

SECURITY COUNCIL COMMITTEE
PURSUANT TO RESOLUTIONS 751 (1992) AND 1907 (2009)
CONCERNING SOMALIA AND ERITREA

**GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK
as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May
2013, 27 November 2013 and 25 March 2014**

1. The Somalia and Eritrea Sanctions Committee

(a) The Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea shall hereinafter be referred to as “the Committee”.

(b) The Committee is a subsidiary organ of the Security Council and will consist of all Members of the Council.

(c) The Chair of the Committee will be appointed by the Security Council to serve in his/her personal capacity. The Chair will be assisted by two delegations who will act as Vice-Chairs, and who will also be appointed by the Security Council.

(d) The Chair will chair formal meetings and informal consultations of the Committee. When s/he is unable to chair a meeting, s/he will nominate one of the Vice-Chairs or another representative of his/her Permanent Mission to act on his/her behalf.

(e) The Secretariat of the United Nations will provide the Committee with secretariat support.

2. Mandate of the Committee

The mandate of the Committee is defined in paragraph 11 of resolution 751 (1992), paragraph 4 of resolution 1356 (2001), paragraph 11 of resolution 1844 (2008), and paragraph 18 of resolution 1907 (2009). On the basis of the measures imposed by paragraph 5 of resolution 733 (1992), paragraphs 1, 3 and 7 of resolution 1844 (2008), paragraphs 5, 6, 8, 10, 12 and 13 of resolution 1907 (2009), and as elaborated and amended by paragraphs 2 and 3-4 of resolution 1356 (2001), paragraph 2 of resolution 1425 (2002), paragraph 6 of resolution 1744 (2007), paragraphs 11 and 12 of resolution 1772 (2007), paragraphs 3 and 5 of resolution 1916 (2010), paragraph 4 of resolution 1972 (2011), paragraph 9 of resolution 2002 (2011), paragraph 22 of resolution 2036 (2012), paragraphs 7, 10

and 11 of resolution 2060 (2012), paragraphs 33, 36, 37 and 38 of resolution 2093 (2013), paragraphs 7, 10 (g) of resolution 2111 (2013), paragraph 3 of resolution 2142 (2014), the Committee shall undertake the following tasks:

MEASURES IMPLEMENTATION

- (a) To monitor, with the support of the Monitoring Group, as established pursuant to paragraph 2 of resolution 1519 (2003) and renewed by subsequent resolutions (“the Monitoring Group”), implementation of:
- (i) The arms embargo on Somalia originally imposed by resolution 733 (1992), as elaborated and amended by resolution 1425 (2002), 1844 (2008), 2093 (2013), 2111 (2013) and 2142 (2014) (“Arms Embargo on Somalia”);
 - (ii) The arms embargo on Eritrea imposed by resolution 1907 (2009), as amended by resolution 2111 (2013) (“Arms Embargo on Eritrea”);
 - (iii) The targeted measures imposed by paragraphs 1, 3, and 7 of resolution 1844 (2008), as well as those imposed by paragraphs 10, 12 and 13 of resolution 1907 (2009) (the “Travel Ban”, the “Assets Freeze”, and the “Targeted Ban on Arms Transfers”, respectively);
 - (iv) The measures imposed by paragraph 8 of resolution 1907 (2009) (“Seizure and Disposal of Prohibited Items”);
 - (v) The measures imposed by paragraph 22 of resolution 2036 (2012) (the “Charcoal Ban”);
- (b) To seek from all Member States, in particular those in the region, information regarding the actions they have taken to implement effectively the Arms Embargo on Somalia, the Arms Embargo on Eritrea, Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Seizure and Disposal of Prohibited Items, and Charcoal Ban, as well as whatever further information it may consider useful;
- (c) To examine information regarding alleged violations of the Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Arms Embargo on Somalia, Arms Embargo on Eritrea and Charcoal Ban, and take appropriate action if necessary;
- (d) To identify possible cases of non-compliance with the Travel Ban, Assets Freeze and Targeted Ban on Arms Transfers and Charcoal Ban, and determine the appropriate course of action on each case; and

(e) 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 to recommend to the Security Council ways to improve the implementation of and compliance with the measures as enumerated in paragraph (a) above;

EXEMPTIONS TO THE MEASURES

(f) To consider and decide upon notifications and requests for exemptions from the Arms Embargo on Somalia and requests for exemptions from the Arms Embargo on Eritrea, as set out in paragraphs 7, 11 (a) and 12 of resolution 2111 (2013) (the “Arms Embargo Exemptions”), as described in Section 10 below.

