

Cabinet Resolution No. (74) of 2020 Regulating the Terrorist Lists and Implementing the Security Council's Resolutions Regarding the Prevention and Suppression of Terrorism and its Financing and Proliferation of Armaments and the related Resolutions

The Cabinet:

- Having perused the Constitution;
- Federal Law No. (1) of 1972 concerning the Competencies and Powers of the Ministers and amendments thereof;
- Federal Law No. (17) of 2006 concerning the establishment of Supreme Council for National Security and the amendments thereof;
- Federal Law No. (13) of 2007 relating to Goods Subjected to Import and Export Control & the amendments thereof;
- Federal Law No. (7) of 2014 on Combating Terrorism Offences;
- Federal Law No. (20) of 2018 on anti-money laundering and combating the financing of terrorism and illegal organizations;
- Cabinet Resolution No. (20) of 2019 Concerning the Regulation of Terrorism lists and the application of the Security Council resolutions and the relevant resolutions on the prevention, suppression of terrorism and its financing and the cessation of weapon proliferation and its financing & the Relevant Resolutions;
- And based on the proposal submitted by the Minister of Foreign Affairs and International Cooperation, and the approval of the Cabinet.

Has resolved the following:

Article (1)

Definitions

In applying the provisions hereof, the following words and phrases have the meanings assigned to each of them, unless the context requires otherwise:

Country	: The United Arab Emirates
Council	: Supreme Council for National Security (SCNS)
Ministry	: The Ministry of Foreign Affairs and International Cooperation
Competent court	: Court having jurisdiction over state security offences
Office	: The Executive Office of the Committee for Goods and Material Subjected to Import and Export Control.
Regulatory authorities	: Federal and domestic authorities entrusted by legislations to supervise Financial Institutions (FIs), specific non-financial Businesses and professions.
Law enforcement agencies	: Federal and local authorities, entrusted under their legislation in force, to carry out offences combating, investigating and evidence-gathering, including Money Laundering and terrorism financing and financing illegal organizations.
Sanctions Committee	: Any of the UN Security Council committees established pursuant to its resolutions, including Resolutions 1267 (1999) and 1989 (2011) regarding Al Qaeda and ISIS, 1988 (2011) regarding the security and stability of Afghanistan, and 1718 (2006) related to preventing and suppressing the spread of weapons of mass destruction financing to the Democratic People’s Republic of Korea.

The Designated :A person or organization designated by the Security Council in the sanctions list or by the Council of Ministers in the local lists, as the case may be.

Person : Natural or legal person.

Ombudsperson: The person designated by the Secretary-General of the United Nations to provide assistance to the Sanctions Committee when reviewing requests from individuals, groups, undertakings or entities seeking to be removed from the ISIL (Da'esh) and Al-Qaida Sanctions List of the Security Council's ISIL (Da'esh) and Al-Qaida Sanctions Committee.

Focal Point : A center established within the Secretariat General under Security Council's Resolution 1730 (2006), specialized in receiving a petition for persons and entities who are in State or holders of State nationality, and who are included in the relevant list, when they wish to remove their names from such list, request exemptions for humanitarian reasons or exemptions from the travel ban, freezing of funds, or individuals who claim that the sanctions measures were applied to them by mistake.

Relevant Security Council Resolutions : All current and future Security Council resolutions related to preventing and suppressing terrorism and its financing or stopping the spread of armaments and its financing, including Resolutions 1267 (1999), 1988 (2011), 1989 (2011), 1718 (2006) and 2231 (2015) and any subsequent resolutions thereof.

Inclusion : Identification of person or organization subject to sanctions established by relevant Security Council resolutions, with the application of relevant sanctions to such person or organization and indicating the reasons for the same.

- Local (Domestic) lists** : Terrorism lists issued as per a decision from the Cabinet in accordance with the provisions of Clause (1) of Article (63) of Federal Law No. (7) of 2014 referred to.
- Sanctions List** : A list that contains names of individuals and organizations associated with terrorism and its financing or proliferation and armaments financing are included who are subject to the sanctions specified under the decisions of the Security Council and the Sanctions Committee, their data and the reasons for their inclusion therein.
- Explanatory Summary** : The declared part of the reasons statement to include a person or entity by the Sanctions Committee on the sanctions list attached to the inclusion decision.
- Funds** : Assets of any method of acquisition, form, corporeal or incorporeal, tangible or intangible, movable or immovable, electronic, digital, or encrypted; including national and foreign currency, legal documents or bonds of any form, including electronic or digital form that prove the ownership of such assets or shares or any related equities. This is in addition to economic resources, which are deemed assets of any type whatsoever, including oil, other natural resources and bank credits, cheques, pay orders, shares, securities, debentures and bills, and letters of credit. in addition to any other benefits, profits or incomes received or generated from such assets and that can be used to obtain any finance, goods, or services, including internet posting services or any other related services.
- Further Measures** : Applicable sanctions measures other than the freezing which may be included in the relevant Security Council resolutions or cabinet decisions regarding the issuance of local lists, such as bans related to travel, weapons, importation, or providing fuel supply services, etc.

