

Resolution No. (12) for the year 2021

Regarding National Terrorism lists and the implementation of Security Council resolutions

Of the United Nations issued under Chapter VII of the United Nations Charter

On the prevention and suppression of terrorism and its financing, and the prevention, suppression and stopping of the spread and financing of weapons of mass destruction

Prime Minister:

After viewing The Penal Code issued by Decree-Law No. (15) of 1976, as amended,

And Decree-Law No. (4) of 2001 regarding the prohibition and combating money laundering and terrorist financing, and its amendments,

And the Criminal Procedure Law promulgated by Legislative Decree No. (46) of 2002, and its amendments,

Law No. (58) of 2006 regarding the protection of society from terrorist acts, and its amendments,

And the Central Bank of Bahrain and Financial Institutions Law promulgated by Law No. (64) of 2006, and its amendments,

And on the Decree No. (50) of 2020 By establishing and forming a committee to combat extremism And combating terrorism and its financing and money laundering,

And based on the proposal of the Minister of Interior,

and after the Council of Ministers' agreement,

It was decided the following:

Chapter One

General Provisions

Article (1)

In applying the provisions of this decision, you shall be the words and expressions contained therein have the same meanings mentioned in Decree-Law No. (4) of 2001 regarding the prohibition and combating money laundering and terrorist financing, And the following words and expressions shall have the meanings indicated against each of them, unless the context of the text requires otherwise:

The kingdom: kingdom of Bahrain.

The Commission the Committee for Combating Extremism, Combating Terrorism and Its Financing and Money Laundering established by Decree No. (50) of 2020.

Security Council: United Nations Security Council.

Relevant Security Council Resolutions: Security Council resolutions issued under Chapter VII of the United Nations Charter on preventing and suppressing terrorism and its financing and preventing, suppressing and stopping the spread of weapons of mass destruction and their financing, in particular resolutions 1267

(1999), 1373 (2001), 1718 (2006), 1874 (2009), 1988 (2011) and 1989 (2011), 2087 (2013), 2094 (2013), 2231 (2015), 2253 (2015), 2270 (2016), 2321 (2016), and 2356 (2017).

The relevant authority in the Security Council: Sanctions Committee of the Security Council established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015) (ISIS and Al Qaeda Sanctions Committee) And the two committees established under Security Council resolutions 1988 (2011) And the 1718 (2006) and other related committees, As well as the Security Council when exercising its powers Under Chapter Seven of the United Nations Charter, it adopts specific financial sanctions to prevent the proliferation, suppression, obstruction and financing of weapons of mass destruction..

National Terror Lists: Lists Includes persons and entities Which is specified by a decision of the Council of Ministers.

Sanctions List: List of persons and entities subject to specific financial penalties in accordance with the relevant Security Council resolutions Issued by the relevant authority in the Security Council lesion Their identifying information and the reasons for their inclusion.

Freezing: a ban The Transfer Or act in Any money he owns or Controls it Listed persons or entities Or switch it Or shift it or move it By them or for their benefit Any way.

Basic expenses Payments: Necessary for the listed person or entity Against foodstuffs, rent, mortgage-related loans, medicines, medical treatment, taxes, insurance premiums, public utility fees, or expenses associated with paying reasonable professional fees, and expenses associated with providing legal services, or service fees or charges associated with the preservation and management of frozen funds.

Exceptional expenses: Other payments Due Other than basic expenses.

Focal point: Center established pursuant to Security Council resolution 1730 (2006) to receive requests for delisting individuals' names or entities Included on the sanctions list and considered, Except for delisting requests Names of people or entities Listed by the sanctions committee imposed on ISIS and Al Qaeda.

Office of the Ombudsman Office established pursuant to Security Council resolution 1904 (2009) To receive Requests to delete persons' names or entities Those listed and examined by the sanctions committee imposed on ISIS and Al-Qaeda.

Without delay: Immediately within hours Not exceeding 24 hours.

