
EXECUTIVE INSTRUMENT

E.I. 8

**INSTRUCTIONS FOR THE IMPLEMENTATION
OF THE UNITED NATIONS SECURITY
COUNCIL RESOLUTION NO. 1267 (1999),
UNITED NATIONS SECURITY COUNCIL
RESOLUTION NO. 1373 (2001), UNITED
NATIONS SECURITY COUNCIL
RESOLUTION NO. 1718 (2006), SUCCESSOR
RESOLUTIONS AND OTHER RELEVANT
RESOLUTIONS**

WHEREAS the Republic of Ghana has enacted the Anti-Money Laundering Act, 2008 (Act 749), the Anti-Terrorism Act, 2008 (Act 762) and the Economic and Organised Crime Office Act, 2010 (Act 802);

WHEREAS section 42 of the Anti-Terrorism Act, 2008 (Act 762) is to be read as one with the Criminal Offences Act, 1960 (Act 29);

WHEREAS the Republic of Ghana is committed to fight terrorism, money laundering, and other transnational organised crime,

NOW THEREFORE, in exercise of the power conferred on the Attorney-General and Minister for Justice by section 37A of the Anti-Terrorism (Amendment) Act, 2012 (Act 842) this Instrument is made this 24th day of April, 2012.

Implementation Committee

1. (1) There is hereby established an Anti-Money Laundering and Counter Financing of Terrorism Inter-Ministerial Committee which is responsible for the implementation of the United Nations Security Council Resolution No. 1267

(1999), United Nations Security Council Resolution No. 1373
 (2001), United Nations Security Council Resolution No. 1718
 (2006), Successor Resolutions and other relevant Resolutions.

(2) The Committee consists of

(a) the Minister responsible for Finance and Economic Planning,

(b) the Minister responsible for Foreign Affairs,

(c) the Minister for the Interior,

(d) the Attorney-General and the Minister for Justice,

(e) the National Security Coordinator,

(f) the Deputy Chief of Staff of the President, and

(g) the Governor of the Bank of Ghana.

(3) The chairperson of the Committee is the Minister responsible for Finance and Economic Planning.

Functions of the Committee

2. (1) The Committee shall perform the functions and have the powers connected with the implementation of Security Council Resolution No. 1267 (1999), Security Council Resolution No. 1373 (2001), Security Council Resolution No. 1718 (2006), Successor Resolutions and other relevant Resolutions according to the procedure provided for in these Instructions.

(2) The Committee may in carrying out its functions and exercising its powers, coordinate with the relevant regulatory agency, supervisory body, security and intelligence agency, law enforcement agency and any other person concerned with the implementation of the provisions of these Instructions.

(3) The Committee shall coordinate with competent parties for the purposes of implementing the obligations under Security Council Resolution No. 1267 (1999), Security Council Resolution No. 1373 (2001), Security Council Resolution No. 1718 (2006), Successor Resolutions and other relevant Resolutions regarding among others the banning of travel, granting of visas and purchase of arms by the named persons and entities to whom the provisions of these Instructions apply.

Powers of the Committee

3. (1) The Committee has supervisory authority for the implementation of the National Strategy and Action Plan on Anti-Money Laundering and Counter Financing of Terrorism.

(2) The Committee may issue directives that are necessary for the implementation of these Instructions.

Establishment of sub committees

4. (1) For the purposes of the implementation of these Instructions, the Committee shall establish a sub-committee to be known as the Law Enforcement Coordinating Bureau and may establish any other sub-committee that it considers necessary.

(2) The Bureau comprises one representative each of the following:

- (a) the National Security Council Secretariat,
- (b) the Bank of Ghana,
- (c) the Attorney General's Department,
- (d) the Bureau of National Investigation,
- (e) the Financial Intelligence Centre,
- (f) the Ghana Immigration Service,
- (g) the Economic and Organised Crime Office,
- (h) the Ghana Armed Forces,
- (i) the Ghana Police Service,
- (j) the Ghana Maritime Authority,
- (k) the Securities and Exchange Commission,
- (l) the National Insurance Commission,
- (m) the Ghana Revenue Authority,
- (n) the Ghana Airports Company Limited, and
- (o) the Ministry responsible for Foreign Affairs.

(3) The Bureau shall be chaired by the National Security Co-ordinator.

(4) The Bureau is responsible for the day-to-day implementation of these Instructions.

(5) The Bureau shall perform any other functions that the Committee may direct.

Meetings of the Committee

5. The meetings of the Committee shall be conducted in the manner provided for in the Schedule.

Confidentiality

6. A person who has access to information obtained in pursuance of these Instructions shall not disclose that information except for the purposes of the implementation of these Instructions.