Without Delay : Immediately, in any case, Within 24 hours of the inclusion decision issued by the UN Security Council, the Sanctions Committee, or Cabinet, as the case may be.

Article (2)

Functions of the Supreme Council

1. The Council, for the purposes of implementing the provisions hereof, shall have the following functions:
 - a. Prepare a Local List or more, proposing therein the designate, de-list, or update persons and terrorist organization, on its own initiative or based on request made from another state, as the State being internationally committed to Designate them therein to.
 - b. Coordinate with other state to designate persons or terrorist organization in their local terrorist lists.
 - c. Raise a proposal of designating persons or organizations into the Sanctions Committee.
 - d. Raise a request for de-listing persons or organizations from the Sanctions List, when the Council considers that those names do not meet the criteria for listing or no longer fulfil them, subject to the procedures and criteria of the relevant Security Council resolutions.
 - e. Conduct a regular review of the Local Lists in coordination with the Ministry of Justice, and it shall have the right to request clarifications or documents it deems appropriate from law enforcement authorities and the concerned authorities in the state for the purposes of the revision, provided the revision does not exceed one year.
2. The Council shall practice its functions outlined in Clauses A, B and C of Article 1, in accordance with the rules and procedures contained in the relevant Security Council Resolution once the reasonable facts and grounds are solid, regardless a criminal case is established or not.

Article (3)

Proposal for Designation and Updating in Local Terrorism Lists

Subject to Clause (2) of Article (2) of this resolution, the Council coordinates with whomever it deems appropriate in the state and abroad to obtain information on identifying terrorist persons and organizations that meet the classification criteria for the purpose of preparing a proposal for designation into the local lists in accordance with the following procedures:

1. The Council, individually and without prior notice to the designated, prepares a Local List or more, proposing therein the designate persons and terrorist organization, or based on request made from another state, if the Council satisfied with the reasonable grounds or sound basis for suspicion or belief that the person or organization meets the classification criteria for designation, as the State being internationally committed to Designate them therein to. The council should take the decision as soon as possible.
2. In the designation process, the Council shall take into account the classification criteria contained in Security Council Resolution No. 1373 (2001), which include the following:
 - a. Any person or an organization that commits or attempts to commit terrorist acts or participates in or facilitates the commission of terrorist acts.
 - b. Any organization owned or controlled, directly or indirectly, by a person or a organization that falls under Paragraph (A) of Clause (2) of this Article.
 - c. Any organization or a person who acts on behalf of or under the direction of a person or terrorist organization that falls under Paragraph (A) of Clause (2) of this Article.
 - d. The Council coordinates with the Ministry of Justice regarding the designation proposal into the local lists if the Council decides that a person or organization meets the classification criteria in accordance with the provisions stipulated in Clause (2) of this Article, and then the proposal is sent to the Ministry of Presidential Affairs for presentation to the Council of Ministers for issuance.
 - e. In the event that the Council of Ministers issues the local lists, the Office shall be notified to circulate them without delay, according to its procedures.
 - f. The procedures set out in this article shall be applied when updating the local lists, as well as when re-designation of any designation that were previously de-listed there

from hence the grounds of designation have perished, in accordance with the provisions stipulated in Clause (2) of this Article.

Article (4)

Delisting from the Local Terrorist Lists

The Council de-list the name of the person listed in the local terrorist lists according to the following procedures:

1. The Council shall refer its conclusions concerning the delisting from the Local Lists, to the Ministry of Presidential Affairs in the cases where the Council deems that the information or evidence don't require designation, and after validation that the grounds that necessitated the designation have disappeared.
2. The Ministry of Presidential Affairs shall present the proposal of delisting of the name of the designated person from the local terrorist lists to the Cabinet to pronounce its decision to approve or refuse.
3. The Office shall be notified of the Council of Ministers decision referred to in Clause (2) of this Article as soon as it is issued to circulate it and cancel the freezing and other measures taken according to the procedures followed.