Article (2)

The competent authorities, institutions, and all natural and legal persons must freeze funds Whenever they have, and Which pertains to the persons or entities listed on the national terror lists And the Sanctions list without delay from the date of its publication and without prior notice to the person or entity Runway, provided that the freeze includes the following:

1- All the money a person owns or the listed entity, possessing or controlling it in whole or in part, directly or indirectly, and not only funds that could be related to an action, conspiracy, or a specific terrorist threat or related to the proliferation of armaments.

2- Funds Acquired or generated from Funds that the listed person or entity owns, possesses, or controls in whole or in part, directly or indirectly.

3- Funds owned or controlled by a person or entity acting on behalf of any of these listed persons or entities or under their management or under their direction or which is owned or controlled by them in whole or in part, directly or indirectly.

The competent authorities, institutions and all natural and legal persons must upload The Freezing About Funds belonging to persons or entities whose names are removed from national terrorism lists or the sanctions list without delay from the date of their publication.

Article (3)

On Competent authorities and Institutions And all natural and legal persons will make sure of the availability of any money they have belonging to For persons or entities listed On the national terror lists And the Sanctions List Or those whose names have been removed from it, and reporting without delay from the date of its publication Information and Which measures Been taken Whenever these funds are available including The value of money that has been frozen Or unfreeze it Its type, date and time freeze Or lift the freeze on it and any measures that will be taken, and the notification shall be as follows:

1- The institutions inform the competent authorities in accordance with the mechanism established by each competent authority, and the competent authorities in turn inform the committee of information and measures taken as received from the institutions.

2- The competent authorities and natural and legal persons inform the committee directly Information and Measures Adopted according to the mechanism established by the committee.

Article (4)

Competent authorities, institutions, and all natural and legal persons are prohibited from making available funds or any financial services directly or indirectly for the benefit of the listed persons or entities On national terrorism lists or the sanctions list, or for the benefit of entities that are owned or controlled in whole or in part, directly or indirectly by the listed persons, or for the benefit of any person or entity acting on their behalf or under their direction, unless the committee declares this in accordance with the provisions stipulated in This decision is in accordance with the relevant Security Council resolutions.

Article (5)

Any Benefits or other profits or returns or Payments Due for Money Frozen That Subject as Well To freeze.

And the funds of the listed persons or entities Pursuant to Security Council resolutions 1718 (2006) or 2231 (2015), the Ministry of Foreign Affairs shall notify the relevant authority in The Security Council has

this The Benefits or other profits, or royalties Payments Due for Money Frozen based on data and information received from the committee.

Article (6)

In all conditions and situations, the judicial rulings and decisions the rights of bona fide third parties shall be taken into consideration while implementing any of the procedures related to freezing Funds.

Article (7)

The committee shall prepare a special register in which names are entered Listed persons or entities On national terrorism lists or sanctions list Or those whose names have been crossed out and all the information related to them and Measures Taken on them, including The value of money that has been frozen Or lift the freeze on it or authorize its use Its type, date and time freeze it, or lift the freeze or permission to use it Which Information or Measures Other related to the listed persons or entities.

Chapter Two

National Terror Lists

Article (8)

For everyone on the national terror lists to submit a grievance against the listing decision before the committee attached press him All supporting documents for him, if it is decided upon within thirty days from the date of its submission, and the elapse of this period without a response shall be deemed an implicit rejection of the grievance.

Article (9)

The committee receives it from the listed person or entity National lists of terrorism must request permission to use the frozen funds to meet basic or extraordinary expenses According to the mechanism established by the committee Attached to it all the documents supporting his request and the amount of sums to be used, Provided that a decision is made on it within thirty days from the date of its submission, and the elapse of this period without a response is considered as an implicit rejection of the request.

In all cases that Where the request is accepted, the committee takes over each applicant is notified And the competent authorities And the Institutions and The apices Natural or legal persons - Depending on the circumstances - Who have authorized funds To take the necessary actions to implement the decision issued by Committee, and those who have it Notify the committee of what has been undertaken in terms of implementation the decision Within three working days from the date of notification.

