

PROCEDURES FOR FREEZING ASSETS OF DESIGNATED TERRORIST OR TERRORIST ORGANIZATIONS

It is a requirement of UNSCR 1373 that funds and assets of persons designated as a terrorist or terrorist organization is frozen without undue delay. The following outlines the procedure that is adopted in giving effect to the captioned resolution:

- I. The United Nations forwards to Dominica via diplomatic channels through the Ministry of Foreign Affairs, the names of persons designated by the UN as terrorists or terrorist organisations.
- II. Upon receipt of the names of persons designated by the UN as terrorists or terrorist organisations, the Ministry of Foreign Affairs shall immediately forward the names to the following entities:
 - a) The Financial Intelligence Unit(FIU);
 - b) The Financial Services Unit (FSU); and
 - c) The Attorney General.
- III. The Financial Intelligence Unit shall with the cooperation of the Financial Services Unit gather the necessary intelligence with a view to verifying and confirming, using independent and other appropriate sources that the persons listed in the UNSCR Diplomatic Note have in fact been designated terrorists or terrorist organisations/groups. The necessary verification information includes the following:
 - a) Name of individual or organisation;
 - b) Date of birth/ registration/incorporation;
 - c) Place of birth/ registration/incorporation;
 - d) Name of directors (where applicable);
 - e) Passport number;
 - f) Address;
 - g) Telephone number;
 - h) Citizenship;
 - i) Ethnicity;
 - j) Name of parents/siblings;
 - k) Nature of the terrorist activity; and
 - l) Any other relevant information.
- IV. Following this verification process, the Financial Intelligence Unit shall then promptly provide the Minister of National Security, the Attorney General and the Financial Services Unit with the names of the persons confirmed on reasonable grounds as terrorists or terrorist organisations.
- V. The Minister of National Security shall upon receipt of the confirmed names from the FIU, immediately begin the preparation of a designation order in respect of each named individual or organisation pursuant to section 11 of the Suppression of the Financing of Terrorism Act No. 3 of 2003 as amended ('the Act').

- VI. As soon as the designation process has begun, The Financial Services Unit (FSU) shall immediately forward via email, facsimile, post or hand delivery (*whichever is most time efficient*), the UN designated names which were confirmed on reasonable grounds, to all Financial Institutions and Designated Non-Financial Businesses and Professionals (DNFBPs) for their urgent and immediate action.
- VII. Upon receipt of the UN designated names from the FSU, each Financial Institution or DNFBP shall immediately and not later than the end of that business day, conduct a verification process against its client list and client information to ascertain whether any UN Designated entity is within its client base.
- VIII. Where a Financial Institution or DNFBP finds that a UN designated terrorist or terrorist organisation is in fact one of its clients, it should immediately place a temporary hold on the entity's account for a period not exceeding three (3) business days.
- IX. The Financial Institution or DNFBP should also immediately inform the FIU, the FSU and the Attorney General of such a finding and the action taken.
- X. Once the Designation is made, the Minister of National Security shall by Order, promptly (no later than the second day of the three business days period), publish in the Gazette the names of the persons or organisations designated as a terrorist or terrorist organisation and shall include in the publication as far as possible, the identifying information of each designated entity.
- XI. Upon publication of the order, the Attorney General shall make an ex parte application for a freezing order without delay [*within two (2) hours of*] *as soon as practicable after the publication* and in any case before the expiration of the three (3) day period.
- XII. The application for a freezing Order must be supported by affidavit and shall include the following details:
- a. A brief explanation of the grounds for the application;
 - b. The identifying details of the designated terrorist or terrorist group;
 - c. The name and address of the relevant Financial Institution or DNFBP;
 - d. The identifying details including value of the assets to be frozen;
 - e. Evidence of risk of dissipation of assets.
- XIII. Once the Freezing Order has been obtained it must be served upon the relevant parties.
- The Freezing Order mandates the freezing of any account, funds or other assets held on behalf of a designated terrorist or terrorist organisation by virtue of their ownership or control including funds or assets which are not*

... tied to any particular terrorist act, plot or threat. This Order shall be effective for three months unless revoked by an order of the court.

- XIV. Any Financial Institution or DNFBP that has been served with a Freezing Order shall:
- a) Immediately, without delay freeze any funds or assets held by them on behalf of an individual or entity named in that Order;
 - b) Notify the holder of the account or owner or controller of the asset(s) that the account or asset(s) has been frozen and the reasons for such action;
 - c) Immediately provide the office of the Attorney General with notice of the action taken and the identification details of the designated terrorist and the assets that were frozen;
 - d) Promptly file a suspicious transaction report to the Financial Intelligence Unit detailing all the circumstances surrounding the relevant account, the account holder and the action taken; and
 - e) Not deal with the funds or assets in any way until further instructed by the Attorney General or an order of the court.