

**Cabinet Decision No. 74/2020
Concerning the UAE List of Terrorists and the Implementation of UN
Security Council Decisions Relating to Preventing and Countering
Financing Terrorism and Leveraging Non-Proliferation of Weapons of Mass
Destruction, and the Relevant Resolutions**

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Abrogating:

Cabinet Decision No. 20/2019 dated 25/02/2019

The Cabinet:

Having reviewed the Constitution;

Federal Law No. 1/1972 on the Competencies of Ministries and Authorities of Ministers as amended;

Federal Law No. 17/2006 on Establishment of the Supreme Council for National Security as amended;

Federal Law No. 13/2007 on the Commodities Subject to Import and Export Control as amended;

Federal Law No. 7/2014 on Fighting the Terrorist Crimes;

Federal Decree-Law No. 20/2018 on Anti-Money Laundering and Combat of Financing Terrorism and Illegitimate Organizations; and

Cabinet Decision No. 20/2019 Concerning the Law of Terrorism Lists and Implementation of the Security Council Resolutions Concerning Prevention and Suppression of Terrorism and Its Financing and Limitation of Armament Proliferation and Financing and the Relevant Resolutions;

Based on proposal of the Minister of Foreign Affairs and International Cooperation and approval of the Cabinet;

The following is resolved:

Article 1 - Definitions

In application of the provisions of this Resolution, the following words and phrases shall have the meanings assigned to them respectively, unless otherwise is required by the context:

- State : United Arab States
- SCNS : Supreme Council for National Security.
- Ministry : Ministry of Foreign Affairs and International Cooperation.
- Competent Court : The court competent to hear state security crimes.
- Office : Executive office of the committee of commodities subject to import and export control.
- Supervisory Bodies : Federal and local authorities which are assigned of supervision of financial facilities and designated non-financial businesses and professions, by legislations.
- Law Enforcement Agencies (LEA) : Federal and local authorities which are assigned by the enforced legislations thereof to undertake the works of combat, search, investigation and collection of inferences in crimes including the crime of money laundering and financing of terrorism and illegitimate organizations.
- Sanctions Committee : Any of the Security Council Committees formed pursuant to the resolutions thereof, including Security Council Resolution No. 1267/1999 and Security Council Resolution No. 1989/2011 concerning ISIL (Da'esh) and Al-Qaida, Security Council Resolution No. 1988/2011 concerning Security and Stability of Afghanistan, and Security Council Resolution No. 1718/2006 concerning the prevention and suppression of financing the proliferation of weapons of mass destruction of DPR of Korea.
- Listed Person : A person or an organization included by the Security Council on the Sanctions List, or by the Cabinet on the domestic lists, as the case may be.
- Person : Natural or juristic person.
- Terrorist Organization : A group of two persons or more that acquires juristic personality, de jure or de facto, and commits a terrorist crime or is engaged directly or by causation in, threatens the commission of, aims at, plans or seeks the commission of, or promotes or instigates the commission of crime, whatever the designation or form of such group, the place where the group is established, exists or practices its activity, nationality of its individuals or place of their existence.
- Terrorist Person : Every person who is a part of a terrorist organization, commits terrorist crime, engaged directly or by causation in commission of, threatens the commission of, aims at, plans or seeks the commission of, or promotes or instigates the commission of crime.
- Ombudsperson : The person appointed by the UN Secretary General to provide assistance to the Sanctions Committee upon hearing the applications filed by the individuals, groups, establishments and organizations seeking to be delisted from the List of Sanctions imposed on ISIL (Da'esh) and Al-Qaida.
- Focal Point : The Center established within the General Secretariat under the Security Council Resolution No. 1730 (2006) concerning the receipt of petition of person or organization, that exists in or holds citizenship of the state and included on the related list, willing to be delisted or applying for exemptions for humanitarian causes, exclusion from travel ban and freezing of funds or the individuals alleging that measures of sanctions are applied to them by mistake.
- Relevant Security Council Resolutions : All the current and future Security Council Resolutions concerning the prevention and suppression of terrorism and its financing or limiting armament proliferation and financing, including

Security Council Resolution No. 1267/1999, Security Council Resolution No. 1988/2011, Security Council Resolution No. 1989/2011, Security Council Resolution No. 1718/2006, Security Council Resolution No. 2231/2015 and any subsequent resolutions.