Article (10)

Permissible to heirs Apply to the committee A request to remove the names of the deceased from the national lists of terrorism, and the request shall be accompanied by official documents supporting the death and the status of the applicants as heirs. The committee shall take the necessary measures to verify not be None of the heirs or beneficiaries of the funds Listed On the national terror lists or the sanctions list.

Chapter Three

Relevant Security Council Resolutions

Article (11)

Take charge of the Ministry of Foreign Affairs Submit listing requests Names of persons or entities Thine Apply it Listing criteria in accordance with the relevant Security Council resolutions, and the proposed inclusion on the sanctions list based on have the committee's decision This is done unilaterally without prior notice to the person or entity concerned and without the requirement of a criminal case against them.

Listing proposals are submitted to the relevant authority in Security Council in accordance with approved listing forms.

Article (12)

The committee receives it from the listed person or entity the sanctions list should request permission to use the frozen funds to meet basic or exceptional expenses According to the mechanism established by the committee Attached to it are all documents supporting his request and the amount of sums to be used.

If the committee decides to accept the request, it must follow the following procedures:

1- In the event that the request is related to meeting the basic expenses, the committee sends the application and all necessary documents to the Ministry of Foreign Affairs, which notifies it to The relevant authority in The Security Council, and the application is only accepted when the committee receives a notification of non-objection The relevant authority in Security Council Or the non-issuance of a decision by the relevant authority Security Council Decline the request Within five working days from the date notification.

2- In the event that the request is related to meeting the exceptional expenses, the committee sends the application and all necessary documents to the Ministry of Foreign Affairs, which notifies it to the relevant authority in The Security Council, and the request is only accepted when the committee receives approval the relevant authority in Security Council. And if the request is accepted, I have to Competent authorities And the Institutions and the apices Natural or legal persons - Depending on the circumstances - Who have authorized funds Do preparation Periodic reports on the manner of disposing of funds paid for exceptional expenses for the commission. And the commission sends Reports to the State Department that you Sent to me The relevant authority in Security Council.

In all cases that Where the request is accepted, the committee takes over each applicant is notified And the competent authorities And the Institutions and The Natural or legal persons - Depending on the circumstances - Who have authorized funds To take the necessary actions to implement the decision issued by Committee, and those who have it Notify the committee of what has been undertaken in terms of implementation the decision Within three working days from the date of notification.

Article (13)

With regard to the funds of persons or entities listed in Security Council resolution 1737 (2006) and who remained identified after the adoption of Security Council resolution 2231 (2015) or listed in resolution 2231 (2015) itself, the Committee receives Of the interested parties, permit requests To make the payments due And the review of the possibility of authorizing the competent authorities, institutions, or any natural or legal person who has frozen funds to make the payments due under the contracts established before the date on which the person or entity was listed on the Sanctions List, And according to the following conditions:

- 1- These contracts should not be linked to any of the items, materials, equipment, goods, goods, technologies, assistance, training, financial assistance, investment, brokerage, or prohibited services referred to in the relevant Security Council resolutions, in particular resolution 2231 (2015).
- 2- The sum shall not be delivered directly or indirectly to a person or entity subject to the measures contained in paragraph (6) of Annex (B) of Security Council resolution 2231 (2015).
- 3- That the Ministry of Foreign Affairs, upon the committee's request, raise prior notification to the relevant authority in The Security Council clarifies the intention to authorize the payment or receipt of the payment, or to authorize, if necessary, to lift the freeze on funds for the same purposes, at least ten days before the date of the declaration.

