



Security Council

Distr.: General
19 December 2012

Original: English

Letter dated 19 December 2012 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities containing an account of the Committee's activities from 1 January to 31 December 2012.

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Peter **Wittig**
Chair

Security Council Committee pursuant to
resolutions 1267 (1999) and 1989 (2011) concerning
Al-Qaida and associated individuals and entities



Report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

I. Introduction

1. The purpose of the present report is to provide a factual summary of the Committee's activities during the period from 1 January to 31 December 2012 in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). The previous annual report of the Committee was submitted on 10 May 2012 (S/2012/305, annex).

II. Background information

2. Following consultations among the members of the Security Council, the Council agreed to elect the Bureau of the Committee for 2012, which consisted of Ambassador Peter Wittig (Germany) as Chair, with the delegations of Guatemala and the Russian Federation providing the two Vice-Chairs (see S/2012/2/Rev.1). The Committee was guided in the discharge of its mandate by Council resolution 1904 (2009), resolution 1989 (2011) as well as by other relevant resolutions. The Committee also benefited in its work from the United Nations Global Counter-Terrorism Strategy (see General Assembly resolution 60/288). The Committee was assisted by the New York-based Analytical Support and Sanctions Monitoring Team, established pursuant to resolution 1526 (2004) and most recently extended by resolution 1989 (2011) (hereinafter referred to as "the Monitoring Team"), which worked under the direction of the Committee.

III. Summary of the activities of the Committee

3. During 2012, the Committee continued its proactive approach to discharging its mandate and enhanced its role in countering Al-Qaida-related terrorism. In February and July, the Committee approved its programmes of work, based on the requirements outlined in resolutions 1904 (2009) and 1989 (2011). The Committee also agreed to continuously update its programme of work to allow for flexibility and responsiveness in its work. One formal meeting and 15 informal meetings were convened during the reporting period.

4. In 2012, the Committee approved numerous updates of Al-Qaida Sanctions List entries and narrative summaries of reasons for listing, thereby further improving the quality of the List and narrative summaries. The Committee considered and approved updates to 103 List entries.

Maintenance and dissemination of the Al-Qaida Sanctions List

5. Keeping the Al-Qaida Sanctions List of individuals and entities subject to sanctions measures as updated and accurate as possible greatly promotes effective and universal implementation of the sanctions measures by Member States. The

Committee strives to ensure that the Al-Qaida Sanctions List is dynamic and responsive to the evolving threat posed by Al-Qaida.

6. Building upon the comprehensive review of all listings completed in 2010, pursuant to paragraph 25 of resolution 1822 (2008), the Committee has since implemented numerous mechanisms to ensure that the List best reflects the threat posed by Al-Qaida, and to guarantee that every entry is periodically reviewed by the Committee to determine whether continued listing is appropriate.

7. In 2012, the Committee completed its first “triennial review”, a review of all names on the Al-Qaida Sanctions List that have not been reviewed in three or more years. Pursuant to paragraph 40 of resolution 1989 (2011), this review is conducted annually. In 2012, the Committee examined 18 names in the context of this review.

8. In 2012, the Committee also concluded three specialized reviews of the Al-Qaida Sanctions List: a review of reportedly deceased individuals, a review of entities reported to have ceased to exist, and a review of entries lacking sufficient identifying information for effective implementation of the sanctions measures.

9. The Committee concluded its second round of review of reportedly deceased individuals pursuant to paragraph 38 of resolution 1989 (2011). In 2012, the Committee reviewed 29 names on the List, delisting 12 individuals.

10. In 2012, the Monitoring Team submitted a list of 32 entities that were reported or confirmed to have ceased to exist. The Committee reviewed these names in accordance with paragraph 39 of resolution 1989 (2011), and 12 names were delisted.

11. The Committee also concluded its second round of the review of entries lacking sufficient identifying information for the effective implementation of the sanctions measures. Twenty-seven names were reviewed in the context of this review. The Committee and the Monitoring Team continue to engage with Member States to gather information on these List entries.

12. These extensive review mechanisms will ensure that the List is as accurate and up to date as possible and reflects accurately the current threat. Moreover, the triennial review ensures that each and every name on the list is reviewed periodically, so that no entry remains on the list in perpetuity.

13. In total, the Al-Qaida Sanctions List was updated 34 times in 2012. The Committee decided to add 13 individuals and 2 entities to the Al-Qaida Sanctions List over the course of the year. Changes were approved with regard to 40 existing entries on the List. In the reporting period, the Committee acceded to the delisting of 38 individuals and 30 entities, of which 16 individuals and 18 entities were delisted following review by the Ombudsperson.

