

The National Committee on Counter-Terrorism

Decision No. (01/2022)

On Issuing Procedures for the Implementation of Security Council Resolutions Issued Under Chapter VII of the United Nations Charter on the Prevention and Suppression of Terrorism and its Financing and the Prevention and Suppression of WMD Proliferation and its financing

Pursuant to the Criminal Procedures Law promulgated by Royal Decree Number 97/99;

The Counter-Terrorism Law promulgated by Royal Decree Number 8/2007;

The Law on combatting money laundering and the financing of terrorism promulgated by Royal Decree Number 30/2016;

The Decision of the National Committee for Counter-Terrorism no. 1/2021 on procedures for the implementation of UN Security Council Resolutions issued under Chapter 7 of the UN Charter on the prevention and suppression of terrorism and its financing and the prevention, suppression and disruption of WMD proliferation and its financing,

And in accordance with the public interest;

It is decided

Article 1: Procedures to implement Security Council resolutions issued under Chapter VII on the prevention and suppression of terrorism and its financing and the prevention, suppression and disruption of WMD proliferation and its financing shall be applied in accordance with the provisions of the below procedures.

Article 2: Decision no. 1/2021 as mentioned, and all provisions contravening this decision or inconsistent with its provisions shall be repealed.

Article 3: This decision shall be published in the Official Gazette and shall come into force as of the day following the date of its publication.

Issued on: 28 Jumadah Al-Awwal 1444 AH

Corresponding to: 22 December, 2022 AD

Major General Suleiman Bin Khalid Al Zakwani,

President of the National Counter-Terrorism Committee

**Procedures for the Implementation of Security Council Resolutions Issued Under Chapter VII
of the UN Charter on the Prevention and Suppression of Terrorism and its Financing and the
prevention, suppression and disruption of WMD proliferation and its financing**

**Chapter One
Definitions and General Provisions**

Article 1: In applying the provisions of these Procedures, the words and terms mentioned therein shall have the same meaning ascribed to them in the AML/CFT Law. The following words and expressions shall have the corresponding meaning unless the context requires otherwise:

- a- **The National Committee (NCCT):** The National Committee on Counter-Terrorism.
- b- **The TFS Committee:** The Targeted Financial Sanctions (TFS) Committee under the National Committee in charge of taking decisions related to listing on and de-listing from the national list.
- c- **Funds:** shall have the meaning set forth in Article 1 of the AML/CFT Law, and shall include virtual and electronic currency, insurance and reinsurance, all types of financial commitments, shares in the business and capital of an individual trader or company, debts and debt obligations.
- d- **Economic resources:** Assets of any kind, whether tangible or intangible, movable or immovable, actual or potential, which may be used to obtain funds, goods or services, including: equipment, furniture, fittings and fixtures; any material of a fixed nature such as vessels, aircraft and motor vehicles; inventories of goods; arts; antiquities, jewelry and gold; goods, oil and its products and derivatives, modular refineries and related material including chemicals, lubricants, minerals, timber and other natural resources; arms of any kind conventional and modern, and related materials, such as raw materials and components that can be used to manufacture improvised explosive devices; patents, trademarks, copyrights and other forms of intellectual property, internet hosting and related services.
- e- **Freezing of Funds and economic resources:** The prohibition of any transfer, conversion, disposition, alteration, use, dealing with or movement of funds or economic resources that would result in a change in their volume, amount, location, ownership, possession, nature or destination, or that would in any way enable the use of such funds or economic resources for any purpose.
- f- **Person:** A natural or legal person, including individuals, groups, and entities.
- g- **List:** includes the local list where persons are designated pursuant to a decision issued by the TFS Committee and UN lists issued by the UN Security Council or a Sanctions Committee pursuant to a relevant United Nations Security Council Resolution.
- h- **Sanctions Committee:** Any of the Sanctions Committees of the United Nations Security Council established pursuant to Security Council Resolutions 1267 (1999), 1989 and 2253 (Sanctions

Committee concerning ISIL and Al-Qaida), 1988 (2011) (Sanctions Committee of Resolution 1988), and 1718 (2006), 1737 (2006), and all successor resolutions.