(g) To receive, for information, notifications of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia, from the Federal Government of Somalia or, in the alternative and in consultation with the Federal Government of Somalia, from the Member State or international, regional and subregional organisations delivering assistance, as set out in paragraphs 3 and 4 of resolution 2142 (2014), as described in Section 10 below;

(h) To receive, for information, notifications of supplies of non-lethal military equipment intended solely for humanitarian or protective use from the supplying State, international, regional or subregional organisation pursuant to paragraph 10 (g) of resolution 2111 (2013);

(i) To consider and decide upon notifications and requests for exemptions from the Assets Freeze under paragraph 4 (a), (b) and (c) of resolution 1844 (2008) and paragraph 14 (a), (b) and (c) of resolution 1907 (2009), as described in Section 11 below;

(j) To consider and decide upon requests for exemptions from the Travel Ban under paragraph 2 of resolution 1844 (2008) and paragraph 11 of resolution 1907 (2009), as described in Section 12 below;

LISTS

(k) To designate individuals and entities pursuant to paragraph 8 of resolution 1844 (2008), paragraphs 1, 2 and 3 of resolution 2002 (2011), paragraph 23 of resolution 2036 (2012), paragraph 3 of resolution 2060 (2012), paragraph 43 of resolution 2093 (2013), and on the basis of the additional criteria as they may be developed by the Security Council (“1844 Sanctions List”);

- (l) To designate individuals and entities pursuant to paragraph 15 of resolution 1907 (2009) and on the basis of the additional criteria as they may be developed by the Security Council (“1907 Sanctions List”);
- (m) To consider listing submissions, delisting requests and proposed updates to the existing information, as described in Sections 6, 7 and 8 below respectively;
- (n) To regularly review the 1844 Sanctions List and the 1907 Sanctions List of individuals and entities designated by the Committee (the Lists) in order to keep the Lists as updated and accurate as possible and confirm that the listings remain appropriate, pursuant to paragraph 11 (f) of resolution 1844 (2008), as described in Sections 5 and 9 below;
- (o) To encourage Member States to provide any additional information whenever such information becomes available, pursuant to paragraph 11 (f) of resolution 1844 (2008);
- (p) To make accessible on the Committee’s website narrative summaries of reasons for listing for all entries on the Lists pursuant to paragraph 14 of resolution 1844 (2008), as described in Section 5, paragraph (d) and Section 6, paragraph (h) below;
- (q) To keep these guidelines under active review in support of the objectives to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Lists and for removing them as well as for granting humanitarian exemptions;

REPORTS

- (r) To examine the Member States’ reports submitted pursuant to paragraph 25 of resolution 1844 (2008), paragraphs 9 and 20 of resolution 1907 (2009), and paragraph 22 of resolution 2036 (2012), reports presented by the Monitoring Group and additional information submitted by Member States;
- (s) The Committee, through its Chair, may report to the Security Council, when it deems appropriate.
- (t) To report at least every 120 days to the Security Council on its work and on the implementation of the measures imposed by relevant resolutions, with its observations and recommendations on ways to strengthen the effectiveness of the Arms Embargo on Somalia, Arms Embargo on Eritrea, Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Charcoal Ban, as well as on possible cases of non-compliance as identified by the Committee pursuant to paragraph 11 (h) of resolution 1844 (2008), including on the appropriate course of actions

determined by the Committee in each case;

(u) To recommend appropriate measures in response to violations of the Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Arms Embargo on Somalia and Arms Embargo on Eritrea, and Charcoal Ban, and to provide information on a regular basis to the Secretary-General for general distribution to Member States;

(v) To receive reports from any Member State when it finds items the supply, sale, transfer or export of which is prohibited, pursuant to paragraph 9 of resolution 1907 (2009);

(w) To receive quarterly reports from the neighbouring States of Somalia on their efforts to implement the arms embargo, pursuant to paragraph 10 of resolution 1474 (2003);

(x) To receive written confirmations from the Federal Government of Somalia of the completion of the delivery of arms or ammunition, pursuant to paragraph 6 of resolution 2142 (2014).

OUTREACH

(x) To make publicly available, through the appropriate media, information it considers relevant, including the Lists;

(y) In order to enhance and publicise the work of the Committee, the Chair will be authorised, after prior consultations and with the approval of the Committee, to hold press conferences or to issue press statements on any aspect of the Committee's work, if and when necessary;

(z) The Committee will, by means of a press release, encourage national or international governmental or non-governmental organisations having information relating to violations or alleged violations of the Travel Ban, Assets Freeze, Targeted Ban on Arms Transfers, Arms Embargo on Somalia, Arms Embargo on Eritrea and Charcoal Ban to turn such information over to the States of their nationality and residence or to the States of origin of violations or alleged violations. The press statement is to include a request that copies of communications conveying such information to States, and the information itself, should be forwarded to the Committee by means of communications addressed to the Chair in writing.

3. Meetings of the Committee

(a) Meetings of the Committee, both formal and informal, will be convened at any time the Chair deems necessary, or at the request of a Member of the Committee. Two working days notice will be given for any meeting of the Committee, although shorter notice may be given in urgent situations.

(b) The Committee will meet in closed session, unless it decides otherwise. The Committee may invite any Member of the United Nations to participate in the discussion of any question brought before the Committee in which interests of that Member are affected specifically. The Committee will consider requests from Member States to send representatives to meet with the Committee as described in Section 13, paragraph (d) of these Guidelines. The Committee may invite members of the Secretariat or other persons to provide the Committee with appropriate expertise or information or provide other assistance in examining matters within its competence.

