

Decision No. (1) of 2020

Regulating the Implementation Mechanisms of the Targeted Financial Sanctions related to Combatting the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction pursuant to UN Security Council Resolutions

I, the Public Prosecutor,

Having perused the Constitution of the State of Qatar; and

The Charter of the United Nations;

The Law No. (13) of 1990 promulgating the Civil and Commercial Proceedings Law and its amending laws;

The Law No. (10) of 2002 on the Public Prosecution and its amending laws;

The Law of the Judicial Authority promulgated by Law No. (10) of 2003, and its amending laws;

The Penal Code promulgated by Law No. (11) of 2004, and its amending laws;

The Criminal Procedure Code promulgated by Law No. (23) of 2004 and its amending laws;

The Law on Combatting Money Laundering and Terrorism Financing promulgated by Law No. (20) of 2019; and

The Law on Combating Terrorism promulgated by Law No.(27) of 2019;

Have decided the following:

Section I

General Provisions

Article (1)

This Decision is aimed at implementing Articles (30) to (42) of the Law on Combating Terrorism promulgated by Law No.(27) of 2019, relating to the implementing procedures of the UN Committees Resolutions on combatting the financing of terrorism and the proliferation of weapons of mass destruction.

Article (2)

In the application of the provisions of this Decision, the relevant definitions stipulated in Article (1) of the Law on Combating Terrorism promulgated by Law No.(27) of 2019 shall be adopted, and the following words and expressions shall have the meanings assigned thereto, unless otherwise required by the context:

1. The Law: Law on Combating Terrorism promulgated by Law No.(27) of 2019.

2. Sanctions List: a list established by a decision of the Public Prosecutor and maintained by the NCTC, it shall include :

- The Natural persons and entities designated on the **UN Security Council List**.
- The Natural persons and entities designated by a decision of the Public Prosecutor, at the proposal of the NCTC.

“United Nations Security Council Consolidated Sanctions List: A **list** established and maintained by the appropriate United Nations body, that includes all persons and entities subject to targeted financial sanctions by a UN Security Council resolution. It may also include individuals and entities, groups and other authorities subject to targeted financial sanctions for financing the proliferation of weapons of mass destruction, pursuant to the UN Security Council resolutions, and all their relevant identification information.

3. Appropriate United Nations Body: the “Sanctions Committee” referred to in Article (1), which is the “UNSC Sanctions Committee” established pursuant to UN Security Council Resolutions 1267 (1999), 1989 (2011), and 2231 (2015); the “Sanctions Committee” established pursuant to UN Security Council Resolution 1988 (2011); the “Sanctions Committee” established pursuant to UN Security Council Resolution 1718 (2006), and the Security Council when acting under Chapter VII of the Charter of the United Nations.

4. NCTC: The National Counter-Terrorism Committee established pursuant to Article (28) of the Law on Combating Terrorism promulgated by Law No. (27) of 2019.

5. Statement of Case: a statement by the NCTC which contains the basis for the designation and as much details as possible that had led to the implementation of targeted financial sanctions against any natural person or entity, and that support a determination that the person or entity meets the relevant criteria for designation, the nature of the information or supporting documents that can be provided; and any details of any connection between the proposed designee and any currently designated person or entity as per the designation resolution of the appropriate United Nations body and relevant annexes, or the order of the Public Prosecutor. This statement of case should be releasable, upon request, except for the parts that the NCTC identifies as being confidential.

6. Focal Point: the delisting body established by the Security Council Resolution 1730(2006), which receives and considers de-listing requests of persons designated on the UN List, provided that they are not designated by ISIL (Da'esh) and Al-Qaida Sanctions Committee.

7. Office of the Ombudsperson: the body established by the Security Council Resolution 1904 (2009), which receives and considers de-listing requests of persons designated by the ISIL (Da'esh) and Al-Qaida Sanctions Committee.

8. Economic Resources: assets of every kind, whether physical or non-physical, tangible or intangible, movable or immovable, which may be used to obtain funds, goods or services, such as lands, buildings or other real estate; equipment, including computers, computer software, tools, and machinery; furniture, fittings and fixtures; vessels, aircrafts, motor vehicles, and goods; works of art, cultural property, antiquities, wildlife; jewellery, gold, precious stones, charcoal, oil, refineries, and related materials including chemicals, lubricants, minerals, timber, or other natural resources; commodities, arms and related materiel; raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, and any type of proceeds of crime, including illegal cultivation, production and trafficking of drug or derivatives; patents, trademarks, copyrights, and other forms of intellectual property; internet hosting and publication or related services; assets available, directly or indirectly, for the benefit of designated persons and entities, including those used to finance their travel, relocation or lodging, and any assets paid thereto as a ransom, or any other assets.

9. Basic Expenses: payments for some fees, expenses and service charges such as foodstuffs, rent, mortgage, medicines and medical treatment, taxes, insurance premiums, or public utility charges; or for reasonable professional fees and

reimbursement of expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other assets and economic resources.

10. Extraordinary Expenses: any expenses other than those included in the basic expenses, which are determined by the Public Prosecutor, in coordination with the NCTC as necessary for the person or entity subject to the freezing order.

11. Listing Official: delegated by the Public Prosecutor among the Prosecution members, at the level of Attorney General, to issue and amend designation orders extend the designation period, and issue orders related to basic and extraordinary expenses.