- i- **Relevant United Nations Security Council Resolutions (UNSCRs):** Security Council Resolutions and procedures issued under Chapter VII of the United Nations Charter that aim to prevent and disrupt terrorism and the financing of terrorism, or are related to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing including Resolutions 1267, 1373, 1452, 2178, 2253, 2255, 1540, 1718, 1737, 1874, 2087, 2094, 2231, 2270, 2321, 2356, 2462, 1988 and all related successor resolutions and procedures.
- j- **Weapons of mass destruction (WMDs):** nuclear, biological, and chemical weapons, as defined in relevant local laws, and relevant international conventions and treaties.

Article 2:

Persons are exempted from penal, civil and administrative liability for any loss or claim resulting from freezing funds or economic resources or refusing to make them available or to provide financial services related thereto, where such an act is carried out in good faith and for the purpose of complying with the provisions of these Procedures.

Chapter Two

Freezing of Funds and Economic Resources

Article 3:

Any person shall freeze without delay within a period not exceeding 24 hours from the inclusion of a name in the list, and without prior notice, the funds and economic resources owned or controlled, directly or indirectly, wholly or jointly, by any of the following:

- a. Any person listed pursuant to Article 14 of these Procedures, or anyone who acts on behalf or at the direction of, or is owned or controlled directly or indirectly by such person; or
- b. Any person designated pursuant to a relevant UNSCR other than UNSCR 1373, or anyone who acts on behalf or at the direction of, or is owned or controlled directly or indirectly by such person.

The freezing obligation shall extend to any funds and economic resources derived or generated from funds or economic resources under subsections (1) or (2) of this Article.

The requirements under this Article do not prevent the crediting of frozen accounts with interests or other revenues due on frozen accounts, or with payments due as per contracts, agreements or commitments that arose before the date on which such accounts became subject to the

freezing decision, provided that such credits are subject to immediate freezing and the National Committee is notified thereof.

Article 4:

Without prejudice to the provisions of Chapter Three of these Procedures, it is prohibited for any person within Oman's jurisdiction or any Omani national abroad to provide or to make funds or economic resources available, or provide financial or other related services to, or for the benefit of a listed person, whether directly or indirectly, wholly or jointly, or through an entity owned or controlled directly or indirectly by the listed person, or a person acting on behalf or at the direction of a listed person.

Article 5:

In case of freezing in line with Article (3) of these Procedures, the person that implemented the freezing measure shall notify the National Committee within 24 hours from taking such a measure of such, and of the actions taken in relation to such funds or economic resources in compliance with the requirements under these Procedures, including in relation to any attempted transactions, and the details of the nature and quantity of frozen funds or economic resources, and any other information that would facilitate compliance with these Procedures. The National Committee shall coordinate with the supervisory or other competent authority to verify the accuracy of the information provided.

Article 6:

Financial institutions, DNFBPs, NPOs and supervisory authorities shall abide by the following:

- a. Inform the National Committee as soon as they know or suspect that a former or current customer, or any person with whom they have or had dealings in any way, or any person that attempted to deal with them, is a listed person, or that funds or economic resources are subject to a freezing measure under Article 3 of the present Procedures.
- b. Refrain from notifying or informing the person or others of their intention to implement freezing measures.
- c. Provide the National Committee with all information available to them on the status of funds and economic resources of the persons designated under Article (3) of the present Procedures, and any action taken with respect to such, the nature and quantity of frozen funds or economic resources, and any other information that is relevant, or that would facilitate compliance with these procedures. The National Committee shall verify the accuracy and validity of the information provided in the way it deems appropriate. The National Committee shall send this information to competent authorities to take necessary procedures in that regard.

- d. Regularly and in all cases immediately following any changes to the list, screen databases of customers and beneficial owners, business relationships and transactions against the lists of designated persons, groups and entities.

Chapter Three

Exemptions from Freezing Measures

Article 7:

Any person that is affected by a freezing measure under Article (3)(a) of these Procedures may submit a written request to the TFS Committee to lift or amend the freezing measure.

