

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2011 Nr. 176**

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A. TITEL

*Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945*

B. TEKST

De Engelse tekst van het Handvest is bij Koninklijk Besluit van 21 december 1945 bekendgemaakt in *Stb.* F 321.

De Engelse en de Franse tekst, zoals gewijzigd, zijn geplaatst in *Trb.* 1979, 37.

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Op 30 maart 2011 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6508<sup>e</sup> zitting aangenomen Resolutie 1975 (2011) inzake Ivoorkust. De Engelse tekst van de resolutie luidt:

**Resolution 1975 (2011)**

**Adopted by the Security Council at its 6508th meeting, on  
30 March 2011**

The Security Council,

Recalling its previous resolutions, in particular resolutions 1572 (2004), 1893 (2009), 1911 (2010), 1924 (2010), 1933 (2010), 1942 (2010), 1946 (2010), 1951 (2010), 1962 (2010), 1967 (2011), 1968 (2011) and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1938 (2010) on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reiterating its strong desire that the post-electoral crisis in Côte d'Ivoire be resolved peacefully and require an overall political solution that preserves democracy and peace and promotes lasting reconciliation among Ivoirians,

Commending the constructive efforts of the African Union High-level Panel for the resolution of the crisis in Côte d'Ivoire and reiterating its support to the African Union and the Economic Community of West African States (ECOWAS) for their commitment to resolve the crisis in Côte d'Ivoire,

Welcoming the decision of the Peace and Security Council of the African Union adopted at its 265th meeting at the level of Heads of State and Government, held on 10 March 2011 in Addis Ababa, which reaffirms all its previous decisions on the rapidly deteriorating post-electoral crisis facing Côte d'Ivoire since the second round of the presidential election, on 28 November 2010, which recognize the election of Mr Alassane Dramane Ouattara as the President of the Republic of Côte d'Ivoire,

Welcoming the political initiatives and noting the communiqué and the resolution on Côte d'Ivoire adopted by the Authority of Heads of State and Government of ECOWAS on 24 March 2011,

Expressing grave concern about the recent escalation of violence in Côte d'Ivoire and the risk of relapse into civil war and urging all parties to show utmost restraint to prevent such outcome and to resolve their differences peacefully,

Condemning unequivocally all provocative action and statements that constitute incitement to discrimination, hostility, hatred and violence made by any party,

Condemning the serious abuses and violations of international law in Côte d'Ivoire, including humanitarian, human rights and refugee law, reaffirming the primary responsibility of each State to protect civilians and reiterating that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians and facilitate the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel, recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolution 1612 (2005) and 1882 (2009) on children and armed conflict and its resolution 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

Welcoming the Human Rights Council resolution A/HRC/16/25 of 25 March 2011, including the decision to dispatch an independent international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential elections of 28 November 2010,

Stressing that those responsible for such serious abuses and violations, including by forces under their control, must be held accountable,

Reaffirming that it is the responsibility of Côte d'Ivoire to promote and protect all human rights and fundamental freedoms, to investigate alleged violations of human rights and international law and to bring to justice those responsible for such acts,

Considering that the attacks currently taking place in Côte d'Ivoire against the civilian population could amount to crimes against humanity and that perpetrators of such crimes must be held accountable under international law and noting that the International Criminal Court may decide on its jurisdiction over the situation in Côte d'Ivoire on the basis of article 12, paragraph 3 of the Rome Statute,

Determining that the situation in Côte d'Ivoire continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Urges all the Ivorian parties and other stakeholders to respect the will of the people and the election of Alassane Dramane Ouattara as President of Côte d'Ivoire, as recognized by ECOWAS, the African Union and the rest of the international community, expresses its concern at the recent escalation of violence and demands an immediate end to the violence against civilians, including women, children and Internally displaced persons;

2. Calls upon all parties to pursue the overall political solution of the African Union and, in this regard, welcomes the decision of the African Union Peace and Security Council Summit of 10 March to appoint a High Representative for the implementation of the overall political solution and calls upon all parties to fully cooperate with him;

3. Condemns the decision of Mr. Laurent Gbagbo not to accept the overall political solution proposed by the High-Level panel put in place by the African Union, and urges him to immediately step aside;

4. Urges all Ivorian State institutions, including the Defence and Security Forces of Côte d'Ivoire (FDSCI), to yield to the authority vested by the Ivorian people in President Alassane Dramane Ouattara, condemns the attacks, threats, acts of obstructions and violence perpetrated by FDSCI, militias and mercenaries against United Nations personnel, obstructing them from protecting civilians, monitoring and helping investigate human rights violations and abuses, stresses that those

responsible for such crimes under international law must be held accountable and calls upon all parties, in particular Mr. Laurent Gbagbo's supporters and forces, to fully cooperate with the United Nations Operation in Côte d'Ivoire (UNOCI) and cease interfering with UNOCI's activities in implementation of its mandate;

5. Reiterates its firm condemnation of all violence committed against civilians, including women, children, internally displaced persons and foreign nationals, and other violations and abuses of human rights, in particular enforced disappearances, extrajudicial killings, killing and maiming of children and rapes and other forms of sexual violence;

6. Recalls its authorization and stresses its full support given to the UNOCI, while impartially implementing its mandate, to use all necessary means to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including to prevent the use of heavy weapons against the civilian population and requests the Secretary-General to keep it urgently informed of measures taken and efforts made in this regard;

7. Calls upon all parties to cooperate fully in the operation of UNOCI and French forces which support it, in particular by guaranteeing their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d'Ivoire, to enable them to fully carry out their mandate;

8. Calls upon all parties to fully cooperate with the independent international commission of inquiry put in place by the Human Rights Council on 25 March 2011 to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential elections of 28 November 2010, and requests the Secretary-General to transmit this report to the Security Council and other relevant international bodies;

9. Condemns the use of Radiodiffusion Télévision Ivoirienne (RTI) and other media to incite discrimination, hostility, hatred and violence, including against UNOCI, as well as acts of intimidation and violence against journalists, and calls for the lifting of all restrictions placed on the exercise of the right of freedom of expression in Côte d'Ivoire;

10. Expresses deep concern about the increasing number of internally displaced persons and Ivorian refugees, especially in Liberia, caused by the crisis in Côte d'Ivoire, and calls on all Ivorian parties to cooperate fully with United Nations agencies and other actors working to enhance access to humanitarian aid to refugees and internally displaced persons;

11. Reiterates its longstanding demand that Mr. Laurent Gbagbo lift the siege of Golf Hotel without delay;

12. Decides to adopt targeted sanctions against those individuals who meet the criteria set out in resolution 1572 (2004) and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of UNOCI and other international actors in Côte d'Ivoire and commit serious violations of human

rights and international humanitarian law, and therefore decides that the individuals listed in Annex I of this resolution shall be subject to the financial and travel measures imposed by paragraphs 9 to 11 of resolution 1572 (2004), and reaffirms its intention to consider further measures, as appropriate, including targeted sanctions against media actors who meet the relevant sanctions criteria, including by inciting publicly hatred and violence;