(c) The Committee may invite the members of the Monitoring Group to attend meetings as appropriate.

4. Decision-making

(a) The Committee shall make decisions by consensus of its Members. If consensus cannot be reached on a particular issue, the Chair may undertake such further consultations as may facilitate agreement. If after these consultations, consensus still cannot be reached, the matter may be submitted to the Security Council. The Chair may encourage and facilitate bilateral exchanges among interested Member States in order to clarify the issue prior to a decision.

(b) Decisions may be taken by a written procedure. In such cases, the Chair will circulate to all Members of the Committee the proposed decision of the Committee, and will request Members of the Committee to indicate any objection they may have to the proposed decision within five working days (or, in urgent situations, such shorter period as the Chair shall determine). If no objection is received by the end of the specified period, the decision will be deemed adopted. Communications regarding exemptions from the Travel Ban or Assets Freeze shall be considered in accordance with the procedures set out in resolutions 1844 (2008) and 1907 (2009), as described in Sections 11 and 12 below.

(c) In the absence of an objection being indicated, a Committee Member may request more time during the decision-making period specified in paragraph 4 (b) above, to consider a proposal by placing a hold on the matter. In such cases, the matter will be considered as “pending”. While the matter is pending, any Committee Member may place its own hold on that matter. The Secretariat shall notify the Committee Members of any holds. If a Committee Member that placed

a hold requires additional information to resolve the pending matter, it may ask the Committee to request additional information from the State(s) concerned.

(d) A matter will remain pending until either any one Committee Member that placed a hold objects to the proposed decision or all holds are lifted.

(e) A hold placed on a matter by a Member of the Committee will cease to have effect at the time its membership of the Committee ends. New Members shall be informed of all pending matters one month before their membership begins.

(f) The Committee will review once a month, as necessary, the status of pending issues as updated by the Secretariat.

5. The Lists

(a) The Committee will maintain two separate lists for individual and entities designated on the 1844 Sanctions List and the 1907 Sanctions List.

(b) The Committee will update regularly the Lists when it has agreed to include or delete relevant information in accordance with the procedures set out in these guidelines.

(c) The updated Lists will be made promptly available on the website of the Committee. At the same time, any modification to the Lists will be communicated to Member States immediately through Notes Verbale, including an electronic advance copy, and United Nations Press Releases.

(d) Once the updated Lists are communicated to Member States, States are encouraged to circulate them widely, such as to banks and other financial institutions, border points, airports, seaports, consulates, customs agents, intelligence agencies, alternative remittance systems and charities.

(e) For all entries on the Lists, the Committee, with the assistance of the Monitoring Group and in coordination with the relevant designating State(s), shall make accessible on its website narrative summaries of reasons for listing.

6. Listing

(a) Member States may at any time submit to the Committee listing requests for inclusion of individuals and entities on the 1844 Sanctions List and the 1907 Sanctions List.

(b) The Committee shall consider designating individuals or entities on the basis of the criteria contained in paragraph 8 of resolution 1844 (2008), paragraph 15 of resolution 1907 (2009), paragraphs 1, 2 and 3 of resolution 2002 (2011), paragraph 23 of resolution 2036 (2012), paragraph 3 of resolution 2060 (2012), or paragraph 43 of resolution 2093 (2013) (“Listing Criteria”).

(c) States are advised to submit names as soon as they gather the supporting evidence of actions that meet the Listing Criteria. When submitting names of entities, States are encouraged, if they deem it appropriate, to propose for listing at the same time the names of the individuals responsible for the decisions of the entity concerned.

(d) Member States shall provide a detailed statement of case in support of the proposed listing that forms the basis or justification for the listing in accordance with the relevant Listing Criteria. Member States shall specify under which Listing Criteria they are submitting individuals or entities for designation. The statement of case should provide as much detail as possible on the basis for listing indicated above, including: (1) specific findings and reasoning demonstrating that the criteria are met; (2) the nature of the supporting evidence (e.g., intelligence, law enforcement, judicial, media, admissions by subject, etc.); and (3) supporting evidence or documents that can be supplied. States should include details of any connection with a currently listed individual or entity. States shall identify those parts of the statement of case that may be publicly released, including for the use by the Committee for development of the summary described in paragraph (h) below or for the purpose of notifying or informing the listed individual or entity of the listing, and those parts that may be released upon request to interested States.

(e) Proposed additions to the Lists shall include as much relevant and specific information as possible on a proposed name, in particular sufficient identifying information to allow for the positive identification of the individual or entity concerned by competent authorities, and to the extent possible, information required by INTERPOL to issue a Special Notice, including:

- For individuals: family name/surname, given names, other relevant names, date of birth, place of birth, nationality/citizenship, gender, aliases, employment/occupation, residence, addresses, passport or travel document (including date and place of issue as well as expiration date) and national identification numbers, current and previous addresses, website addresses, and current location;

- For entities: name, acronyms, address, headquarters, subsidiaries, affiliates, fronts, nature of business or activity, leadership, tax or other identification numbers and other names by which it is known or was formerly known, and website addresses.