Article (5)

Entering into Force and Dissemination of the Local Terrorism Lists

1. The decisions of designation, re-designation and de-listing from local terrorist lists as well as the updating in such lists shall enter into force from the date of their issuance or from the date set by the Council of Ministers, and such decisions shall be published in the Official Gazette.
2. The decisions of designation in and de-listing from local terrorist lists as well as the re-listing in such lists shall be published in the audio-visual and print media both in Arabic and in English, in accordance with the regulations established by the Council.

Article (6)

Procedures of the Grievance to the Decisions of Designation in the Terrorism Local Lists

Whomever designated in the Local List shall submit grievance according to the following procedures:

1. The applicant shall personally or through his legal representative submit the grievance request in writing to the Office in accordance with the mechanism established by the Office, attaching therewith all supporting documents.
2. The Office shall refer the request to the Council for study and formulate its conclusions; they shall have the right to request any further clarifications or documents from the applicant, the law enforcement authorities or the concerned authorities in the state for the purpose of deciding on the request.
3. The Council shall receive the grievance request and verifies it if it is new or repeated, and it may reject it if it is repeated and did not include additional information about the previous grievance, or for any other reasons.
4. The Council shall refer its conclusions regarding the grievance/plea to the Ministry of Presidential Affairs, in the cases where the Council deems, through its consideration of the request, the information or evidence don't require designation, and after validation that the grounds that necessitated the designation have disappeared.
5. The Minister of the Presidential Affairs shall present the grievance/plea on the Cabinet in accordance with the Council's mechanisms, attaching therewith the Council's opinion in the subject matter for the purpose to decide on the matter whether by approval or rejection.
6. If the Council of Ministers approves the grievance, the name of the applicant will be de-listed from the local lists and the freezing and other measures taken according to the designation decision shall be cancelled. The Office shall be notified of the grievance decision upon its issuance to notify the applicant and circulate the decision according to the procedures followed.
7. If the grievance request is rejected or remained unanswered within sixty days from the date of submission, the applicant then shall have the right to challenge the Council of

Ministers decision of designation before the Competent Court within sixty days from the date knowing about the rejection or after exceeding the answering date.

8. The Court's verdict shall be final in the grievance and shall be incontestable. Therefore, if the grievance is rejected, then the applicant shall not be allowed to submit new grievance unless after each six months as of the date of rejecting the challenge, unless a serious cause arises and accepted by the President of the Court before the expiration of that period.
9. The challenge on the designation or re-listing decision shall not be accepted before having to submit a grievance and be it rejected or unanswered as prescribed in this Article.

Article (7)

Cancellation of the Funds Freezing Procedures and Other Measures in case the Names are Similar to those Designated in the Local Lists and those Affected by them

Anyone against whom the freezing measures and other measures have been taken due to has a name similar to the one designated in the local terrorist lists, and whoever affected by these procedures may cancel them according to the following:

1. Submit, personally or through his legal representative, a request to cancel the freeze or any other measures taken against him in writing to the Office, accompanied by all the supporting documents.
2. The Office shall refer the request to the Council for study; they shall have the right to request any further clarifications or documents from the applicant, the law enforcement authorities or the concerned authorities in the state for the purpose of deciding on the request.
3. The Council shall issue its decision on the request to reject or approve after verifying that the applicant or his funds are not related to the designation, and sends it within thirty days from the date of receiving the application to the Office that notifies the applicant in writing of the outcome.
4. If the Council approves the request, the office shall address the freezing body, the law enforcement authorities, and the authorities concerned with other measures to cancel the

measures taken against the applicant, and the addressee body shall immediately implement the decision.

5. If the Council rejected the request or remained unanswered within thirty days from the date of submission, the applicant then shall have the right to challenge before the Competent Court within sixty days from the date knowing about the rejection or be or after exceeding the answering date.
6. The Court's verdict shall be final in the grievance and shall be incontestable. Therefore, if the grievance is rejected, then the applicant shall not be allowed to submit new grievance unless after each six months as of the date of rejection, unless a serious cause arises and accepted by the President of the Court before the expiration of that period.
7. The challenge on the freezing decision or the other measures shall not be accepted before having to submit a grievance and be it rejected or after exceeding the answering date, as prescribed in this Article.

Article (8)

Permitting the Use of Frozen Funds Pursuant to Local Lists

1. Anyone, who is designated in the local terrorist lists, shall have the right to, personally, or by his legal representative, and whoever has an interest, submit a written request for permitting use of the frozen funds pursuant to the Local Lists decision to the Office to refer it in turn to the Ministry of Justice, attaching therewith all supporting documents.
2. The Ministry of Justice examines the request, its grounds and the amounts required, and it may reduce its value or reject it based on justified reasons.
3. The Ministry of Justice, after coordinating with the Council, shall approve the request for permitting the use of parts of the frozen funds pursuant to the Local Lists decision for any of the following:
4. To pay necessary expenses for the listed individual whose funds are frozen, i.e. amounts paid for food, rent, mortgage, medicine, medical care, insurance premium, education, legal fees and general public expenses.