13. Decides to remain actively seized of the matter.

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## Annex I

### Targeted sanctions

1. Laurent Gbagbo  
 Date of birth: 31 May 1945  
 Place of birth: Gagnoa, Côte d'Ivoire  
 Former President of Côte d'Ivoire: obstruction of the peace and reconciliation process, rejection of the results of the presidential election.
2. Simone Gbagbo  
 Date of birth: 20 June 1949  
 Place of birth: Moossou, Grand-Bassam, Côte d'Ivoire  
 Chairperson of the Parliamentary Group of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, public incitement to hatred and violence.
3. Désiré Tagro  
 Passport number: PD – AE 065FH08  
 Date of birth: 27 January 1959  
 Place of birth: Issia, Côte d'Ivoire  
 Secretary-General in the so-called “presidency” of Mr. Gbagbo: participation in the illegitimate government of Mr. Gbagbo, obstruction of the peace and reconciliation process, rejection of the results of the presidential election, participation in violent repressions of popular movements.
4. Pascal Affi N'Guessan  
 Passport number: PD-AE 09DD00013.  
 Date of birth: 1 January 1953  
 Place of birth: Bouadriko, Côte d'Ivoire  
 Chairman of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, incitement to hatred and violence.
5. Alcide Djédjé  
 Date of birth: 20 October 1956  
 Place of birth: Abidjan, Côte d'Ivoire

Close advisor to Mr. Gbagbo: participation in the illegitimate government of Mr. Gbagbo, obstruction of the peace and reconciliation process, public incitement to hatred and violence.

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Op 28 april 2011 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6525<sup>e</sup> zitting aangenomen Resolutie 1980 (2011) inzake Ivoorkust. De Engelse tekst van de resolutie luidt:

**Resolution 1980 (2011)**

**Adopted by the Security Council at its 6525th meeting, on 28 April 2011**

The Security Council,

Recalling its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1880 (2009), 1893 (2009), 1911 (2010), 1933 (2010), 1946 (2010), 1962 (2010) and 1975 (2011),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the report of the Secretary-General dated 30 March 2011 (S/2011/211), of the 2011 report (S/2011/272) and of the Final 2010 report (S/2011/271) of the United Nations Group of Experts,

Emphasizing the continued contribution to the stability in Côte d'Ivoire of the measures imposed by resolutions 1572 (2004), 1643 (2005) and 1975 (2011) and stressing that these measures aim at supporting the peace process in Côte d'Ivoire,

Welcoming that President Alassane Dramane Ouattara of Côte d'Ivoire is now able to assume all his responsibilities as Head of State, in accordance with the will of the Ivorian people expressed at the presidential elections of 28 November 2010 and as recognized by the international community,

Emphasizing the imperative of sustained efforts by all the Ivorians to promote national reconciliation and consolidation of peace through dialogue and consultation and welcoming the assistance of the African Union (AU) and the Economic Community of West African States (ECOWAS) in this regard,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

Reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, condemning all violence committed against civilians, including women, children, internally displaced persons and foreign nationals, and other violations and abuses of human rights, in particular enforced disappearances, extrajudicial killings, killing and maiming of children and rapes and other forms of sexual violence and stressing that the perpetrators must be brought to justice,

Stressing the importance for the Group of Experts, originally established pursuant to paragraph 7 of resolution 1584 (2004), to be provided with the sufficient resources for the implementation of its mandate,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to renew until 30 April 2012 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010) and paragraph 12 of resolution 1975 (2011) and further decides to renew until 30 April 2012 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

2. Decides to review the measures renewed in paragraph 1 above in light of the progress achieved in the stabilization throughout the country, the holding of the parliamentary elections and the implementation of the key steps of the peace process, as referred to in resolution 1933 (2010), by the end of the period mentioned in paragraph 1, and decides further to carry out a midterm review of the measures renewed in paragraph 1 above no later than 31 October 2011, with a view to possibly modifying, lifting or maintaining, ahead of 30 April 2012, all or part of the measures of the sanctions regime, in accordance with progress in the peace process, the developments related to Human rights violations and the developments related to the parliamentary elections;

3. Calls upon all Member States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by enforcing the necessary rules and regulations and calls also upon the United Nations Operation in Côte d'Ivoire (UNOCI) to lend its full support within its capacities and mandate and further calls upon the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities;

4. Urges all illegal armed combatants to lay down their arms immediately, encourages UNOCI, within its mandate and limits of capabilities and areas of deployment, to continue to assist the Ivorian Government in collecting and storing those arms and further calls upon the Ivorian authorities, including the National Commission to fight against the Proliferation and Illicit Traffic of Small Arms and Light Weapons, to ensure that those arms are neutralized or not illegally disseminated, in accordance with the ECOWAS Convention on Small Arms and light Weapons, their Ammunition and other Associated Materials;

5. Recalls that UNOCI, within the monitoring of the arms embargo, is mandated to collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate;

6. Expresses its deep concern about the presence of mercenaries in Côte d'Ivoire, notably from neighbouring countries, and calls upon the authorities of Côte d'Ivoire and Liberia to coordinate their action to solve this issue and further encourages UNOCI and the United Nations Mission in Liberia (UNMIL), within their respective mandates, capabilities and areas of deployment, to assist respectively the Governments of Côte d'Ivoire and Liberia in monitoring their border, with particular attention to any cross border movement of combatants or transfer of arms;

7. Reiterates the necessity for the Ivorian authorities to provide unhindered access to the Group of Experts, as well as UNOCI and the French Forces which support it, to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel of all armed security forces, regardless of location, including the arms issued from the collection referred to in paragraph 4 above, when appropriate without notice, as set out in its resolutions 1739 (2007), 1880 (2009), 1933 (2010) and 1962 (2010);

8. Decides that the supply of vehicles to the Ivorian security forces shall be subject to the measures imposed by paragraph 7 of resolution 1572 (2004);

9. Decides that the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004) shall apply only to arms and related materiel, vehicles, and the provision of technical training and assistance in support of the Ivorian process of Security Sector Reform, pursuant to a formal request by the Ivorian Government and approved in advance by the Sanctions Committee;

10. Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee in accordance with paragraphs 9, 11 and 14 of resolution 1572 (2004) who are determined to be, among other things:



- a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process, as referred to in the Ouagadougou Political Agreement;
- b) Attacking or obstructing the action of UNOCI, of the French forces which support it and of the Special Representative of the Secretary-General in Côte d'Ivoire;
- c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;
- d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;
- e) Inciting publicly hatred and violence;
- f) Acting in violation of the measures imposed by paragraph 1 above;

11. Reiterates its readiness to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the Parliamentary elections;

12. Requests all States concerned, in particular those in the subregion, to cooperate fully with the Sanctions Committee, and authorizes the Committee to request whatever further information it may consider necessary;