(f) The Committee will consider expeditiously requests to update the Lists. If a proposal for listing is not approved within the decision-making period as set out in Section 4, paragraph (b) above, the Committee will provide feedback to the submitting State on the status of the request.

(g) In its communication to inform Member States of new entries to the Lists, the Secretariat shall include the publicly releasable portion of the statement of case.

(h) Following a new listing, the Committee, with the assistance of the Monitoring Group and in coordination with the relevant designating State(s), shall make accessible on the Committee's website a narrative summary of reasons for listing for the corresponding entry or entries on the Lists.

(i) The Secretariat shall, after publication but within one week after a name is added to the Lists, 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). The Secretariat shall include with this notification a copy of the publicly releasable portion of the statement of case, a description of the effects of designation, as set forth in the relevant resolutions, the Committee's procedures for considering delisting requests, and the provisions for available exemptions. The letter shall remind States receiving such notification that they are required to take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the newly listed individuals and entities on the Lists of the measures imposed on them, any information on reasons for listing available on the Committee's website as well as all the information provided by the Secretariat in the above-mentioned notification.

(j) Unless the Committee decides otherwise, the Secretariat shall request INTERPOL to issue, where feasible, an INTERPOL-United Nations Security Council Special Notice for each entry added to the Lists.

7. Delisting

(a) Member States may at any time submit to the Committee requests for delisting of individuals and entities inscribed on the 1844 Sanctions List or the 1907 Sanctions List.

(b) The Committee will decide on requests to delist an individual and/or entity in accordance with the Focal Point process set out in resolution 1730 (2006).

(c) A petitioner seeking to submit a request for delisting can do so either directly to the Focal Point for Delisting as outlined in paragraph (g) below or

through his/her State of residence or nationality as outlined in paragraph (h) below.

(d) A State can decide that as a rule, its nationals or residents should address their delisting requests directly to the Focal Point for Delisting. The State will do so by a declaration addressed to the Chair that will be published on the Committee's website.

(e) Delisting request should explain why the designation does not or no longer meets the Listing Criteria particularly through countering the reasons for listing as stated in the narrative summary and the publicly releasable portion of the statement of case described in paragraphs (h) and (i) of section 6 above. The delisting request should also include the designee's current occupation and/or activities, and any other relevant information. Any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

(f) For a deceased individual, the delisting request shall be submitted either directly to the Committee by a State, or through the Focal Point for Delisting by his/her legal beneficiary, together with an official documentation certifying that status. The statement of case supporting the delisting request shall include a death certificate or similar official documentation confirming the death whenever possible. The submitting State or the petitioner should also ascertain and inform the Committee whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the Lists.

(g) If a petitioner chooses to submit a petition to the Focal Point for Delisting, the Focal Point would perform the following tasks:

- i. Receive delisting requests from a petitioner (individual and/or entity on the 1844 Sanctions List or on the 1907 Sanctions List);
- ii. Verify if the request is new or is a repeated request;
- iii. If it is a repeated request and if it does not contain any additional information, return it to the petitioner;
- iv. Acknowledge receipt of the request to the petitioner and inform the petitioner on the general procedure for processing that request;
- v. Forward the request, for their information and possible comments to the designating State(s) and to the State(s) of nationality and residence. These States are urged to review delisting petitions in a timely manner and indicate whether they support or oppose the request in order to facilitate the Committee's review. The State(s) of nationality and residence are encouraged to consult with the designating State(s) before recommending

delisting. To this end, they may approach the Focal Point for Delisting, which, if the designating State(s) so agree(s), will put them in contact with the designating State(s);

vi. If, after these consultations, any of these States recommend delisting, that State will forward its recommendation, either through the Focal Point for Delisting or directly to the Chair, accompanied by that State's explanation. The Chair will then place the delisting request on the Committee's agenda;

vii. If any of the States, which were consulted on the delisting request under subparagraph v. above, oppose the request, the Focal Point for Delisting will so inform the Committee and provide copies of the delisting request. Any Member of the Committee, which possesses information useful for evaluating the delisting request, is encouraged to share such information with the States that reviewed the delisting request under subparagraph v. above;

viii. If, after a reasonable time (three months), none of the States which reviewed the delisting request under subparagraph v. above comment, or indicate that they are working on the delisting request to the Committee and require an additional definite period of time, the Focal Point for Delisting will so notify all Members of the Committee and provide copies of the delisting request. Any Member of the Committee may, after consultation with the designating State(s), recommend delisting by forwarding the request to the Chair, accompanied by an explanation. (Only one Member of the Committee needs to recommend delisting in order to place the issue on the Committee's agenda). If after one month, no Committee Member recommends delisting, then it shall be deemed rejected and the Chair shall inform the Focal Point for Delisting accordingly;

ix. The Focal Point for Delisting shall convey all communications, which it receives from Member States, to the Committee for its information;

x. Inform the petitioner of the decision of the Committee to grant the delisting petition; or that the process of consideration of the delisting request within the Committee has been completed and that the petitioner remains on the list of the Committee.

xi. Where appropriate, the Focal Point for Delisting will inform the reviewing States of the outcome of the delisting petition.

