **1. RECEIPT OF REQUEST**

In the first instance, the Minister must consider whether to redirect the request to a more appropriate channel:

- Requests for de-listing from a UN sanctions regime can be submitted through the UN focal point at [delisting@un.org](mailto:delisting@un.org), or through the state of residence or citizenship.

If the Minister considers that they are the most appropriate channel to handle the request, then they must then ensure that the request is sufficiently clear and supported by the underlying evidence.

If the Minister receives a de-listing request which is insufficiently clear or detailed to justify transmission to the UK, they must require the person making the request to supply any necessary information before taking any further steps.

### **2. SUBMIT TO THE FCDO**

The FCDO will nominate one or more contact points for the purposes of dealing with de-listing requests from Jersey and these contact points must be used at all times.

When submitting a request to the FCDO, the MER must provide a reason for making the request and as much information the MER is able to disclose in support of the request.

In particular, the request should:

- ✓ Provide the full name of the person or entity, along with any known aliases;
- ✓ Provide all known personal details (including date of birth, nationality, current residence, and any other known addresses);
- ✓ Provide the details of any known or suspected link between the person or entity and any other designated person or entity;
- ✓ Provide a statement, detailing the basis for the request and the grounds on which the MER considers that the person or entity should be de-listed from the relevant UNSCR committee(s).

The MER should also disclose as much underlying evidence as possible to support the proposal. Once the request has been submitted, the FCDO will acknowledge receipt promptly in accordance with the MoU.

### **3. RESPOND TO REQUESTS FOR FURTHER INFORMATION**

If at any time the FCDO requires additional information in order to deal with a request for assistance with de-listing from Jersey, it will ask the MER for the necessary information.

Under the terms of the MoU, the MER is responsible for ensuring that there are no legal impediments to the transmission of all necessary information to the FCDO.

Whilst every effort should be made to comply with requests from the FCDO, for the avoidance of doubt, the MER must not disclose any information which:

- Would contravene the [Data Protection \(Jersey\) Law 2018](#); or

- Is prohibited by Part 2 of the [Regulation of Investigatory Powers \(Jersey\) Law 2005](#)

**The MER has committed under the MoU to ordinarily respond to requests for further information by the FCDO within 7 days.**

#### **4. TIMING**

The UK ensure a listing or delisting proposal meets legal thresholds, which can take a number of weeks depending on the level of complexity. Once the UK, or any other UN Member State makes a proposal to the relevant Sanctions Committee, there is typically a five day no-objections procedure. Any member of the sanctions committee can place a hold or block on a proposal.

Jersey is committed to working as swiftly as possible when proposing a request for listing or delisting to the UN via the FCDO. To streamline the process and avoid unnecessary delays, the FSIU must assist the MER to ensure that comprehensive legal analysis is completed in advance of submitting any proposals, and to provide any support and assistance as may be needed by the UK in support of a listing or delisting. This proactive approach will enable the MER to present well-founded cases and contribute to the smooth functioning of the UNSC Sanctions Committees.

#### **5. UPDATES**

The FCDO will keep the MER informed of the progress of the proposal for listing at regular intervals, or at the request of the MER.

#### **6. PUBLICATION**

Where the MER's proposal for a terrorism designation to the UN via the UK successful, the Minister must:

- ✓ Give written notice of the designation to the person; and,
- ✓ Take steps to publicise the designation on the same day.