13. Decides to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 30 April 2012 and requests the Secretary-General to take the necessary measures to support its action;

14. Requests the Group of Experts to submit a midterm report to the Committee by 15 October 2011 and to submit a final report as well as recommendations to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011),

15. Decides that the report of the Group of Experts, as referred to in paragraph 7 (e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of the individuals and entities described in paragraphs 9 and 11 of resolution 1572 (2004) and further recalls the Informal Working Group on General Issues of Sanctions report (S/2006/997) on best practices and methods, including paragraphs 21, 22, and 23 that discuss possible steps for clarifying methodological standards for monitoring mechanisms;

16. Requests the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

17. Requests also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

18. Requests also the Kimberley Process Certification Scheme to communicate as appropriate to the Security Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire and further decides to renew the exemptions set out by paragraph 16 and 17 of resolution 1893 (2009) with regard to the securing of samples of rough diamonds for scientific research purposes coordinated by the Kimberley Process;

19. Encourages the Ivorian authorities to work with the Kimberley Process Certification Scheme to conduct a review and assessment of Côte d'Ivoire's internal controls system for trade in rough diamonds and a comprehensive geologic study of Côte d'Ivoire's potential diamond resources and production capacity, with a view to possibly modifying or lifting, as appropriate, the measures imposed by paragraph 6 of resolution 1643 (2005);

20. Encourages the Ivorian authorities to deploy customs and border control officials throughout the country, particularly in the north and the west, and encourages UNOCI, within its mandate, to assist the Ivorian authorities in the re-establishment of normal customs and border control operation;

21. Urges all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011) as reiterated in paragraph 1 above; further requests the Group of Experts to coordinate its activities as appropriate with all political actors;

22. Recalls paragraph 7 of 1960 (2010) and paragraph 7 (b) of 1882 (2009), regarding sexual and gender-based violence and children in armed conflict, and welcomes the information-sharing between the Committee and the Special Representatives of the Secretary-General for Children and Armed Conflict and for Sexual Violence in Conflict, in accordance with their respective mandates and as appropriate;

23. Urges further in this context that all Ivorian parties and all States, particularly those in the region, ensure:

- the safety of the members of the Group of Experts;
- unhindered access by the Group of Experts, in particular to persons, documents and sites in order for the Group of Experts to execute its mandate;

24. Decides to remain actively seized of the matter.

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Op 17 juni 2011 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6557<sup>e</sup> zitting aangenomen Resolutie 1988 (2011) en Resolutie 1989 (2011) inzake Afghanistan. De Engelse tekst van de resoluties luidt:

### **Resolution 1988 (2011)**

#### **Adopted by the Security Council at its 6557th meeting, on 17 June 2011**

The Security Council,

Recalling its previous resolutions on international terrorism and the threat it poses to Afghanistan, in particular its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and the relevant statements of its President,

Recalling its previous resolutions extending through March 22, 2012 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1974 (2011),

Reaffirming that the situation in Afghanistan still constitutes a threat to international peace and security, and expressing its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive political process in Afghanistan to support reconciliation among all Afghans, and recognizing there is no purely military solution that will ensure the stability of Afghanistan,

Recalling the Government of Afghanistan's strong desire to seek national reconciliation, as set forth in the Bonn Agreement (2001), the London Conference (2010), and the Kabul Conference (2010),

Recognizing that the security situation in Afghanistan has evolved and that some members of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan,

Recognizing that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort,

Recalling that the conditions for reconciliation, open to all Afghans, laid forth in the 20 July 2010 Kabul Communique, supported by the Government of Afghanistan and the international community, include the renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities,

Stressing the importance of all individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of those previously designated as the Taliban, as well as those individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, accepting the Government of Afghanistan's offer of reconciliation,

Taking note of the Government of Afghanistan's request that the Security Council support national reconciliation by removing Afghan names from the UN sanctions lists for those who respect the conditions for reconciliation, and, therefore, have ceased to engage in or support activities that threaten the peace, stability and security of Afghanistan,

Welcoming the results of the Consultative Peace Jirga held on 6 June 2010, in which 1,600 Afghan delegates, representing a broad cross-section of all Afghan ethnic and religious groups, government officials, religious scholars, tribal leaders, civil society, and Afghan refugees residing in Iran and Pakistan, discussed an end to insecurity and developed a plan for lasting peace in the country,

Welcoming the establishment of the High Peace Council and its outreach efforts both within and outside Afghanistan,

Stressing the central and impartial role that the United Nations continues to play in promoting peace, stability and security in Afghanistan, and expressing its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the UNAMA Salaam Support Group to assist the High Peace Council's peace and reconciliation efforts,

Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

Expressing concern at the increase in incidents of kidnapping and hostage-taking with the aim of raising funds, or gaining political concessions, and expressing the need for this issue to be addressed,

Reiterating the need to ensure that the present sanctions regime contributes effectively to ongoing efforts to combat the insurgency and support the Government of Afghanistan's work to advance reconciliation in order to bring about peace, stability, and security in Afghanistan, and considering the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently in promoting peace and stability in Afghanistan,

Reaffirming international support for Afghan-led reconciliation efforts, and expressing its intention to give due regard to lifting sanctions on those who reconcile,

Acting under Chapter VII of the Charter of the United Nations,

### *Measures*

1. Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertaking associated with the Taliban") of the Consolidated List of the Committee established pursuant to resolution 1267 (1999) and 1333 (2000) as of the date of adoption of this resolution, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established in paragraph 30, (hereafter known as "the List"):

- a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled

directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation;

c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. Decides that those previously designated as the Taliban, and other individuals groups, undertakings and entities associated with them, whose names were inscribed in section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of this resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1, and decides further that all States shall take the measures set forth in paragraph 1 against these listed individuals, groups, undertakings and entities;

3. Decides that the acts or activities indicating that an individual, group, undertaking or entity is eligible for designation under paragraph 1 include:

a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

b) Supplying, selling or transferring arms and related materiel to;

c) Recruiting for; or

d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

4. Affirms that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List, shall be eligible for designation;

5. Notes that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Afghanistan;

6. Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of the Taliban on this List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings or entities associated with them;

7. Confirms further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the List;

8. Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

9. Decides that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006) regarding available exemptions with regard to the measures in paragraph 1 (a), and encourages their use by Member States;

### *Listing*

10. Encourages all Member States to submit to the Committee established under paragraph 30 below (“the Committee”) for inclusion on the List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities described in paragraph 3 above;

11. Decides that, when proposing names to the Committee for inclusion on the List, Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;

12. Decides that, when proposing names to the Committee for inclusion on the List, Member States shall also provide a detailed statement

of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 13 below;

13. Directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the List, a narrative summary of reasons for listing for the corresponding entry;

14. Calls upon all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 13;

15. Requests the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the List, and highlights the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

16. Calls upon Member States, when considering the proposal of a new designation, to consult with the Government of Afghanistan on the designation prior to submission to the Committee, where appropriate, and encourages all Member States considering the proposal of a new designation to seek advice from UNAMA, where appropriate;