(h) If the petitioner submits the petition to the State of residence or nationality, the procedure outlined in the subparagraphs below shall apply:

- i. The State to which a petition is submitted (the petitioned State) should review all relevant information and then approach bilaterally the designating State(s) to seek additional information and to hold consultations on the delisting request;
- ii. The designating State(s) may also request additional information from the petitioner's State of nationality or residence. The petitioned and the designating State(s) may, as appropriate, consult with the Chair during the course of any such bilateral consultations;
- iii. If, after reviewing any additional information, the petitioned State wishes to pursue a delisting request, it should seek to persuade the designating State(s) to submit jointly or separately a request for delisting to the Committee. The petitioned State may, without an accompanying request from the designating State(s), submit a request for delisting to the Committee, pursuant to the no-objection procedure;
- iv. Where appropriate, the Chair will inform the reviewing States of the outcome of the delisting petition.

(i) The Secretariat shall, within one week after a name is removed from the Lists, notify the Permanent Mission of the State or States 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). The letter shall remind States receiving such notification that they are required to 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.

(j) The Secretariat will also concurrently request INTERPOL to cancel the INTERPOL-UNSC Special Notice for the relevant name.

8. Updating the Existing Information on the Lists

(a) The Committee shall consider, in accordance with the following procedures, updating the Lists with any information supplied by Member States, regional or international organisations, or the Monitoring Group, in particular additional identifying information and other information, along with supporting documentation, including updates on the operating status of listed individuals and the movement, incarceration or death of listed individuals and other significant events, as such information becomes available, and shall decide which information would further clarify the existing information on the Lists.

(b) The Committee may approach the designating State and consult with it on

the relevance of the submitted additional information. The Committee may also encourage Member States or regional or international organisations providing such additional information to consult with the designating State. The Secretariat will, subject to the designating State's consent, assist in establishing the appropriate contacts.

(c) The Monitoring Group will, as appropriate, review any and all information received by the Committee in order to clarify or confirm such information. In this connection, the Monitoring Group will use all sources available to it, including other sources than those provided by the designating State.

(d) The Monitoring Group will subsequently advise the Committee, within four weeks, if such information could be included in the Lists, or if further clarification is recommended in order to ascertain that the information received can be incorporated in the Lists. The Committee shall decide whether and how such clarification should be obtained and may again call upon the expertise of the Monitoring Group.

(e) The Monitoring Group may also submit to the Committee any information on listed individuals and entities it has obtained from publicly available official sources, or with the help of international agencies, and other entities, such as the African Union Mission in Somalia (AMISOM), with their agreement. In such cases, the Monitoring Group shall identify the source of each piece of new information when presenting it for the Committee's consideration.

(f) Upon the decision of the Committee to incorporate additional information into the Lists the Chair of the Committee will inform the Member State or regional or international organisation that submitted the additional information accordingly.

(g) Any additional relevant information submitted to the Committee that is not incorporated into the Lists will be stored by the Monitoring Group in a database for the use of the Committee and the Monitoring Group in carrying out their respective mandates. The Committee may share such additional information with Member States whose nationals, residents or entities have been included on the Lists provided that the information is publicly releasable or the provider of the information has agreed to its release. On a case-by-case basis the Committee may decide to release the information to other parties, with the prior consent of the provider of the information.

9. Review of the Lists

(a) The Committee shall, with the support of the Monitoring Group and the Secretariat, conduct an annual review of all names on the Lists, in which the

relevant names, together with the original statement of case, are circulated to the designating States and States of residence and/or nationality, where known, in order to ensure the Lists is as updated and as accurate as possible and to confirm that the listing remains appropriate.

(b) Every year, the Secretariat shall circulate to the Committee the names of the individuals mentioned in the Lists as reportedly deceased, reportedly killed or killed, along with the original statement of case, as well as all relevant information pertaining to all updates to those entries and any information on reasons for listing available on the Committee's website. At the same time, the Monitoring Group shall provide the Committee with information on listed individuals whose death has been officially reported or publicly declared by their State of residence or nationality, or reported through other open official sources. To ensure the Lists are as updated and as accurate as possible and to confirm that the listing remains appropriate, any Member of the Committee may request a review of these names.

(c) The reviews described in this section shall not preclude the submission of delisting requests at any time, in accordance with the relevant procedures set out in Section 7 of these guidelines.

(d) In cases where any of the States reviewing the names in accordance with paragraph 9 (a) or 9 (b) above determines that a listing is no longer appropriate, that State may submit a delisting request following the same relevant procedures set out in Section 7 of these guidelines.