Article 8:

Any person affected by a freezing decision pursuant to Article (3)(b) of the present procedures, may submit a written request to the TFS Committee to lift or amend the freezing measure. The TFS Committee shall make a decision regarding such request. In all cases, the decision of the TFS Committee shall be limited to lifting or amending the freezing measure against funds and economic resources when the requestor is not the person covered by the mentioned paragraph, and when the requestor is not listed pursuant to a relevant UNSCR other than UNSCR 1373. The decision to amend or lift a freezing measure must in all cases be limited to funds and economic resources that should not have been subject to freezing in the first place.

Article 9:

Any person whose funds or economic resources were frozen pursuant to Article (3) of the present Procedures and any person affected by the freezing measure, may submit a written request to the TFS Committee to obtain an authorization to access such frozen funds or economic resources partly or fully, for the purposes of covering the following basic expenses:

- a. paying for necessary or basic expenses, including payments for foodstuff, medicines and medical treatment, rent and mortgage, taxes, insurance premiums, public utility service fees such as water, electricity, gas, and telecommunications, within reasonable limits;
- b. paying for professional fees and expenses associated with safekeeping and maintenance, and those related to the provision of legal services, within reasonable limits;
- c. Paying for fees or service charges for the management of frozen funds or economic resources.

Authorization to access such funds or economic resources shall only be granted upon express approval by the TFS Committee. In the case of funds and resources frozen pursuant to the UN List, the National Committee shall notify the UN Security Council or its relevant Sanctions Committee of the Committee's intent to grant the request, and may approve access to such funds or economic resources only if the UN Security Council or relevant Sanctions Committee does not object to this within 5 working days from the date they received the notification by the National Committee.

Article 10:

Any person whose funds or economic resources were subject to freezing measures under Article (3) of these Procedures and any person affected by freezing or restrictions under Article (4) of these Procedures may submit a written request to the TFS Committee to obtain an authorization to access such frozen funds and economic resources partly or wholly to cover extraordinary expenses. In the case of funds and resources frozen pursuant to a relevant UNSCR other than UNSCR 1373, the National Committee shall notify the UN Security Council or its relevant Sanctions Committee – as the case may be -, and may grant the authorization only upon receiving an express approval by the UN Security Council or the relevant Sanctions Committee to do so.

Article 11:

The TFS Committee shall decide on requests submitted to it in line with the provisions of this Chapter within 30 days from the date on which the complete request was filed. The request shall be deemed rejected in case such period expires without the TFS Committee issuing a response. An applicant may appeal a rejection decision before the National Committee within a period of (30) days of the applicant's knowledge of the rejection decision. The National Committee shall take its decision on the grievance within sixty (60) days from the date of submission and its decision shall be final.

In case the TFS Committee approves the request, it may include in its authorization any conditions and restrictions it deems necessary to prevent the use of funds and economic resources for terrorism financing or financing WMD proliferation.

Article 12:

The TFS Committee may revoke an authorization at any time if facts indicate that the funds or economic resources subject to the authorization to access frozen funds may be used – partially or fully – for terrorism, terrorism financing or proliferation financing purposes.

Article 13:

With respect to freezing measures pursuant to UN Security Council Resolutions 1737 and continued by UN Security Council Resolution 2231, or freezing measures taken pursuant to UN Security Council Resolution 2231, the freezing measure applied under Article (3) shall not prevent a designated person or entity from making any payment due under a contract that was entered into before the date of the listing, provided that:

- a. The TFS Committee has verified that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokerage or services referred to in UNSCR (2231) and its successor resolutions.
- b. The TFS Committee has determined that the payments are not directly or indirectly received by any person subject to the measures set out in paragraph 6 of Annex B to UNSCR (2231); and
- c. The National Committee has notified the United Nations Security Council of its intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds or economic resources for this purpose, 10 working days prior to the date decided for such measure.