5. To pay for professional fees and expenditures concerning those related to legal service fees and other extraordinary expenses within reasonable limits, or services fees related to maintaining and management of frozen funds.
6. The Ministry of Justice shall inform the Office, with the approval or the rejection on the request, which in turn notifies the applicant of the outcome of the decision in writing.
7. If the request is rejected or remained unanswered within thirty days from the date of submission, the applicant then shall have the right to challenge before the Competent Court within thirty days from the date knowing about the rejection or after exceeding the answering date.
8. The challenge on the rejection decision shall not be accepted before having to submit a grievance and be it rejected or unanswered as prescribed in this Article.
9. In all cases, the procedures stipulated in Security Council resolution 1452 (2002) and any subsequent resolutions shall be observed.

Article (9)

Request for Designation into the Terrorist Lists of Another State

Subject to Clause (2) of Article (2) hereof, the Council may unilaterally request the designation of the name of a person or organization that meets the classification criteria pursuant to Security Council Resolution No. 1373 (2001) into the terrorist list of another state, by taking the following actions:

1. Communication by diplomatic means or the approved security channels with the state of which that person or organization holds the nationality, or in which he resided or resides, to obtain, as far as possible, the information supporting the designation request.
2. The designation request shall include as much information as possible and the grounds on which it is based, and it may include the following:
3. Specific information that supports the existence of association with terrorist organizations, individuals, or activities, or that meets the classification criteria.
4. Evidence or documents supporting the designation proposal, such as reports by law enforcement and security agencies, the judiciary, the media, etc.

5. The Council shall attach in the designation request all the private information to determine the identity of the wanted person to be designated accurately, which enables accurate and definitive identification of his identity, as well as all data and information that support the required fulfilment of the classification criteria contained in Security Council Resolution 1373 (2001).
6. The Council shall present the designation request to the Ministry to address the concerned state and notify it as soon as it receives the response.

Article (10)

Proposing Designation in Sanctions Committee

Subject to Clause (2) of Article (2) hereof, if it is satisfied with the reasonable grounds or sound basis for suspicion or belief that the person or organization meets the classification criteria for designation, the Council may, individually and without prior notice, propose the designation of a person or organization in the relevant sanctions list, by submitting its proposal to the relevant Sanctions Committee, as an entity pursuant to resolutions 1988 (2011), 1267 (1999), 1989 (2011), 2253 (2015) and 2231 (2015) for naming and subsequent decisions, observing the specified classification criteria, and using standard forms for the designation of names in the list, as approved by the relevant committee, according to the following procedures:

1. The Council shall collect information about the person or organization proposed to be designated with the assistance of law enforcement agencies and the concerned authorities in the state, for the purposes of preparing requests for designation in the sanctions list.
2. The Council shall communicate by diplomatic means or the approved security channels with the state of which that person or organization holds the nationality, or in which he resided or resides, to obtain the information as far as possible.
3. The designation request shall include a detailed statement of the situation in support of the proposed designation, and the specific criteria on the basis of which the name of the person or organization is proposed for designation into the list, including:

- a. Specific results, and reasons indicating that the classification criteria specified in the relevant Security Council resolutions have been met, or by the relevant sanctions committee.
 - b. Evidence or documents supporting the designation, such as reports by law enforcement and security agencies, the judiciary, the media, etc.
 - c. Details of any relationship with a person or organisation that is currently on the sanctions list.
4. The Council shall, to the extent possible, provide a statement of information in accordance with the standard form for the purposes of designation in the relevant sanctions list.
5. The proposal for designation shall include the state's statement on whether the Sanctions Committee may disclose that the state is the requester for designation into the list.
6. The Council shall submit the designation proposal to the relevant Sanctions Committee through the Office.