17. Decides that the Committee shall, after publication but within three working days after a name is added to the List, notify the Government of Afghanistan, the Permanent Mission of Afghanistan, and the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of which the person is believed to be a national;

### *Delisting*

18. Directs the Committee to remove expeditiously individuals and entities on a case-by-case basis that no longer meet the listing criteria outlined in paragraph 3 above, and requests that the Committee give due regard to requests for removal of individuals who meet the reconciliation conditions agreed to by the Government of Afghanistan and the international community, which include the renunciation of violence, no links to international terrorist organizations, including Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities;



19. Calls upon Member States to coordinate their delisting requests, as appropriate, with the Government of Afghanistan to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts;

20. Decides that individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests to the Focal Point mechanism established in resolution 1730 (2006);

21. Encourages UNAMA to support and facilitate cooperation between the Government of Afghanistan and the Committee to ensure that the Committee has sufficient information to consider delisting requests, and directs the Committee established pursuant to paragraph 30 of this resolution to consider delisting requests in accordance with the following principles, where relevant:

a) Delisting requests concerning reconciled individuals should, if possible, include a communication from the High Peace Council through the Government of Afghanistan confirming the reconciled status of the individual according to the reconciliation guidelines, or, in the case of individuals reconciled under the Strengthening Peace Program, documentation attesting to their reconciliation under the previous program; as well as current address and contact information;

b) Delisting requests concerning individuals who formerly held positions in the Taliban regime prior to 2002 who no longer meet the listing criteria outlined in paragraph 3 of this resolution should, if possible, include a communication from the Government of Afghanistan confirming that the individual is not an active supporter of, or participant in, acts that threaten the peace, stability and security of Afghanistan, as well as current address and contact information;

c) Delisting requests for reportedly deceased individuals should include an official statement of death from the state of nationality, residence, or other relevant state;

22. Requests all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of this resolution, and further requests that the Government of Afghanistan provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year;

23. Directs the Committee to consider expeditiously any information indicating that a delisted individual has returned to activities set forth in paragraph 3, including by engaging in acts inconsistent with the reconciliation conditions outlined in paragraph 18 of this resolution, and

requests the Government of Afghanistan or other Member States, where appropriate, to submit a request to add that individual's name back on the list;

24. Decides that the Secretariat shall, as soon as possible after the Committee has made a decision to remove a name from the List, transmit the decision to the Government of Afghanistan and the Permanent Mission of Afghanistan for notification, and the Secretariat should also, as soon as possible, notify the Permanent Mission of the State(s) in which the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of nationality, and decides further that States receiving such notification take measures, in accordance with domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

#### *Review and Maintenance of the List*

25. Recognizes that the ongoing conflict in Afghanistan, and the urgency that the Government of Afghanistan and the international community attach to a peaceful political solution to the conflict, requires timely and expeditious modifications to the List, including the addition and removal of individuals and entities, urges the Committee to decide on delisting requests in a timely manner, requests the Committee to review each entry on the list on a regular basis, including, as appropriate, by means of reviews of individuals considered to be reconciled, individuals whose entries lack identifiers, individuals reportedly deceased, and entities reported or confirmed to have ceased to exist, directs the Committee to establish guidelines for such reviews accordingly, and requests the Monitoring Team to circulate to the Committee every six months:

a) A list of individuals on the List whom the Afghan Government considers to be reconciled along with relevant documentation as outlined in paragraph 21 (a);

b) A list of individuals and entities on the List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them; and,

c) A list of individuals on the List who are reportedly deceased and entities that are reported or confirmed to have ceased to exist, along with the documentation requirements outlined in paragraph 21 (c);

26. Urges the Committee to ensure that there are fair and clear procedures for the conduct of its work, and directs the Committee to establish guidelines accordingly, as soon as possible, in particular with respect to paragraphs 9, 10, 11, 12, 17, 20, 21, 24, 25, and 27;

27. Encourages Member States and relevant international organizations to send representatives to meet with the Committee to share information and discuss any relevant issues, and welcomes periodic briefings from the Government of Afghanistan on the impact of targeted sanctions

on deterring threats to the peace, stability and security of Afghanistan, and supporting Afghan-led reconciliation;

#### *Cooperation with Government of Afghanistan*

28. Encourages continued cooperation amongst the Committee, the Government of Afghanistan, and UNAMA, including by identifying and providing detailed information regarding individuals and entities participating in the financing or support of acts or activities set forth in paragraph 3 of this resolution, and by inviting UNAMA representatives to address the Committee;

29. Welcomes the Government of Afghanistan's desire to assist the Committee in the coordination of listing and delisting requests and in the submission of all relevant information to the Committee;

#### *New Sanctions Committee*

30. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

a) To consider listing requests, delisting requests and proposed updates to the existing information relevant to the List referred to in paragraph 1;

b) To consider listing requests, delisting requests and proposed updates to the existing information relevant to section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List that were pending before the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities as of the date of adoption of this resolution;

c) To update regularly the List referred to in paragraph 1;

d) To make accessible on the Committee's website narrative summaries of reasons for listing for all entries on the List;

e) To review the names on the List;

f) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of the resolution, including regarding non-compliance with the measures imposed by the resolution;

g) To ensure that fair and clear procedures exist for placing individuals and entities on the List and for removing them as well as for granting humanitarian exemptions;

h) To examine the reports presented by the Monitoring Team;

i) To monitor implementation of the measures imposed in paragraph 1;

- j) To consider requests for exemptions in accordance with paragraph 1 and 9;
- k) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;
- l) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;
- m) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;
- n) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;
- o) To facilitate, through the Monitoring Team and specialized UN agencies, assistance in capacity building for enhancing implementation of the measures, upon request by Member States; and,
- p) To cooperate with other relevant Security Council Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999).

#### *Monitoring Team*

31. Decides, in order to assist the Committee in fulfilling its mandate, that the 1267 Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), shall also support the Committee for a period of 18 months, with the mandate set forth in Annex A of this resolution, and requests the Secretary-General to make any necessary arrangements to this effect;

#### *Coordination and Outreach*

32. Recognizes the need to maintain contact with relevant UN Security Council Committees, international organizations and expert groups, including the Committee established pursuant to resolution 1267 (1999), the Counter Terrorism Committee (CTC), the United Nations Office of Drugs and Crime, the Counter-Terrorism Executive Directorate (CTED), and the Committee established pursuant to resolution 1540 (2004), particularly given the continuing presence and negative influence on the Afghan conflict by Al-Qaida, and any cell, affiliate, splinter group or derivative thereof;

33. Encourages UNAMA to provide assistance to the High Peace Council, at its request, to encourage listed individuals to reconcile;

*Reviews*

34. Decides to review the implementation of the measures outlined in this resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan;

35. Decides to remain actively seized of the matter.

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**Annex I**

In accordance with paragraph 31 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

b) To assist the Committee in regularly reviewing names on the List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

c) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

d) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;

e) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

f) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the List;

g) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 13;

h) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

i) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

j) To encourage Member States to submit names and additional identifying information for inclusion on the List, as instructed by the Committee;

k) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the List as updated and accurate as possible;

l) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

m) To consult with Member States and other relevant organizations and bodies, including UNAMA, and engage in regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

n) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

o) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

p) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

q) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

r) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

s) To assist the Committee in facilitating assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

t) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

u) To submit to the Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings, and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the List referred to in paragraph 1 of this resolution, and thereafter submit such a report and recommendations periodically; and,

v) Any other responsibility identified by the Committee.