- Inclusion : Identifying the person or organization subject to the sanctions described in the Security Council resolutions, Sanctions Committee or the Cabinet related resolutions, as the case may be, and applying the related sanctions to such person or organization together with stating the reasons.
- Domestic Lists : Terrorism lists issued by the Cabinet under Clause (1) of Article (63) of the Federal Law No. 7/2014 referred to.
- Sanctions List : A list on which the names of persons and organizations associated with terrorism and its financing or armament proliferation and financing, subject to the sanctions described in the Security Council resolutions and Sanctions Committee, their own particulars and reasons of inclusion therein, are included.
- Summary Statement : Declared part of statement of the reasons of inclusion of a person or an organization on the Sanctions List attached to the resolution of inclusion by the Sanctions Committee.
- Funds : Assets of any kind and form whether tangible or intangible, movable or immovable, electronic, digital or encoded, including the national currency, foreign currencies, notes and instruments of any form including the electronic or digital form that proves the ownership of such assets or the associated rights, as well as the economic resources which are deemed assets of any kind including natural resources, bank credits, cheques, notes payable, stock, securities, bonds, bills of exchange, letters of credits and any interests, profits or other incomes gained or generated from such assets, which can be used to obtain any financing, commodities or services including the services of online publication or related services.
- Other Measures : Measures of sanctions other than freezing that must be implemented and may be contained in the relevant Security Council resolutions or the Cabinet resolutions issuing the domestic lists e.g. ban of travel, weapons, import or provision of services of fuelling and others.
- Without Delay : Within 24 hours from the issue of the inclusion resolution by the UN Security Council, Sanctions Committee or the Cabinet, as the case may be.

Article 2 - Competences of the Council

1- For the purposes of implementing the provisions of the present Decision, the Council shall have the following competences:

- a- Preparing one or more local lists in which it is proposed to list, delist, or re-list terrorist persons and organisations or updating such lists, whether sua sponte or at the request of another State or where the State is internationally obligated to include them.
- b- Coordinating with other States to list terrorist persons or organisations in their local terrorist lists.
- c- Proposing the listing of persons or organisations to the Sanctions Committee.
- d- Requesting to delist the names of persons or organisations from the Sanctions List, when it is deemed that those names do not meet the criteria for inclusion or no longer fulfil them, subject to the procedures and standards of the relevant Security Council resolutions.
- e- Carrying out periodic review of the local lists in coordination with the Ministry of Justice. The Council may request any clarifications or documents it deems appropriate from law enforcement agencies and the concerned authorities in the State for purposes of review, provided that the review period does not exceed one year.

2- The Council shall exercise its powers as stipulated in Paragraphs (a), (b), (c) of Clause (1) of this Article in accordance with the rules and procedures mentioned in the relevant Security Council Resolutions whenever there are reasonable grounds and evidence for that, regardless of the existence of a criminal case.

Article 3 - Proposing Listing and Re-listing in the Local Lists and Updating Them

Subject to Clause (2) of Article (2) of the present Decision, the Council shall coordinate with whoever it deems appropriate inside and outside the State to obtain information regarding the determination of terrorist persons and organisations believed to meet the classification criteria for the purpose of preparing a proposal for listing in the local lists in accordance with the following procedures:

1- The Council shall, individually and without prior notice to the Listed Person/Organisation, prepare one or more Local Lists in which it proposes to include terrorist persons or organisations, or the Council may carry out same upon the request of another State, if it is convinced of the existence of reasonable grounds or a sound basis for suspicion or belief that the person or organisation meets the required listing criteria, or where the State is internationally bound to list them. The Council shall take a decision as soon as possible.

2- In the listing process, the Council shall take into account the classification criteria contained in Security Council Resolution No. (2001) 1373, which include the following:

- a- Any person or organisation that commits or attempts to commit terrorist acts, or participates in or facilitate the commission of terrorist acts.

- b- Any organisation that is owned or controlled, whether directly or indirectly, by a person or organisation that falls under subclause (a) of Clause (2) of this Article.
- c- Any person or organisation that acts on behalf of or under the direction of any person or organisation that falls under Clause (a) of Clause (2) of this Article.

3- The Council shall coordinate with the Ministry of Justice regarding the proposal of listing in the local lists if the Council decides that a person or organisation meets the criteria for classification according to the provisions stipulated in Clause (2) of this Article, and then it shall send the proposal to the Ministry of Presidential Affairs to propose it to the Cabinet for issuance.

4- In the event that the Cabinet issues the Local Lists, the Office shall be notified to circulate them without delay, according to the procedures followed by it.

5- The procedures set forth in this Article shall be applied when updating the local lists, as well as when re-listing any Listed Person/Organisation having been de-listed therefrom in the event that the reasons necessitating listing them therein are available, according to the provisions stipulated in Clause (2) of this Article.

Article 4 - Delisting of Listed Person from Domestic Lists

The Council may delist the name of a Listed Person/Organisation from the Local Lists according to the following procedures:

- 1- The Council shall inform the Ministry of Presidential Affairs of the de-listing reasons if the Council considers that the information or evidence regarding a Person/Organisation listed in the Local Lists does not require keeping them listed, and verifies that the reason that necessitated listing them no longer exists.
- 2- The Ministry of Presidential Affairs shall propose de-listing the name of the Listed Person/Organisation from the Local Lists to the Cabinet to decide either to approve or reject the request.
- 3- The Office shall be notified of the Cabinet Decision referred to in Clause (2) this Article upon its issuance to circulate same and cancel the freezing and other measures taken according to the procedures followed by it.