12. Implementing Parties: for the purposes of implementing this Decision, the expression “Implementing Parties” shall include supervisory, security and administrative authorities, regulators, financial institutions, DNFBPs, NPOs, and any person and entity in charge within the jurisdiction of State of Qatar.

13. Financial Information Unit: Financial Information Unit stipulated in Article (31) of the AML/CFT Law No. (20) of 2019.

14. Supervisory Authorities: for the purposes of implementing this Decision, “Supervisory Authorities” shall include:

	Supervisory Authority	Sector
1.	Qatar Central Bank	<ul style="list-style-type: none"> - Banks and exchange houses - MVTs providers - Insurance and reinsurance - Finance and investment companies
2.	Qatar Financial Markets Authority	<ul style="list-style-type: none"> - Financial brokerage firms/intermediaries - Qatar Stock Exchange - Qatar Central Securities Depository
3.	Ministry of Justice	<ul style="list-style-type: none"> - Lawyers - Authorized Notaries - Legal accountants
4.	Ministry of Commerce and Industry	<ul style="list-style-type: none"> - Dealers in precious metals or stones. - Trust and Company Service Providers.
5.	Qatar Financial Centre Regulatory Authority	<ul style="list-style-type: none"> - Financial institutions and DNFBPs established in the Qatar Financial Centre.

6.	The Regulatory Authority for Charitable Activities	- Non-Profit Organizations (NPOs).
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- And any other competent authority having the powers by virtue of the Law to regulate, monitor and supervise financial institutions and DNFBPs, or NPOs.

Section II

Designation on the Sanctions List

Chapter I

Designation Mechanisms

Part I

Designation Criteria

Article (3)

The Public Prosecutor shall issue a designation order to place a person or entity on the Sanctions List in the following cases:

- a. If the natural person or entity is listed on the UN Security Council List.
- b. Any natural person or entity for whom the Public Prosecutor, at the proposal of the NCTC, finds that there are reasonable grounds or reasonable basis to suspect or believe that this person or entity meets any of the criteria and conditions below, for three (3) renewable years:
 1. Has committed or attempted to commit terrorist acts or offences as defined in the Law on Combating Terrorism promulgated by Law No.(27) of 2019, or has participated in, or facilitated, the commission of terrorist acts or offences, including by participating in financing, planning, or facilitating, preparing or perpetrating of such acts.
 2. Any entity owned or controlled, directly or indirectly, by a person or entity identified in the foregoing clause.
 3. Any person or entity acting on behalf of, or at the direction of the person or entity meeting the criteria in (1-2) above.

4. Is a member of any entity designated by the NCTC, pursuant to the UNSC resolutions, when meeting the criteria in (1-3) above.
5. Is a member of any entity, when the Public Prosecutor, at the proposal of the NCTC, is satisfied that such entity meets the criteria in (1-3) above.
6. Any person convicted in the State, by a final conviction, for charges of terrorism, terrorism financing, or the financing of proliferation of weapons of mass destruction, pursuant to the current enforceable Law, when meeting the criteria in (1-3) above.

Part II

Designation of UNSC Listed Natural Persons and Entities on the Sanctions List

Article (4)

- a. The Ministry of Foreign Affairs (MOFA) shall notify the Public Prosecutor of any designation on the UN Security Council List, immediately upon its issuance, and shall provide the NCTC with a copy thereof.
- b. The Public Prosecutor shall place the UN listed natural person or entity on the Sanctions List immediately upon designation by the UNSC or the relevant Sanctions Committee under Chapter VII of the UN Charter.
- c. The Public Prosecutor shall notify the NCTC upon the issuance of the designation order of the person or entity on the Sanctions List.
- d. The NCTC shall notify all the supervisory authorities, and any other authority determined by the NCTC, of the designation on the Sanctions List, immediately upon notice of the designation order by the Public Prosecutor on the Sanctions List.

Part III

Designation of Persons and Entities on the Sanctions List by a Decision of the Public Prosecutor, at the Proposal of the NCTC

Article (5)

- a. The NCTC, on its own, or upon the request of the competent authorities, shall propose to the Public Prosecutor the designation of a person or entity on the Sanctions List.
- b. The Public Prosecutor shall consider the proposal for designation by the NCTC and shall determine whether to reject or approve it, within (15) days of receiving the proposal. The NCTC shall within such period, provide any clarifications or additional information requested by the Public Prosecutor regarding the submitted proposal, and shall immediately upon issuance of the designation order by the Public Prosecutor, update the Sanctions List and notify the implementing parties.
- c. The proposal for designation by the NCTC, or the designation order by the Public Prosecutor, shall not be conditional upon the initiation of a criminal proceeding or the existence of criminal procedures against the concerned person.
- d. If the Public Prosecutor rejected the designation proposal by the NCTC, he shall notify the NCTC of the rejection and the reasons for rejection, within the same term mentioned above in paragraph (b) of this Article . The NCTC may in this case resubmit the proposal after addressing the reasons for rejection.

The Public Prosecutor shall, upon the proposal of the NCTC, issue an order to designate a person or entity on the Sanctions List for three (3) years, and may extend such period for similar periods as long as the grounds for designation still exist. The NCTC shall prepare the proposal for extension and submit it to the Public Prosecutor before the end of the specified period.

Article (6)

- a. The NCTC shall have the sole authority to submit proposals to the Public Prosecutor to issue designation orders of persons and entities on the Sanctions List, and relevant extension orders.
- b. The NCTC shall make the proposals for designation, and the extension thereof, when it determines that there are reasonable basis to believe that the

person or entity proposed for designation meets the designation criteria stipulated in Article (3) / paragraph (b) of this Decision.

