

**Briefing by H.E. Mr. Thomas Mayr-Harting,
Chairman of the Security Council Committee
established pursuant to resolution 1267 (1999)
concerning Al-Qaida and the Taliban and
Associated Individuals and Entities,
to the Security Council on 15 November 2010**

I. Introduction

1. Since I last briefed the Council in May 2010 there have been a number of significant developments in the work of the Committee and the sanctions regime it is tasked to oversee. I therefore welcome this opportunity to update the Council on, among other things, the conclusion of the initial comprehensive review of the Consolidated List, the appointment of the Ombudsperson pursuant to resolution 1904 (2009), the revision of the Committee's guidelines to reflect improvements to the regime contained in the same resolution, and some of the tasks the Committee will be engaged in for the remainder of this year and beyond.

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

2. The review process, which was the first of this kind conducted by a UN sanctions committee, has been a main focus of the Committee's work over the last two years, and has served as an important function both in improving the quality of the Consolidated List and in advancing the overall credibility and transparency of the Committee. The Committee concluded the review on 29 July 2010, after the Security Council extended the review period by one month. On 29 July, I also gave an open briefing to all Member States on the results of the review. I will therefore only briefly recapitulate the main results: of the 488 names reviewed, the Committee found that the listings remained appropriate for 443 and removed 45 names from the List. In addition, de-listing requests submitted for 58 names in the course of this review remain under the consideration of the Committee.
3. The review demonstrated that the Committee relies heavily on the cooperation of Member States and that the sanctions regime can only work and be effective if Member States continue to contribute and establish a sense of common ownership. The Committee contacted almost 100 States that designated names for listing or are States of citizenship, residence, or location. I would like to take this opportunity to reiterate the gratitude of the Committee for the answers and information submitted by these States and I am confident that this high level of engagement with Member States has contributed to a better understanding of the Committee's work.
4. In a similar vein, the Committee reiterates its standing invitation to Member States to attend Committee meetings to discuss relevant issues. The Committee recently discussed a new approach to invite Member States to take a more active part in forthcoming reviews, including by appearing before the Committee to discuss cases of particular

interest or importance. I would also like to call on all Member States to provide any additional information on List entries any time such information becomes available.

5. The Monitoring Team produced a report on the conduct and the results of the comprehensive review, including a set of valuable recommendations, as mandated by the Security Council, which was issued on 29 September 2010 (S/2010/497). The Committee is currently concluding its consideration of this report and the recommendations contained therein and will shortly submit its position to the Security Council.

III. Additional reviews pursuant to resolution 1904 (2009)

6. The comprehensive review set the standard for the future additional reviews introduced by resolution 1904 (2009), namely, for listed persons who are reportedly deceased; for entries that lack identifiers for effective implementation; and for names on the Consolidated List which have not been reviewed in three or more years. Such reviews represent an important step in making the Consolidated List a more dynamic document that responds better to the evolving and continued threat, and which is more up-to-date and contains the most complete and accurate information possible on the identity and whereabouts of listed parties in order to enable Member States to effectively implement the three sanctions measures that apply to them. Furthermore, these reviews also contribute to ensuring that the Al-Qaida and Taliban sanctions regime targets those individuals and entities that continue to pose a threat to international peace and security. Finally, the reviews of the Consolidated List provide an important mechanism to strengthen due process of the sanctions regime, whereby the Committee, with the vital input of Member States, will periodically scrutinize whether the listings of targeted individuals and entities remain appropriate.
7. During the course of the comprehensive review, the Committee also addressed the issue of deceased persons on the List. Prior to the review, there was only case of the removal of a deceased person from the Consolidated List. At the conclusion of the review, eight additional deceased persons had been removed from the List, comprising two names associated with the Taliban and six names associated with Al-Qaida.
8. However, there remains a considerable number of deceased persons on the List, which is why the Committee will conduct a specific review of deceased persons in accordance with paragraph 26 of Resolution 1904 (2009). The Monitoring Team has recently submitted a list of the names of all persons recorded on the List as deceased as well as those persons on the List believed to be dead but whose demise has yet to be officially confirmed. The Committee will soon be preparing the modalities of this review which will be conducted in the upcoming months. In this connection, I would like to mention that the Committee has recently discussed a recommendation by the Monitoring Team to clarify the process by which Member States need to submit the necessary information to the Committee certifying the death of the individual. The Committee will be soon in a position to inform Member States about these requirements and procedures.
9. As a further attempt to improve the quality of the List, the Committee is currently also discussing the issue of entities that have ceased to exist and is considering a review of such entities to decide whether their continued listings remain appropriate.