Chapter Four**Listing on and De-listing from the Local List****Article 14:**

Designation criteria on the local freezing list shall apply in line with UN Security Council Resolution 1373. The TFS Committee, either on its own motion or based on the request of any foreign entity, shall designate on the local list any person in relation to whom there are reasonable grounds to suspect or believe that they have committed or are attempting to commit a terrorist act, or participating in or facilitating the commission of a terrorist act; and any person directly or indirectly owned or controlled by such person; and any person acting on behalf or at the direction of such person.

Article 15:

The TFS Committee may request any information regarding any person to determine whether such person shall be listed on the local list pursuant to Article (14) of the present Procedures. The National Committee, the TFS Committee, and their members shall be prohibited from notifying any person whose designation is being considered of that fact.

Article 16:

When a request is received to designate a person on the local list from a foreign entity, the National Committee shall promptly refer the request to the TFS Committee for consideration. The National Committee may request that the requesting foreign entity provides as much identifying information, and specific information supporting the designation request as possible, such as: the proposed name, sufficient identifying information to allow for the accurate and positive identification of such person, and specific information supporting a determination that the person is among those identified under Article (14) of these Procedures. The TFS Committee shall issue any associated listing decision.

Article 17:

The TFS Committee shall designate a person pursuant to Article 14 of the present Procedures without prior notice to such person. A designation shall not be conditional upon the existence of any criminal proceedings against such person, such as an investigation, prosecution or other. The National Committee shall notify financial institutions, designated non-financial businesses and professions, NPOs, supervisory authorities and competent entities of the listing decision and the listing decision must be published in the Official Gazette.

Article 18:

The National Committee may request any foreign entity to give effect to a freezing or designation measure that it has taken pursuant to the provisions of the present procedures. When transmitting such request, as much identifying information, and specific information supporting the designation as possible shall be conveyed, including: the name of the proposed person, any necessary information to allow for the accurate and positive identification of persons, and supporting a determination that the person is among those identified in Article (14) of these Procedures.

Article 19:

Any person designated pursuant to Article (14) of the present Procedures may file a written request to the TFS Committee for de-listing. The TFS Committee shall make a decision regarding such request within 30 days from the date of submitting the complete request. The request shall be deemed rejected in case the said period expires without receiving a reply. An applicant may appeal a rejection decision before the National Committee within 30 days of their knowledge of the rejection decision. The National Committee shall make a decision regarding such appeal within 60 days from the date of submitting the complete request and its decision shall be final. When the request is approved, the following procedures shall apply:

- a- The TFS Committee shall de-list the person and lift the freezing measure on all their frozen funds and economic resources, with the publication of such decision in the Official Gazette.

- b- The National Committee shall immediately notify all financial institutions, DNFBPs, NPOs, and competent authorities of a decision to de-list a person from the local list. Such entities must lift freezing measures taken against the funds and economic resources of that person within a period not exceeding 24 hours from the date of notification.

Article 20:

The National Committee shall serve written notice to the person of the decision to list or de-list from the local list according to the following:

- a- Notice for listing on the local list: including facts that can be published consisting of reasons for listing, rules and procedures to request de-listing.
- b- Notice for de-listing from the local list: including reasons for de-listing.
- c- Notification shall be made in the following manner:
 1. If the person resides in Oman, they shall be notified directly or through email, or any other available means.
 2. If the person does not reside in Oman, they shall be notified via the Ministry of Foreign Affairs to the representative of the foreign government where the person is domiciled or located.
 3. If the whereabouts of the person are unknown, they shall be notified via the Ministry of Foreign Affairs to the government representative of the State of which the person is a national.

Chapter Five

Proposing Listing on or De-listing from the UN List

Article 21:

Designation criteria on the UN list shall apply in line with UN Security Council Resolutions: 1267 (1999), 1989 (2011), 1988 (2011), 1718 (2006), 2231 (2015) and all successor resolutions related to designation criteria. The National Committee shall disseminate UN lists to financial institutions, DNFBPs and competent supervisory authorities.

