

EXECUTIVE INSTRUMENT

E.I. 2

INSTRUCTIONS FOR THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), SUCCESSOR RESOLUTIONS AND OTHER RELEVANT RESOLUTIONS

WHEREAS the Republic of Ghana has enacted the Anti-Money Laundering Act, 2008 (Act 749), the Anti-Terrorism Act, 2008 (Act 762) and the Economic and Organised Crime Office Act, 2010 (Act 804); the Anti-Money Laundering Regulations, 2011 (L.I. 1987); the Anti-Terrorism Regulations, 2012 (L.I. 2181) and the Economic and Organised Crime Office (Operations) Regulations, 2012 (L.I. 2183);

WHEREAS section 42 of the Anti-Terrorism Act, 2008 (Act 762) is to be read as one with the Criminal Offences Act, 1960 (Act 29);

WHEREAS the Republic of Ghana is committed to the fight against money laundering, financing of terrorism and financing the proliferation of weapons of mass destruction and other transnational organised crime;

NOW THEREFORE, in exercise of the power conferred on the Attorney-General and Minister for Justice by section 37A of the Anti-Terrorism Act, 2008 (Act 762) this Instrument is made this 15th day of February, 2013.

*Authorities for implementation***Implementation Committee**

1. (1) There is established by this Instrument an Anti-Money Laundering and Counter Financing of Terrorism Inter-Ministerial Committee which is responsible for the implementation of the United Nations Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and other relevant Resolutions.

(2) The Committee consists of

- (a) the Minister responsible for Finance and Economic Planning,
- (b) the Minister responsible for Foreign Affairs,
- (c) the Minister for the Interior,
- (d) the Attorney-General and the Minister for Justice,
- (e) the National Security Coordinator,
- (f) the Deputy Chief of Staff of the President, and
- (g) the Governor of the Bank of Ghana.

(3) The Minister responsible for Finance and Economic Planning is the chairperson of the Committee.

Functions of the Committee

2. (1) The Committee shall

- (a) establish and maintain a Domestic List;
- (b) perform the functions connected with the implementation of Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and other relevant Resolutions according to the procedure provided for in these Instructions;
- (c) co-ordinate with competent authorities and authorised parties for the purposes of implementing the obligations under Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and other relevant

Resolutions regarding, among others, the banning of travel, granting of visa and purchase of arms by the individuals, entities and organisations to whom the provisions of these Instructions apply; and

- (d) supervise the implementation of the National Strategy and Action Plan on Combating Money Laundering, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction.

(2) The Committee may co-ordinate with the relevant regulatory agency, supervisory body, security and intelligence agency, law enforcement agency and any other persons concerned with the implementation of the provisions of these Instructions.

Powers of the Committee

3. The Committee has the powers connected with the implementation of Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and other relevant Resolutions and may issue directives that are necessary for the implementation of these Instructions.

Establishment of sub-committees

4. (1) For the purposes of the implementation of these Instructions, the Committee shall establish a sub-committee to be known as the Law Enforcement Coordinating Bureau and may establish any other sub-committee that it considers necessary.

(2) The Bureau shall comprise one representative each of the following:

- (a) the National Security Council Secretariat;
 - (b) the Bank of Ghana;
 - (c) the Attorney General's Department;
 - (d) the Bureau of National Investigation;
 - (e) the Financial Intelligence Centre;
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- (f) the Ghana Immigration Service;
- (g) the Economic and Organised Crime Office;
- (h) the Ghana Armed Forces;
- (i) the Ghana Police Service;
- (j) the Ghana Maritime Authority;
- (k) the Securities and Exchange Commission;
- (l) the National Insurance Commission;
- (m) the Ghana Revenue Authority;
- (n) the Ghana Airports Company Limited;
- (o) the Ministry responsible for Foreign Affairs.

(3) The Bureau shall be chaired by the National Security Co-ordinator.

(4) The Bureau is responsible for the day-to-day implementation of these Instructions.

(5) The Bureau shall perform any other functions that the Committee may direct.

Meetings of the Committee

5. The meetings of the Committee shall be conducted in the manner provided for in the Schedule.

Confidentiality

6. (1) A person who has information obtained in pursuance of these Instructions shall not disclose that information except with lawful authority.