10. Finally, the Security Council also directed the Committee to review all matters that were pending (or “on hold”) as at 17 December 2009 and urged to resolve such pending issues, to the extent possible, by the end of this year. The Committee has commenced this review for the 23 items that fall within its scope, in accordance with agreed modalities. The members of the Committee take this review very seriously and the first four pending issues have already been resolved.
11. In this regard, I would like also to highlight the new procedures for matters that are pending, and were placed “on hold” after 17 December 2009. Resolution 1904 (2009) introduced a time limit of 6 months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration. As called for in that resolution, the Committee on 22 July 2010 adopted revised Guidelines on the Conduct of its Work, which bring these new improvements into the Committee’s practice and also introduce a new procedure for such “pending issues”. This procedure foresees regular updates by Committee Members on the status of resolving such matters and introduced detailed rules for the time limit. These improvements substantially contribute to the fairness of the regime.

V. Office of the Ombudsperson

12. The most significant step in resolution 1904 (2009) was the establishment of the Office of the Ombudsperson to assist the Committee when considering delisting requests. As stated in the resolution, the Ombudsperson shall be an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in the relevant fields who shall perform these tasks in an independent and impartial manner. On 3 June 2010 the Secretary-General appointed Judge Kimberly Prost as Ombudsperson. The Ombudsperson has, since her appointment, swiftly commenced her important work and informed the Committee about three de-listing requests received by her Office and has started the process of information gathering. The Ombudsperson has kept the Committee informed of developments in these cases, in accordance with resolution 1904 (2009), and the members are looking forward to the presentation of the Ombudsperson’s first comprehensive report. I would like to underline the importance of permitting the Ombudsperson to fulfil her mandate without interference and in an impartial and independent manner. Much will depend on the handling of the initial cases in order to assess the effectiveness of this new procedure.

VI. Consolidated List

13. Regarding updates on the status of the Consolidated List, the narrative summaries of reasons for listing and outreach activities by the Monitoring Team and the Committee, I would like to refer to the more comprehensive version of my statement which will be distributed in the room and posted on the Committee’s website.
14. *As of today, the Consolidated List has 488 entries, 396 individuals (259 associated with Al-Qaida and 137 associated with the Taliban) and 92 entities associated with Al-Qaida. Since my last briefing to the Council, the Committee has added the names of twelve individuals and one entity to the List, while it has removed nine individuals and twelve*

entities from the List over the same period. Listed individuals and entities can request delisting either through the Ombudsperson or through their States of citizenship and residence.

15. *As a result of the comprehensive review concluded at the end of July, the Monitoring Team has collected additional information for over 400 entries which are currently being submitted as amendments to the Consolidated List together with relevant amendments to the narrative summaries of reasons for listing for the corresponding entries for consideration by the Committee.*

VII. Narrative Summaries of reasons for listing

16. *With the assistance of the Monitoring Team, the Committee continues to make accessible on its website narrative summaries of reasons for listing for all entries on the Consolidated List, as mandated by resolutions 1822 (2008) and 1904 (2009). These narrative summaries of reasons for listing, many of which will be revised as a result of the comprehensive review, help to improve the transparency and fairness of the regime. As of today, there are 256 narrative summaries on the Committee's website, 183 for individuals associated with Al-Qaida, 62 for entities associated with Al-Qaida and 11 for individuals associated with the Taliban. They are available in all six official languages of the United Nations. The Monitoring Team provided draft narrative summaries for all other list entries which were discussed during the review and are currently being updated.*
17. *The review of the Consolidated List, and the continued legal challenges related to the regime, both underscore how important it is for States to continue to provide the Committee with additional information that could improve the Consolidated List and narrative summaries. The responses from reviewing States under the review pursuant to resolution 1822 (2008) already provided a significant amount of information which can enhance these narrative summaries of reasons for listing. Further updates to the Consolidated List and/or narrative summaries resulting from the review will generate significant workload for the Committee, the Secretariat and the Monitoring Team in the coming months.*

VIII. Outreach

18. *Visits to Member States by the Monitoring Team continue to play an important role in the Committee's cooperation and interaction with Member States. These visits promote a dialogue with States and facilitate the provision to the Committee of additional information for the Consolidated List and on the implementation of the sanctions measures, as well as on their effectiveness. Since my last briefing in May 2010, the Monitoring Team has made 8 trips to Member States, and participated jointly with the 1540 Committee Group of Experts for the second time, in a workshop organized by the UNODA in Hanoi, Vietnam. The Team has also conducted 17 joint visits with the Counter-Terrorism Committee Executive Directorate (CTED) experts to-date and for the first time, will also be making a presentation on behalf of CTED at an upcoming FATF Joint Typologies Exercise in Cape Town, South Africa later this month. The Team is also organizing a further meeting for heads of intelligence and security services on Al-Qaida*

related threat in Somalia and the region, for the first time jointly with the Somalia/Eritrea Monitoring Group. The Team continues to participate in many international seminars and provided briefings on international terrorism to a wide variety of audiences. All this has increased understanding of the sanctions regime and advanced its objectives. The Team further continues to work with regional and sub-regional organizations, often in partnership with the UNODC Terrorism Prevention Branch, as well as with CTED and the 1540 Committee Group of Experts.