10. Exemptions from the Arms Embargo on Somalia and the Arms Embargo on Eritrea

Requests for Committee's approval

(a) The Committee shall consider and decide upon requests for exemptions to the Arms Embargo on Somalia and the Arms Embargo on Eritrea as set out in paragraphs 7 and 12 of resolution 2111 (2013) ("Requests");

(b) Requests shall be submitted in writing to the Chair by the Member State or the international, regional or subregional organisation or agency supplying the equipment.

(c) Requests for advance approval for supplies of non-lethal military equipment intended solely for humanitarian and protective use pursuant to paragraph 12 of resolution 2111 (2013) shall provide the following information:

- i. The type and technical specification of the equipment; the intended recipient and end-user of the equipment;
- ii. The humanitarian or protective use to which it will be put;
- iii. The means of transport to be used for the supply of the equipment;
- iv. The port of entry into Eritrea;

(d) Requests for advance approval for supplies of items in the annex of resolution 2111 (2013), pursuant to paragraph 7 of the same resolution, shall provide the following information:

- i. The type, quantity and technical specification of weapons, ammunitions, military equipment and materiel to be delivered;
- ii. The means of transport to be used for the supply of the equipment;
- iii. The proposed date of delivery;
- iv. The specific place of delivery in Somalia.

(e) The Chair shall circulate to the Committee Members, under a five-working day no objection time period, all complete Requests received. The Chair shall immediately inform the Member State or the international, regional or subregional organisation or agency of the decision of the Committee.

(f) Where a Request does not contain all the information referred to in paragraphs (c) and (d) above, the Chair may seek further information from the Member State or the international, regional or subregional organisation which submitted the Request.

Notifications for Committee's consideration

(g) The Committee shall consider and decide upon Notifications of provision of supplies of weapons or military equipment and technical assistance or training as specified in paragraph 11 (a) of resolution 2111 (2013), ("Notifications").

(h) Such Notifications of supplies of weapons or military equipment and technical assistance or training by Member States or international, regional and subregional organisations intended solely for the purposes of helping develop Somali security sector institutions other than the Security Forces of the Federal Government of Somalia, shall provide the following information:

- i. The type and technical specification of the equipment and/or technical assistance and training;
- ii. The intended recipient and end-user of the equipment and/or of the technical assistance and training;
- iii. The means of transport to be used for the supply of the equipment;
- iv. The port of entry into Somalia.

(i) The Secretariat will immediately acknowledge receipt of such Notifications, indicating when the Committee is expected to make a decision. The Chair shall circulate to the Committee Members, under a five-working day no objection time period, all Notifications received. The Committee, through its Chair, will inform the notifying Member State or international, regional or subregional organisation or agency if a negative decision has been taken regarding the notification. Should no negative decision be taken by the Committee within the specified period, the Committee, through its Chair, will inform the notifying Member State, or the international, regional or subregional organisation or agency thereof. The Committee must make a negative decision on such notifications within the decision-making period in order to prevent the State or international, regional or subregional organisation from delivering the supplies and technical assistance.

(j) Where a Notification does not contain all the information referred to in paragraph (h) above, the Chair may seek further information from the Member State, or the international, regional or subregional organisations or agency which submitted the Notification.

Notifications for Committee's information

(k) Pursuant to paragraph 3 of resolution 2142 (2014), the Committee shall receive, for its information, Notifications of deliveries of weapons, ammunition or military equipment or the provision of assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia, as permitted by paragraph 2 of resolution 2142 (2014).

(l) Such Notifications shall be submitted in writing to the Chair, at least five days in advance of any deliveries by the Federal Government of Somalia or, in the alternative and in consultations with the Federal Government of Somalia, by the Member State, international, regional or subregional organisation delivering assistance, and shall provide all relevant information, including,:

- i. Details of the manufacturer and supplier of the arms and ammunition;

- ii. A description of the arms and ammunition to be delivered, including the type, calibre and quantity;
- iii. The proposed date of delivery;
- iv. The specific place of delivery;
- v. All relevant information concerning the intended destination unit in the Somali National Security Forces, or the intended place of storage.

(...) Pursuant to paragraph 6 of resolution 2142 (2014), the Federal Government of Somalia shall, no later than 30 days after the delivery of arms or ammunition, submit to the Committee a written confirmation of the completion of such deliveries, including:

- i. The serial numbers for the arms and ammunition delivered;
- ii. Shipping information, bill of lading, cargo manifests or packing lists;
- iii. The specific place of storage.