Article (7)

- a. The proposals for designation on the Sanctions List by any competent authority in the State, shall be submitted together with any supporting information to the NCTC.
- b. The NCTC shall decide on the proposals, and if it determines that a proposal for designation merits consideration, the NCTC Secretariat shall oversee the preparation and circulation of a designation package to the Public Prosecutor.
- c. The NCTC, when preparing the designation package, may obtain and request information from all sources, including from the relevant authorities, and any other authority in the State. Requested information by the NCTC shall be provided within one (1) week from the date of request.

Article (8)

The proposal for designation by the NCTC to the Public Prosecutor shall:

1. Be prepared in conformity with the applicable procedures and the standard forms for designation, whether classified or unclassified, as adopted by the NCTC.
2. Provide as much relevant information as possible on the proposed person or entity, in particular, sufficient identifying information to allow for the accurate and positive identification of natural persons and entities, such as name, family name/ surname, other relevant names, alias, date and place of birth, nationality, employment, country of residence and occupation, passport number, ID number, current and previous addresses, current criminal status; the name of the legal person or entity, address, headquarters, branches/ subsidiaries, business activity, commercial register, capital, shareholders register, and the information stipulated in Article (16) of this Decision, and any data that must be included in the statement of case.
3. Provide information on the funds and economic resources of the person or entity proposed for designation.
4. Provide information on any connection between the proposed person or entity and any person or entity previously designated.

5. Provide a statement as to whether there are reasonable grounds for also proposing the designation to the UN Sanctions Committee, established by the UNSC Resolutions (1267) or (1988).

Part IV

Designation Order and Notification

Article (9)

With respect to the persons or entities designated on the UN Security Council List, the designation order on the Sanctions List shall include any identification information provided by the Sanctions Committee, and any additional information that the listing official deems necessary.

Article (10)

- a. With respect to persons or entities designated by a decision of the Public Prosecutor, at the proposal of the NCTC, the designation order on the Sanctions List shall include:
 - 1) All information stipulated in Article (8).
 - 2) Explicit provision on the compliance of the implementing parties with the implications of the designation stipulated in Article (38) of Law on Combating Terrorism promulgated by Law No.(27) of 2019, regarding designated persons.
 - 3) The designation order may include a provision to allow the entry into, or transit through, the State of persons who are Heads, leaders, members, or employees of a designated entity, group, organisation, or undertaking, in coordination with the NCTC.
- b. The Public Prosecutor may, at the proposal of the NCTC, amend the designation order as to ensure the effectiveness of the legal implications stipulated in Article (38) of the Law on Combating Terrorism promulgated by Law No.(27) of 2019.

Article (11)

- a. The NCTC, in coordination with the competent supervisory authorities, shall notify the financial institutions, DNFBNs, and NPOs of the designation order on the Sanctions List, immediately upon issuance of the order by the Public Prosecutor.

- b. Financial institutions, DNFBPs, and NPOs shall provide an email address to the relevant supervisory authority where they can receive notifications of designations.
- c. The Public Prosecutor shall notify the designated person or entity, of the designation order, the reasons for designation, the guarantees, including the right to request de-listing and exemption of certain funds from freeze to cover some basic or extraordinary expenses, the competent body to whom the petitions shall be addressed, and the relevant applicable procedures, within one (1) business day of the issuance of the order, and when necessary as soon as possible, no later than five (5) business days, taking into account the obligations of the implementing parties in relation to the designation.
- d. The person designated on the Sanctions List by a decision of the Public Prosecutor, at the proposal of the NCTC, and pursuant to the provisions of Article (3) /paragraph(b) of this Decision, may obtain an unclassified version of the “statement of case” that contains information regarding the basis and grounds for designation.

Part V

Management of the Database of the Sanctions List

Article (12)

- a. The NCTC shall list on its website the name of the person or entity designated on the Sanctions List, immediately upon notice of the issuance of the designation order.
- b. The NCTC shall establish an electronic database that includes all the data of persons and entities designated on the Sanctions List, and shall update such database regularly with any relevant information. The NCTC shall ensure that the database is searchable on its website, to identify the name of the designated person or entity, alias, date and type of designation, de-listing orders, and an electronic copy of the designation order issued in the State. In case of designations by a UN resolution, the NCTC shall provide the designation resolution by the appropriate United Nations body and any available information, except for confidential data.

Part VI

Proposals for Designation on the UN Security Council List or Foreign Jurisdictions Lists

Article (13)

- a. When there are reasonable grounds and reasonable basis to believe that the person or entity designated on the Sanctions List meets the criteria for designation on the UN Security Council List or on a foreign jurisdiction(s) list, the NCTC shall, in coordination with the Public Prosecutor and the Ministry of Foreign Affairs, submit the requests to the UN Security Council or to the relevant foreign jurisdictions, to place the persons or entities on their terrorist lists.
- b. The proposal for designation shall not be conditional upon the initiation of a criminal proceeding or the existence of criminal procedures against the concerned person.
- c. The Public Prosecutor, in cooperation with the NCTC, and in coordination with the Ministry of Foreign Affairs, shall represent the State in responding to the requests for information received from the appropriate United Nations body or the relevant foreign jurisdiction to which the designation request is submitted.