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**Resolution 1989 (2011)**

**Adopted by the Security Council at its 6557th meeting, on 17 June 2011**

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and 1988 (2011), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality or civilization,

Recalling the Presidential Statement of the Security Council (S/PRST/2011/9) of 2 May 2011 which notes that Usama bin Laden will no longer be able to perpetrate acts of terrorism,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by terrorist groups with the aim of raising funds, or gaining political concessions, and expressing the need for this issue to be addressed,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat,

Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States to participate actively in maintaining and updating the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (“the Consolidated List”) by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

Reminding the Committee established pursuant to resolution 1267 (1999) (“the Committee”) to remove expeditiously and on a case-by-case basis individuals and entities that no longer meet the criteria for listing outlined in this resolution,

Recognizing the challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution, welcoming improvements to the Committee’s procedures and the quality of the Consolidated List, and expressing its intent to continue efforts to ensure that procedures are fair and clear,

Welcoming in particular the successful completion of the review of all names on the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008) and the significant progress made to enhance the integrity of the Consolidated List,

Welcoming the establishment of the Office of the Ombudsperson pursuant to resolution 1904 (2009) and the role it has performed since its establishment, noting the Ombudsperson’s important role in improving fairness and transparency, recalling the Security Council’s firm commitment to ensuring that the Office of the Ombudsperson is able to continue to carry out its role effectively, in accordance with its mandate, and recalling also the Presidential Statement of the Security Council (S/PRST/2011/5) of 28 February 2011,

Reiterating that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law,

Welcoming the second review in September 2010 by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,



Welcoming the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity building, and all other UN bodies, and encouraging further engagement with the CTITF to ensure overall coordination and coherence in the counter-terrorism efforts of the UN system,

Recognizing the need to take measures to prevent and suppress the financing of terrorism and terrorist organizations, including from the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors, and the importance of continued international cooperation to that aim,

Noting with concern the continued threat posed to international peace and security by Al-Qaida and other individuals, groups, undertakings and entities associated with it, reaffirming its resolve to address all aspects of that threat, and considering the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently,

Noting that, in some instances, certain individuals, groups, undertakings and entities that meet the criteria for listing set forth in paragraph 3 of resolution 1988 (2011) may also meet the criteria for listing set forth in paragraph 4 of this resolution,

Acting under Chapter VII of the Charter of the United Nations,

### *Measures*

1. Decides that all States shall take the measures as previously imposed by paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them, including those referred to in section C ("Individuals associated with Al-Qaida") and section D ("Entities and other groups and undertakings associated with Al-Qaida") of the Consolidated List established pursuant to resolutions 1267 (1999) and 1333 (2000), as well as those designated after the date of adoption of this resolution, which shall henceforth be known as the Al-Qaida Sanctions List":

a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities;

2. Notes that, pursuant to resolution 1988 (2011), the Taliban, and other individuals, groups, undertakings and entities associated with them, as previously included in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertaking associated with the Taliban”) of the Consolidated List established pursuant to resolutions 1267 (1999) and 1333 (2000) are not governed by this resolution and decides that henceforth the Al-Qaida Sanctions List shall include only the names of those individuals, groups, undertakings and entities associated with Al-Qaida;

3. Directs the Committee to transmit to the Committee established pursuant to resolution 1988 (2011) all listing submissions, delisting requests and proposed updates to the existing information relevant to section A (“Individuals associated with the Taliban”) and section B (“entities and other groups and undertakings associated with the Taliban”) of the Consolidated List that were pending before the Committee as of the date of adoption of this resolution, so that the Committee established pursuant to resolution 1988 (2011) can consider those matters in accordance with resolution 1988 (2011);

4. Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida include:

a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

b) supplying, selling or transferring arms and related materiel to;

c) recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof;

5. Further reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida shall be eligible for designation;

6. Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related ser-

vices, used for the support of Al-Qaida and other individuals, groups, undertakings or entities associated with it;

7. Notes that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors;

8. Confirms further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List;

9. Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

10. Encourages Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and directs the Committee to review the procedures for exemptions as set out in the Committee's guidelines to facilitate their use by Member States and to continue to ensure that exemptions are granted expeditiously and transparently;

11. Directs the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular that established pursuant to resolution 1988 (2011);

#### *Listing*

12. Encourages all Member States to submit to the Committee for inclusion on the Al-Qaida Sanctions List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, and other individuals, groups, undertakings and entities associated with it, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 4 above;

13. Reaffirms that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and paragraph 12 of resolution 1822 (2008), and provide a detailed statement of case, and decides further that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 16 below;

14. Decides that Member States proposing a new designation, as well as Member States that have proposed names for inclusion on the Al-Qaida Sanctions List before the adoption of this resolution, shall specify whether the Committee, or the Ombudsperson, or the Secretariat or Monitoring Team on the Committee's behalf, may make known the

Member State's status as a designating State; and strongly encourages designating States to respond positively to such a request;

15. Decides that Member States, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List shall use the standard form for listing, and provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by Interpol to issue a Special Notice, and directs the Committee to update, as necessary, the standard form for listing in accordance with the provisions of this resolution; and further directs the Monitoring Team to report to the Committee on further steps that could be taken to improve identifying information;

16. Welcomes efforts by the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the Al-Qaida Sanctions List, a narrative summary of reasons for listing for the corresponding entry, and directs the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for all listings;

17. Encourages Member States and relevant international organizations and bodies to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

18. Calls upon all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 16;

19. Reaffirms that the Secretariat shall, after publication but within 3 working days after a name is added to the Al-Qaida Sanctions List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution 1735 (2006), requests the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the Al-Qaida Sanctions List, and highlights the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

20. Reaffirms further the provisions in paragraph 17 of resolution 1822 (2008) regarding the requirement that Member States take all pos-

sible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraph 21 and Annex II of this resolution, and the provisions of resolution 1452 (2002) regarding available exemptions;

#### *Delisting/Ombudsperson*

21. Decides to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), as reflected in the procedures outlined in Annex II of this resolution, for a period of 18 months from the date of adoption of this resolution, decides that the Ombudsperson shall continue to receive requests from individuals, groups, undertakings or entities seeking to be removed from the Al-Qaida Sanctions List in an independent and impartial manner and shall neither seek nor receive instructions from any government, and decides that the Ombudsperson shall present to the Committee observations and a recommendation on the delisting of those individuals, groups, undertakings or entities that have requested removal from the Al-Qaida Sanctions List through the Office of the Ombudsperson, either a recommendation to retain the listing or a recommendation that the Committee consider delisting;