Article 5 - Enforcement and Publication of Local Lists

1- The decisions of listing and re-listing in the Local Lists, updating them and de-listing therefrom shall be considered effective from the date of their issuance or from the date determined by the Cabinet, and shall be published in the Official Gazette.

2- The decisions of listing and re-listing in the Local Lists, updating them and de-listing therefrom shall be published in the media, in both Arabic and English languages, in accordance with the controls set by the Council.

Article 6 - Procedures of Grievance against Decisions of Listing in the Local Lists

Any Person/Organisation whose name is listed in the Local Lists may file a grievance against the listing decision according to the following procedures:

- 1- Shall file the grievance request themselves or through their legal representative in writing to the Office in accordance with the mechanism determined thereby, provided that all documents supporting the grievance are attached to the request.
- 2- The Office shall refer the grievance request to the Council to examine it and express its opinion thereon, and they shall both be entitled to request any additional clarifications or documents from the applicant or from law enforcement agencies or the concerned authorities in the State, for the purposes of deciding upon the request.
- 3- The Council shall receive the grievance request and verify if it is new or repeated, and it may reject it if it was repeated without including additional information about the previous grievance, or for any other reasons.
- 4- The Council shall notify the Ministry of Presidential Affairs if the Council believes, upon studying the grievance request, that the information or evidence regarding the Person/Organisation listed in the Local Lists does not require keeping them listed therein, and it verifies that the reason that necessitated the listing no longer exists.
- 5- The Minister of Presidential Affairs shall undertake to propose the grievance request, accompanied by the Council's opinion, to the Cabinet in accordance with the proposal mechanisms adopted therein to decide either to approve or reject the grievance.
- 6- In the event that the Cabinet approves the grievance, the name of the appellant shall be delisted from the Local Lists, and the freezing and other measures taken pursuant to the contested listing decision shall be cancelled, and the Office shall be notified of the grievance decision upon its issuance to notify the appellant and circulate the decision according to the procedures followed thereby.
- 7- In the event that the grievance is rejected or no decision was issued on it within sixty days from the date of filing it, the appellant may file an appeal against the listing decision issued by the Cabinet before the competent court within sixty days from the date of notifying him of the rejection of the grievance or from the date of expiration of the limitation period set for the response without any response being issued.

- 8- The Court's decision issued on the grievance shall be incontestable, and if the court decides to reject the grievance, no new grievance may be filed except after the lapse of six months from the date on which the grievance was rejected, unless there is a serious reason accepted by the president of the court before the expiration of that period.
- 9- No appeal filed against the listing or re-listing decision may be accepted unless a grievance is filed against said decision and it is rejected or upon expiration of the limitation period set for the response, as stipulated in this article.

Article 7 - Cancelling the Asset Freezing Measures and Other Measures in Case of Mix-up of Names with Those Listed in the Local Lists and the Parties Affected

Everyone against whom the freezing measures and other measures have been taken due to the fact of bearing the same name of the one of a person listed in the Local Lists, and everyone affected by these measures may request their cancellation according to the following:

- 1- They shall submit, personally or through their legal representative, a request to cancel the freezing measure or any other measures taken against them in writing to the Office, along with all the documents that support their request attached thereto.
- 2- The Office shall refer the request to the Council to study it, and they may both request any additional clarifications or documents from the applicant, the law enforcement agencies, or the concerned authorities in the State, for the purposes of deciding on the request.
- 3- The Council shall issue its decision either to reject or to approve the request after verifying that the applicant or his assets have no relation to the listing, and shall send it within thirty days from the date of receiving the application to the Office that shall notify the applicant of the result in writing.
- 4- In the event that the Council approves the request, the Office shall contact the entity having taken the asset freezing measure, the law enforcement authorities, and the authorities concerned with other measures to cancel the measures taken against the appellant, and the addressee entity shall immediately implement the decision.
- 5- Should the Council reject the request, or fail to respond to it within thirty days from the date of its submission, the applicant may file a grievance before the competent court within sixty days from the date of being notified of the rejection of the request or from the date of expiration of the limitation period set for the response.
- 6- The Court's decision on the grievance shall be incontestable, and if the court decides to reject the grievance, no new grievance may be filed except after the lapse of six months from the date on which the grievance was rejected, unless there is a serious reason accepted by the president of the court before the expiration of that period.
- 7- No appeal filed against the freezing decision and other measures may be accepted unless a grievance is filed against said decision and it is rejected, or upon expiration of the limitation period set for the response, as stipulated in this article.