Article (11)

Functions of the Office

The Office - as a national Focal Point-, for the purposes of implementing the provisions hereof, shall have the following functions:

1. Take the necessary measures to implement the Security Council resolutions in accordance with the requirements thereof, in particular the resolutions concerning the Prevention and Suppression of Terrorism and its Financing and Proliferation of Armaments and the Related Resolutions, without delay and without prior notice to the designated.
2. Circulate the updated local terrorist lists and sanctions lists list on the Office website without delay.
3. Notify the person listed on the sanctions list residing in the state of his designation, after the completion of the funds freezing procedures, and directly provide him with an explanatory summary or with the necessary information about grounds for his designation, and a description of the implications of designation into the sanctions list, and the procedures that the sanctions committee follows to examine requests for delisting

from the Sanctions List, including the possibility of submitting these requests to the Ombudsman or the Focal Point, as the case may be, in addition to the possibility of using part of the funds frozen in accordance with the provisions hereof by making this information available on the Office website.

4. Receive and process notifications related to the actions taken in implementation of the relevant Security Council resolutions or the local terrorist lists.
5. Receive grievance requests against designation decisions in the local terrorist lists, requests to cancel freezing procedure and other measures against those of similar names with the designated ones, and requests to permit to use the frozen funds.
6. Internal coordination and exchange of information among the concerned authorities regarding the implementation of the provisions hereof, including coordination to develop reports of patterns of evasion from the freezing procedures and other measures, and cooperation with the Financial Information Unit in developing suspicion indicators of financial institutions and specific non-financial Businesses and professions related to evading the freezing procedures and other measures.
7. Collect the results of control and enforcement procedures from the supervisory authorities related to implementing the provisions hereof, and coordinating efforts in this regard.
8. Open a communication channel with financial institutions and specific non-financial Businesses and professions and the public regarding the implementation of the provisions hereof, including training and awareness in coordination with the supervisory authorities, with the aim of enhancing the effectiveness of receiving notifications from the Office concerning the Sanctions List and the local terrorist list without delay. As well as to issue directives regarding their commitment, and collecting statistics relevant to the application of the provisions hereof.

Article (12)

Disseminating the Sanctions List and Local Terrorist Lists and Applying the Decisions Issued in their Regard

1. The office shall disseminate the Sanctions List and the local terrorist lists, by sending them by any means that it deems appropriate to the supervisory authorities, financial institutions, and specific non-financial businesses and professions for the implementation of the freezing decision, and law enforcement agencies to apply other measures, without delay and without prior notice to the designated.
2. Supervisory authorities and law enforcement agencies shall provide the Office with any information, if any, regarding the results related to the application of the freezing or other measures, as the case may be, within five working days from the date of implementation.
3. The Office shall send the information and data received from the supervisory authorities and law enforcement agencies to the Security Council and the Sanctions Committee, as the case may be, through the Ministry.
4. The Office shall send the information and data received from the supervisory authorities and law enforcement agencies to the Council related to the measures taken for the local terrorist lists.

Article (13)

Declared Procedures Related to the Sanctions List

The Office shall explain the procedures for submitting requests to de-list names from the Sanctions List on its official website, these procedures include the following:

1. Advise the listed person under the relevant Security Council resolutions to submit a petition request to the Ombudsman or the Focal Point directly when he wishes to de-list his name from the List, as the case may be, provided that it shows the steps of the request submission process as follows:
 - a. Submit a request to the Focal Point or the Ombudsman, as the case may be, to verify it and to coordinate with the concerned states, and to present it to the relevant sanctions committee.
 - b. The Office receives a request from the Ombudsman or the Focal Point for additional information, related to the request of the designated to de-list his name from the Sanctions List.

- c. The Office shall coordinate with the concerned authorities that it deems necessary to study the request for additional information during the period specified by the Ombudsman or the Focal Point, and provides it with its observations and the extent to which the person or organization has the right to be de-listed from the Sanctions List. The Office may ask any questions or request further clarifications from the applicant, and respond to any other inquiries submitted by the Ombudsman or the Focal Point.
2. Calling-off Funds freezing for those designated in the Sanction Lists holding similar names.
3. Cases of permitting the use of frozen funds, and cases of exemption from other measures.
4. Notification mechanisms to the supervisory authorities, financial institutions, and specific non-financial businesses and professions of cases of de-listing or cancellation of funds freezing.

Article (14)

1. The Office submits a request to de-list the name of the deceased person designated in the Sanctions Lists and the local terrorist lists, as well as the designated organization that has no longer had an actual existence or activity, to the Ombudsman or the Focal Point, as the case may be, accompanied by the death certificate of the individual and any information indicating that the organization has no longer had actual presence or activity.
2. The Office shall take the necessary measures, in coordination with the concerned authorities, to verify that the funds that were in the possession of the designated person are not transferred to others whose names are designated in the Sanctions List and local terrorist lists or distributed to them at any time, including verifying that none of the heirs or beneficiaries of the frozen funds is designated in the Sanctions List and local terrorist lists. The Office shall notify the Ombudsman or the Focal Point accordingly, as the case may be.
3. The Office shall take the necessary measures to cancel the funds freezing of the designated referred to in this article after receiving a response to the request by the Ombudsman or the Focal Point, as the case may be. If the state was the applicant to designate the name in the Sanctions List, and the de-list request was submitted to the Ombudsman or the Focal

Point, the Office shall study the request in coordination with the Council and initiate the procedures mentioned in this article.