22. Decides that the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, where the Ombudsperson recommends retaining the listing in the Comprehensive Report of the Ombudsperson on a delisting request pursuant to annex II;

23. Decides that the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with annex II of this resolution, including paragraph 6 (h) thereof, where the Ombudsperson recommends that the Committee consider delisting, unless the Committee decides by consensus before the end of that 60 day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall

remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

24. Requests the Secretary General to strengthen the capacity of the Office of the Ombudsperson to ensure its continued ability to carry out its mandate in an effective and timely manner;

25. Strongly urges Member States to provide all relevant information to the Ombudsperson, including providing any relevant confidential information, where appropriate, and confirms that the Ombudsperson must comply with any confidentiality restrictions that are placed on such information by Member States providing it;

26. Requests that Member States and relevant international organizations and bodies encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to seek removal from the Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson;

27. Decides that when the designating State submits a delisting request, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity after 60 days unless the Committee decides by consensus before the end of that 60 day period that the measures shall remain in place with respect to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

28. Decides that, for purposes of submitting a delisting request in paragraph 27, consensus must exist between or among all designating States in cases where there are multiple designating States; and decides further that co-sponsors of listing requests shall not be considered designating States for purposes of paragraph 27;

29. Strongly urges designating States to allow the Ombudsperson to reveal their identities as designating States, to those listed individuals and entities that have submitted delisting petitions to the Ombudsperson;

30. Directs the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Al-Qaida Sanctions List of individuals, groups, undertakings and entities that are alleged to no longer meet the criteria established in the relevant resolutions, and set out in paragraph 4 of the present resolution, which shall be placed on the Committee's agenda upon

request of a member of the Committee, and encourages Member States to provide reasons for submitting their delisting requests;

31. Encourages States to submit delisting requests for individuals that are officially confirmed to be dead, particularly where no assets are identified, and for entities reported or confirmed to have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these individuals or entities have not been or will not be transferred or distributed to other individuals, groups, undertakings and entities on the Al-Qaida Sanctions List;

32. Encourages Member States, when unfreezing the assets of a deceased individual or an entity that is reported or confirmed to have ceased to exist as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

33. Calls upon the Committee when considering delisting requests to give due consideration to the opinions of designating State(s), State(s) of residence, nationality, location or incorporation, and other relevant States as determined by the Committee, directs Committee members to provide their reasons for objecting to delisting requests at the time the request is objected to, and calls upon the Committee to share its reasons with relevant Member States and national and regional courts and bodies, where appropriate;

34. Encourages all Member States, including designating States and States of residence and nationality, to provide all information to the Committee relevant to the Committee's review of delisting petitions, and to meet with the Committee, if requested, to convey their views on delisting requests, and further encourages the Committee, where appropriate, to meet with representatives of national or regional organizations and bodies that have relevant information on delisting petitions;

35. Confirms that the Secretariat shall, within 3 days after a name is removed from the Al-Qaida Sanctions List, notify the Permanent Mission of the State(s) of residence, nationality, location or incorporation (to the extent this information is known), and decides that States receiving such notification shall take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

#### *Review and maintenance of the Al-Qaida Sanctions List*

36. Encourages all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

37. Requests the Monitoring Team to circulate to the Committee every six months a list of individuals and entities on the Al-Qaida Sanctions List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and directs the Committee to review these listings to decide whether they remain appropriate;

38. Reaffirms that the Monitoring Team should circulate to the Committee every six months a list of individuals on the Al-Qaida Sanctions List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, directs the Committee to review these listings to decide whether they remain appropriate, and calls upon the Committee to remove listings of deceased individuals, where credible information regarding death is available;

39. Reaffirms that the Monitoring Team should circulate to the Committee every six months a list of entities on the Al-Qaida Sanctions List that are reported or confirmed to have ceased to exist, along with an assessment of any relevant information, directs the Committee to review these listings to decide whether they remain appropriate, and calls upon the Committee to remove such listings where credible information is available;

40. Further directs the Committee, in light of the completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Al-Qaida Sanctions List that have not been reviewed in three or more years (“the triennial review”), in which the relevant names are circulated to the designating States and States of residence, nationality, location or incorporation, where known, pursuant to the procedures set forth in the Committee guidelines, to ensure the Al-Qaida Sanctions List is as updated and accurate as possible through identifying listings that no longer remain appropriate and confirming listings that remain appropriate, and notes that the Committee’s consideration of a delisting request after the date of adoption of this resolution, pursuant to the procedures set out in Annex II of this resolution, should be considered equivalent to a review conducted pursuant to paragraph 26 of resolution 1822 (2008);

#### *Measures implementation*

41. Reiterates the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above; and recalling paragraph 7 of resolution 1617 (2005), strongly urges all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force’s (FATF) Forty Recommendations on Money Laundering and the FATF Nine Special Recommendations on Terrorist



Financing, and encourages Member States to utilize the guidance provided by Special Recommendation III for effective implementation of targeted counter-terrorism sanctions;

42. Directs the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Al-Qaida List and for removing them as well as for granting exemptions per resolution 1452 (2002), and directs the Committee to keep its guidelines under active review in support of these objectives;

43. Directs the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 10, 12, 14, 15, 17, 21, 23, 27, 28, 30, 33, 37, and 40;

44. Encourages Member States, including through their permanent missions, and relevant international organizations to meet the Committee for in-depth discussion on any relevant issues;

45. Requests the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

46. Directs the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and requests the Chair, in periodic reports to the Council pursuant to paragraph 55 below, to provide progress reports on the Committee's work on this issue;

47. Urges all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

48. Encourages Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

49. Confirms that no matter should be left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, in accordance with the Committee's guidelines;

50. Encourages designating States to inform the Monitoring Team whether a national court or other legal authority has reviewed an individual's case and whether any judicial proceedings have begun, and to include any other relevant information when it submits its standard form for listing;

51. Requests the Committee to facilitate, through the Monitoring Team or specialized UN agencies, assistance on capacity building for enhancing implementation of the measures, upon request by Member States;

#### *Coordination and outreach*

52. Reiterates the need to enhance ongoing cooperation among the Committee, the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, expresses its intention to provide guidance to the committees on areas of common interest in order better to coordinate their efforts and facilitate such cooperation, and requests the Secretary-General to make the necessary arrangements for the groups to be co-located as soon as possible;

53. Encourages the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with CTED and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

54. Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009);

55. Requests the Committee to report orally, through its Chair, at least every 180 days to the Council on the state of the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairs of CTC and the Committee established pursuant to resolution 1540 (2004), and further requests the Chair to hold periodic briefings for all interested Member States;