Article 22:

In cases where the National Committee has reasonable grounds to believe that a person meets the designation criteria set out in a relevant UNSCR other than UNSCR 1373, it shall propose that the Security Council or relevant Sanctions Committee list a person on the UN List, according to the following:

- a- The proposal shall be made without prior notice to the proposed person and shall not be conditional upon the existence of criminal procedures against the proposed designee, such as an investigation, prosecution or others.
- b- The proposal shall be made according to the procedures and the designation forms adopted by the United Nations Security Council or the relevant Sanction Committee; and
- c- The proposal shall include as much information as possible in the request related to the proposed designee, a statement of case and the details based on which the request is presented. It shall also specify whether the Sultanate may be identified as the requesting State or not.

The National Committee may request information and data it deems necessary from any person or competent entity to determine whether any person shall be proposed for designation under this Article. Any such measures shall be taken without prior notice to the party concerned.

Article 23:

Any person designated on the UN list that holds the Omani nationality or has a place of business or residence in Oman may submit a request for de-listing to the National Committee, in line with the procedures adopted by the UN Security Council and the relevant Sanctions Committee. The National Committee shall determine whether the person meets the designation criteria under Article 21. If this is not the case, the National Committee may submit a de-listing request to the UN Security Council or relevant Sanctions Committee, as the case may be, and in line with applicable procedures adopted by the 1267 or 1988 Committees, as appropriate. In the case of designations pursuant to UNSCR 1267, designated persons may also contact the UN Ombudsperson or UN Focal Point directly where available.

The National Committee shall subsequently facilitate review by the 1267 or 1988 Committees, as appropriate, in accordance with any applicable guidelines or procedures, including those of the Focal Point, as the case may be.

Chapter Six

Obligations of FIs, DNFBPs and NPOs

Article 24:

Financial institutions, DNFBPs and NPOs shall implement the provisions of these Procedures and shall specifically undertake the following:

- 1- Regularly and continuously monitor changes and updates to the lists and screen internal databases against the list.

- 2- Adopt and effectively implement internal controls and procedures to ensure compliance with the obligations arising from these Procedures.

Article 25:

Competent supervisory authorities and relevant stakeholders, in coordination with the National Committee, shall provide FIs, DNFBPs and NPOs with guidance and instructions related to their obligations and the manner of implementation of the present Procedures; They shall also communicate any listings to FIs and DNFBPs.

Article 26:

Competent supervisory authorities, in coordination with the National Committee, shall verify compliance of FIs, DNFBPs and NPOs with the provisions of these Procedures and shall, as part of their supervisory engagement and onsite inspections:

- a. verify that financial institutions and DNFBPs have in place and effectively implement internal controls and procedures to ensure full compliance with the obligations arising from these Procedures;
- b. verify that financial institutions and DNFBPs have and effectively implement measures and systems to screen client databases against the list of designations, and that the systems allow for the detection of customers and beneficial owners that are subject to targeted financial sanctions;
- c. determine whether and how many cases have been identified by a financial institution or DNFBP where a customer or beneficial owner was a designated person or entity;
- d. determine whether any targeted funds or property has been identified and frozen by a financial institution or DNFBP and whether relevant reports were filed with the National Committee as required under these Procedures;
- e. determine whether financial institutions and DNFBPs have policies and procedures in place that prohibit employees and officers from informing the customer, beneficial owner or any third party in advance that a freezing measure is to be applied.
- f. report their supervisory findings to the National Committee in writing on an annual basis except in cases where violations are detected in which case the National Committee shall be notified immediately.
- g. cooperate and provide information, whenever requested, to the TFS Committee and the National Committee.

Chapter Seven

Administrative Sanctions

Article 27:

Without prejudice to any harsher sanction prescribed by the AML/CFT Law or any other law, whoever violates the provisions of Articles (3) and (4) of these Procedures shall be punishable with an administrative fine of no less than OMR 10,000 and no more than the equivalent value of frozen funds or economic resources. Whoever violates the other provisions of these Procedures shall be punishable with an administrative fine of no less than OMR 5,000 and no more than OMR 20,000.

Article 28:

In addition to the administrative fines stipulated in Article 27, in cases of a violation by financial institutions, DNFPs or NPOs of any of their obligations under Articles 6 and 24 of these procedures, supervisory authorities may impose any of the sanctions under Article 52 of the Law. In any case, the National Committee shall be informed of the sanctions imposed.