Article (14)

Persons and entities listed on the sanctions list may submit delisting requests directly from the list to the office of the ombudsman or focal point - Depending on the circumstances - On The application shall be accompanied by all the information and supporting documents.

as such People and entities can Bahraini or Those who are in the Kingdom or who have a headquarters in it or funds that have been frozen, and those listed on the sanctions list, Submit delisting requests from the list by The Commission. The committee shall send any request submitted on her way To the Ministry of Foreign Affairs, an attachment with it All information and supporting documents and the committee's remarks on the eligibility of the request, And the Ministry of Foreign Affairs By sending it to the Ombudsman's Office or to the Coordination Center - as the case may be - Within three working days from the date it was received.

Article (15)

For the committee that Progress Directly in her name Through the Foreign Ministry to The relevant authority in Security Council Request for delisting from the sanctions list, either on its own initiative or at the request of the listed person or entity if it deems that the listing criteria do not apply to it or its disappearance, or if the entities no longer have an actual existence or activity in the Kingdom.

as such It may submit, on its own initiative or upon the request of the heirs, a request to delete the names of the deceased from the sanctions list, and the request shall be accompanied by official documents supporting the death and the status of the applicants as heirs. The committee shall take the necessary measures to verify Not be None of the heirs or beneficiaries of the funds Listed on National terrorism lists or Sanctions List.

Article (16)

Persons or entities who believe they have been wrongly included on the sanctions list, such as if their names are similar or like the names of listed persons or entities, may complain about the error in the application to the Committee And reviews the grievance according to the following procedures:

- 1- The committee must decide on the grievance within ten working days from the date it was submitted. In case of uncertainty, the committee may request information or opinion through the Ministry of Foreign Affairs The relevant authority in Security Council.
- 2- In the event that the grievance is accepted, the committee must notify each of the applicant And the competent authorities And the Institutions and The Natural or legal persons - Depending on the circumstances - Who have the frozen funds To take the necessary measures to lift the freeze and all the implications of listing, And who they have to Notify the committee of the work that has been undertaken to lift the freeze and all implications of listing within three working days from the date of notification.

Article (17)

The Ministry of Foreign Affairs publishes on its website the procedures for submitting requests to remove names from the sanctions list to The relevant authority in Security Council, provided that these procedures include guidance Persons and entities designated on the sanctions list How about Submit delisting requests directly from the list To the office of the ombudsman or focal point - Depending on the circumstances - For people and entities Bahraini or Those who are in the Kingdom or who have a headquarters in it Or funds that have been frozen, And those listed on the sanctions list, On how to submit requests for delisting from the list by The Commission.

Chapter Four

Final provisions

Article (18)

In cases where the nature of the funds is required Frozen set to run, I have to The Commission Specify the person Which is based on Manage it in accordance with the conditions and procedures set by the committee.

And the Committed Based on managing frozen funds to maintained and good management and return them with the proceeds when the freeze ends.

Article (19)

The provisions of this decision shall be applied without prejudice to the following:

1- Criminal procedures related to the criminal case, which are taken according to the law Criminal Procedures promulgated by Decree-Law No. (46) of 2002.

2- The authority of the Central Bank of Bahrain to issue directives and take the necessary measures to freeze or seize funds with those authorized by virtue of The Central Bank of Bahrain and Financial Institutions Law promulgated by Law No. (64) of 2006, In a way that preserves the financial sector and enhances confidence in the Kingdom's position as a global financial center.

Article (20)

To be published Decisions to be included in national terrorism lists sanctions list or delisting Automatically As soon as the decision is issued by Council of Ministers or the relevant authority in Security Council, Depending on the circumstances.

Article (21)

Without prejudice to the administrative penalties, anyone who violates the provisions of this resolution shall be punished with the penalties stipulated in paragraph (3-6) of Article (3) of Decree-Law No. (4) of 2001 regarding the prohibition and combating money laundering and terrorist financing.

Article (22)

The ministers and those concerned - each within his jurisdiction - shall implement the provisions of this decision, and it shall come into force on the day following the date of its publication in the Official Gazette.

3511 – Thursday 18 February 2021

Prime Minister

Salman bin Hamad Al Khalifa

Issued on: Rajab 4, 1442 AH

Corresponding to: February 16, 2021 AD