Article 8 - Allowing the Use of Assets Frozen under the Local Lists

1- Each person whose name is listed in the Local Lists or his legal representative, and every concerned party, may submit a written request for use of the frozen funds to the Office to refer same in turn to the Ministry of Justice, provided that all documents supporting his request are attached to the application.

2- The Ministry of Justice shall examine the request, its grounds and the amount of the requested sums of money, and it may reduce the value or reject it based on justified reasons.

3- After coordination with the Council, the Ministry of Justice may approve the request of use of frozen assets for those listed in Local Lists, for any of the following reasons:

- a- Meeting the necessary or basic expenses, such as the amounts paid for foodstuffs, rent allowances, mortgages, medicines, medical treatment, taxes, insurance premiums, tuition fees, judicial fees or public service fees.
- b- Paying professional fees or settling expenses in connection with the provision of legal services, or extraordinary expenses within reasonable limits, or service fees related to the preservation or management of frozen assets.

4- The Ministry of Justice shall notify the Office of the approval or rejection of the request and the Office in turn shall notify the applicant of the result in writing.

5- If the request is rejected or no response is issued within thirty days from the date of its submission, the applicant may file a grievance against the rejection decision before the competent court within thirty days from the date of notifying him of the rejection of the request or the date of expiration of the limitation period set for the response without any response being issued.

6- No appeal filed against the decision rejecting the application may be accepted unless a grievance is filed against said decision and it is rejected or upon expiration of the limitation period set for the response, as stipulated in this article.

7- In all cases, the procedures stipulated in Security Council Resolution 1452 (2002) and any subsequent resolutions shall be observed.

Article 9 - Request of Listing on a List of Another State

Subject to Clause (2) of Article (2) of the present Decision, the Council may unilaterally request listing the name of a person or organisation that meets the criteria for classification under Security Council Resolution No. 1373 (2001) in the List of another country, by taking the following actions:

- 1- Communicating through the diplomatic or security channels approved by the Council with the State whose nationality is held by that Person or Organisation, or in which they used to or currently reside, to obtain, to the maximum extent possible, the information supporting the listing application.
- 2- The listing application shall include as much information as possible and the justifications on which it is based, and may include the following:
 - a- Specific information supporting the existence of association with terrorist organisations, individuals, or activities, or the fulfilment of the classification criteria.
 - b- Evidence or documents supporting the listing proposal, such as reports of law enforcement agencies, security agencies, the judiciary, the media, and others.
- 3- The Council shall attach to the listing application all the personal information to accurately determine the identity of the person to be included, and which allows the identification of his identity in a precise and conclusive manner, in addition to all data and information that support the applicant's fulfilment of the classification criteria contained in Security Council Resolution 1373 (2001).
- 4- The Council shall send the listing application to the Ministry to address the concerned State and notify it as soon as it receives the response.

Article 10 - Proposing the Listing to the Sanctions Committee

Subject to Clause (2) of Article (2) of this Decision, and in the event that the Council is convinced of the existence of reasonable grounds or a sound basis for suspicion or belief that a person or organisation meets the criteria for classification for Listing in the Sanctions List, the Council may unilaterally and without prior notice propose the inclusion of a person or organisation on the relevant Sanctions List, by submitting its proposal to the Security Council or the relevant Sanctions Committee, such as any of those established pursuant to Resolutions 1988 (2011), 1267 (1999), 1989 (2011), 2253 (2015), 1718 (2006) and 2231 (2015) for the nomination and subsequent decisions, and it shall observe the specified classification criteria, and use the standard forms for listing the 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 organisation proposed to be listed with the assistance of law enforcement agencies and the concerned authorities in the State, for the purposes of preparing requests for nomination proposal in the sanctions list.
- 2- The Council shall undertake to communicate through the diplomatic or security channels approved by the Council with the State whose nationality is held by that Person or Organisation, or in which said person/organisation used to reside or currently or resides, for the purposes of obtaining the information, whenever possible.
- 3- The listing application shall include a detailed statement of the case to support the proposed listing, and the specific criteria based on which the name of the person or organisation was proposed for listing, including:
 - a- Specific results, and reasons explaining that the classification criteria specified in the relevant Security Council resolutions or by the relevant Sanctions Committee are met.
 - b- Evidence or documents supporting the listing proposal, such as reports of law enforcement agencies, security agencies, the judiciary, the media, and others.
 - c- Details of any relationship with any of those currently listed on the Sanctions List.
- 4- The Council shall undertake, to the maximum extent possible, to provide a statement of information in accordance with the standard form for the inclusion of names in the relevant Sanctions List.
- 5- The listing proposal shall include the State's statement on whether the Sanctions Committee may disclose if the State is the applicant for listing.
- 6- The Council shall send the listing application to the relevant Sanctions Committee through the Office.

