

**Briefing by H.E. Mr. Thomas Mayr-Harting,
Chairman of the Security Council Committee
established pursuant to resolution 1267 (1999)
concerning Al-Qaida and the Taliban and
Associated Individuals and Entities,
to the Security Council on 11 May 2010**

I. Introduction

1. Countries around the world and especially in South Asia continue to face the threat posed by Al-Qaida and the Taliban. We must therefore ensure that the existing sanctions regime against Al-Qaida and the Taliban remains a relevant and effective tool in countering terrorism. Security Council resolution 1822 (2008) and in particular resolution 1904 (2009) are important steps in the evolution of the Al-Qaida and Taliban sanctions regime. These resolutions improved the Committee's procedures and created effective instruments to ensure that the Committee's "Consolidated List" of individuals and entities associated with Al-Qaida and the Taliban remains dynamic and accurately reflects the current threat. In today's briefing I would like to focus on the implementation aspects of resolutions 1822 (2008) and 1904 (2009).

II. Review pursuant to paragraph 25 of Security Council resolution 1822 (2008)

2. Resolution 1822 (2008) directed the Committee to conduct a review of all 488 names on the Consolidated List at the date of adoption of this resolution by 30 June 2010. The review process is one of the key priorities of the Committee and, in view of the huge workload and the approaching deadline, the main focus of its current work.
3. Today I would like to give an overview about the current status of the review process and the progress achieved so far: The Committee finished the first phase of the review by sending all 488 names to the respective designating State(s) and States of citizenship and/or residence or States of incorporation/location for review. The review letters were sent between December 2008 and November 2009 and States were given a period of three months to review the entries and reply to the Committee. I would like to take this opportunity to thank the many States that have provided the Committee with their answers and relevant information.
4. After receipt of the answers from the States concerned, the information received about each name on the list is circulated to the Committee members for review within a one month's period. Although resolution 1904 (2009) had requested States to respond to all outstanding review letters no later than 1 March 2010, unfortunately not all States have been able to provide responses on time. While the Committee has the possibility to review names even if responses are not received by that date, we believe it is essential that the Committee members are aware of all available information and the positions of all States concerned in order to have the full picture of each case and to be able to take a well founded decision.

5. Currently the Committee is at the peak of the final phase of the review: each name is placed on the agenda of a Committee meeting, introduced by the Monitoring Team and discussed among Committee members. The Committee evaluates all available information and considers whether the listing remains appropriate on the basis of the criteria for listing set out in relevant resolutions. In cases where a delisting request is submitted, the request is considered following the relevant delisting procedures in the Committee's guidelines. The Committee may also consider updating the Consolidated List and/or narrative summaries on the basis of the additional information provided by Member States.
6. Occasionally, the need for further information or clarification regarding a particular name becomes apparent, and the Committee has asked the Monitoring Team to engage further with Member States in an effort to resolve any questions that have arisen. Such follow-up discussions reinforce the review process and they also serve to improve the quality of the list.
7. As of today, the Committee has finished phase one of the review for all 488 names on the list. The one-month review by Committee members of phase two is currently under way for 215 names. In the final phase, the Committee has so far discussed a total of 154 entries: In 95 cases the listing was confirmed to remain appropriate, while 24 names, including well-known cases such as Vinck and Sayadi, Nada and Barakaat International have been de-listed as a result of their review pursuant to resolution 1822 (2008). Also five deceased individuals have been removed from the Consolidated List. When discussing possible delistings of deceased persons, the main question is whether the death is officially confirmed and whether it can be ensured that the remaining assets will not fall into the hands of other listed persons. Therefore, it is of the utmost importance that States provide the Committee with the necessary information and contribute to the Committee's decision making. *For 35 names the review in phase three is still pending as the Committee is of the view that further information is necessary to conclude its considerations.*
8. It is my personal commitment to ensure that the review process is conducted seriously and thoroughly. The Committee will undertake its utmost efforts to meet the deadline and complete, or at a minimum initiate the final phase of the review for all 488 names on the list by 30 June 2010. We therefore have intensive weeks ahead but I am confident that all Member States, and in particular the members of the Committee, share our commitment to finalize this important task.