#### *Monitoring Team*

56. Decides, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team and its members, established pursuant to paragraph 7 of resolution 1526 (2004), for a further period of 18 months, under the direction of the Committee with the

responsibilities outlined in annex I, and requests the Secretary-General to make the necessary arrangements to this effect;

57. Directs the Monitoring Team to review the Committee's procedures for granting exemptions pursuant to resolution 1452 (2002), and to provide recommendations for how the Committee can improve the process for granting such exemptions;

58. Directs the Monitoring Team to keep the Committee informed of instances of non-compliance with the measures imposed in this resolution, and further directs the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

### *Reviews*

59. Decides to review the measures described in paragraph 1 above with a view to their possible further strengthening in 18 months or sooner if necessary;

60. Decides to remain actively seized of the matter.

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## **Annex I**

In accordance with paragraph 56 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

b) To assist the Ombudsperson in carrying out his or her mandate as specified in Annex II of this resolution;

c) To assist the Committee in regularly reviewing names on the Al-Qaida Sanctions List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee, as instructed by the Committee;

e) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

f) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities,

including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

g) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

h) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

i) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

j) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Al-Qaida Sanctions List;

k) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 16;

l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

m) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

n) To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the country of visit, where appropriate;

o) To encourage Member States to submit names and additional identifying information for inclusion on the Al-Qaida Sanctions List, as instructed by the Committee;

p) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Al-Qaida Sanctions List as updated and accurate as possible;

q) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

r) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1 (a) of this resolution as it pertains to

preventing the criminal misuse of the Internet by Al-Qaida, and other individuals, groups, undertakings and entities associated with it; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

s) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

t) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

u) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

v) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

w) To assist the Committee in facilitating assistance on capacity building for enhancing implementation of the measures, upon request by Member States;

x) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

y) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

z) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

aa) To submit to the Committee within 90 days a written report and recommendations on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the 1988 List, and thereafter submit such a report and recommendations periodically; and

bb) Any other responsibility identified by the Committee.

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## Annex II

In accordance with paragraph 21 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List or by the legal representative or estate of such individual, group, undertaking or entity (“the petitioner”).

The Council recalls that Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

### *Information gathering (four months)*

1. Upon receipt of a delisting request, the Ombudsperson shall:
  - a) Acknowledge to the petitioner the receipt of the delisting request;
  - b) Inform the petitioner of the general procedure for processing delisting requests;
  - c) Answer specific questions from the petitioner about Committee procedures;
  - d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 4 of this resolution, and return it to the petitioner for his or her consideration; and,
  - e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration.
2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant UN bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant UN bodies to provide, within four months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:
  - a) These States’ opinions on whether the delisting request should be granted; and
  - b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.
3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within four months:

a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

4. At the end of this four-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

*Dialogue (two months)*

5. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below. The Ombudsperson may shorten this time period if he or she assesses less time is required.

6. During this period of engagement, the Ombudsperson:

a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

b) Should request from the petitioner a signed statement in which the petitioner declares that they have no ongoing association with Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and undertakes not to associate with Al-Qaida in the future;

c) Should meet with the petitioner, to the extent possible;

d) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner;

e) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

f) During the information gathering or dialogue phase, the Ombudsperson may share with relevant States information provided by a State, including that State's position on the delisting request, if the State which provided the information consents;

g) In the course of the information gathering and dialogue phases and in the preparation of the report, the Ombudsperson shall not disclose any information shared by a state on a confidential basis, without the express written consent of that state; and,

h) During the dialogue phase, the Ombudsperson shall give serious consideration to the opinions of designating states, as well as other Member States that come forward with relevant information, in particular those Member States most affected by acts or associations that led to the original designation.

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and

c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's recommendation, lay out for the Committee the principal arguments concerning the delisting request.

#### *Committee discussion*

8. After the Committee has had 15 days to review the Comprehensive Report in all official languages of the United Nations, the Chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

10. Committee consideration of the Comprehensive Report shall be completed no later than 30 days from the date the Comprehensive Report is submitted to the Committee for its review.

11. In cases where the Ombudsperson recommends retaining the listing, the requirement for States to take the measures in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, unless a Committee member submits a delisting request, which the Committee shall consider under its normal consensus procedures.



12. In cases where the Ombudsperson recommends that the Committee consider delisting, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with this annex II, including paragraph 6 (h), unless the Committee decides by consensus before the end of that 60 day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council.

13. If the Committee decides to reject the delisting request, then the Committee shall convey to the Ombudsperson its decision, setting out its reasons, and including any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing.

14. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within fifteen days a letter that:

- a) Communicates the Committee's decision for continued listing;
- b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and
- c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 13 above.

15. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

#### *Other Office of the Ombudsperson Tasks*

16. In addition to the tasks specified above, the Ombudsperson shall:
- a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents;
  - b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 19 of this resolution; and

c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

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Op 29 juli 2011 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6596<sup>e</sup> zitting aangenomen Resolutie 2002 (2011) inzake Somalië. De Engelse tekst van de resolutie luidt:

### **Resolution 2002 (2011)**

#### **Adopted by the Security Council at its 6596th meeting, on 29 July 2011**

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, and concerning Eritrea, in particular resolution 733 (1992), which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the “Somalia arms embargo”), resolution 1519 (2003), resolution 1558 (2004), resolution 1587 (2005), resolution 1630 (2005), resolution 1676 (2006), resolution 1724 (2006), resolution 1744 (2007), resolution 1766 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), resolution 1844 (2008), resolution 1853 (2008), resolution 1862 (2009), resolution 1907 (2009), resolution 1916 (2010), and resolution 1972 (2011),

Recalling that, as set out in its resolutions 1744 (2007) and 1772 (2007), the arms embargo on Somalia does not apply to (a) weapons and military equipment, technical training and assistance intended solely for support of or use by the African Union Mission in Somalia (AMISOM), and (b) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in those resolutions and in the absence of a negative decision by the Committee established pursuant to resolution 751 (1992), the mandate of which was expanded pursuant to resolution 1907 (2009) (hereinafter referred to as “the Committee”), within five working days of receiving an advance notification of such supplies or assistance on a case-by-case basis,

Recalling its resolutions 1612 (2005), 1882 (2009) and 1998 (2011) on children and armed conflict, resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security, and resolutions 1265 (1999), 1296 (2000), 1325 (2000), 1612 (2005), 1674 (2006), 1738 (2006), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009) on the protection of civilians in armed conflicts,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, Djibouti and Eritrea respectively,

Reaffirming that the Djibouti Peace Agreement and the Peace Process represent the basis for a resolution of the conflict in Somalia, and reiterating its commitment to a comprehensive and lasting settlement of the situation in Somalia based on the Transitional Federal Charter (TFC), and reiterating the urgent need for all Somali leaders to take tangible steps to continue political dialogue,

Taking note of the report of the Monitoring Group dated 18 July 2011 (S/2011/433) submitted pursuant to paragraph 6 (k) of resolution 1916 (2010) and the observations and recommendations contained therein,