(...) Pursuant to paragraph 7 of resolution 2142 (2014), the Federal Government of Somalia shall inform the Committee in writing of the destination unit in the Somali National Security Forces or the place of storage within five days of the distribution of imported arms or ammunition, notified pursuant to paragraph 3 of resolution 2142 (2014);

(m) Pursuant to paragraph 10 (g) of resolution 2111 (2013), the Committee shall receive, for its information, Notifications of supplies of non-lethal equipment intended solely for humanitarian and protective use;

(n) Such Notifications shall be submitted in writing to the Chair five days in advance by the Member State, international, regional or subregional organisation supplying the equipment, and shall provide the following information:

- i. The type and technical specification of the equipment; the intended recipient and end-user of the equipment;
- ii. The humanitarian or protective use to which it will be put;

- iii. The means of transport to be used for the supply of the equipment;
 - iv. The port of entry into Somalia;
- (o) Where Notifications do not contain all the information referred to in paragraphs (l) and (n) above, the Chair may seek further information from the Permanent Mission of Somalia or the Member State, international, regional and subregional organisation which submitted the Notification.

11. Exemptions to the Assets Freeze

(a) Pursuant to paragraph 4 (a) of resolution 1844 (2008) and paragraph 14 (a) of resolution 1907 (2009), the Committee shall receive notifications from Member States of their intention to authorise, where appropriate, access to frozen funds or other financial assets or economic resources to cover basic expenses (“the basic expenses exemption”).

(b) The Secretariat, will immediately acknowledge receipt of the notification for the basic expenses exemption. Should no negative decision be taken by the Committee within the requisite three working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee must make a negative decision on such notifications within the requisite three working day period in order to prevent the notifying State from releasing funds for basic expenses. The Committee, through its Chair, will also inform the notifying Member State if a negative decision has been taken regarding the notification.

(c) The Committee shall consider and approve within the requisite five working days, if appropriate, requests by Member States for extraordinary expenses, as provided for in paragraph 4 (b) of resolution 1844 (2008) and in paragraph 14 (b) of resolution 1907 (2009) (“the extraordinary expenses exemption”). Member States are encouraged, when submitting requests for the extraordinary expenses exemption, to report in a timely way on the use of such funds, with a view to preventing such funds from being used to conduct any of the acts described in the Listing Criteria.

(d) Notifications for the basic expenses exemption and requests for the extraordinary expenses exemption should, as appropriate, include the following information:

- i. recipient (name and address)
- ii. recipient’s bank information (name and address of bank, account number)
- iii. purpose of payment and justification of the determination of the

expenses falling under the basic expenses exemption and the extraordinary expenses exemption:

- under the basic expenses exemption:

- basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

- payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

- fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources.

- under extraordinary expenses exemption:

- extraordinary expenses (other categories than the ones mentioned under paragraph 4(a) of resolution 1844 (2009) or 14 (a) of resolution 1907 (2009)).

iv. amount of instalment

v. number of instalments

vi. payment starting date

vii. bank transfer or direct debit

viii. interests

ix. specific funds being unfrozen

x. other information.

(e) Pursuant to paragraph 5 (c) of resolution 1844 (2008) and paragraph 14 (c) of resolution 1907 (2009), States may allow for the addition to accounts subject to the Assets Freeze of:

i. interest or other earnings due on those accounts, or

ii. payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the Assets Freeze, or

iii. any payment in favour of listed individuals or entities, provided

that any such interest, other earnings and payments continue to be subject to the Assets Freeze.

12. Exemptions from the Travel Ban

- (a) The Committee will determine whether the travel is justified on the basis of the provisions of paragraph 2 (a) of resolution 1844 (2008) and 11 (a) of resolution 1907 (2009), or where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace, security and stability in the region.
- (b) Each request for exemption must be submitted in writing, on behalf of the listed individual, to the Chair. The States that may submit a request through their Permanent Mission to the United Nations are the State(s) of destination, the State(s) of transit, the State of nationality, and the State of residence. If no effective central government exists in the country in which the listed individual is located, a United Nations office or agency in that country may submit the request for exemption on the listed individual's behalf.
- (c) Each request for exemption shall be received by the Chair as early as possible but not less than fifteen working days before the date of the proposed travel, except where humanitarian consideration require a shorter period. The Committee will consider the exemption request within a period five full working days following the procedures described under 4 (b) above. In urgent situations, on humanitarian grounds, the Chair shall determine whether to shorten the consideration period.
- (d) Each request for exemption should include the following information:
- i. the full name, nationality, passport number or travel document number of the listed individual;
 - ii. the purpose of and justification for the proposed travel, with copies of supporting documents, including specific details of meetings or appointments;
 - iii. the proposed dates and times of departure and return;
 - iv. the complete itinerary and timetable, including for all transit stops;
 - v. details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels;
- (e) Once the Committee has approved a request for exemption from the Travel Ban, the Secretariat shall notify in writing the Permanent Missions to the

United Nations of: the State in which the listed individual is resident, the State of nationality, the State(s) to which the listed individual will be travelling, and any transit State, as well as any United Nations office/agency involved as provided for in paragraph (a) above, to inform them of the approved travel, itinerary and timetable.

(f) Written confirmation of the completion of the travel by the listed individual shall be provided to the Chair within five working days following the expiry of the exemption by the State (or United Nations office/agency as in paragraph (b) above) in which the listed individual has stated he will be resident after completion of the exempted travel.