14. To promote rapid dissemination and effective implementation, the Committee continues to issue a press release, a note verbale and electronic notification to contact points in permanent missions in New York and in capitals following each update of the Al-Qaida Sanctions List. In accordance with paragraph 19 of resolution 1526 (2004), the Secretariat also continues to transmit hard copies of the Al-Qaida Sanctions List for the convenience of Member States. During 2012, the List was transmitted on 30 April (SCA/2/12 (12) and 2 July (SCA/2/12 (24)) and will be transmitted again in December.

15. Pursuant to paragraphs 19 and 35 of resolution 1989 (2011), the Committee's secretariat notifies the permanent mission of the relevant country or countries regarding the listing or delisting of individuals or entities within three working days. The notifications include the country or countries where the individual or entity concerned is believed to be located and, in the case of individuals, the country of which the person is a national. The notifications remind relevant States that they are required to take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the individuals and entities concerned of the Committee's decision to add them to or remove them from the Al-Qaida Sanctions List, as well as to provide them with relevant information.

16. The Committee discussed periodic follow-up reporting and recommendations on the linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), as mandated in annex I, paragraph (aa), of resolution 1989 (2011).

Exemptions to the sanctions measures

17. During the reporting period, the Committee, mindful that the Security Council provided for exemptions to the assets freeze, including for humanitarian purposes, continued to consider notifications and requests for exemptions to the assets freeze submitted pursuant to paragraphs 1 (a) and 1 (b) of resolution 1452 (2002). The Secretariat also maintained and regularly updated the list of States that have approached the Committee pursuant to the resolution. In 2012, the Committee received five notifications pursuant to paragraph 1 (a) of the resolution. No negative decision was taken by the Committee with regard to four of the notifications. The fifth notification is currently under consideration by the Committee.

The Committee website

18. The Committee continued to update its website with relevant, non-confidential information pertaining to the work of the Committee. The Committee also maintains extensive information concerning the Office of the Ombudsperson on its website, setting out up-to-date information on the status of delisting requests submitted through the Office of the Ombudsperson, and statements by the Ombudsperson relating to her work.

Implementation of the sanctions measures

19. During the reporting period, the Committee did not receive any additional reports from Member States pursuant to resolution 1455 (2003). The Committee did receive, however, notes verbales from Member States and relevant entities within Member States informing the Committee of their implementation of changes made to the Al-Qaida Sanctions List.

20. Reporting on possible cases of non-compliance, and presenting recommendations for improving implementation, are at the centre of the Monitoring Team's mandate, as described in paragraphs (i) and (j) of annex I to resolution 1989 (2011). The Committee discussed information collected from Member States with

the assistance of the Monitoring Team. With regard to the need to strengthen Member State capacity to fully implement the Security Council sanctions regime against Al-Qaida and associated individuals and entities, Committee members encouraged the Monitoring Team to further enhance its role in this regard, including through cooperation with the Counter-Terrorism Committee Executive Directorate, which serves as a system integrator for capacity-building initiatives within the Council sanctions framework.

21. The Committee also continued to receive requests seeking assistance from the Committee in confirming the identity of certain individuals or entities for the purpose of implementing the sanctions measures. The Committee responded by providing additional information and by facilitating contacts between those seeking clarification and such others as might be in a position to provide clarification.

Briefings by the Chair of the Committee to the Security Council

22. The Chair, together with the Chairs of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Security Council Committee established pursuant to resolution 1540 (2004), gave two joint briefings to the Council during the reporting period. The briefings were held on 10 May (see S/PV.6767) and 14 November (see S/PV.6862). In his statements, given pursuant to paragraph 55 of resolution 1989 (2011), the Chair informed the Council about the current and future activities of the Committee and the Monitoring Team. The briefings focused on the nature of the current threat posed by Al-Qaida, efforts by the Committee to ensure that the Al-Qaida Sanctions List is dynamic and up to date, and the Committee's cooperation with the Office of the Ombudsperson in maintaining fair and clear procedures.

Dialogue and outreach

23. On 26 July 2012, Committee members met with the United Nations Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, who participated in a constructive exchange of views with the Committee on issues related to the fairness and clearness of the Committee's procedures. In his second annual report to the General Assembly (see A/67/396), issued on 26 September 2012, the Special Rapporteur evaluated the impact of the Office of the Ombudsperson on the Al-Qaida sanctions regime, and its compatibility with international human rights norms. On 4 December 2012, the Committee met again with the Special Rapporteur and discussed the recommendations contained in his report. On 11 December, the Committee heard a presentation by the Ombudsperson on issues related to the report of the Special Rapporteur.

Cooperation with international and regional organizations and agencies

24. During the reporting period, the Committee continued to develop its cooperation with international and regional organizations and agencies, often with the support of the Monitoring Team (see para. 33 below).