III. Narrative summaries of reasons for listing

9. *In parallel to the review and with the assistance of the Monitoring Team, the Committee continues to make accessible on its website narrative summaries of reasons for listing for all entries on the Consolidated List, as mandated by resolutions 1822 (2008) and 1904 (2009). These narrative summaries of reasons for listing are important tools to improve the transparency and fairness of the regime. As of today, there are 211 narrative summaries on the Committee's website. The Monitoring Team has prepared the draft of all other narrative summaries which are currently being reviewed by the designating States or are under the Committee's consideration.*
10. *The narrative summaries on the Committee's website pertain to six individuals associated with the Taliban, 156 individuals associated with Al-Qaida, and 49 entities and other groups associated with Al-Qaida. The narrative summaries are available in all six official languages of the United Nations.*

IV. Resolution 1904 (2009)

11. Resolution 1904 (2009) adopted by the Security Council on 17 December 2009, substantially improves the procedures under the Al-Qaida and Taliban sanctions regime in terms of due process. On 1 February of this year, I introduced the main new elements of resolution 1904 (2009) in an open briefing to all Member States. Today, I will therefore only highlight some of the key aspects:

New Delisting Procedures / Office of the Ombudsperson

12. The establishment of the Office of the Ombudsperson is the most significant innovation of the resolution. For the first time ever, individuals and entities subject to sanctions measures will have the opportunity to present their cases to an independent body which will be assisting the Committee when considering delisting requests. The Ombudsperson shall be an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights, counter- terrorism and sanctions. The Ombudsperson shall perform his or her tasks in an independent and impartial manner. The Ombudsperson will replace the Focal Point established pursuant to resolution 1730 (2006) for delisting requests regarding the Consolidated List, while the Focal Point will continue to receive delisting requests for other sanctions regimes.
13. I am happy to inform the Security Council that a number of excellent candidates have applied for the position of Ombudsperson. Pursuant to resolution 1904 (2009), the Ombudsperson shall be appointed by the Secretary-General in close consultation with the Committee. The Committee is in the process of finalizing its consultations and will convey its views to the Secretary-General in the very next days.
14. Another important improvement is the provision of reasons for rejecting delisting requests. In cases where delisting requests are rejected, Committee members are called on to make every effort to provide their reasons for objecting to such requests. In addition, the Committee will inform the Ombudsperson on its decision including, as appropriate, explanatory comments, any other further relevant information and an updated narrative summary. The Ombudsperson will inform the petitioner about the Committee's decision and will forward all information as provided to the Ombudsperson including explanatory comments.

Reviews and Improvements of the Consolidated List:

15. Resolution 1904 (2009) introduced several provisions with a view to improving the quality of listings and to increase transparency regarding information relevant for States and listed individuals and entities. One major achievement is that the narrative summaries of reasons for listing will be made available on the Committee's website at the same time as a new listing is published on the List.
16. To ensure that the Consolidated List remains dynamic and adequately reflects the current threat posed by Al-Qaida and the Taliban, additional review processes were introduced: Every six months, a review of deceased persons will be conducted. There will also be an annual review of entries that lack identifiers. Finally – and as already mandated by resolution 1822 (2008) – there

will be an annual review of names on the Consolidated List which have not been reviewed in three or more years.

Pending issues (“holds”):

17. Committee members may place holds on matters that are under consideration. So far, there has been no clear procedure and no time-limit for such “holds”. Resolution 1904 (2009) introduces a new procedure for pending issues: “Holds” now have a time-limit of 6 months, and this period can only be extended on a case-by-case basis and in extraordinary circumstances. In addition, the Committee will have to review all existing “holds” by 31 December 2010.

Revision of Guidelines:

18. Resolution 1904 (2009) can only be effectively implemented if the working methods of the Committee are adapted to the new procedures: During the last months, the Committee has worked intensively to adapt the Committee’s Guidelines so that they reflect the provisions of the new resolution. I am pleased to announce that the Committee is currently concluding the revision of the Guidelines which will be adopted in the coming days. We are convinced that the new Guidelines will be an important tool to conduct the Committee’s work in a more effective, efficient, fair and transparent manner.

V. The Consolidated List

19. *As of today, the Consolidated List has 496 entries: 393 individuals (256 associated with Al-Qaida and 137 associated with the Taliban) and 103 entities associated with Al-Qaida. Since my last briefing, the Committee has added to the List the names of seven individuals associated with Al-Qaida. During the same period, the Committee approved the delisting of sixteen entries (eleven individuals and five entities), eleven in the framework of the review. I would like to underscore that, apart from the review pursuant to resolution 1822 (2008), listed individuals and entities continue to have access to the Focal Point for delisting and – after his/her appointment – to the Ombudsperson.*

20. *The Committee also approved 51 amendments to entries on the List. The Consolidated List remains one of the most important instruments available to the United Nations in its efforts to counter terrorism, and I therefore strongly encourage Member States to continue contributing to improving the quality of the list. Our common objective should be to have a dynamic list that adequately reflects the changing threat posed by Al-Qaida and the Taliban.*

21. *On 12 January this year the Committee made available on its website new Standard Forms for Listing to be used when proposing the inclusion of individuals and entities on the Consolidated List. New fields have been added to the Standard Forms with a view to improving the quality and precision of the information contained in listing requests, and to simplify the presentation of the statement of the case by designating States. In accordance with paragraph 11 of resolution 1904 (2009), as a rule, the statement of case shall be releasable, except for the parts a State identifies as being confidential.*

22. *Since the last briefing, the Committee received six notifications for exemptions to the assets freeze for basic expenses under paragraph 1(a) of resolution 1452 (2002). The Committee has not been notified of any the travel of listed individual, in accordance with the provisions of paragraph 1 (b) of resolution 1904 (2009).*

VI. Outreach

23. On 1 February of this year I held my latest informal open briefing for all Member States in which I informed about the new provisions of resolution 1904 (2009). I intend to hold the next open briefing at the beginning of July and to use that occasion to inform the Membership about the outcome of the review.