Article 11 - Competences of the Office

The Office - as a national coordinator - shall, for the purposes of implementing the provisions of this Decision, carry out the following:

- 1- Taking the necessary measures to implement the Security Council resolutions in accordance with the requirements of those resolutions, in particular those related to terrorism and its financing, and preventing, suppressing and stopping the proliferation of weapons and its financing, without delay and without prior notice to the Listed Person /Organisation.
- 2- Posting the updated Sanctions List and Local Lists on the website of the Office without delay.

- 3- Notifying the Person/Organisation, listed on the Sanctions List and residing in the State, of listing them, after completion of the asset freezing measures, and providing them directly with an explanatory summary or with the necessary information about the reasons for listing their name, a description of the implications of listing the name in the sanctions list, and the procedures followed by the Sanctions Committee to consider requests for de-listing from the Sanctions List, including the possibility of submitting these requests to the Ombudsman or the Coordination Centre, as the case may be, in addition to the possibility of using part of the frozen assets in accordance with the provisions of this Decision by making this information available on the website of the Office.
- 4- Receiving and processing the notifications related to the measures taken in implementation of the relevant Security Council Resolutions or the Local Lists.
- 5- Receiving applications for grievance against the decisions of listing in the local lists, requests to cancel the asset freezing measure and other measures against those whose names are mixed up with the ones of those listed, as well as the requests to allow the use of frozen assets.
- 6- Internal coordination and exchange of information between/among the concerned authorities regarding the implementation of the provisions of the present Decision, including coordination to develop reports of patterns of evasion from the freezing measures and other measures, and cooperation with the Financial Information Unit in developing suspicion indicators of DNFBPs in relation to evasion of freezing and other measures.
- 7- Collecting the results of the control and enforcement procedures from the regulatory authorities concerned with the application of the provisions of this Decision, and coordinating efforts in this regard.
- 8- Opening a channel for communication with financial institutions and DNFBPs and the public regarding the implementation of the provisions of this Decision, including training and awareness in coordination with the regulatory authorities, with the aim of enhancing the effectiveness of receiving notifications from the Office in relation to the Sanctions List and the Local List without delay, and issuing directives regarding their commitment, and collecting statistics related to the application of the provisions of this Decision.

Article 12 - Publication of the Sanctions List and the Local Lists and Implementation of the Decisions Issued in their Regard

1- The Office shall circulate the Sanctions List and the Local Lists, by sending them, by the means it deems appropriate, to the regulatory authorities, financial establishments, and DNFBPs designated for the implementation of the freezing decision, and the law enforcement agencies to apply other measures, without delay and without prior notice to the Listed Person /Organisation.

2- The regulatory authorities and law enforcement agencies shall submit any information, if any, to the Office regarding the results related to the implementation 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 regulatory 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 regulatory authorities and law enforcement agencies to the Council, as to the measures taken regarding the Local Lists.

Article 13 - Announced Procedures Related to the Sanctions List

The Office shall explain the procedures of submission of the requests of de-listing from the sanctions list through positing on its official website, provided that these procedures include the following:

- 1- Instructing the Listed Person/Organisation under the relevant Security Council resolutions to submit a petition request to the Ombudsman or the Coordination Centre directly when they wish to de-list their names, as the case may be, provided that it shows the steps of the application process as follows:
 - a- Submitting a request to the Coordination Centre or the Ombudsman, as the case may be, to verify it and to coordinate with the concerned States, and to submit it to the relevant Sanctions Committee.
 - b- The Office shall receive from the Ombudsman or the Coordination Centre a request for additional information, related to the listed Person/Organisation's request of de-listing his name from the Sanctions List.
 - c- The Office shall coordinate with the concerned authorities it decides to have recourse to, to study the request for additional information during the period specified by the Ombudsman or the Coordination Centre, and shall provide them with its observations and the extent to which the Person or Organisation shall be entitled to have their name delisted from the Sanctions List, and the Office may ask any questions or request other clarifications from the applicant Person or Organisation, and respond to any other inquiries submitted by the Ombudsman or the Coordination Centre.
- 2- Procedures for unfreezing the assets bearing names that are similar to those listed.
- 3- Cases permitting the use of frozen funds, and cases of exemption from other measures.
- 4- Mechanisms for notifying the regulatory authorities, law enforcement agencies, financial establishments, and the DNFBPs in de-listing or unfreezing cases.

Article 14

1- The Office shall submit the application for de-listing the name of a deceased person listed on the Sanctions List and Local Lists, as well as the name of the listed organisation that no longer has an actual existence or activity, to the Ombudsman or the Coordination Centre, as the case may be, accompanied by the individual's death certificate and any information indicating that the Organisation no longer has an actual existence or activity.