25. The Committee has continued its cooperation with the International Criminal Police Organization (INTERPOL), including through the issuance of INTERPOL-Security Council special notices designed to alert relevant national law enforcement authorities responsible for sanctions implementation that individuals or entities are subject to Council sanctions measures. On 10 and 11 October 2012, representatives of the Secretariat met with INTERPOL in New York to discuss new technology and approaches to improving efficiency in the publication of special notices.

Coordination with the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Committee established pursuant to resolution 1540 (2004) and their expert groups

26. On numerous occasions, the members of the Committee have highlighted the complementary functions of Committee, the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Committee established pursuant to resolution 1540 (2004) in countering international terrorism, and the need for coordination of activities and exchange of information among them. During the joint briefings to the Security Council, on 10 May and 14 November, a common message on cooperation and coordination among the Committees and their expert groups was read out on behalf of the three Chairs.

27. Cooperation among the three Committees is also greatly facilitated by certain coordinated activities carried out by the Monitoring Team, the Counter-Terrorism Committee Executive Directorate and the experts who support the Committee established pursuant to resolution 1540 (2004). These activities are described in detail in section V below.

IV. Office of the Ombudsperson

28. In resolution 1989 (2011), the Security Council significantly enhanced the mandate of the Ombudsperson and provided for the Ombudsperson to present a recommendation to retain a listing or a recommendation that the Committee consider delisting. In cases where the Ombudsperson recommends delisting, the petitioner is removed from the Al-Qaida Sanctions List after 60 days, unless there is consensus in the Committee to retain the listing, or a member of the Committee requests a referral to the Council.

29. During the reporting period, the Office of the Ombudsperson submitted 14 delisting requests to the Committee, making for a total of 34 cases since the creation of the Office. Throughout this period, 16 comprehensive reports were presented to the Committee; 16 individuals and 18 entities were delisted; and the entry for 1 entity was amended. No petitions were rejected. There are currently 10 cases pending before the Office of the Ombudsperson.

V. Monitoring Team

30. The Monitoring Team, whose mandate continues under resolution 1989 (2011) until 31 December 2012, submitted its programme of work in July 2011 for the duration of its 18-month mandate and semi-annual travel plans in January and July, all of which were approved by the Committee. The Team continued its outreach and had visited 16 Member States by the end of the reporting period. Three of the trips (to Mozambique, Botswana and Zambia; Kyrgyzstan and Tajikistan; and Norway and Sweden) were made jointly with the Counter-Terrorism Committee Executive Directorate, thereby bringing the total number of such joint trips to 21 in the seven years since the two expert groups had begun making them. The Team also participated in two workshops organized by the Executive Directorate during the reporting period: in Amsterdam in October and in New York in December.

31. In July, the Monitoring Team held its tenth meeting for heads and deputy heads of intelligence and security services of Algeria, Egypt, Libya, Morocco, Pakistan, the United Arab Emirates and Yemen. Although it did not convene a regional meeting in South-East Asia during the reporting period, the Team did meet with the security services of Malaysia and the Philippines in November. Also in November, the Team organized its fifth regional meeting of intelligence and security services in Nairobi to discuss the subject of the influence of Al-Qaida in Somalia. Burundi, Djibouti, Kenya, Somalia, Uganda, the United Republic of Tanzania and Yemen participated in the meeting. Such meetings continue to provide the Committee with invaluable information on what is happening on the ground and with feedback concerning the implementation and impact of the sanctions measures. The Coordinator and another expert of the Team also participated in a meeting of special services, held in Moscow in October.

32. The Monitoring Team maintained its close cooperation with international and regional organizations and participated in 38 international, regional and subregional meetings, including 3 in conjunction with its work under the Counter-Terrorism Implementation Task Force. In that regard, the Team increased its engagement with the Financial Action Task Force and regional bodies of a similar type, as well as with INTERPOL, the European Union, the Eastern and Southern Africa Anti-Money Laundering Group, the Intergovernmental Action Group against Money Laundering in West Africa, the International Civil Aviation Organization, the Organization for Security and Cooperation in Europe and the Global Counterterrorism Forum. The Team also attended a meeting in Algiers of Unité de Fusion, a group of regional intelligence services in West Africa, to discuss the situation in north Mali and possible action by the Committee. The Team's participation in such meetings allowed Team members to promote a better understanding of the sanctions regime and the work of the Committee. In addition, the Team actively promoted the work of the Committee on listing and delisting, the review process and the new procedures mandated pursuant to resolution 1989 (2011), in which the Security Council decided to change the scope of the Committee's mandate, focusing it exclusively on Al-Qaida and associated individuals and entities, and resolution 1988 (2011) of 17 June 2011, in which the Council decided to establish a Committee with the mandate to oversee the implementation of sanctions measures against individuals or entities designated as Taliban.

33. Recognizing the particular need to coordinate its activities with those of the Counter-Terrorism Committee Executive Directorate and the expert group of the

Security Council Committee established pursuant to resolution 1540 (2004), especially in areas of coordination with key international, regional and subregional organizations, the Monitoring Team has continued to work with the other expert groups on a common strategy. The three expert groups are now coordinating work on their technical assistance mandates.

34. With the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime as facilitator, the three expert groups participated in one workshop during the reporting period, held in Cairo in February, for officials from States in the Middle East responsible for reporting to the three Committees. Such workshops have also proved to be useful to the three expert groups as forums for highlighting the complementary but distinct roles of the three Committees, as well as for providing information to participating officials on the current status of the work of each Committee.

35. The Monitoring Team continues to play an active role in the Counter-Terrorism Implementation Task Force, established to coordinate United Nations system action in respect of the United Nations Global Counter-Terrorism Strategy, including by co-chairing the working group on countering the use of the Internet for terrorist purposes. The Team is also an active member of the Task Force working groups on countering the financing of terrorism, the protection of human rights while countering terrorism, border management, and promoting dialogue, understanding and countering the appeal of terrorism. During the reporting period, the Team participated in three Task Force meetings: in the United States of America in March, in Bangladesh in May and in Nigeria in November.

36. The Monitoring Team has deepened the Committee's cooperation with INTERPOL. It attended the annual General Assembly of INTERPOL, held in Rome in 2012, and participated as a trainer in two workshops, organized by INTERPOL in Italy and Slovakia, for a total of 20 countries from Europe and Central Asia. The objective of the workshops was to provide training to national officials of targeted INTERPOL member countries, particularly officials of the National Central Bureau, on INTERPOL tools and services, including the INTERPOL-Security Council Special Notice, that are related to individuals and entities subject to the Al-Qaida sanctions measures.

37. As mandated under paragraph (a) of annex I to resolution 1989 (2011), the Team submitted two reports, in March and October. The Committee transmitted to the Security Council a report (S/2012/730, annex), issued on 1 October 2012, presenting its position on the recommendations contained in the twelfth report of the Monitoring Team (see S/2012/729). The thirteenth report of the Team remains under consideration by the Committee.

38. The Monitoring Team has provided the Committee with draft narrative summaries of the reasons for listing all of the names on the previous Consolidated List, including all those listed on the current Al-Qaida Sanctions List, as required under paragraph 13 of resolution 1822 (2008), paragraph 14 of resolution 1904 (2009) and paragraph 16 of resolution 1989 (2011). The Team has also continued to work with Member States to improve the quality of the Al-Qaida Sanctions List.

39. The Monitoring Team has continued its work with the private sector in developing a new format for the Al-Qaida Sanctions List, which would improve the presentation and dissemination of the List, facilitate more accurate identification of

listed individuals and entities, and provide hyperlinks to the narrative summaries of the reasons for listing. The new format will take advantage of the enhanced information obtained as a result of the new standard form for listing, which was made available on the website of the Committee in 2010.

40. The Monitoring Team has also provided the Committee with lists of those individuals and entities relevant to the four reviews mandated under resolution 1989 (2011), that is to say, entries that lack the identifiers needed to ensure effective implementation of the measures imposed on them (para. 37), individuals reportedly deceased (para. 38), entities that are reported or confirmed to have ceased to exist (para. 39) and names that have not been reviewed in three or more years under the triennial review (para. 40). The Team continues to provide assistance to the Committee on the follow-up to these reviews.

41. The Monitoring Team has also supported the Ombudsperson by providing her with information on cases under her review, and with additional background information and comment, as required.

VI. Observations and conclusions

42. The sanctions measures imposed by the Security Council are an active response by the international community to the continued threat posed by Al-Qaida and its associates. While the operational impact of Al-Qaida's core leadership has declined since the death of Usama bin Laden and several other key leaders, Al-Qaida networks have become an ever more complex phenomenon, with an internationally diverse range of supporters and active fighters. The Committee continues to monitor and assess the changing nature of the threat posed by Al-Qaida and its associates and its consequent impact, on the future work of the Committee.

43. Ensuring fair and clear procedures for placing individuals and entities on the Al-Qaida Sanctions List and for removing them, as well as for granting humanitarian exemptions, can help States to avoid and surmount challenges to their implementation of the sanctions measures. The enhanced mandate of the Ombudsperson further strengthens the due process afforded to listed individuals.

44. Continued commitment to reviewing and updating the list is of great importance with respect to ensuring the credibility of the sanctions measures and enhancing capability of Member States to effectively implement the measures. The reviews thus help to make the Al-Qaida Sanctions List a dynamic, living document, which ensures a better response to the evolving continued threat posed by Al-Qaida and associated individuals and entities.

45. The Committee continues to stand ready, with the support of the Monitoring Team, to assist States in their implementation of the sanctions measures.