

Procedure for exemptions under 1267/2253/2368 Sanctions Regime

Assets Freeze

I. Relevant Security Council resolutions and Committee Guidelines

The exemptions from the assets freeze are provided for by the following:

- Security Council Resolution 2368 (2017): paragraph 10 and paragraphs 81-82.
- Security Council Resolution 1452 (2002), as amended by resolution 1735 (2006)
- Committee Guidelines: Section 11

II. Who is entitled to submit the request for exemptions to the assets freeze?

Member States who intend to authorize, where appropriate, access to frozen funds or other financial assets or economic resources.

III. What type of exemptions to assets freeze can be requested?

There are two types of exemptions to assets freeze:

- For basic expenses
- For extraordinary expenses

1. The basic expenses exemption

Pursuant to paragraph 1(a) of resolution 1452 (2002), as amended by paragraph 15 of resolution 1735 (2006) as well as Section 11 (d) of the Committee's Guidelines, notifications regarding the basic expenses exemption are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
3. Recipient's bank information (name and address of bank, account number)
4. Purpose of payment and justification of the determination of the expenses falling 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.
1. Amount of instalment
 2. Number of instalments
 3. Payment starting date
 4. Bank transfer or direct debit
 5. Interests
 6. Specific funds being unfrozen
 7. Other information.

2. The extraordinary expenses exemption

Pursuant to paragraph 1 (b) of resolution 1452 (2002) as well as Section 11 (d) of the Committee's Guidelines, requests for the extraordinary expenses are to be submitted for Committee's consideration and must, as appropriate, include the following information:

1. Recipient (name and address)
2. Recipient's permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List
3. Recipient's bank information (name and address of bank, account number)
4. Purpose of payment and justification of the determination of the expenses falling under the extraordinary expenses (other categories than the ones mentioned under paragraph 1(a) of resolution 1452 (2002)).
5. Amount of installment
6. Number of installments
7. Payment starting date
8. Bank transfer or direct debit
9. Interests
10. Specific funds being unfrozen
11. Other information.

Please Note that 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.

IV. How to make the request for exemptions to the assets freeze?

Please send the requests/notifications for exemptions to the assets freeze to:

- The Chair of the Committee, His Excellency Mr. Kairat Umarov, through the Permanent Mission of the Republic of Kazakhstan to the United Nations

With a copy to:

- The Secretary of the Committee, Mr. Kiho Cha Email address: SC-1267-Committee@un.org

For further details on how to apply for exemptions to the assets freeze measures in paragraph 1(a) of resolution 2368 (2017), please see the link below.

[Explanation of form and process for asset freeze exemption request](#)

V. Decision Making of the Committee

The Committee, through the Secretariat, will immediately acknowledge receipt of the basic expense notification. Should no negative decision be taken by the Committee within the requisite 3 working day period, the Committee, through its Chair, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification.

The Committee, through its Chair, will inform the Member States requesting an exemption for extraordinary expenses about its decision.

Travel Ban

I. Relevant Security Council resolutions Guidelines of the Committee

The exemptions to the travel ban are provided for by the following:

- Resolution 2368 (2017): paragraph 1(b)
- Committee Guidelines: Section 12

II. What types of travel ban exemptions exist?

There are two possible exemptions from the travel ban measure:

- The travel ban does not apply where entry or transit is necessary for the fulfillment of a judicial process;
- The Committee may determine on a case-by-case basis only that entry or transit is justified.

III. Who is entitled to submit the request for exemptions from the travel ban?

Member States

The State(s) of destination, the State(s) of transit, the State of nationality, and the State of residence may submit a request through their Permanent Mission to the United Nations. 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.

Listed individuals

Listed individuals, groups, undertakings and entities may submit exemption requests pursuant to the Focal Point mechanism established by resolution 1730 (2006), pursuant to paragraph 82(b) of resolution 2368 (2017). The Focal Point will transmit the request to the Committee to determine, on a case-by-case basis whether the travel is justified.

IV. What should be included in the request for exemption from the travel ban?

Each request for exemption pursuant to paragraph 1(b) of resolution 2368 (2017) must be submitted in writing, and should include the following information:

1. the permanent reference number on the ISIL (Da'esh) & Al-Qaida Sanctions List, full name, nationality, passport number or travel document number of the listed individual;
2. the purpose of and justification for the proposed travel, with copies of supporting documents, including specific details of meetings or appointments;
3. the proposed dates and times of departure and return;
4. the complete itinerary and timetable, including for all transit stops;
5. details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels;

6. all proposed uses of funds or other financial assets or economic resources in connection with the travel. Such funds may only be provided in accordance with the procedures for obtaining an exemption to the assets freeze, which can be found here [hyperlink to assets freeze exemption], and in section 11 of the Guidelines.
7. Each travel ban exemption request shall be received by the Committee Chair or the Focal Point as early as possible but not less than fifteen working days before the date of the proposed travel, except where humanitarian consideration requires a shorter period.

V. How to make requests for exemptions from the travel ban?

Member States

Please send the requests for exemptions from the travel bans to the Chair of the Committee, with copy to Secretary of the Committee.

Listed individuals

Please send the requests for exemptions from the travel bans to:

- The Focal Point, Security Council Subsidiary Organs Branch
 - Address: Room DC2 2034, United Nations, New York, N.Y. 10017, United States of America : Fax: +1 212 963 1300: Email: delisting@un.org

With a copy to the Secretary of the Committee, Email: SC-1267 Committee@un.org

Once the Committee has approved a request for exemption from the travel ban, the Secretariat will 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 traveling, and any transit State, as well as any United Nations office/agency involved, to inform them of the approved travel, itinerary and timetable.

VI. Request for an extension of the exemption from the travel ban

Any request for an extension of the exemption is subject to the procedures set out above and need to be received by the Chairman in writing, with a revised itinerary, no less than **five working days before the expiry of the approved exemption**.

VII. Changes to the approved exemption from the travel plan

Any changes to the information provided in the request, including with regard to points of transit, require further consideration by the Committee and need to be received by the Chairman no less than **three working days prior** to the commencement of the travel.

The submitting State (or United Nations office/agency) will 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.

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 1(b) of resolution 2368 (2017), within 24 hours once notified of the name of the listed individual traveler, the reason for travel, the date and time of evacuation, along with transportation details, including transit points and destination. The notifying authority also needs to 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.

VIII. After the travel

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