Article (14)

The following shall be taken into account when proposing designation on the UN Security Council List:

- a. For designation on the Sanctions List of the Committee established pursuant to Resolutions (1267) and (1989):

There must be reasonable grounds or reasonable basis to suspect or believe that the person or entity, either:

1. Participated in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, or in conjunction with, under the name of, on behalf of, or in support of Al Qaida or ISIL (Da'esh), or any cell, group, affiliate, splinter group or derivative thereof.
2. Supplied, sold or transferred arms and related materiel to Al Qaida or ISIL (Da'esh), or any cell, group, affiliate, splinter group or derivative thereof
3. Recruited for, or otherwise supported the acts or activities of Al Qaida or ISIL (Da'esh), or any cell, group, affiliate, splinter group or derivative thereof.

b. For designation on the Sanctions List of the Committee established pursuant to Resolution (1988):

There must be reasonable grounds or reasonable basis to suspect or believe that the person or entity committed any of the following, for the benefit of those designated on the list, and other individuals, groups, organizations and entities associated with “Taliban” in constituting a threat to the peace, stability and security of Afghanistan:

1. Participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities, in conjunction with, under the name of, on behalf of, or in support of those designated on the list, and other individuals, groups, organizations and entities associated with “Taliban” in constituting a threat to the peace, stability and security of Afghanistan
2. Supplying, selling or transferring arms and related materiel to those designated on the list, and other individuals, groups, organizations and entities associated with “Taliban” in constituting a threat to the peace, stability and security of Afghanistan.
3. Recruiting for, or otherwise supporting the acts of those designated on the list, and other individuals, groups, organizations and entities associated with “Taliban” in constituting a threat to the peace, stability and security of Afghanistan.

c. The proposal for designation shall:

1. Comply with the applicable procedures and standard forms for designation, as adopted by the appropriate Committee;
2. Include the data stipulated in Article (8) of this Decision.

The Public Prosecutor, when proposing designation on the UNSC 1267 Sanctions List, may request that the State of Qatar shall not be publicly known as the designating State.

Article (15)

The proposal for designation on the UN Security Council List or on a foreign jurisdiction list shall:

- a. Provide all the necessary information and documents supporting the proposal.
- b. Provide a statement of case, including information related to any legal procedures.
- c. Describe whether the proposed designation meets the relevant criteria.
- d. Include all the information stipulated in Article (8) of this Decision

Article (16)

When preparing proposals for designation on the UN Security Council List or on foreign jurisdictions lists, the NCTC may obtain all the necessary information from the relevant Ministries and administrative bodies in the State, and may request the assistance of such Ministries and relevant administrative bodies to obtain information related to their foreign counterparts, in order to provide the following:

a) For natural persons:

- Surname/family name, given name
- Other relevant names, and aliases
- Date and place of birth
- Nationality/ Citizenship
- Gender
- Employment/Occupation
- Residence
- Addresses
- Passport number or travel document (including date and place of issue, and expiry date)
- National identification numbers
- Current and previous addresses
- Website addresses,
- Current location
- Biometric data (physical characteristics, photographs, fingerprints).

b) For legal persons and entities:

- Name
- Registered name
- Short name(s)
- Acronyms, and other names by which it is known or was formerly known
- Address
- Headquarter
- Subsidiaries/ branches
- Organizational linkage
- Parent company
- Nature of business or activity
- State(s) of main activity
- Leadership/management

- Registration (incorporation) or other identification number
- Legal status (e.g. in liquidation, terminated)
- Website addresses
- Any organizational linkages with other relevant legal persons or entities
- Capital structure (data of the persons in charge of supervising the company)
- Management structure (including management data)
- Control structure (including data for persons who have effective control over the entity / organization)
- Nature of the activity
- Primary funding sources
- The known owned assets
- All information required by the relevant competent UN body or foreign authorities.

Part VII

Proposals for Designation by Foreign Jurisdictions

Article (17)

- a. The NCTC shall, in coordination with the relevant authorities in the State, develop, and publish on its website, procedures whereby foreign jurisdictions may make proposals for designation to the State.
- b. The Ministry of Foreign Affairs, shall immediately refer the proposals for designation received from foreign jurisdictions to the NCTC, within three (3) business days of receiving such proposals, and shall provide a relevant copy to the Public Prosecutor.
- c. The NCTC shall consider the proposals for designation received from foreign jurisdictions, and shall prepare a comprehensive designation package that includes its relevant approval or rejection, to submit it to the Public Prosecutor, within 30 days of receiving the proposal. The NCTC, in coordination with the Ministry of Foreign Affairs, may request necessary information from the requesting foreign jurisdiction to decide on the proposal, and may also request all the supporting additional information pursuant to the provisions of paragraph (c) of Article (7) of this Decision, in conformity with the criteria stipulated in Article (8).
- d. The Public Prosecutor shall decide whether to reject or approve the proposal within 30 days of receiving the designation package prepared by the NCTC, and shall designate the person or entity in case of approval.

- e. The necessary and additional information required for deciding on the proposal for designation, shall include all information ensuring that the persons and entities proposed for designation meet the criteria stipulated in Articles (8) and (14)/ paragraph (c) of this Decision.
- f. The Public Prosecutor, in coordination with the NCTC, shall notify the Ministry of Foreign Affairs upon deciding on the proposal for designation, in order to notify the requesting competent authorities in the State of the decision of the Public Prosecutor.
- g. The NCTC shall keep a record of all the requests received from foreign jurisdictions to designate persons or entities on the Sanctions List. The record shall contain all the details related to such requests and the actions taken in this regard by the NCTC or the Public Prosecutor, in order to be able to refer back to it when taking procedures related to inquiries and information collection to designate a person or entity.