- 19. The Monitoring Team also remains an active member of the Counter-Terrorism Implementation Task Force (CTITF), co-chairing its working group on terrorist use of the internet which will hold the first international conference on using the internet to counter the appeal of terrorism in Riyadh, Saudi Arabia in January 2011. The Team plays also a role in its working groups on tackling the financing of terrorism and on the protection of human rights while combating terrorism, and border management, as well as conceiving and promoting other projects within the context of the Global Strategy.*
- 20. The Committee has continued its cooperation with INTERPOL, including through the INTERPOL-United Nations Security Council Special Notices designed to alert the relevant national law enforcement authorities responsible for sanctions implementation, that the individual or entity is subject to Security Council sanctions measures due to association with Al-Qaida and/or the Taliban. There are Special Notices for all listed individuals and entities for which States have provided sufficient identifying information: 339 Special Notices for listed individuals, and 29 Special Notices for listed entities. The Committee is, with the assistance of the Secretariat and the Monitoring Team, currently discussing with INTERPOL revised procedures for cooperation, based on the Supplementary Arrangement between the United Nations and INTERPOL of October 2009. These new procedures will greatly expand opportunities for information exchange between the parties, and will help open the door for cooperation between INTERPOL and other Sanctions Committees, should those Committees decide to pursue it.*
- 21. Since my last briefing, I made two trips in my function as Chairman of the Committee, pursuant to paragraph 45 of resolution 1904 (2009). In June 2010, upon invitation by the Russian Federation, I participated in a meeting of Special Services, Security Agencies and Law Enforcement Organisations held in Ekaterinburg, Russian Federation. Also June, I used the opportunity of the Security Council's Mission to Afghanistan to raise issues relevant to the Committee, and in particular regarding the comprehensive review. The exchange with the concerned Afghan authorities proved to be very timely – after the Consultative Peace Jirga in early June and before the conclusion of the review pursuant to resolution 1822 (2008) – and was very useful for receiving further information from the Afghan authorities relevant for the successful conclusion of this review.*
- 22. I also intend to travel to Brussels, Belgium to participate in an upcoming EU–UN sanctions seminar at the end of November and will use this occasion to continue discussions with the European Union Institutions about legal and procedural challenges with regard to the implementation of the sanctions measures by the European Union and its 27 Member States.*

23. *On 25 October, the Committee met with Mr. Martin Scheinin, United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The members of the Committee had a constructive exchange of views on the Special Rapporteur's latest report and on issues related to the fairness and clearness of the Committee's procedures.*

24. *On cooperation with the Counter-terrorism Committee and the Committee established pursuant to resolution 1540 as well as among the three expert groups I would like to refer to the joint statement of the three Chairmen and the table distributed today.*

IX. Conclusion

25. In my previous briefings as Chairman of the Al-Qaida/Taliban Committee I mentioned the challenges the 1267 sanction regime has been facing. Over the last two years the Committee experienced growing criticism by States, individuals and courts because of procedural and human rights concerns. National parliaments, national and regional courts and civil society as well as international bodies – including UN bodies – have pointed out shortcomings of the 1267 sanctions regime. The Committee and the Security Council have listened to these voices and have taken important steps to address many of these concerns in resolution 1822 (2008) and in resolution 1904 (2009). The Committee has also strengthened fair and clear procedures by revising its Guidelines and internal working methods accordingly. The significant strengthening of the fairness and effectiveness of the regime has not gone unnoticed.

26. However, the recent judgment of the European General Court in the case of “Qadi II” and other court cases show that challenges remain. The high level of engagement of Member States, for example during the review, suggests that they continue to share the Security Council's concern that there should be a coordinated international response to the threat posed by Al-Qaida and the Taliban. It is therefore important that the Committee continue to engage in dialogue to find appropriate ways and means to respond to these challenges. As I highlighted several times, improving the procedures will make the regime stronger and therefore a more effective tool in the fight against terrorism. The Committee should remain on this track. Significant improvements to ensure fair and clear procedures have already been achieved and I am confident that this process will be continued in future.

27. Before closing, I would like to take the opportunity to thank the members of the Monitoring Team, the Secretariat and the Committee Members for their invaluable contribution in coping with the enormous work challenges during the last two years. The implementation of resolutions 1822 (2008) and 1904 (2009) would not have been possible without this joint effort and serious dedication and engagement of all involved.

Thank you.