Article (15)

Freezing of Funds under the Sanctions List and the Local Terrorist Lists

1. Any person; without delay and without prior notice; shall freeze funds under the Sanctions List and the Local Lists without limiting them to those that can be used in a specific act, conspiracy, threat or agreement related to terrorism and its financing or the proliferation of armaments and its financing, and the freeze includes the following:
 - a. Funds owned or controlled in whole or in part, directly or indirectly, or owned or controlled in whole or in part, directly or indirectly, by a person or organization acting on behalf of the designated or working under its direction.
 - b. Funds acquired or resulting from funds referred to in Clause (A) of this Article.
2. Any person shall notify the Office regarding the freezing procedures taken under Clause (1) of this Article within five working days from the date of freezing.
3. It is prohibited for any person to make money or provide financial services or other related services, in whole or in part, directly or indirectly to any person or organization mentioned in Clause (1) of this Article, except with permission from the Office in accordance with the provisions hereof, and after coordination with the Council, the Security Council or the relevant Sanctions Committee, and in accordance with the decisions of the Council of Ministers regarding the issuance of local lists or relevant Security Council resolutions, as the case may be.
4. In all cases, the rights of bona fide third parties shall be taken into consideration when implementing any of the freezing procedures.

Article (16)

1. The implementation of the Freezing Order, pursuant to Security Council's resolutions 1718 (2006) and 2231 (2015) shall not prevent adding to the frozen accounts any payments due under contracts, agreements or obligations agreed upon prior to the date

of these accounts being subject to the provisions of this decision, provided that Office be reported about such payments.

2. In all cases, the procedures stipulated in Security Council resolution 1452(2002), 2231(2015), 1718(2006), 2270(2016) and any subsequent resolutions shall be observed.

Article (17)

The implementation of the Freezing Order, pursuant to Security Council's resolutions 1737 (2006), effective under resolution 2231 (2015) and 2231 (2015) shall not prevent the Designated person or organization from being entitled to any payables as per contract made before the date of designation in the Sanctions List; in accordance with the following terms:

1. Office determines that the contract is not related to any of the clauses, materials, equipment, goods, technologies, assistance, training, or any financial assistance, investment, brokerage, or prohibited services referred to in Security Council resolution 2231 (2015) and any subsequent future resolutions.
2. Office determines that payment is not directly or indirectly received by any designated person or organization pursuant to Paragraph 6 of (Appendix B) of the Security Council Resolution No. 2231 (2015).
3. Office submits to the Security Council a prior notification requesting that these payments be paid or received, or a declaration, if necessary; to cancel the freezing of funds for this purpose, within ten (10) working days before the issuance of such declaration.

Article (18)

Cancellation of the Funds Freezing Procedures and other Measures in case the Names are Similar to those Designated in the Sanctions List

The De-freezing mechanism and other measures taken against persons or organizations holding similar names to individuals or entities included in the Sanctions List shall be in accordance with the following

1. Whomever had their funds frozen, shall submit, personally or by his legal representative, a written request to de-freeze or cancel any other measures taken against to Office attaching all supporting documents proving that he is not the Designated in the Sanctions List.
2. Office shall investigate request and shall have the right to request any additional clarifications or documents deemed fit from the petitioner, the relevant sanctions committee or any other entity to decide on the request.
3. Office shall issue its decision concerning the request, whether by rejection or approval, within thirty (30) days from receiving the request of the de-freeze and notify the applicant accordingly.
4. The Office shall address the freezing body, the law enforcement authorities, and the authorities concerned with the outcome of the decision, including approval of the request, and the addressee body shall immediately implement the cancellation of the freeze and any other measures taken against the applicant based on the similarity of his name to the designated.
5. If freezing request was rejected, or a response is not received within thirty days as of the date submitted, applicant shall be entitled to grieve before competent court within sixty (60) days of receiving rejection or in case the period of response to request has elapsed.
6. The Court's verdict shall be final in the grievance and shall be incontestable. Therefore, if the grievance is rejected, then the applicant shall not be allowed to submit new grievance unless after each six months as of the date of rejection, unless a serious cause arises and accepted by the President of the Court before the expiration of that period.
7. The challenge on the freezing decision or the other measures shall not be accepted before having to submit a grievance and be it rejected or after exceeding the answering date, as prescribed in this Article.

