

**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 13 November 2009**

(Comprehensive version)

**I. Introduction**

Ten years after the adoption of Security Council resolution 1267, the threat posed by Al-Qaida and the Taliban persists, both worldwide and especially in South Asia. At the same time, over the years this threat has evolved considerably and we must ensure that the existing sanctions regime against Al-Qaida and the Taliban remains a relevant and effective tool in countering terrorism. The current review pursuant to resolution 1822 (2008) is an effective instrument 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.

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

1. As you are well aware, in paragraph 25 of resolution 1822 (2008) the Security Council directed the Committee to review all 488 names on the Consolidated List as at the date of the adoption of that resolution (30 June 2008) to ensure that the information is as accurate as possible and that the listings remain appropriate. The review process is one of the key priorities of the Committee and a main focus of its work.
2. In my last briefing to the Security Council in May, I outlined the procedure for the review as set out in Section 9 of the Committee's Guidelines. Today, I would like to report on the progress achieved so far, as well as on the current status of the review process in the Committee.
3. As of today, the Committee has initiated the review of 422 names, which were sub-divided into four groups, or "batches", by sending these names to the respective designating State(s) and States of citizenship and/or residence for review. The remaining 66 names will be sent to reviewing States in the upcoming days.
4. Once all replies from reviewing States for a particular name on the List have been received, and following a one-month period in which each member of the Committee and the Monitoring Team can provide further input, the name is placed on the Committee's agenda. When reviewing names in a Committee meeting, each name is introduced by the Monitoring Team, and the Committee subsequently conducts a thorough discussion of that entry. In particular, the Committee evaluates all available information and considers whether listing

remains appropriate. It does so on the basis of the “associated with” criteria for listing set out in relevant resolutions. The Committee also considers updating the Consolidated List and/or narrative summaries on the basis of the additional information provided.

5. During the review process, occasionally the need for further information or clarification becomes apparent, and the Committee and the Monitoring Team use this opportunity to engage with reviewing 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.
6. At the time of my last briefing, the first five names had been placed on the Committee’s agenda. As of today, the Committee has discussed a total of 71 entries: In 50 cases the listing was confirmed to remain appropriate, while 8 names, including well-known cases such as Vinck and Sayadi, Nada and Barakaat, have been de-listed as a result of their review pursuant to resolution 1822 (2008). For 13 names the review is still pending as the Committee is of the view that further information is necessary for it to conclude its considerations.
7. *After the review has been finalized in the Committee, the Secretariat notifies the reviewing States of the outcome. States of citizenship/residence are requested to inform the individual or entity about the outcome of the review.*
8. In order to be able to successfully complete the review process by 30 June 2010, the time-frame set by the Security Council in resolution 1822 (2008), the Committee very much depends on the active cooperation and assistance of Member States. Prompt replies from Member States are crucial, since the review of a particular name in the Committee can only be undertaken after the replies from all reviewing States have been received. I would like to take this opportunity to thank the many States that have provided the Committee with information and I would also like to call upon all reviewing States to do their utmost to provide their valuable information in a timely manner.
9. It is my personal commitment to ensure that the review process is conducted seriously and thoroughly. The experience of the last several months has shown that all members of the Committee share this commitment and devote great efforts to this task.
10. In the spirit of transparency, I intend to continue to regularly update Member States and the broader public about the progress of the review, including through periodic briefings, press releases and updates on the Committee’s webpage. The Secretariat will also continue to notify the States of residence and/or nationality and designating States in accordance with the Guidelines.

### **III. Narrative summaries of reasons for listing**

11. With the assistance of the Monitoring Team, the Committee continues its work to make accessible on its website narrative summaries of reasons for listing for all entries on the Consolidated List, as mandated by resolution 1822 (2008).

12. Since the beginning of this year, a total of 164 narrative summaries have been approved for publication on the Committee's website. The Monitoring Team has prepared the first draft of another 294 narrative summaries which are currently being reviewed by the designating States. The narrative summaries are available in all six official languages of the United Nations.

#### **IV. The Consolidated List**

13. As of today, the Consolidated List has 504 entries: 397 individuals (255 associated with Al-Qaida and 142 associated with the Taliban) and 107 entities associated with Al-Qaida. Since my last briefing, the Committee has added to the List the names of five individuals associated with Al-Qaida. During the same period, the Committee approved the delisting of nine entries (five individuals and four entities), 8 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 as set out in the annex to resolution 1730 (2006). *The Committee also approved amendments to 40 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 addresses the evolution of threat posed by Al-Qaida and the Taliban. To this end, with the help of the Monitoring Team, the Committee has continued its work to revise the coversheet to be used to submit names for listing, as mandated by paragraph 14 of resolution 1822 (2008). The Committee hopes to complete this work shortly, but intends to do so in the wider context of a thorough overhaul of the format of its list in order to make it more user-friendly.*

14. *Since the last briefing, the Committee received seven notifications for exemptions to the assets freeze for basic expenses under paragraph 1(a) of resolution 1452 (2002). In order to facilitate Member States' full understanding of the assets freeze and its implementation, in September the Committee published an explanation of terms paper regarding this measure on its website.*

15. *The Committee was also notified of the travel of three listed individuals, in accordance with the provisions of paragraph 1 (b) of resolution 1822 (2008), and subsequently informed the State of departure and transit of the intended travel.*

16. Despite considerable progress, several challenges regarding the Consolidated List remain:

- There are numerous entries that have very few identifiers and do not contain sufficient information to allow for the positive identification of the party concerned. For example, for a number of individuals there is no full name and no date of birth. For these entries, the application of the sanctions measures is very difficult.
- Another challenge concerns deceased persons. The Committee knows about several individuals who are reported or believed to be dead but who are still on the list. In 27 cases the information about the death is published on the Consolidated List. The

Committee is currently discussing the possibility of a more flexible procedure for the delisting of deceased persons where no assets are identified. At the same time we are addressing the question of how best to ensure that the remaining assets of deceased persons will not fall into the hands of other listed persons. The review is an ideal opportunity to check these entries, add additional identifiers or to remove names from the list for which listing is not considered appropriate anymore.

17. In addition, in the last years, the 1267 sanctions regime has also encountered increasing criticism by a number of States and individuals because of procedural and human rights concerns, especially regarding the right to be heard and the lack of a review mechanism of, or possibility to appeal against, the Committee's decisions. National and regional courts are confronted with a growing number of lawsuits. Currently there are about 30 court cases around the world. The Committee is aware of these challenges and, as mentioned in resolution 1822 (2008), is committed to continue improving its procedures in order to introduce more elements of fairness and transparency for placing individuals, groups and entities on the list, and for removing them as well as for granting humanitarian exemptions.

## **V. Reports of the Monitoring Team**

18. I would also like to draw your attention to the Ninth Report of the Monitoring Team (S/2009/245) and the Committee's position on the recommendations contained therein which was submitted to the Security Council in August and has been posted on the Committee's website (S/2009/427). In particular, the Committee focused great attention on the recommendations on how it might improve the fairness and transparency of its procedures, as well as on those recommendations seeking to enhance the rapid dissemination of information, required for the effective implementation of sanctions measures. The Committee believes that the implementation of these recommendations can further improve the credibility, effectiveness, and efficiency of the sanctions regime.
19. The Tenth Report of the Monitoring Team was submitted to the Committee at the end of July. It has been translated and published (S/2009/502) and it is also available on the website of the Committee. The Committee is currently considering the Team's latest 21 recommendations and will, in due course, submit a report to the Security Council with the Committee's position vis-à-vis these recommendations.

## **VI. Outreach**

20. Following the practice of previous Chairmen of the Committee, I held an informal open briefing for all interested Member States on 18 June. The briefing offered an excellent opportunity to interact informally with Member States, which are the Committee's most important partners in improving implementation of the sanctions measures.
21. On 28 October, the Committee met with Mr. Martin Scheinin, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The members of the Committee had a constructive exchange of views

with Mr. Scheinin on issues related to the fairness and clearness of the Committee's procedures, in particular regarding listing and de-listing.

22. Since my last briefing, I made two trips in my function as Chairman of the Committee, pursuant to paragraph 37 of resolution 1822 (2008). In June 2009, upon invitation by the Russian Federation, I participated in a meeting of Special Services, Security Agencies and Law Enforcement Organisations held in Irkutsk, Russian Federation.
23. On 8 and 9 October, I visited the European Union institutions in Brussels, Belgium, where I held consultations regarding the implementation of the sanctions measures by the European Union and its 27 Member States. The visit was an excellent opportunity to discuss the challenges which the implementation of the sanctions regime is currently facing in EU Member States, in particular following recent rulings of the European Court of Justice. Following my visit to Brussels, I also participated in an international workshop of national counter-terrorism focal points which took place in Vienna on 12 and 13 October. The conference was attended by more than 100 representatives from Member States and representatives of about 40 national and international organizations and provided a useful opportunity to increase awareness about the work of the Committee.
24. *Cooperation and interaction with Member States is an essential element in the work of the Committee. Visits by the Monitoring Team to countries are an important tool to develop a dialogue with Member States and to gather information on the implementation of sanctions measures. Since the last briefing, members of the Monitoring Team have traveled to 15 States, three jointly with the Counter-Terrorism Executive Directorate (CTED). The Team has now conducted 15 joint visits with CTED. The Team also accompanied me on my two trips this year as Chairman of the Committee. The Team has participated in international seminars and other forums on international terrorism which have provided the opportunity to discuss the objectives and mechanics of the sanctions regime and increase its impact. This has been particularly important in light of the extensive debate about the fairness of the Committee's procedures. The Team has also continued its interaction with key regional and sub-regional organizations such as the African Union, the European Union, OSCE, INTERPOL, and others which are relevant to the Committee's work. In addition, the Monitoring Team continues as an active member of the Counter-Terrorism Implementation Task Force.*
25. *Monitoring Team members have also participated in two sanctions workshops with CTED and the 1540 Group of Experts organized by the United Nations Office on Drugs and Crime's Terrorism Prevention Branch (UNODC/TPB) in Abu Dhabi, UAE and Basseterre, St Kitts and Nevis. These workshops followed the common strategy adopted by the three Committees to help States in the Middle East, Asian and Caribbean regions to report to the Committees as requested by Council resolutions. The Committee welcomes these workshops as evidence of the continued close working relationship between the three expert groups, to which it attaches great importance.*
26. *The Committee has continued its cooperation with INTERPOL including through the issuance of INTERPOL-United Nations Security Council Special Notices. These Special Notices serve two principal functions: a) to alert directly national law enforcement agencies*

*around the world that certain individuals and entities are subject to Security Council sanctions measures; and b) to improve the accuracy of the Consolidated List. As of today, the Committee has worked with INTERPOL to publish 329 Special Notices for listed individuals and 23 notices for listed entities.*

27. *In another initiative to enhance outreach to international organizations, in August 2009 the Committee updated an information package for transmittal to relevant international, regional and sub-regional organizations. This package, which briefly outlines the activities and mandate of the Committee, is meant to be a convenient point of reference for the interlocutors of the Committee in the relevant organizations and has now also been posted on the Committee's website.*
28. I would also like to take this opportunity to reiterate that the Committee welcomes the Security Council's encouragement set forth in paragraph 30 of resolution 1822 (2008) 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 take the opportunity to thank the members of the Monitoring Team and the 1267-Secretariat for their invaluable contribution to the work of the Committee, especially in light of the enormous additional work load created by the review-process and the drafting of narrative summaries.
30. Since I last briefed this Council, the review of the Consolidated List pursuant to resolution 1822 (2008) has begun to bear fruit: not only have 8 names been removed from the list as a direct result of the review, but it has also led to the improvement of the quality of a number of entries remaining on the list. This exercise has served to refocus the commitment and energy of reviewing States, who have responded to a mammoth task with both seriousness and enthusiasm.
31. The full implementation of resolution 1822 constitutes an important stage of the Committee's work and I believe that the current review process will also induce the Committee members to look at the existing procedures and practices in a new light and to consider further steps towards both improving due process and strengthening the regime. It is essential to continue to improve the Committee's procedures in order to make the 1267 sanctions regime a stronger and more effective tool. The successor resolution to resolution 1822 (2008), which is due at the end of this year, will provide the next opportunity to take further steps towards ensuring fair and clear procedures, improving the working methods and thus strengthening the regime. It is to be hoped that the new resolution will seek to address the current challenges of the regime and reflect some of the lessons learned during the review. We fully count on the support of all Member States involved as the Committee moves on to the next stage of its work.