Circulation of the United Nations Consolidated List

7. (1) The Committee shall, within twenty-four hours after the receipt of the United Nations Consolidated List circulate the List to

- (a) regulatory agencies,
- (b) supervisory bodies,
- (c) security and intelligence agencies,
- (d) law enforcement agencies, and
- (e) any other person who has the mandate to detect, freeze or seize the funds or the properties of the specified entity or take any other action to give effect to United Nations Security Council Resolutions 1267, 1373, 1718, successor Resolutions and other relevant resolutions.

(2) The Committee shall on the receipt of a new name to be added to the List together with the explanatory notes, circulate the name to the persons or entities specified in subparagraph (1).

Action to be taken on the receipt of the United Nations Consolidated List

8. (1) Where a person receives the United Nations Consolidated List, that person shall where applicable

- (a) take the necessary measures to freeze or seize the funds of the specified entity and the funds of any other person or entity that is associated with that specified entity without delay and without notice to the specified entity and the related party;

- (b) in furtherance of the action taken under sub-paragraph (a), file a Suspicious Transaction Report to the Financial Intelligence Centre in accordance with section 30 of the Anti-Money Laundering Act, 2008 (Act 749); and
- (c) take any other action that will give effect to the United Nations Security Council Resolutions 1267, 1373, 1718, successor Resolutions and other relevant Resolutions.

(2) A person who is required to take action under sub-paragraph (1) shall within twenty-four hours inform the Committee in writing of the action taken.

Domestic List

9. (1) The Committee shall prepare and approve a Domestic List of the names of terrorist individuals, entities or organisations and of any other person who owns, controls, works in the name, for the interest or under the direction of a terrorist individual, entity or organisation or who is in any other way associated with a terrorist individual, entity or organisation.

(2) The Domestic List prepared under sub-paragraph (1) shall include

- (a) names of persons and families, false names and titles,
- (b) places and dates of birth,
- (c) original or acquired nationality,
- (d) passport numbers and other identity card numbers,
- (e) sex,
- (f) addresses,
- (g) occupations,
- (h) the number in the Consolidated List,
- (i) telephone numbers, and
- (j) any other relevant information.

(3) The Committee shall circulate the Domestic List provided for under sub-paragraph (1) in the manner it considers suitable.

(4) The Committee shall review and amend the Domestic List when necessary.

Deletion of name

10. (1) Where a name on the Consolidated List is deleted by the United Nations Sanctions Committee, the Committee shall, within twenty-four hours delete that name from its own list and accordingly inform the persons specified in paragraph 7.

(2) A person who objects to the inclusion of the name of that person on the List, may petition the Committee.

(3) The Committee shall within seven days forward the petition through the Ministry of Foreign Affairs to the United Nations Sanctions Committee.

(4) A person who objects to the inclusion of the name of that person on the Domestic List may petition the Committee.

(5) The Committee shall within fourteen days determine the petition and take the appropriate action.

Notices

11. (1) The Committee shall give notice to

(a) competent persons or entities of amendments to the names of persons on the Consolidated List and the Domestic List and of information required to be completed, and

(b) competent authorities or countries on measures taken in accordance with these Instructions.

(2) The Committee shall provide any additional information including supporting documents which become available to it in relation to persons or entities to the United Nations Sanctions Committee.

Duty to report violation of Instructions

12. A person who obtains information of the contravention of these Instructions, shall within forty-eight hours after obtaining the information, inform the Committee or report the contravention to the nearest police station.

Penalties

13. Where a person contravenes these Instructions the relevant penalties provided under the Anti-Terrorism Act, 2008 (Act 762) shall apply.

Internal rules

14. The regulatory agencies, supervisory bodies, administrative agencies, security and intelligence agencies, law enforcement agencies and any person concerned with the implementation of these Instructions shall issue internal rules to any person subject to its control for the purposes of implementing the obligations provided in these Instructions.

Interpretation

15. In these Instructions, unless the context otherwise requires,

“Committee” means the Implementation Committee established under paragraph 1;

“Domestic List” means the list prepared and approved by the Committee under paragraph 9; and

“List” means the United Nations Consolidated list.

SCHEDULE**Meetings of the Committee**

(Paragraph 5)

1. The Committee shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.
2. The chairperson shall at the request of not less than four of the members of the Committee convene an extraordinary meeting of the Committee at the place and time determined by the chairperson.
3. The quorum at a meeting of the Committee is five.
4. The chairperson shall preside at meetings of the Committee and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall preside.
5. Matters before the Committee shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
6. The Committee may co-opt a person to attend a Committee meeting but that person shall not vote on a matter for decision at the meeting.
7. The proceedings of the Committee shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
8. Subject to this section, the Committee may determine the procedure for its meetings.

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Attorney-General and Minister for Justice

Date of *Gazette* notification: 27th April, 2012.