Article (19)

Permitting the use of Frozen Funds Pursuant to the Sanctions List

1. The office may approve the request to use the frozen funds under the Sanction List, in the following cases:
 - a. To pay necessary expenses for the listed individual whose funds are frozen, i.e. amounts paid for food, rent, mortgage, medicine, medical care, insurance premium, education, legal fees and general public expenses.
 - b. To pay for professional fees and expenditures concerning those related to legal service within reasonable limits, or services fees related to maintaining and management of frozen funds.
 - c. To cover exceptional expenses other than those mentioned in paragraphs (a, b) of this clause.
 - d. For the sanctions established under Security Council Resolution 1718 (2006) and Resolution 1737 (2006) under Resolution 2231 (2015), in addition to the above, if a request is made to permit the use of frozen funds that are subject to a mortgage, judicial or administrative judgement, or arbitration, if the funds will be used exclusively to pay the expenses of the pledge or the judicial, administrative or arbitration judgement provided that the pledge or judgement occurred prior to the date of designation of the person or organization under the aforementioned resolutions, and that it is not used in the interest of any designated, after the Office notifies the Security Council or the relevant sanctions committee, as the case may be.
2. Requests, by the Designated for the purpose of approving any of the provided for in the paragraphs of Clause (1), or any of their representatives, shall be submitted directly to the Office, attaching all supporting documents with the request.
3. The Office shall study the requests stipulated in Clause (2) of this Article, their grounds and amounts of money required; the Office shall also have the right to reduce the amounts required or reject it based on justified grounds.
4. In case the request is related to the expenses mentioned in paragraphs (A), (B) (D) of Clause (1) of this Article, the Office, then, shall notify the Security Council or the Sanctions Committee of its desire to approve the submitted request in accordance with the provisions of Clause (3) of this Article.

5. In case the Sanctions Committee did not express opposing decision; or in the case it did not reject the request within five (5) working days from the date it was notified; the de-freezing of the amounts approved by the Office shall pass. The freezing authority shall be notified in writing and they shall immediately have to enforce the decision. The freezing authority shall inform the Office of the procedures taken in this regard.
6. In case the request is related to the expenses mentioned in paragraph (C) of Clause (1) of this Article, the Office, then, shall notify the Security Council or the Sanctions Committee of its desire to approve the submitted request in accordance with the provisions of Clause (3) of this Article and obtain the Sanctions Committee's written consent to the request.
7. For the purposes of Clauses (4) and (5), the Office shall notify the applicant of the request to use the frozen funds under the Sanction List, or their representative about the approval or the reasoned rejection to the request in writing as soon as possible.
8. The office may cancel the approval decision on the request to use the frozen funds under the Sanction List, at any time that reasonable grounds appear for suspicion of using the funds in financing terrorism or financing proliferation.
9. If the request to use the frozen funds under the Sanction List is rejected, or the request or remained unanswered within thirty days from the date of submission, the applicant then shall have the right to challenge before the Competent Court within sixty days from the date knowing about the rejection or be or after exceeding the answering date.
10. The Court's verdict shall be final in the grievance and shall be incontestable. Therefore, if the grievance is rejected, then the applicant shall not be allowed to submit new grievance unless after each six months as of the date of rejection, unless a serious cause arises and accepted by the President of the Court before the expiration of that period.
11. The challenge on the rejection of the request to use the frozen funds under the Sanction List shall not be accepted before having to submit a grievance and be it rejected or after exceeding the answering date.
12. In all cases, the procedures stipulated in Security Council resolution 1452(2002), 1718(2006), 2231(2015) and any subsequent resolutions shall be observed.

Article (20)

The Office may determine any controls it deems appropriate for the exemptions and payments stipulated herein to prevent the funds from being used to finance terrorism or finance proliferation.

Article (21)

Obligations of Financial Institutions and Specific Non-financial Businesses and Professions

Financial institutions, businesses and specific non-financial professions for the purposes of implementing the provisions of this resolution shall be committed to:

1. Register on the Office website with the aim of receiving notifications related to the new designation, re-designation as well as updating or de-listing notifications issued by the Security Council, the Sanctions Committee, or the Council of Ministers.
2. Constantly verify databases and transactions and compare them with the names on the lists issued by the Security Council, the Sanctions Committee or the local lists, as well as upon being informed of any changes in any of these lists, provided that it includes the following:
 - a. Search in the customer database.
 - b. Search for the names of the parties related to any transaction.
 - c. Search for the names of potential clients.
 - d. Search for the names of the real beneficiaries.
 - e. Search for names of persons and organizations with whom there is a direct or indirect relationship.
 - f. Constantly search in the customer database before performing any operation or entering into a serious business relationship with any person to ensure that his name is not designated in the Sanctions List or the local lists.
3. Take the freezing procedure without delay and without prior notice to the designated as soon as any match appears, by conducting the search process as referred to in Clause (2) of this Article.

4. Enforce the decision to cancel the freeze without delay, in compliance with the relevant Security Council resolutions or Cabinet decisions regarding the issuance of local lists.
5. Immediately report to the supervisory authority in the following cases:
 - a. Determination of the funds and actions taken in compliance with the requirements set by the related Security Council Resolutions or Cabinet decisions regarding the issuance of local lists, including transactions that are being attempted.
 - b. Determination of any match with the designated persons or organizations, details of their data and the actions taken in compliance with the requirements set by the related Security Council Resolutions or Cabinet decisions and the local lists, including transactions that are being attempted.
 - c. If it is found that one of its former clients or any occasional client dealt with is a person or organization included in the Sanctions List or the local lists.
 - d. In the event that it is suspected that one of its current or former clients or a person in a business relationship with it is designated or has a direct or indirect relationship with the designated.
 - e. Failure to take any action due to similarity of names and in the event that the delisting of such names has failed through available or accessible information.
 - f. Information related to the funds that have been unfrozen, including their status, nature, value, measures taken and any other information relevant to the decisions.
6. Establish and effectively implement internal controls and procedures to ensure compliance with obligations arising from this resolution.
7. Establish and implement policies and procedures that prohibit employees from notifying the customer or any third party, directly or indirectly, that the freezing procedure will be applied and any other measures in accordance with the provisions hereof.
8. Cooperate with the Office and the supervisory authority to ensure that the provided information is accurate.

Article (22)

Obligations of the Supervisory Authorities

The supervisory authorities shall be committed to:

1. Receive all information provided by financial institutions and specific non-financial businesses and professions regarding frozen funds, or any measures taken in compliance with the prohibition requirements in implementation of the provisions of this resolution, including transactions that are being attempted, and send them to the Office within five working days from the date of receipt.
2. Supervise, control and follow-up to ensure compliance with the provisions stipulated in this resolution through office and field inspections, and the imposition of appropriate administrative penalties when its provisions are violated or not implemented.
3. List the cases that have been monitored, in accordance with the provisions hereof, by the financial institutions or DNFBPs and professions in which the customer or the real beneficiary was a designated person or organization.
4. Determine any funds related to the designated that have been monitored and frozen by financial institutions or DNFBPs and professions, and whether the relevant reports have been submitted to the Office in accordance with the provisions hereof.
5. Submit at least semi-annual reports to the Office on the results of supervision, control, and follow-up regarding the implementation of financial institutions or DNFBPs and professions for their obligations under this resolution.

Article (23)

General Provisions

1. Anyone observes, or became to his knowledge, directly or indirectly, any information provided or exchanged in accordance with the provisions of this resolution, shall abstain from declaring it in any manner whatsoever, unless for the purposes of implementing hereof.
2. Any person caused damage or claim resulting from, in bona fide, freezing funds or refusing the permission to use those funds, or rejecting to provide financial services regarding those funds, or conducting any other liability under the provisions hereof shall be exempted from the administrative liability.

3. Anyone violating these liabilities stipulated herein shall be administratively and criminally punished in accordance with the provisions of the Federal Decretal Law No. 20 of 2018 aforementioned.

Article (24)

Administrative Measures

1. Council and the Office, each within the limits of its competence, may issue procedures and instructions regulating this resolution.
2. The procedures, standards and models approved by the Security Council and its committees are the main reference in implementing this resolution and any other related procedures.
3. Subject to the relevant Security Council resolutions, the Council or the Office, as the case may be, may request the Ministry of Justice to assign whomever it deems appropriate to manage the frozen funds if necessary.

Article (25)

Cancellations

The referred Cabinet Resolution No. (20) of 2019 shall be cancelled. Any provision that opposes or violates the provisions of this resolution shall be repealed.

Article (26)

Publication and Implementation of the Resolution

This Resolution shall be published in the Official Gazette; and shall come into force as of the day following the date of its publication.

Mohammed bin Rashid Al-Maktoum

The Prime Minister

On: 10 Rabi' al-Awwal 1442 A.H

Corresponding to: 27 October 2020 A.D