Chapter II

Petitions and De-listing

Part I

Removal of a designated Person and Entity from the UN Security Council List

Article (18)

The Public Prosecutor may, at the proposal of the NCTC, and in coordination with the Ministry of Foreign Affairs, request the appropriate United Nations body to de-list Qatari persons and entities, or other persons and entities within the State's jurisdiction, when he determines that there are no reasonable grounds and reasonable basis for designation.

Article (19)

- a. Any person or entity designated on the UN Security Council List or a Sanctions Committee List, may petition the Public Prosecutor to request, on behalf of the State, that the appropriate United Nations body consider the de-listing of the petitioner, at the proposal of the NCTC, and in coordination with the Ministry of Foreign Affairs.

- b. The petition shall include the name and address of the designated person or entity, the number and date of designation, a detailed description of the reasons for submitting the de-listing request, and the reason why the criteria established by the relevant Sanctions Committee do not apply to such person or entity, and any other matters required by the relevant Sanctions Committee.
- c. The Public Prosecutor shall refer the petitions to the NCTC to consider and make a relevant recommendation.
- d. The Public Prosecutor shall decide on the petition within thirty (30) days of receiving the petition. By reason of lapse of the said period, the decision on the petition shall be considered an implicit rejection.
- e. The petitioner shall be notified of the rejection within fifteen (15) days of the date on which the decision was taken.

Article (20)

- a. If the Public Prosecutor decides to accept the request of the petitioner and determines that the petitioner should no longer be listed, he shall in coordination with the Ministry of Foreign Affairs, request the relevant Sanctions Committee to de-list the petitioner.
- b. De-listing requests shall be submitted to the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee if the designation is by that Committee, or to the Focal Point for De-listing, pursuant to resolution 1730(2006), if the designation is by any Sanctions Committee, other than ISIL (Da'esh) and Al-Qaida Sanctions Committee.

Article (21)

- a. Persons or entities of Qatari nationality, or who are within the State's jurisdiction, that are designated on the UN Security Council List, may submit de-listing requests directly to the Ombudsperson ombudsperson@un.org or to the focal point <https://www.un.org/securitycouncil/ar/sanctions/delisting> with all supporting information and documents.
- b. The Public Prosecutor, with the assistance of the NCTC, and in coordination with the Ministry of Foreign Affairs, shall be responsible for responding on behalf of the State of Qatar to requests for information from the relevant UN body considering the delisting requests.

Article (22)

- a. If the relevant Sanctions Committee decides to remove the designated person or entity from the UN Security Council List, the Public Prosecutor shall determine to revoke the designation and de-list the person or entity immediately from the Sanctions List.
- b. The NCTC shall remove the name of the person from its website, immediately upon issuance of the Public Prosecutor's delisting order from the Sanctions List; and shall, with the assistance of the supervisory authorities and other competent authorities, develop effective procedures in order to ensure the prompt termination of sanctions upon de-listing, including the release of frozen funds within maximum three (3) business days.
- c. The Public Prosecutor may, upon the NCTC proposal, and when there are reasonable grounds and reasonable basis, issue another independent order to designate on the Sanctions List the same person or entity immediately after delisting from the UN Security Council List.

Article (23)

- a. The NCTC may, on its own or at the request of the heirs, propose to the Public Prosecutor to request the appropriate United Nations body to remove the deceased natural persons from the UN Security Council List after taking the adequate procedures in order not to provide the deceased's funds to any other designated person or entity, regardless of whether such person is a heir or beneficiary of the deceased. The de-listing request shall be submitted with all necessary documents supporting the death of the listed person and the capacity of the heirs.
- b. The NCTC may, on its own, propose to the Public Prosecutor to request the appropriate United Nations body to remove legal persons that will be liquidated from the UN Security Council List after taking the necessary procedures in order not to provide the funds to any other designated person or entity. The de-listing request shall be submitted with the official documents of the legal persons referred to.

Part II

Revoking the Listing of Persons and Entities designated by a Decision of the Public Prosecutor at the Proposal of the NCTC

Article (24)

- a. The Public Prosecutor may, on his own or at the proposal of the NCTC, amend or revoke the designation order and remove the person or entity from the Sanctions List when he determines that there is no basis to keep them listed. The Public Prosecutor shall notify the designated person or entity of the revocation order within one (1) business day from the issuance of the order. In all cases, the recommendations of the NCTC to the Public Prosecutor regarding the amendment order or the revocation order, shall be taken into consideration.
- b. Revoking the designation order shall nullify all the related implications thereof. The NCTC shall immediately announce the revocation order on its website and remove the person or the entity from the relevant Sanctions List, and shall notify the implementing parties of the de-listing order and removal of the person from the Sanctions List.
- c. When revoking the designation, upon the death of the designated person or the liquidation of the legal person, and releasing the frozen funds, necessary procedures shall be taken in order not to provide such funds to any other designated person or entity, regardless of whether such person is a heir or beneficiary of the deceased;
- d. The NCTC with the assistance of the supervisory authorities and other competent authorities, shall develop effective procedures in order to ensure the prompt termination of sanctions upon de-listing.

Article (25)

- a. The Public Prosecutor shall receive the petitions of persons and entities designated on the Sanctions List, against the designation orders or extension thereof, and refer them to the NCTC to make a relevant recommendation. The Public Prosecutor shall then decide whether to approve or reject the petitions within thirty (30) days from submittal.
- b. The petition shall include the name and address of the designated person, the date of designation, a detailed description of the reasons for revoking the designation order or extension thereof, and the reasons why the criteria for designation do not apply to such person.

- c. If the Public Prosecutor decides to reject the petition, the applicant shall be immediately notified in writing of the rejection order, and shall have the right to appeal against the designation order or extension thereof, before the criminal circuit at the Court of Appeal, within sixty (60) days of notifying the person or entity of the designation order or extension thereof.
- d. may appeal against the designation order or extension thereof, before the criminal circuit at the Court of Appeal, within sixty (60) days of being notified of the order, without lodging any petition. The right of the designated person or entity to petition shall be extinguished once the appeal is filed.
- e. The right of the designated person or entity to appeal shall be extinguished after sixty (60) days, if such right was not exercised. However, the right to file a petition shall be effective and may be exercised throughout the validity of the order.
- f. If a competent court revoked the designation order, the Public Prosecutor shall spontaneously and immediately remove the person or entity from the Sanctions List, unless such person or entity is UN listed. In such case, the Public Prosecutor shall exercise his powers stipulated in Article (18) of this Decision.
- g. The designated person or entity may, in any case and at all times, submit to the NCTC whatever available information or data, and the NCTC shall consider such information and data to determine whether the criteria for designation still apply, in order to propose to the Public Prosecutor to amend the designation order. In such case, the NCTC shall exercise its powers stipulated in Article (18) of this Decision.

Section III

Freezing Funds

Chapter I

Freezing Procedures

Article (26)

- a. All the implementing parties in the State, shall freeze all the funds of the designated persons or entities, including financial transfers made by them or for their benefit, immediately upon announcement of the designation order on the Sanctions List, at the proposal of the NCTC, and without delay or prior notification to the designated person or entity. In all cases, the

designation and freezing order shall be implemented within twelve (12) hours of announcement.

- b. All natural and legal persons in the State, including government authorities, financial institutions, DNFBPs, NPOs, and any other relevant authority, shall immediately freeze the funds of the person or entity designated on the UN Security Council List, **no later than twenty four (24) hours** of designation on the UN Security Council List, and without requiring the issuance of the designation order on the Sanctions List, or announcement thereof, and without prior notification to the concerned person or entity. The relevant supervisory authorities, in coordination with the NCTC and under the supervision of the Public Prosecutor shall develop, and regularly and practically update available means of communication and information processing systems to ensure that the financial institutions, DNFBPs and NPOs receive notification of any new UN listing upon issuance in order to immediately take the freezing measures.
- c. Financial institutions, DNFBPs and NPOs shall, within maximum (48) hours of the issuance of the designation order, submit a first report to the relevant supervisory authorities, on the measures taken to implement the freezing order and all actions taken in compliance with the designation order. The report shall particularly include the value and type of the frozen funds, the date and time of freezing, and any attempted transactions or other relevant information. The supervisory authorities shall refer these reports immediately to the NCTC, and Qatar Financial Information Unit (QFIU).

Financial institutions, DNFBPs and NPOs shall also, within thirty (30) days of the issuance of the designation order, submit a second report on any updates related to the first report and any additional actions taken. In case of change in the information and data related to the funds and economic resources frozen for the same purposes, financial institutions, DNFBPs and NPOs shall submit another report in this regard. In all cases, the NCTC shall examine the reports received and submit the outcomes of such examination to the Public Prosecutor.

- d. Financial institutions, DNFBPs, and NPOs, shall promptly notify their relevant supervisory authorities of any attempted transaction, and shall freeze the funds transferred for the benefit of the designated persons and entities once the transaction is completed, and shall also freeze the funds they receive to conduct transactions for the benefit of the designated persons or entities. The supervisory authorities shall immediately notify the Public Prosecution, the NCTC and the QFIU.

- e. It is prohibited that any person, including government authorities, financial institutions, DNFBPs, and NPOs, and any concerned authorities under the Law, provide, receive, or engage in transactions involving any funds or financial services, or any other related services, directly or indirectly, wholly or jointly, for the benefit of the designated persons and entities, or for the benefit of entities owned or controlled directly and indirectly by them, or for persons and entities acting on their behalf or at their direction, without a prior authorization from the Public Prosecutor, at the proposal of the NCTC.
- f. All persons mentioned in the foregoing paragraph, other than those referred to in paragraph (c) of this Article, shall notify the NCTC of any funds they are holding, actually or constructively, directly or indirectly, and shall comply with the procedures that the Public Prosecutor may determine at the proposal of the NCTC.

Article (27)

- a. The issuance of a designation order does not alter the ownership interest that a designated person or entity holds in the frozen funds, except to the extent of a judicial order or administrative action.
- b. In all cases where the nature of the frozen funds require active management, the Public Prosecutor shall determine the person or authority, responsible for managing such funds.
- c. Any person or authority in charge of managing the frozen funds shall receive such funds and initiate an inventory thereof in the presence of the Public Prosecution's representative and a competent expert, depending on the nature of such funds, after seeking the presence of the persons concerned or their representative (s) pursuant to the Law.
- d. The person or authority assigned to management shall be responsible for safekeeping and properly managing such funds, and shall subsequently return such funds together with the collected yields and revenues, upon the termination of the freezing or of the relevant assigned obligations, pursuant to the provisions of the Civil Code.
- e. The person or authority in charge of managing the frozen funds shall commit to maintain the confidentiality of the information, data and documents made available to them, or obtained, or exchanged in implementing this Decision; and shall not disclose the source of such information, even after the end of their assigned task.

