

REFERENCE: SCA/2/15 (43)

The Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities presents his compliments to the Permanent Representatives of Member States and to the Permanent Observers of Non-Member States to the United Nations and wishes to convey the following:

The Committee's Analytical Support and Sanctions Monitoring Team has prepared three reports which include a number of recommendations, submitted in accordance with resolutions 2160 (2014), 2170 (2014) and 2178 (2014). The Committee wishes to convey to Member States its approved recommendations relevant to them, which are included in single Note Verbale for ease.

RECOMMENDATIONS FROM THE REPORT SUBMITTED IN ACCORDANCE
WITH PARAGRAPH (A) OF ANNEX I TO RESOLUTION 2161 (2014)

On 6 August 2015, the Committee agreed on several recommendations made by the Monitoring Team in its seventeenth report (S/2015/441), submitted in accordance with paragraph (a) of annex I to resolution 2161 (2014).

With reference to this report and the position of the Committee on recommendations contained therein (S/2015/859), first, the Committee urges the Member States to take appropriate measures, in accordance with domestic laws and practices, to:

(a) promote public awareness of the threat posed by Al-Qaida and associates and of the obligation to ensure that no funds, financial assets or economic resources are made available directly or indirectly for the benefit of Al-Qaida and those associated with it,

(b) encourage non-profit organizations, other groups and businesses outside the financial and designated non-financial businesses and professions sectors, and the general public, to report, including anonymously, suspicious terrorist financing activities related to Al-Qaida and associates to relevant national authorities.

Second, the Committee highlights the exemption procedures related to assets freeze and travel ban, and encourages the Member States to use exemption procedures to further strengthen their implementation of the sanctions regime. These can be found on the Committee's website, or by contacting the Monitoring Team (details at end of this document).

Third, in relation to the arms embargo, the Committee wishes to inform Member States that electric detonators are particularly vulnerable to being misused by Al-Qaida and associates.

Fourth, the Committee, in cooperation with the Monitoring Team and Secretariat, will write once a year to all Member States, listing the names of listed individuals with respect to whom new information (including biometric information) is available on the INTERPOL-United Nations Security Council Special Notices. The first of such overviews was dispatched as a Note Verbale to Member States on 31 August 2015 (SCA/14/15 (2)).

RECOMMENDATIONS FROM THE REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 22 OF RESOLUTION 2170 (2014)

On 9 January 2015, the Committee agreed on several recommendations made by the Monitoring Team in its report on the threat posed by the Islamic State in Iraq and the Levant and Al-Nusrah Front for the People of the Levant (S/2014/815) submitted in accordance with paragraph 22 of resolution 2170 (2014).

With reference to this report and the position of the Committee on recommendations contained therein (S/2015/613), first, the Committee encourages Member states, including those directly affected by the threat from the Islamic State in Iraq and the Levant (ISIL, listed as Al-Qaida in Iraq QDe.115) and Al-Nusrah Front for the People of the Levant (ANF, listed as QDe.137) and the source countries of foreign terrorist fighters, to attend informal consultations with the Committee and the Monitoring Team to discuss how the ability of the Al-Qaida sanctions regime to inhibit the activities of ISIL and ANF can be improved by identifying effective targets for designations, including facilitators or entities most vulnerable to the effect of sanctions. The Committee encourages these Member States to propose such key individuals and entities for designation and wishes to inform that the Chair of the Committee intends to hold a briefing for interested Member States later in the year (further information will be available in the Journal of the United Nations in due course).

Second, the Committee reminds Member States of the importance of implementing the Al-Qaida sanctions, especially in the context of preventing ISIL and ANF from being able to draw recruits and obtain finance or arms. The Committee also draws attention of the Member States to paragraphs 24 to 27 in resolution 2199 (2015) that address these issues.

Third, the Committee:

- (a) highlights the risk of ISIL and ANF transferring assets overseas using the banking network;
- (b) encourages those who have not yet done so, and in accordance with their national legislation, to ensure heightened vigilance and appropriate enhanced due diligence procedures by financial institutions in their jurisdiction concerning all banking relationships and transactions involving banks in ISIL and ANF controlled territory; and
- (c) urges Member States, via their financial regulators, to ensure that banks and other financial institutions that have subsidiaries or branches operating in ISIL and ANF controlled territory have adequate measures in place to mitigate the terrorist financing risks that may arise in the course of doing business in ISIL and ANF controlled territory.

The Committee also draws attention of the Member States to paragraph 23 in resolution 2199 (2015) which addresses these issues.

Fourth, the Committee:

- (a) highlights the risk of ISIL and ANF smuggling in oil; and
- (b) notes that on 24 February 2015 it approved an explanation of terms document (available at https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/eot_assets_freeze_-_english.pdf) concerning the application of the assets freeze measures in paragraph 1(a) of resolution 2161(2014). In paragraph 18 of this document, the Committee reiterated that economic resources subject to the assets freeze “should be understood to include assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods or services, such as: [...] commodities, including oil, minerals, or timber”. Furthermore, the explanation of terms document refers to paragraph 14 of resolution 2170 (2014), in which the Security Council noted with concern the income generated from oilfields and related infrastructure controlled by ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida and condemned any engagement in direct or indirect trade involving ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, which could constitute financial support for entities designated under Al-Qaida sanctions regime.

The Committee also draws attention of the Member States to paragraphs 1 to 14 in resolution 2199 (2015) that address these issues. In particular, the Security Council, in paragraphs 2, 6 and 7 of resolution 2199 (2015), confirmed that “economic resources include oil, oil products, modular refineries and related material, other natural resources” and noted that the freezing obligation applies to “the direct and indirect trade in oil and refined oil products, modular refineries and related material” as well as to “oil, oil products, modular refineries and related material and other natural resources owned or controlled by” ISIL, ANF and other individuals, groups, undertakings and entities

associated with Al-Qaida, and also to “persons acting on their behalf or at their direction, as well as any funds or negotiable benefit arising from such economic resources”.

In this context, the Committee also highlights the potential eligibility of oil smugglers for designation, as indicated in paragraph 1 of the resolution.

The Committee also draws attention of the Member States to paragraph 13 of resolution 2199 (2015), where the Security Council encouraged the submission of listing requests to the Committee by Member States of individuals and entities engaged in oil trade-related activities with ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida. The Committee stresses the importance of the Member States actively utilizing this mechanism.

Fifth, the Committee highlights the risk of ISIL and ANF smuggling antiquities and recalls the assets freeze explanation of terms document (approved on 24 February 2015 and referred to in the previous paragraph). In paragraph 18 of this document, the Committee reiterated that economic resources subject to the assets freeze “should be understood to include assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods or services, such as: [...] works of art, cultural property, precious stones, jewellery or gold”. Furthermore, the document also refers to resolution 2170 (2014), in which the Security Council condemned any engagement in direct or indirect trade involving ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, which could constitute financial support for entities designated under A-Qaida sanctions regime.

In this context, the Committee also highlights the potential eligibility of antiquities smugglers for designation.

The Committee also draws attention of the Member States to paragraphs 16 and 17 in resolution 2199 (2015) that address these issues. In particular, the Security Council decided therein that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting cross-border trade in such items, thereby allowing for their eventual safe return to the Iraqi and Syrian people.

Sixth, the Committee draws attention of the Member States to the urgent need for effective information sharing on known and suspected foreign terrorist fighters, and encourages them, in accordance with their national legislation, to use the INTERPOL foreign terrorist fighters' database as a sharing tool where appropriate along with other relevant information sharing tools.

Seventh, the Committee highlights the recruitment activities of ISIL and ANF and notes the eligibility of recruitment networks for designation under paragraph 2(c) of resolution 2161(2014). The Committee recalls that on 24 February 2015 it approved an explanation of terms document (available at https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/eot_arms_embargo_english.pdf) concerning the application of the arms embargo measures in paragraph 1(c) of resolution 2161(2014). In paragraph 12 of this document, the Committee specifies that proposals for designation on the Al-Qaida Sanctions List can include those who receive themselves technical advice, assistance, or training related to military activities from listed individuals or entities. In paragraph 13, the Committee encourages Member States "to submit to the Al-Qaida Sanctions Committee for listing those who recruit individuals to Al-Qaida or listed affiliates as this is akin to supplying technical advice, assistance, or training. Particular attention should be paid to indoctrination designed to recruit and train suicide bombers." The Committee stresses the importance of the Member States actively utilizing this mechanism.

RECOMMENDATIONS FROM THE REPORT SUBMITTED IN ACCORDANCE
WITH PARAGRAPH 23 OF RESOLUTION 2178 (2014)

On 28 May 2015, the Committee agreed on several recommendations made by the Monitoring Team in its report on foreign terrorist fighters (S/2014/358) submitted in accordance with paragraph 23 of resolution 2178 (2014).

With reference to this report and the position of the Committee on recommendations contained therein (S/2015/860), first, the Committee reminds the Member States of the crucial value of effective information sharing on foreign terrorist fighters (FTFs) at the national and international level, including the timely sharing where possible of passenger information, national watch list materials, relevant analysis and good practices. The Committee proposes, depending on the sensitivity of information, that Member States use various channels, such as intelligence, law enforcement, military or other bilateral channels. Equally, the Committee encourages the maximum openness towards using multilateral tools like the INTERPOL foreign terrorist fighters' database where possible.

Second, the Committee encourages Member States to propose for listing under the Al-Qaida sanctions regime individuals and entities who have a key role in financing, recruiting or facilitating FTFs, including through the Internet and social media, as provided for under resolution 2161 (2014).

Thirdly, the Committee encourages Member states to design and implement countering violent extremism programs that emphasize a preventive approach that will be most appropriate to their State and society, including the socio-economic conditions, and further share and disseminate best practices including counter-messaging with other Member States. The Committee also underlines the value of developing screening and rehabilitation programs for returning FTFs, given the importance of successfully reintegrating those who have broken with terrorism and of minimizing the threat from those who remain committed to violent extremism.

Fourth, the Committee encourages those that have not yet done so and in accordance with their national legislation, to raise awareness with private sector stakeholders, such as travel agents, airlines, financial institutions, and non-profit organizations operating in their jurisdiction, on the importance of vigilance against the misuse of their products and services by FTFs, and highlight the important role that the private sector could play in countering the global threat of FTFs by proactively engaging with relevant authorities. The Committee also encourages Member States to work in close collaboration with all relevant national stakeholders to develop red flag indicators to assist financial institutions and other relevant sectors to detect and report possible cases of FTFs.

Fifth, the Committee highlights the risks of abuse of non-profit organizations, alternative remittance systems and the physical trans-border movement of currency and draws attention of the Member States to paragraph 12 of resolution 2161 (2014) and strongly encourages Member States to implement the relevant international standards designed to prevent the abuse of non-profit organizations, informal/alternative remittance systems and the physical trans-border movement of currency, while working to mitigate the impact on legitimate activities through these mediums.

CONTACT INFORMATION FOR THE MONITORING TEAM

The Committee is supported in these efforts by the Analytical Support and Sanctions Monitoring Team. The Member States may contact the Monitoring Team by email at: 1267mt@un.org, by fax: (+1-917) 367-9513 or by phone: (+1-917) 367-2315.

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