24. At the beginning of June, I plan to participate in a meeting of Special Services, Security Agencies and Law Enforcement Organisations to be held in Ekaterinburg, Russian Federation, in my function as Chairman of the Committee. I also have the intention to intensify the dialogue between the Committee and the authorities of Afghanistan, so as to raise issues relevant for the 1267 Committee, in particular regarding the review of the Consolidated List.

25. *Cooperation and interaction with Member States is an essential element of the work of the Committee and visits to Member States by the Monitoring Team play an important role in this respect. These visits promote a dialogue with States and facilitate the provision to the Committee of additional information for the Consolidated List and on the implementation of the sanctions measures, as well as on their effectiveness. Since my last briefing to the Security Council in November 2009, the Monitoring Team has made five trips to States, and two others jointly with the Counter-Terrorism Executive Directorate (CTED). The Team has now conducted 17 joint visits with CTED. The Team has also organized further meetings for Intelligence and Security Service heads from various parts of the world and has participated in many international seminars and provided briefings on international terrorism to a wide variety of audiences at 17 conferences and workshops. All this has increased understanding of the sanctions regime and advanced its objectives. The Team has also continued to work with regional and sub-regional organizations, often in partnership with the United Nations Office on Drugs and Crime's Terrorism Prevention Branch, as well as with CTED and the 1540 Committee Group of Experts.*

26. *The Monitoring Team also remains an active member of the Counter-Terrorism Implementation Task Force, co-chairing its working group on terrorist use of the Internet and playing a role in its working groups on countering the financing of terrorism and on the protection of human rights while combating terrorism, as well as conceiving and promoting other projects within the context of the Global Strategy.*

27. *The Committee has continued its cooperation with INTERPOL, including through the INTERPOL-United Nations Security Council Special Notices. These notices are designed to alert the relevant national law enforcement authorities responsible for sanctions implementation, that the individual or entity is subject to Security Council sanctions measures due to association with Al-Qaida and/or the Taliban. There are Special Notices for all listed individuals and entities for which States have provided sufficient identifying information: 330 Special Notices for listed individuals, and 32 Special Notices for listed entities.*

28. I would also like to take this opportunity to reiterate that the Committee welcomes the Security Council's encouragement set forth in paragraph 36 of resolution 1904 (2009) for Member States to send representatives to meet the Committee for more in-depth discussion of relevant issues or for voluntary briefings on their efforts to implement the sanctions measures. The Committee is ready to listen to ideas and concerns, and looks forward to continuing its cooperation and dialogue with all Member States.

VII. Conclusion

29. Before concluding, I would like to use this opportunity to thank the members of the Monitoring Team and the Committee-Secretariat for their invaluable contribution to the work of the Committee. The enormous additional work-load created by the review-process and the drafting of narrative summaries pose a particular challenge to all involved colleagues and I would also like to thank them for their personal commitment.

30. In my last briefing I mentioned that the 1267 sanctions regime has encountered increasing criticism by a number of States and individuals because of procedural and human rights concerns. By resolution 1904 (2009) the Security Council addressed many of the concerns and thus significantly contributed to strengthening the fairness and effectiveness of the regime. At the same time, the Committee continues to be aware of remaining challenges and, as mentioned in resolution 1904 (2009), is committed to continue improving its procedures, as required, in order to introduce further elements of fairness and transparency for placing individuals, groups and entities on the Consolidated List, and for removing them as well as for granting humanitarian exemptions. After the review pursuant to resolution 1822 (2008), the Committee will continue to address weaknesses of the Consolidated List. In order to fulfill this task, the Committee depends on the cooperation with and contribution from Member States which are responsible for providing the Committee with relevant information. I would therefore like to call on all Member States to contribute to this collective effort.

31. The implementation of resolution 1822 (2008) constituted an important stage and a major achievement of the Committee's work, and the review process has contributed towards both improving due process requirements and strengthening the regime. The new resolution 1904 (2009) reflects the lessons learned during the review and I would once again like to thank all Member States involved for their support and contribution. With the appointment of the Ombudsperson in the near future, the Committee will move to the next stage of its work. It is essential to continue this process by further improving the Committee's procedures and working methods while ensuring fair and clear procedures, and thus make the 1267 sanctions regime a stronger and more effective tool.