(2) For the purposes of subsection (1), information is disclosed with lawful authority only if and to the extent that

- (a) the disclosure is made by the Committee or authorised by the Committee,
- (b) the disclosure is made by the designated person or made with the consent of the designated person,
- (c) the disclosure is necessary to give effect to a requirement imposed under or by virtue of these Instructions or any other enactment, or

(d) the disclosure is required by the Committee or order of the High Court.

(3) This section does not prevent the disclosure of information that is, or has been available to the public from other sources.

(4) The High Court may

- (a) on the application of the designated person who is the subject of the information, or
- (b) on the application of the Minister, grant an injunction to prevent a breach of subsection (1).

Dissemination of United Nations Sanctions List

Listing or de-listing of terrorist individual, entity or organisation

7. (1) The Minister responsible for Foreign Affairs shall, in accordance with regulation 5(1) of the Anti-Terrorism Regulations, 2012 (L.I. 2181), without delay, forward to the Minister the listing or de-listing of any individual, entity or organisation by the United Nations Security Council in accordance with Chapter VII of the United Nations Charter as subject to financial sanctions or other restrictions related to terrorism or proliferation of weapons of mass destruction and particularly to the freezing of assets.

(2) The Minister shall, in accordance with regulation 5(2) of the Anti-Terrorism Regulations, 2012 (L.I. 2181), without delay, disseminate the information specified in subsection (1), to competent authorities and cause the listing or de-listing of a terrorist individual, entity or organisation under any United Nations Sanctions regime to be published in the *Gazette*.

(3) For the purposes of these Instructions, competent authorities include

- (a) the Bank of Ghana;
- (b) the National Insurance Commission;
- (c) the Securities and Exchange Commission;

- (d) the Customs Division of the Ghana Revenue Authority;
- (e) the Ghana Immigration Service;
- (f) the Ghana Real Estate Developers Association;
- (g) the General Legal Council;
- (h) the Institute of Chartered Accountants;
- (i) the Gaming Commission;
- (j) the Precious Minerals and Marketing Company;
- (k) the Financial Intelligence Centre;
- (l) the Narcotics Control Board;
- (m) the Economic and Organised Crime Office;
- (n) the Ghana Police Service; .
- (o) the National Security Council Secretariat; and
- (p) any other institution that the Minister may determine.

(4) A competent authority shall, in accordance with regulation 5(4) of the Anti-Terrorism Regulations, 2012 (L.I. 2181), without delay, inform and direct authorised persons which or who the competent authority supervises, represents or licenses to, without delay, review their records to determine whether the authorised person is holding funds or assets of a designated person and freeze those funds or other assets without delay.

Freezing Measures

Power of the Centre to freeze terrorist funds and other assets

8. (1) Without limiting section 7 of this Instrument, the Chief Executive Officer of the Centre shall, on receipt of the United Nations Consolidated List, as a preventive measure, through an order in written form, electronic mail or any other means of communication, cause to be frozen without delay the funds and other assets of a designated person on the List and ensure that no funds or other assets are made available, directly or indirectly, to or for the benefit of that designated person.

(2) The freezing of funds or other assets at the instance of the Chief Executive Officer of the Centre is valid for seven days and shall extend to

- (a) funds or other assets wholly or jointly owned or controlled, directly or indirectly, by a designated person, a terrorist, a person who finances terrorism or a terrorist organisation; and
- (b) funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by a designated person, a terrorist, a person who finances terrorism or a terrorist organisation.

(3) The Chief Executive Officer of the Centre shall, without delay, report the freezing to the Attorney-General and Minister for Justice.

(4) The Minister shall, within forty eight hours after receipt of the report from the Chief Executive Officer, apply by motion ex-parte for an order from the High Court under regulations 5 (6) and 6 (1) of the Anti-Terrorism Regulations, 2012 (L.I. 2181) for the freezing of the funds of the designated person under section 5 (2) of the Anti-Terrorism Act, 2008 (Act 762) and the High Court shall, on hearing the motion, order the freezing of the funds.

(5) Where the High Court issues an order to freeze funds and other assets of a designated person, the Minister shall, without delay, inform the competent authorities, including the Minister responsible for Foreign Affairs and, without delay, publish the order in the *Gazette*.

(6) The Minister responsible for Foreign Affairs shall, without delay, submit a report to the relevant Sanctions Committee on the freezing of funds and other assets of a designated person.

(7) The Centre shall disseminate information on the action taken to local and foreign competent authorities, including Financial Intelligence Units and other entities, who are responsible for counter-terrorism and counter-financing of terrorism matters.