2- The Office shall take the necessary measures to verify, in coordination with the concerned authorities, that the funds that were in the possession of the Listed Person/Organisation are not transferred to others whose names are listed in the Sanctions List and Local Lists or distributed to them at any time, including verifying that none of the heirs or the beneficiaries of the frozen assets is listed on the Sanctions List and the Local Lists, and the Office shall, as the case may be, notify the Ombudsman or the Coordination Centre accordingly.

3- The Office shall take the necessary measures to unfreeze the assets of the Listed Person/Organisation, that are referred to in this article, after receiving a response to the request by the Ombudsman or the Coordination Centre, as the case may be. If the State has made the proposal to list the name in the Sanctions List, and the request was submitted to the Ombudsman or the Coordination Centre, the Office shall study the request in coordination with the Council and initiate the procedures mentioned in this article.

Asset Freezing Measure under the Sanctions List and Local Lists

Article 15

1- Any person shall freeze the assets without delay and without prior notice according to 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 weapons and its financing, and the freezing measure shall apply to the following:

- a- The assets owned or controlled in whole or in part, directly or indirectly by the Listed Person/Organisation, or owned or controlled in whole or in part, directly or indirectly, by a person or organisation acting on behalf of the Listed Person/Organisation or working under their direction.
- b- Assets acquired or resulting from the assets referred to in Clause (a) of this Article.

2- Any person shall notify the Office regarding the freezing measures taken under Clause (1) of this Article within five working days from the date of freezing.

3- It shall be prohibited for any person to make assets available or provide financial services or other related services, whether wholly or partially, or directly or indirectly to any person or organisation mentioned in Clause (1) of this Article, except with a permission from the Office in accordance with the provisions of this Decision, and upon coordination with the Council, the Security Council or the relevant Sanctions Committee, according to the Cabinet decisions concerning the issuance of Local Lists or the 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 measures.

Article 16

1- The application of the freezing order under Security Council Resolutions 1718 (2006) and 2231 (2015) shall not prevent the addition, to the frozen accounts, of interest or profits or any payments due under contracts, agreements or obligations agreed upon prior to the date of subjecting these accounts to the provisions of the two above-mentioned Resolutions; provided that these payments are subject to immediate freezing, and the Office shall be informed of them.

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

Article 17

The application of the freezing order pursuant to Security Council Resolution 1737 (2006), remaining applicable under Resolution 2231 (2015) or adopted under Resolution 2231 (2015) shall not prevent the entitlement of those listed on the Sanctions List to any payments under a contract concluded by that listed Person/Organisation prior to their inclusion in it, in accordance with the following conditions:

- 1- The Office shall decide that the contract is not related to any of the items, materials, equipment, goods, technology, assistance, training, financial aid, investment, brokerage, or prohibited services referred to in Security Council Resolution 2231 (2015) and any subsequent future resolutions that follow it.
- 2- The Office shall decide that the payment shall not be directly nor indirectly received by any Listed Person /Organisation under Paragraph (6) of (Annex B) of Security Council Resolution 2231 (2015).
- 3- The Office shall submit a prior notification to the Security Council that shall include its request for settlement or receipt of those payments, or to authorise, if necessary, the cancelation of the freezing of assets for this purpose, within ten working days prior to issuing such authorisation.

Article 18 - Cancelling the Asset Freezing Measures and other Measures in Case of Mix-up of Names with Those Listed on the Sanctions List

The mechanism for unfreezing and any other measures taken against the person or organisation with a name similar to the ones listed on the Sanctions List shall take place according to the following:

- 1- The Person/Organisation shall, personally or through their legal representative, apply in writing to the Office to cancel the freezing measure or any other measures taken against them, and shall attach to their application all the documents that confirm that they are not listed on the Sanctions List.
- 2- The Office shall study the application, and shall have the right to request any additional clarifications or documents it deems appropriate from the appellant, the Security Council, the relevant Sanctions Committee, or any other party, for the purposes of deciding on the application.
- 3- The Office shall issue its decision on the application within thirty days from the date of receiving it, either to reject or approve the cancellation of the freezing measure, and shall notify the applicant accordingly.
- 4- The Office shall address the entity having implemented the freezing measure, the law enforcement agencies and the concerned authorities about the decision approving the application, and said entity shall immediately implement the cancellation of the freezing measure and any other measures taken against the applicant based on the mix-up of names with those listed.
- 5- If the application for cancellation of the freezing measure or other measures is rejected, or if no response to the application is issued within thirty days from the date of its submission, the applicant may file a grievance before the competent court within sixty days from the date of being notified of the rejection of the application or from the date of expiration of the limitation period set for the response without any response being issued.
- 6- The Court's decision issued on the grievance shall be incontestable, and if the court decides to reject the grievance, no new grievance may be filed except after the lapse of six months from the date on which the grievance was rejected, unless there is a serious reason accepted by the president of the Court before the expiration of that period.
- 7- No appeal filed against the freezing decision or other measures may be accepted unless a grievance is filed against said decision and it is rejected or upon expiration of the limitation period set for the response, as stipulated in this article.

Article 19 - Permission to Use the Assets Frozen Under the Sanctions List

1- The Office may approve the request to use the frozen funds under the Sanctions List, in the following cases:

- a- Meeting the necessary or basic expenses, such as the sums paid for foodstuffs, rent allowances, mortgages, medicines, medical treatment, taxes, insurance premiums, tuition and judicial fees, and public service fees.
- b- Paying the professional fees and settling the expenses related to providing legal services within reasonable limits or the fees for services related to the preservation and management of frozen assets.
- c- Covering exceptional expenses other than those mentioned in Paragraphs (a, b) of this Clause.
- d- With regard to the penalties prescribed under Security Council Resolution No. 1718 (2006) and Resolution No. 1737 (2006), remaining in force under Resolution No. 2231 (2015); and in addition to the above, if a request is made to allow the use of frozen assets that are subject to a mortgage, a judicial or administrative ruling, or arbitration procedure, if the assets are to be used exclusively to meet the expenses of the mortgage or the judicial, administrative or arbitration ruling, provided that the mortgage or judgment has occurred earlier from the date of Listing the Person or the Organisation according to the aforementioned Resolutions, and that it is not used in the interest of any Listed Person /Organisation, after the Office notifies the Security Council or the relevant Sanctions Committee, as the case may be.

2- Applications for the purposes of deciding on any of the paragraphs mentioned in Clause (1) of this Article shall be submitted by the Listed Person/Organisation or their legal representative to the Office directly, accompanied by all the documents and papers supporting the request.

3- The Office shall study the applications stipulated in Clause (2) of this Article, their grounds, and the amount of funds requested, and may either reduce or reject them based on justified reasons.

4- In the event that the submitted application relates to the expenditures mentioned in paragraphs (a, b, and d) of Clause (1) of this Article, the Office shall notify the Security Council or the Sanctions Committee of its desire to approve the submitted application after examining it in accordance with the provisions of Clause (3) of this article, and in the event that the Sanctions Committee did not express any objection or did not issue a rejection decision within five working days from the date of being notified of said desire, then the freezing of the assets, as approved by the Office, shall be cancelled and the entity that has frozen the funds shall be notified of the matter in writing and immediately to implement the decision, provided that said entity notifies the Office of the action taken in this regard.

5- If the submitted application relates to the expenses mentioned in Paragraph (c) of Clause (1) of this Article, the Office shall notify the Sanctions Committee of its desire to approve the application submitted after studying it in accordance with the provisions of Clause (3) of this Article, and obtain the written approval of the Sanctions Committee.

6- For the purposes of Clauses (4 and 5) of this article, the Office shall notify the applicant for the use of the assets frozen under the Sanctions List, or his legal representative, in writing, of its decision to approve or reject the reasoned application as soon as possible.

7- The Office may revoke the decision approving the application for the use of the assets frozen under the Sanctions List, from any time that it finds out reasonable grounds to suspect using the assets in Financing of Terrorism and the Proliferation of Weapons.

8- If the application for use of the assets frozen under the Sanctions List is rejected or has not been responded to within thirty days from the date of its submission, the applicant may file a grievance before the competent court within sixty days from the date of being notified of the rejection of the request or from the date of expiration of the limitation period set for the response.

9- The Court's decision on the grievance shall be incontestable, and if the court decides to reject the grievance, no new grievance may be filed except after the lapse of six months from the date on which the grievance was rejected, unless there is a serious reason accepted by the president of the court before the expiration of that period.

10- No appeal filed against the freezing decision and other measures may be accepted unless a grievance is filed against said decision and it is rejected, or upon expiration of the limitation period set for the response, as stipulated in this article.

11- In all cases, the procedures stipulated in Security Council Resolutions 1452 (2002), 1718 (2006) and 2231 (2015), and any subsequent resolutions must be observed.

Article 20

The Office may specify any controls it deems appropriate for the exemptions and payments stipulated in this decision to prevent the funds from being used in Financing of Terrorism and the Proliferation of Weapons.

Article 21 - Obligations of DNFBPs

For the purposes of implementing the provisions of this Decision, the Financial institutions and DNFBPs shall comply with the following:

- 1- Registering on the website of the Office with the aim of receiving notifications related to any new listing, re-listing, update or de-listing issued by the Security Council, the Sanctions Committee, or the Cabinet.
- 2- Examining the databases and transactions on regular basis compared to the names listed in the Lists issued by the Security Council or the Sanctions Committee, or the Local Lists, and immediately upon being informed of any changes in any of these lists, provided that such examination includes the following:
 - a- Searching the customer database.
 - b- Searching for the names of the parties related to any transaction.
 - c- Searching for the names of potential clients.
 - d- Searching for the names of the real beneficiaries.
 - e- Searching for the names of persons and organisations with whom there is a direct or indirect relationship.
 - f- Carrying out continuous search in the customer database before conducting any operation or entering into a serious business relationship with any person to ensure that his name is not listed on the Sanctions List or the Local Lists.
- 3- Taking the freezing measure without delay and without prior notice to the Listed Person/Organisation as soon as any match appears, by conducting the search process as referred to in Clause (2) of this Article.
- 4- Implementing the decision to cancel the freezing measure without delay, in compliance with the relevant Security Council resolutions or Cabinet decisions regarding the issuance of Local Lists.
- 5- Immediate reporting to the regulatory authority in the following cases:
 - a- Determining the assets and the procedures that have been taken in compliance with the requirements of relevant Security Council resolutions or Cabinet decisions regarding the issuance of Local Lists, including attempted transactions.
 - b- Determining any matching with the List of Listed Persons or Organisations, details of their data and the measures that have been taken in compliance with the requirements of the relevant Security Council Resolutions and Local Lists, including attempted transactions.
 - c- If it appears that one of its former clients or any occasional client with whom it has dealt is listed on the Sanctions List or the Local Lists.
 - d- Suspecting that one of its current or former clients or a person having a business relationship with it is listed or has a direct or indirect relationship with a Listed Person/Organisation.
 - e- Failing to take any action because of mix-up of names, and impossibility to rule out similarity through the information available or accessible.
 - f- Information related to the assets that have been unfrozen, including their status, nature, value, measures taken in their regard, and any other information related to the decisions.

- 6- Setting internal controls and procedures and implementing them effectively to ensure compliance with the obligations arising from this Decision.
- 7- Establishing and implementing policies and procedures that prohibit employees from notifying the client or any third party, either directly or indirectly, that the freezing measure and any other measures will be applied in accordance with the provisions of this Decision.
- 8- Cooperating with the Office and the regulatory authority to verify the accuracy of the information provided.

Article 22 - Obligations of the Regulatory Authorities

The regulatory authorities shall undertake to do the following:

- 1- Receiving all information by financial institutions and DNFBBs with respect to frozen assets, or any measures taken in compliance with the banning requirements in accordance with the provisions of this Decision, including transactions that are attempted to be performed, and sending them to the Office within five working days from the date of receipt.
- 2- Conducting supervision, control and follow-up to ensure compliance with the provisions stipulated in this Decision through office and field inspections, and imposing appropriate administrative penalties upon violating its provisions or failing to implement them.
- 3- Detecting the cases that have been monitored, in accordance with the provisions of this Decision, by financial institutions or DNFBBs and in which the client or the beneficial owner was a Listed Person or Organisation.
- 4- Determining any assets related to the Listed Person/Organisation that have been detected and frozen by DNFBBs, and whether the relevant reports have been submitted to the Office in accordance with the provisions of this Decision.
- 5- Submitting at least semi-annual reports to the Office on the results of supervision, control and follow-up regarding the implementation, by DNFBBs, of their obligations under this Decision.

Article 23 - General Provisions

1- Anyone who has, ex officio, any direct or indirect access to, or knowledge of, any information presented or exchanged under the provisions of this Decision, shall refrain from disclosing it in any form except for the purposes of implementing this Decision.

2- No person shall be liable for any damages or claims arising as a result of having, bona fide, frozen the assets or refused disposing thereof, or refused to provide financial services in their regard, or carrying out any other obligation under the provisions of this Decision.

3- Any violation of the provisions of this Decision shall entail the application of the penal and administrative penalties stipulated in the aforementioned Federal Decree-Law No. 20/2018.

Article 24 - Administrative Measures

1- The Council and the Office, each within the scope of its competence, may issue the procedures and instructions regulating this Decision.

2- The procedures, standards and models adopted by the Security Council and its committees shall be deemed the main reference for the implementation of the provisions of this Decision and any other related procedures.

3- Taking into account 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 assets if necessary.

Article 25 - Abrogation

Cabinet Resolution No. 20/2019 referred to above, and every provision that contradicts or conflicts with the provisions of this Decision shall be abrogated.

Article 26 - Publication and Enforcement of the Decision

This Decision shall be published in the Official Gazette and shall come into force from the day following the date of its publication.

Issued by us:

On: 10/ Rabi' Al-Awwal/ 1442 H

Corresponding to: 27/October/2020

Mohammed bin Rashid Al Maktoum

Prime Minister

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