

EXECUTIVE INSTRUMENT

E.I. 155

INSTRUCTIONS FOR THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), SUCCESSOR RESOLUTIONS AND OTHER RELEVANT RESOLUTIONS (AMENDMENT) INSTRUMENT, 2021

IN exercise of the power conferred on the Attorney-General and Minister for Justice by section 37A of the Anti-Terrorism Act, 2008 (Act 762), this Instrument is made this 14th day of May, 2021.

Section 4 of E.I. 2 amended

1. The Instructions for the Implementation of United Nations Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and Other Relevant Resolutions (E.I. 2), referred to in this Executive Instrument as the “principal enactment”, is amended in section 4 by the substitution for paragraphs (c) and (d) of subsection (2), of

“(c) the Office of the Attorney-General and Ministry of Justice;

(d) the Internal Intelligence Agency;”.

Section 7 of E.I. 2 amended

2. The principal enactment is amended in section 7 by the substitution for paragraph (l) of subsection (3), of

“(l) the Narcotics Control Commission;”.

Section 8 of E.I. 2 amended

3. The principal enactment is amended in section 8 by the insertion after subsection (4), of

“(4A) The freezing of funds or other assets of a designated person shall be without prejudice to the rights of a third party that acts in good faith.”.

Section 12 of E.1. 2 amended

4. The principal enactment is amended in section 12 by the insertion after subsection (2), of

“(2A) The restrictions in sections 10 and 11 do not prevent a person from making a payment due under a contract entered into prior to the listing of that person, where

(a) the relevant countries have determined that the contract is not related to a prohibited

- (i) item,
- (ii) material,
- (iii) equipment,
- (iv) good,
- (v) technology,
- (vi) assistance,
- (vii) training,
- (viii) financial assistance,
- (ix) investment,
- (x) brokering, or
- (xi) service

referred to in the relevant security council resolution or any future successor resolution;

(b) the relevant countries have determined that the payment is not directly or indirectly received by a person subject to the measures in the relevant security council resolution or any future successor resolution; and

(c) the relevant countries have submitted prior notification to the United Nations Security Council of the intention to make or receive the payment or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources ten days prior to the authorisation.”

Section 16 of E.I. 2 amended

5. The principal enactment is amended in section 16

(a) by the substitution for subsection (3), of

“(3) For the purposes of this section, identifier information includes

(a) the following information for individuals:

- (i) family name or surname;
- (ii) first name;
- (iii) other names or aliases;
- (iv) date of birth;
- (v) place of birth;
- (vi) nationality or citizenship;
- (vii) gender;
- (viii) employment or occupation;
- (ix) State of residence;
- (x) passport or travel document number;
- (xi) national identification number;
- (xii) current and previous address;
- (xiii) current status before law enforcement authorities which may be in the nature of “wanted”, “detained” or “convicted”;
- (xiv) location; and
- (xv) photographs and other biometric data, where applicable.”; and

(b) the following information for groups, undertakings or entities:

- (i) name;
- (ii) registered name;
- (iii) short name or acronym and other name by which the group, undertaking or entity is known or was formerly known;

- (iv) address;
- (v) website address;
- (vi) headquarters;
- (vii) branches or subsidiaries;
- (viii) organisational linkage;
- (ix) parent company;
- (x) nature of business or activity;
- (xi) State of main activity;
- (xii) leadership or management;
- (xiii) registration or incorporation;
- (xiv) identification number; and
- (xv) status which may be in the nature of "liquidated" or "terminated."; and

(b) by the insertion after subsection (4), of

"(5) Upon approval of the list, the Minister shall, through the Minister responsible for Foreign Affairs,

(a) forward the list to the Sanctions Committee to supplement the United Nations Consolidated List; and

(b) state the reasons for the designation.

(6) The Minister shall, in forwarding the list to the relevant Sanctions Committee, specify whether the status of the country as a designating State should be made known."

Section 17 of E.I. 2 amended

6. The principal enactment is amended in section 17 by the insertion after subsection (4), of

"(4A) The freezing of funds or other assets of a designated person shall be without prejudice to the rights of a third party that acts in good faith."

Section 18 of E.I. 2 amended

7. The principal enactment is amended by the substitution for section 18, of

“Application to unfreeze funds frozen in error

18. (1) Where funds or other assets are frozen

(a) as a result of a similarity in names or wrong entries on the Domestic List,

(b) in the account of a person being investigated, or

(c) as a result of any other error

the person affected may apply to the Minister to unfreeze the funds.

(2) The Minister shall, upon receipt of the application referred to in subsection (1),

(a) submit the request to the Sanctions Committee and inform the applicant of a decision taken, where the application relates to the United Nations Consolidated List; and

(b) determine the application within fifteen days after the date of receipt of the application after consultation with the Committee, where the application relates to the Domestic List.

(3) The Minister shall inform the applicant and the relevant authorities of a decision taken on the application in writing.”

GODFRED YEBOAH DAME
Attorney-General and Minister for Justice