(8) In this Instrument, a freezing order by the Court made in furtherance of a United Nations Consolidated List shall be for an indeterminate duration unless the inclusion of an affected party in the United Nations Consolidated List is successfully challenged by that affected party at the United Nations or that party is de-listed by the United Nations.

(9) In this Instrument, a freezing of funds or other assets at the instance of the Centre shall lapse immediately after the High Court has issued the Order to freeze the funds or other assets, and not later than after the publication of the Order in the *Gazette*.

Freezing of funds or other assets

9. Where an authorised person receives the United Nations Consolidated List, the authorized person shall, where applicable, without delay and without prior notice to the designated person or any other person that may be associated with the designated person

- (a) review its records to determine whether the authorized person is holding funds or other assets of the designated person and, without delay, freeze those funds or other assets,
- (b) take any other action that will give effect to the United Nations Security Council Resolutions 1267, 1373, 1718, 1737, successor Resolutions and other relevant Resolutions, and
- (c) submit a written report regarding the frozen funds or other assets, as well as other action taken on receipt of the List to the Centre and the Committee.

Denial of access to frozen funds or other assets

10. (1) A person shall not make any funds or other assets that are frozen available, directly or indirectly, to or for the benefit of a designated person.

- (2) For the purposes of subsection (1)
 - (a) funds or other assets are made available for the benefit of a designated person if that designated person obtains, or is able to obtain, a significant financial benefit, and
 - (b) "financial benefit" includes the discharge of a financial obligation for which the designated person is wholly or partly responsible.
- (3) Subsection (1) does not apply to any portion of frozen funds or other assets that have been determined by the Sanctions Committee to be necessary for
 - (a) basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after the Minister has given notice to the Sanctions Committee of the intention to authorise, where appropriate, access to those funds, assets or resources and in the absence of a negative decision by the Sanctions Committee within forty-eight hours of the notice; or
 - (b) extraordinary expenses, provided that notice of the determination has been given by the relevant Minister to the Sanctions Committee and the determination has been approved by the Sanctions Committee.

Dealing with funds or other assets

11. (1) A person shall not deal with funds or other assets owned, held or controlled by a designated person if the person knows, ought to know or has reasonable cause to suspect, that the person is dealing with funds or economic resources of a designated person.

(2) For purposes of subsection (1) "deal with" means

(a) in relation to funds,

- (i) use, alter, move, allow access to, or transfer, the funds,
- (ii) deal with the funds in any other way that would result in a change in their volume, amount, location, ownership, possession, character or destination, or
- (iii) make any other change that would enable use of the funds, including by way of, or in the course of, portfolio management, or

(b) in relation to other assets, exchange, or use in exchange, for funds, goods or services.

Exceptions

12. (1) The restrictions in sections 10 and 11 do not apply if the person credits a frozen account with

- (a) interest or other earnings due on the account,
- (b) a payment due under a contract, an agreement or an obligation that was concluded or arose before the freezing of the account, or
- (c) a payment in favour of a designated person,

where the interest, other earnings and payments are subject to the assets freeze.

(2) The restrictions in sections 10 and 11 do not prevent a relevant institution from crediting a frozen account where it receives funds transferred to the account.

(3) The restriction in section 11 is not contravened where a payment

- (a) is a benefit under or by virtue of a relevant enactment irrespective of the name or nature of the benefit, and
- (b) is made to a person who is not a designated person, whether or not the payment is made in respect of a designated individual terrorist, entity or organisation.

(4) A competent authority shall, without delay, inform the Committee and the Centre if the competent authority credits a frozen account with a payment referred to in subsection (1)(b) or in the circumstances referred to in subsection (2).

Authorisation of access to frozen funds for basic expenses

13. (1) The Court may, on application by a person affected by a freezing order, make an order to authorise access to the frozen funds or assets where the Court is, on reasonable grounds, satisfied that the access is required, to provide for

- (a) the reasonable living expenses of the person; or
- (b) a specified public debt incurred in good faith by the person.

(2) The reasonable living expenses of a person affected by a freezing order include

- (a) the reasonable living expenses of the dependants of that person; and
- (b) the reasonable basic expenses of the person such as the payment of Court fees and service charges.

(3) The court shall not exercise its discretion to exclude an amount unless it is satisfied that the person cannot meet the expenses out of funds or other assets that are not subject to the freezing order and the court determines that it is in the interests of justice to make that exclusion.