(g) Notwithstanding any exemption from the Travel Ban, listed individuals remain subject to the Assets Freeze and the Targeted Ban on Arms Transfers.

(h) Any changes to the information provided under paragraph (d) above, including with regard to points of transit, shall require further consideration by the Committee and shall be received by the Chair no less than five working days prior to the commencement of the travel.

(i) Any request for an extension of the exemption shall be subject to the procedures set out above and shall be received by the Chair in writing, with a revised itinerary, no less than five working days before the expiry of the approved exemption.

(j) The submitting State (or United Nations office/agency as in paragraph (b) above) shall inform the Chair immediately and in writing of any change to the departure date for any travel for which the Committee has already issued an exemption. Written notification will be sufficient in cases where the time of departure is advanced or postponed no more than 48 hours and the itinerary remains otherwise unchanged. If travel is to be advanced or postponed by more than 48 hours, or the itinerary is changed, then a new exemption request shall be submitted in conformity with paragraphs (b), (c) and (d) above.

(k) In cases of emergency evacuation to the nearest appropriate State, including for medical or humanitarian needs or through force majeure, the Committee will determine whether the travel is justified within the provisions of paragraph 2(a) of resolution 1844 (2008) or 11 (a) of resolution 1907 (2009), within 24 hours once notified of the name of the listed individual traveller, the reason for travel, the date and time of evacuation, along with transportation details, including transit points and destination. The notifying authority shall also provide, as soon as possible, a doctor's or other relevant national official's note containing as many details as possible of the nature of the emergency and the facility where treatment or other necessary assistance was received by the listed individual without prejudice to respect of medical confidentiality, as well as information regarding the date, time, and mode of travel by which the listed

individual returned to his/her country of residence or nationality, and complete details on all expenses in connection with the emergency evacuation.

(l) Unless the Committee otherwise decides, all requests for exemptions and extensions thereto which have been approved by the Committee in accordance with the above procedures, shall be posted in the “Exemptions” section of the Committee’s website until expiry of the exemption.

13. Other Information Supplied to the Committee

(a) The Committee will consider other information relevant to its work, including possible non-compliance with the measures imposed by the relevant resolutions, received from different sources through Member States, international or regional organisations or the Monitoring Group. The Committee will make an appeal to all States, as well as to international or regional organisations, to that effect, advising them to submit their information in communications addressed to the Chair in writing, under assurance of confidentiality. The Committee may renew the appeal as occasion warrants.

(b) The information received by the Committee will be kept confidential if the provider so requests or if the Committee so decides.

(c) With a view to assisting States in their endeavour to implement the Arms Embargo on Somalia, the Arms Embargo on Eritrea, the Assets Freeze, the Travel Ban, the Targeted Ban on Arms Transfers and the Charcoal Ban, the Committee may decide to supply information forwarded to it relating to possible non-compliance to the States concerned, and ask any such State to report to the Committee subsequently on any follow-up action undertaken.

(d) The Committee will provide Member States with an opportunity to send representatives to meet the Committee for more in-depth discussion of relevant issues or to give voluntary briefings on their efforts to implement the measures, including particular challenges that hinder full implementation of the measures.

(e) The Secretariat may forward to the Committee any information from published sources, including radio, television broadcasts and the Internet, relating to violations or alleged violations of the Arms Embargo on Somalia, the Arms Embargo on Eritrea, the Assets Freeze, the Travel Ban, the Targeted Ban on Arms Transfers or the Charcoal Ban.

14. Outreach

(a) In order to enhance the dialogue with Member States and to publicise the work of the Committee, the Chair will on a regular basis hold briefings for all interested Member States, as well as brief interested Member States and the press following formal meetings of the Committee, unless the Committee decides otherwise. In addition, the Chair may, after prior consultations and with the approval of the Committee, hold press conferences and/or issue press releases on any aspect of the Committee's work.

(b) The Secretariat shall maintain a website for the Committee which should include all public documents relevant to the Committee's work, including the Lists, relevant resolutions, public reports of the Committee, relevant press releases, reports submitted by Member States pursuant to paragraph 25 of resolution 1844 (2008), paragraphs 9 and 20 of resolution 1907 (2009), and paragraph 22 of resolution 2036 (2012) and reports of the Monitoring Group. Information on the website should be updated in an expeditious manner.

(c) The Committee may consider, as appropriate, visits by the Chair and/or Committee Members to selected countries to enhance the full and effective implementation of the measures referred to above, with a view to encouraging States to comply fully with the relevant resolutions:

i. The Committee shall consider and approve the proposal to visit selected countries, and coordinate such visits with the other subsidiary organs of the Security Council as appropriate.

ii. The Chair will contact the selected countries through their Permanent Missions in New York, and will also send letters seeking their prior consent and explaining the objectives of the trip.

iii. The Secretariat and the Monitoring Group will provide the Chair and the Committee with the necessary assistance in this regard.

iv. Upon his/her return the Chair will prepare a comprehensive report on the findings of the trip and will brief the Committee orally and in writing.
