



Requests To the United Nations for a Terrorism Designation

REQUESTS TO THE UNITED NATIONS FOR A TERRORISM DESIGNATION

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 proposals for listing a person or entity under 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 MER reasonably believes that a person, who is not a UN-listed person, should be a UN-listed person in relation to, or should otherwise be subject to measures under, any one or more of the following:

1. any of the UN Security Council resolutions mentioned in Article 19(1)(c):
 - a. the ISIL (Da’esh) and Al-Qaida Sanctions List maintained and amended from time to time by the Committee established by the UN Security Council under resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da’esh), Al-Qaida and associated individuals and entities,
 - b. a list maintained and amended from time to time by the Committee established by the UN Security Council under resolution 1988 (2011), as being associated with the Taliban; or,
2. any other UN sanctions resolution, as adopted from time to time, that states that its purposes include countering terrorism.

Under Article 45B of SAFL, if the MER reasonably believes that a person who is not a UN-listed person in relation to the relevant UNSC Resolution should be a UN-listed person, the MER must request His Majesty’s Government in the UK to use its best endeavours, following UN Committee Guidelines (i.e. by completing the standard forms for listing/de-listing, as adopted by the relevant committee (the 1267/1989 Committee or 1988 Committee)) to secure that the person becomes a UN-listed person under the relevant resolution.

However, the MER may also make such a request to the UK if he reasonably suspects that a person who is not a UN-listed person in relation to the relevant UNSC Resolution should 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 de-listing. 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. DECISION

In deciding whether a person should be a UN-listed person, the MER should have regard to:

- ✓ Information and intelligence received from reporting entities, financial crime agencies, including the Financial Intelligence Unit
- ✓ any designation criteria or procedures established by any organ of the United Nations for the purpose of the relevant resolution;
- ✓ any recommendation adopted by FATF in relation to the relevant resolution;
- ✓ whether there is a legal basis for such a designation

2. SUBMIT TO THE FCDO

The FCDO will nominate one or more contact points for the purposes of dealing with 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 a UN listed person or entity.

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 proposal for 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 de-listing 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 de-listing 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 de-listing 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.