Procedure for challenge of freezing order

14. (1) A person aggrieved by a freezing order made under section 8 may submit a petition, for the name of the person to be removed from the United Nations Consolidated List, to the relevant Sanctions Committee or the focal point or Office of the Ombudsperson appointed by the Secretary-General of the United Nations for a review of the decision.

(2) On removal by the United Nations of the name of a designated person from the United Nations List, the designated person may, on giving prior written notice to the Minister and the Chief Executive Officer of the Centre, apply to Court for a revocation of the freezing order.

(3) Where the Court determines that a person or entity on the United Nations Consolidated List has been de-listed by the United Nations, the Court shall revoke the freezing order.

(4) Where the Court revokes the freezing order, the Chief Executive Officer of the Centre shall direct any institution, business or individual that has custody of frozen funds or other assets belonging to the designated person to unfreeze the funds or other assets of the designated person.

Matters relating to third party requests

Third party requests

15. (1) The Minister is responsible for receiving third party requests, identifying and assessing candidates for listing.

(2) An individual, a foreign or international entity or organisation, referred to in this Instrument as a third party, that has reasonable grounds to believe that a person, entity or organisation deserves to be listed as a designated person may request the Minister through the Minister responsible for Foreign Affairs to cause that person to be listed as a designated person.

(3) Where the Minister responsible for Foreign Affairs receives a request from a third party for listing of a person or organisation as a designated person, the Minister responsible for Foreign Affairs shall, by written and electronic means, without delay inform the Minister of the request.

(4) The Minister shall after receipt of the information, without delay forward the information by written and electronic means to the Centre and direct the Chief Executive Officer, as a preventive measure, to cause the funds and other assets of the person, entity or organisation to whom or to which the request relates to be frozen for seven days.

(5) The Minister shall, in accordance with section 19 of the Anti-Terrorism Act, 2008 (Act 762), apply to the High Court without prior notice to the person, entity or organisation against whom the request has been made for an order to

(a) declare the person, entity or organisation to be a designated person, and

(b) confirm the freezing of funds and other assets of the designated person.

(6) Where the Court declares a person, entity or organisation to be a designated person, the Minister shall, after the declaration, without delay, place the name of the designated person on the Domestic List.

(7) Where the Court issues an order to confirm the freezing of funds and other assets of a designated person, the Minister shall, without delay inform the Minister responsible for Foreign Affairs of the order and publish the order in the *Gazette*.

(8) For the purposes of subsection (7), a freezing order by the Court in respect of a third party request shall be for an indeterminate duration unless

(a) the person who has been determined to be a designated person as a result of the third party request successfully challenges the designation in Court, or

(b) the third party requests that the name of the designated person be removed from the list.

(9) The Minister responsible for Foreign Affairs shall, without delay, inform the competent authority of the third party and the Sanctions Committee on the designation of individuals, entities and organisations as designated persons and the freezing of the funds and other assets of designated persons.

(10) The Centre shall disseminate information on the action taken to local and foreign competent authorities, including Financial Intelligence Units and other entities, who are responsible for counter-terrorism and counter-financing of terrorism matters.

(11) Where the Court does not

(a) make an order that a person, entity or organisation is a designated person, or

- (b) confirm the freezing of funds or other assets, the Minister shall, without delay, inform the Centre which shall, without delay, cause the funds or other assets of the individual or entity to be unfrozen.

Domestic designation

Domestic List

16. (1) The Bureau shall

- (a) identify an individual, an entity or an organisation that the Bureau has reasonable grounds to believe to be engaged in terrorist acts, financing of terrorism or financing the proliferation of weapons of mass destruction, and of any other person who owns, controls, works in the name, for the interest or under the direction of a terrorist individual, entity or organisation or who is in any other way associated with a terrorist individual, entity or organisation;
- (b) prepare a list of the identified individuals, entities or organisations, and
- (c) submit the list to the Committee.

(2) In the discharge of its obligation under this section, the Bureau may solicit and consider information from all relevant sources and collect adequate identifier information about an individual, entity or organisation that the Bureau has reasonable grounds to suspect or to believe to be

- (a) a terrorist, or a terrorist organisation,
- (b) engaged in financing terrorism or a terrorist organisation, or
- (c) engaged in financing the proliferation of weapons of mass destruction.