Chapter II
Freezing Petitions
Part I
Mistakenly Frozen Funds

Article (28)

- a. Any person or entity with the same or similar name as the designated persons or entities, that their funds were mistakenly frozen, shall first request relief from the authority holding the funds.
- b. If the petition to unfreeze funds is rejected, the aggrieved may submit a petition to the NCTC of the reasons why the freezing order shall not apply to the funds.
- c. The NCTC shall submit its recommendation to the Public Prosecutor within three (3) business days of receiving the petition.
- d. The Public Prosecutor shall decide on the petition within two (2) business days of receiving the NCTC recommendations.
- e. If the petition is approved, the Public Prosecutor shall notify the applicant without delay, and the NCTC shall immediately notify all the relevant authorities to take the necessary procedures, including the immediate release of the frozen funds, no later than twenty four (24) hours of approving the petition.
- f. If the petition is rejected after validating that the person or entity is already designated on the Sanctions List, the Public Prosecutor shall notify the applicant in writing of the rejection order and the reasons for rejection. The applicant may thereafter petition against the designation order, according to the special petition procedures.

Part II

Rights of Bona Fide Third Parties

Article (29)

When implementing the obligations related to freezing funds of the designated person or entity, or issuing an order revoking the freezing and releasing the frozen funds, adequate measures shall be adopted taking into account the interests and rights of bona fide third parties that have interest in such funds.

Article (30)

- a. Any person, or entity, who is not designated and had rights and legitimate interest in the frozen funds, may petition the NCTC to unfreeze funds.
- b. The petition shall include the name and address of the designated person or entity, the date of designation, the name and address of the petitioner as bona fide third party, the third party's interest in the funds, in addition to the supporting documents, and a detailed description of why the funds should be exempt from the freeze and released.
- c. The NCTC shall examine and verify whether the petitioner is a genuine bona fide third party, whether unfreezing funds is necessary to protect the rights of the petitioner, whether unfreezing funds are in line with the objectives of the sanctions program, and any other considerations that the NCTC determines to be relevant. The NCTC shall make its recommendation to the Public Prosecutor within one (1) month of receiving the petition.
- d. When examining the proposal to issue an exemption order and release the frozen funds, the considerations related to the rights of the designated person or entity in the frozen funds shall be taken into consideration, and whether unfreezing funds are in line with the objectives of the sanctions program, in addition to any other considerations that the Public Prosecutor determines to be relevant.
- e. The Public Prosecutor shall decide on the petition within fifteen (15) days of receiving the NCTC's recommendations. In case the petition is approved, the Public Prosecutor shall publish his decision in the Official Gazette. The NCTC shall promptly inform the petitioner and the concerned authorities that have frozen the funds to immediately unfreeze funds.
- f. Upon issuance of the unfreeze order, the Public Prosecutor shall, with the assistance of the NCTC, take adequate procedures in order not to provide such funds to any other designated person or entity.

Chapter III

Exemptions to the Freezing of Funds

Part I

Necessary Authorizations

Article (31)

- a. If the freezing order applies to persons and entities designated under UNSCR 1718 (2006) and under UNSCR 2231 (2015), and were not subject to independent designation orders on the National Sanctions List, the NCTC shall take the necessary measures to add the payments due under contracts, agreements or

obligations that arose prior to the date on which such persons or entities were placed on the UN List, provided that it notifies the appropriate United Nations body, at least ten (10) days prior to the authorisation date, and coordinates with the Public Prosecutor to issue the necessary orders in this regard.

- b. If the freezing order applies to persons and entities designated under UNSCR 1718 (2006) and any successor resolutions, the NCTC shall take the necessary measures to authorise financial institutions, DNFBPs or any other person or entity, that had frozen funds subject to a judicial, administrative or arbitral lien or judgement, to make the due payments related to such lien or judgment, as per the following conditions:
- The lien or judgement was entered prior to the date of the UNSC Resolution 1718.
 - The payments will not be received, directly or indirectly, by a designated person, or any other person or entity designated under UNSC Resolution 1718(2006), and any other successor resolutions.
 - The Security Council is previously notified of the intention of the State to make, receive or authorize, when necessary, the use of payments, or to unfreeze funds or economic resources, for the same purposes, at least ten (10) days prior to the authorization date; and coordination with the Public Prosecutor is made to issue the necessary orders in this regard.

Article (32)

- a. If the freezing order applies to persons and entities designated under UNSCR 1737 (2006) and under UNSCR 1747 (2007), the NCTC shall take the necessary measures to authorize financial institutions, DNFBPs, or any other person or entity, that had frozen funds to make payments due under contracts entered prior to placing such person or entity on the UN List, provided that:
- It shall be determined that such contracts are not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in United Nations Security Council Resolution 2231 (2015) and any successor resolutions; and
 - The appropriate United Nations body is previously notified to permit the payment, or authorize when necessary the release of funds or economic resources, for the same purposes, at least ten (10) days prior to the authorization date; and coordination with the Public Prosecutor is made to issue the necessary orders in this regard.