Condemning flows of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the Somalia arms embargo and the Eritrea arms embargo established pursuant to resolution 1907 (2009) (hereinafter referred to as the "Eritrea arms embargo"), as a serious threat towards peace and stability in the region,

Calling upon all Member States, in particular those in the region, to refrain from any action in contravention of the Somalia and Eritrea arms embargoes, and to take all necessary steps to hold violators accountable,

Reaffirming the importance of enhancing the monitoring of the Somalia and Eritrea arms embargoes through persistent and vigilant investigation into the violations, bearing in mind that strict enforcement of the arms embargoes will improve the overall security situation in the region,

Expressing concern at acts of intimidation against the Monitoring Group and interference with the Monitoring Group's work,

Reiterating its serious concern about the worsening humanitarian situation in Somalia, and the impact of the current drought and famine, strongly condemning the targeting and obstruction of the delivery of humanitarian aid by armed groups in Somalia, which has prevented the delivery of such aid in some areas and deploring the repeated attacks on humanitarian personnel,

Reiterating its condemnation in the strongest terms of all acts of violence, abuses and violations, including sexual and gender-based violence, committed against civilians, including children, in violation of applicable international law, stressing that the perpetrators must be brought to justice, recalling all its relevant resolutions on women, peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts, and considering therefore that the existing designation criteria for targeted measures under resolution 1844 (2008) need to be reaffirmed and further strengthened,

Reaffirming the need for both the Transitional Federal Institutions (TFIs) and donors to be mutually accountable and transparent in the allocation of financial resources,

Calling for the end of the misappropriation of financial funds which undermine the ability of local authorities to deliver services in Somalia,

Determining that the situation in Somalia, Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea continue to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that the measures in paragraphs 1, 3, and 7 of resolution 1844 (2008) shall apply to individuals, and that the provisions of paragraphs 3 and 7 of that resolution shall apply to entities, designated by the Committee:

a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 of resolution 1844 (2008);

c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

d) as being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;

e) as being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;

2. Considers that acts under paragraph 1 (a) above may include, but are not limited to, the misappropriation of financial resources which undermines the Transitional Federal Institutions' ability to fulfil their obligations in delivering services within the framework of the Djibouti Agreement;

3. Considers that all non-local commerce via Al-Shabaab controlled ports, that constitutes financial support for a designated entity, poses a threat to the peace, stability, and security of Somalia, and thereby individuals and entities engaged in such commerce may be designated by the Committee and made subject to the targeted measures established by resolution 1844 (2008);

4. Calls upon the Transitional Federal Government (TFG) to consider banning all trade by large merchant vessels with Al-Shabaab controlled ports;

5. Demands that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across Somalia, underlines its grave concern at the worsening humanitarian situation in Somalia, urges all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and expresses its readiness to apply targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 1 (c) above;

6. Decides to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), extended by paragraph 6 of resolution 1916, and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Monitoring Group for a period of 12 months from the date of this resolution, consisting of eight experts, drawing, as appropriate, on the expertise of the members of the Monitoring Group established pursuant to resolution 1916 (2010), and consistent with resolution 1907 (2009), in order to fulfil its expanded mandate, this mandate being as follows:

a) to assist the Committee in monitoring the implementation of the measures imposed in paragraph 1, 3, and 7 of 1844 (2008), including by reporting any information on violations; to include in its reports to the Committee any information relevant to the potential designation of the individuals and entities described in paragraph 1 above;

b) to assist the Committee in compiling narrative summaries, referred to in paragraph 14 of resolution 1844 (2008) of individuals and entities designated pursuant to paragraph 1 above;

c) to investigate any seaport operations in Somalia that may generate revenue for Al-Shabaab, an entity designated by the Committee for meeting the listing criteria in resolution 1844 (2008);

d) to continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005), paragraphs 23 (a) to (c) of resolution 1844 (2008), and paragraphs 19 (a) to (d) of resolution 1907 (2009);

e) to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenues used to commit violations of the Somalia and Eritrea arms embargoes;

f) to investigate any means of transport, routes, seaports, airports and other facilities used in connection with violations of the Somalia and Eritrea arms embargoes;

g) to continue refining and updating information on the draft list of those individuals and entities that engage in acts described in paragraph 1 above, inside and outside Somalia, and their active sup-

porters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

h) to compile a draft list of those individuals and entities that engage in acts described in paragraphs 15 (a)-(e) of resolution 1907 (2009) inside and outside Eritrea, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

i) to continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) and 1474 (2003), and on the previous reports of the Monitoring Group (S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913, S/2007/436, S/2008/274, S/2008/769 and S/2010/91) appointed pursuant to resolutions 1519 (2003), 1558 (2004), 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1766 (2007), 1811 (2008) 1853 (2008) and 1916 (2010);

j) to work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

k) to assist in identifying areas where the capacities of States in the region can be strengthened to facilitate the implementation of the Somalia and Eritrea arms embargoes, as well as the measures imposed in paragraphs 1, 3 and 7 of resolution 1844 (2008), and paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009) concerning Eritrea;

l) to provide to the Council, through the Committee, a midterm briefing within six months of its establishment, and to submit progress reports to the Committee on a monthly basis;

m) to submit, for the Security Council's consideration, through the Committee, two final reports; one focusing on Somalia, the other on Eritrea, covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate;

7. Further requests the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

8. Requests the Committee, in accordance with its mandate and in consultation with the Monitoring Group and other relevant United Nations entities, to consider the recommendations in the reports of the Monitoring Group and recommend to the Council ways to improve implementation of and compliance with the Somalia and Eritrea arms embargoes as well as implementation of the targeted measures imposed

by paragraphs 1, 3, and 7 of resolution 1844 (2008) and paragraphs 5, 6, 8, 10, 12, and 13 of resolution 1907 (2009), in response to continuing violations;

9. Decides that for a period of twelve months from the date of this resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations placed on Member States in paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia;

10. Urges all parties and all States, including Eritrea, other States in the region, and the TFG, as well as international, regional and subregional organizations, ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group, and unhindered access, in particular to persons, documents and sites the Monitoring Group deems relevant to the execution of its mandate;

11. Decides to remain actively seized of the matter.

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#### C. VERTALING

Voor de vertaling van het Handvest, zoals gewijzigd, zie *Trb.* 1987, 113.

#### D. PARLEMENT

Zie *Trb.* 1951, 44.

#### E. PARTIJGEGEVENS

Zie de rubrieken E en F van *Trb.* 1951, 44 en, laatstelijk, rubriek E van *Trb.* 2008, 174.

#### G. INWERKINGTREDING

Zie *Trb.* 1951, 44 en *Trb.* 2011, 57.

J. VERWIJZINGEN

Zie, laatstelijk, *Trb.* 2011, 57.

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In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de resoluties zullen zijn bekendgemaakt in Nederland (het Europese en het Caribische deel), Aruba, Curaçao en Sint Maarten op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *derde* oktober 2011.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL