



Procedures for Listing / Delisting – UNSCR 1373

A proposal for designation of persons or entities UNSCR 1373 can be made, if the request meets the criteria for designation as set forth in UNSCR 1373 and its successor resolutions or when:

- 1) The person or the entity commits or attempts to commit terrorist acts, or participates in or facilitates the commission of terrorist acts;
- 2) The entity is owned or controlled, directly or indirectly, by any person or entity designated under subsection "1)" of this Part; or
- 3) The person or the entity acts on behalf, or at the direction, of any person or entity designated under subsection "1)" of this Part.

Grounds for proposing persons or entities for designation under the UN 1373 List

The following shall be the grounds for proposing persons or entities for designation pursuant to UNSCR 1373:

- 1) Presence of a valid decision regarding dissolution or prohibition of activities of an entity for the involvement in terrorism or terrorism financing;
- 2) Presence of a valid court judgment regarding a natural person for charges of terrorism or terrorism financing;

3) Designation under applicable lists published by international organizations involved in the fight against terrorism or terrorism financing;

Requesting a Listing of persons or entities

Recommendations can be made by the IRF Steering Committee to the Ministerial Council for listing of an entity or individual pursuant to UNSCR 1373 upon satisfying the listing criteria noted above. Also, any Member of the Ministerial Council may request a listing of persons or entities pursuant to UNSCR 1373 upon satisfying the listing criteria noted above. Upon receipt of same the grounds for such listing, the application will be reviewed by the Members of the Ministerial Council and should agreement be reached by the Members of the Ministerial Council that the listing should go forward, The Competent authority will submit same with as much details to make a sound case to a Court of Law in The Bahamas.

Further, for resolution 1373(2001), designations are made, by Court of Law in The Bahamas, by the Competent Authority on his own motion, or at the request of another country, if he is satisfied, according to applicable legal principles for targeted financial sanctions, that a requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee meets the criteria for designation in resolution 1373(2001).

The designation of an entity or individual or a group is considered on the basis of provisions and procedures set forth in the section 42 ATA 2018. Upon receipt of a Court Order designating an individual, entity or group, such a designation will be circulated to all IRF Steering Committee Members, CFATF Members, all foreign diplomatic missions and the UN via The Bahamas Permanent Mission to the UN.

All reasonable efforts will be made, upon designation and where appropriate or practicable, the country of residence, as soon as possible after the designation has taken effect, will be advised in order that the designated persons and entities directly be informed of:

- a) The designation and its implications, in order to prevent any unintentional breaches on the part of themselves or related third parties.
- b) The review procedure and information on the de-listing process, including a contact point within the government to address any questions regarding the process.
- c) Publicly-releasable information concerning the reasons for designation.
- d) Procedures to allow access to funds or other assets, as set out in resolution 1452(2002) and other relevant UNSCR(s), for basic and extraordinary expenses.

Availability of, and timely procedure for, review of both national and supranational designations under resolution 1373

The appropriate legal authority to receive a request for de-listing and unfreezing of funds or other assets of persons and entities that no longer meet the criteria for designation pursuant to resolution 1373, is the Director of Legal Affairs, Office of the Attorney General. Upon receipt of same request, the particulars of the case will be reviewed, and a recommendation forwarded to the Competent Authority. If there is a case for de-listing and de-freezing of assets for an individual, entity or group, an application will be made to Court of law to seek same. (Section 45 ATA 2018 and amendments.)

A designated entity, individual or group has the right to apply anytime for review to a Court of Law of The Bahamas upon the Designating Orders' issuance. (Section 45 ATA 2018) There is no limit on the number of times for such application to be made.

The Attorney General can also apply for a review at any time and apply to a Court of Law for variation of any Designating Order if the circumstances that supported designation no longer exists. Should an Order be granted for variation, the designated individual, entity or group will be notified via notification to the country of residence as soon as possible of removal from the designation list and frozen assets, unfrozen. Further, the Court Order will be gazatted and circulated to all stakeholders / members of the IRF Steering Committee and posted to the OAG's website and the financial and non-financial sector regulators' website. Further, the appropriate UN Committee will be notified and also the country of residence of the delisted entity or individual.