Article (33)

Necessary expenses shall include expenses for civil nuclear cooperation projects described in Annex III of the Joint Comprehensive Plan of Action, and for activities

directly related to the items specified in paragraph (2) of UNSCR 2231 (2015), or to any other activity required for the implementation of the Joint Comprehensive Plan of Action.

Part II

Payment of Basic and Extraordinary Expenses

Article (34)

- a. If a person or entity is designated by a Security Council or Sanctions Committee resolution pursuant to Chapter VII of the Charter of the United Nations, the NCTC, in coordination with the Public Prosecutor, may issue on its own or upon the request of the concerned persons, address the Ministry of Foreign Affairs to request the appropriate United Nations body to permit the release of certain funds to pay basic expenses of those subject to designation and freezing orders, according to the relevant Sanctions Committee resolutions.
- b. The Public Prosecutor shall issue the final authorisation to cover basic and unextraordinary expenses after receiving an explicit no objection notification from the appropriate United Nations body or after seventy two (72) hours of the request, if no explicit objection was received from the appropriate United Nations body. The Public Prosecutor shall then request, the authority holding the funds, through the NCTC, to immediately unfreeze the relevant authorised funds.

Article (35)

- a. If a person or entity is designated by a Security Council or a Sanctions Committee resolution pursuant to Chapter VII of the Charter of the United Nations, and the NCTC determines, on its own, that the use of certain frozen funds is necessary for extraordinary expenses that are in the national interest of the State, and in line with the objectives of the sanctions program of the State and the Sanctions Committee, or has received a request in this regard from the concerned persons, the NCTC shall, in coordination with the Public Prosecutor, notify the appropriate United Nations body, through the Ministry of Foreign Affairs. The Public Prosecutor shall not permit access to such funds unless by a written approval from the appropriate United Nations body.
- b. If the funds are for reasonable professional fees and reimbursement of expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, the NCTC shall first, in coordination with the Public Prosecutor, request that any foreign jurisdictions involved in the transaction make a determination as to whether the transaction is allowed under UNSCR 1737 or 2231, as appropriate. If all

foreign jurisdictions involved agree that the transaction is allowed, the NCTC, shall, secondly and in coordination with the Public Prosecutor, notify the relevant Sanctions Committee of its intention to permit the transaction. In the event that the Sanctions Committee has no objection, or fails to issue an objection within ten (10) business days of the date of notification, the Public Prosecutor shall order the authority holding the funds to immediately unfreeze the relevant funds determined by the NCTC.

Article (36)

- a. Any person or entity designated on the Sanctions List by a decision of the Public Prosecutor at the proposal of the NCTC, and has frozen funds, may, or any concerned person, petition the NCTC to exempt certain funds from freezing after determining that when doing so is necessary to cover the basic or extraordinary expenses of such person or entity or of their dependents.
- b. The NCTC shall examine the petition and propose the funds allocated for basic or extraordinary expenses, and shall communicate to the Public Prosecutor its proposal and recommendations thereto, within forty eight (48) hours of receiving the request. The Public Prosecutor shall issue his order within twenty four (24) hours, and the NCTC shall immediately notify the applicant, no later than twenty four (24) hours.
- c. If the petition is approved, the order shall include the amount to be released, whether it is equivalent to, or less than, the amount requested.
- c. The NCTC shall notify the concerned persons and the authorities holding the funds to take the necessary procedures and implement the order.
- d. If the concerned person did not submit any petition to unfreeze funds, the NCTC may request the Public Prosecutor to unfreeze certain funds in order to cover basic or extraordinary expenses based on its consideration of the case of each natural person individually.
- e. In all cases, the Public Prosecutor may reject the request upon consideration of the NCTC, provided that the rejection shall be reasoned, and the NCTC shall immediately notify the petitioner of the rejection order and the reasons for rejection, no later than twenty four (24) hours.
- f. The designated person or entity may petition the Public Prosecutor against the order within seventy two (72) hours of its announcement.
- g. The Public Prosecutor shall decide on the petition filed by the designated person or entity within twenty four (24) hours. If the Public Prosecutor decides to approve, he shall communicate such approval to the NCTC, which shall take the procedures stipulated in (d) above.

Article (37)

- a. The authority holding the frozen funds shall send periodic reports to the relevant supervisory authority on the disposal method of the funds used to cover basic and extraordinary expenses. The relevant supervisory authority shall examine and communicate such reports to the NCTC to refer them without delay to the Public Prosecutor.
- b. If the person or entity is designated on the UN Security Council List, the Public Prosecutor shall communicate such reports to the appropriate United Nations body, in coordination with the Ministry of Foreign Affairs.

In all cases, where certain funds are exempted from freeze to cover basic or extraordinary expenses, the authority holding the frozen funds shall submit a report to the relevant supervisory authority on any actions taken to implement the orders issued by the Public Prosecutor, within three (3) working days of the implementation. The supervisory authorities shall submit the reports to the NCTC to examine and refer them to the Public Prosecutor.

Section IV

Final Provisions

The Public Prosecutor may delegate a prosecution member, at the level of attorney general (listing official), to issue and amend designation orders on the Sanctions List, extend designation period, and issue orders related to basic and extraordinary expenses.

Article (39)

The NCTC shall publish on its website, all the procedures regulating the provisions of Chapter II of Section II, and Chapters II and III of Section III of this Decision.

Article (40)

All competent Authorities, each within its own competence, shall implement this Decision, which shall come into force as from the day of its publication in the Official Gazette.

Dr. Ali bin Fetais Al Marri

Public Prosecutor

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