(3) For the purposes of this section, identifier information includes

- (a) names of persons and families, false names, titles and spelling;
- (b) places and dates of birth;
- (c) original or acquired nationality;

- (d) identification or passport numbers;
- (e) sex;
- (f) addresses;
- (g) occupations;
- (h) the number on the Consolidated List,
- (i) telephone numbers; and
- (j) any other relevant information.

(4) Where the Committee is satisfied with the list, the Committee shall approve the list for inclusion in the Domestic List.

Freezing of funds or other assets of Domestic Listed persons

17. (1) The Chief Executive Officer of the Centre shall, on receipt of the Domestic List, as a preventive measure, cause to be frozen without delay the funds and other assets of a person, entity or organisation on the List and ensure that no funds or other assets are made available, directly or indirectly, to or for the benefit of that person, entity or organisation on the Domestic List.

(2) The freezing of funds or other assets at the instance of the Chief Executive Officer of the Centre shall extend to funds or other assets

- (a) wholly or jointly owned or controlled, directly or indirectly, by that person, entity or organisation on the Domestic List; and
- (b) derived or generated from funds or other assets owned or controlled directly or indirectly by that person, entity or organisation on the Domestic List.

(3) The Chief Executive Officer of the Centre shall, without delay, report the freezing to the Attorney-General and Minister for Justice.

(4) The Minister shall, without delay and by motion ex-parte, seek an order from the High Court under regulation 5 (6) and 6 (1) of the Anti-Terrorism Regulations, 2012 (L.I. 2181) for the freezing of the funds under section 5 (2) of the Anti-Terrorism Act, 2008 (Act 762) of the designated person who is on the Domestic List by virtue of section 16.

(5) Where the High Court issues an order to freeze funds and other assets of a designated person who is on the Domestic List by virtue of section 16, the Minister shall, without delay, inform competent authorities, including the Minister responsible for Foreign Affairs and publish the order in the *Gazette* without delay.

(6) For the purposes of subsection (5), a freezing order by the Court in respect of a person on the Domestic List shall be for an indeterminate duration unless

- (a) the Committee removes the name of that person from the Domestic List, or
- (b) the designated person on the Domestic List successfully challenges the designation in Court.

(7) The Minister responsible for Foreign Affairs shall, without delay, submit a report to the Sanctions Committee on the freezing of funds and other assets of designated persons who are on the Domestic List by virtue of section 16.

(8) The Centre shall disseminate information on the action taken to local and foreign competent authorities, including Financial Intelligence Units and other entities, who are responsible for counter-terrorism and counter-financing of terrorism matters.

Objection to listing

18. (1) A person who objects to designation made under section 16 may petition the Committee in writing.

(2) The Committee shall within fourteen days determine the petition and take the appropriate action.

Variation or revocation of designation

19. (1) The Committee may at any time vary or revoke a designation.

(2) Where the Committee varies or revokes a designation of a person, the Committee shall

- (a) give written notice of the variation or revocation to the person, and
- (b) take reasonable steps to inform competent authorities, authorised parties and others of the variation or revocation.

(3) Where the Committee refuses an application by a person for the variation or revocation, the Committee shall give written notice of the refusal to the person.

Notices

20. (1) The Committee shall give notices, by publication in the *Gazette*, to

- (a) competent authorities or entities of amendments to the names of persons on the Domestic List and of information required to be completed, and
- (b) competent authorities or countries on measures taken in accordance with these Instructions.

(2) The Committee shall provide the Sanctions Committee with any additional information including supporting documents which become available to the Committee in relation to a designated person.

Miscellaneous provisions

Publication of information

21. (1) The Minister shall without delay cause the listing or de-listing of a designated person to be published in the *Gazette* and competent authorities shall inform institutions, businesses or individuals which they supervise, represent or license of the listing or de-listing of designated persons,

(2) The Minister shall,

- (a) in accordance with regulations 5 and 6 of the Anti-Terrorism Regulations, 2012 (L.I. 2181), publish the listing, de-listing, order and revocation of a designated person in the *Gazette*;
 - (b) in accordance with regulation 9 of the Anti-Terrorism Regulations, 2012 (L.I. 2181), publish and update on a publicly available website, the information in sub-paragraph (a); and
 - (c) publish in the *Gazette* and on a publicly available website, updates of particulars of frozen funds or other assets of a designated person.
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Database

22. The Centre shall, in accordance with its function under section 6(b) of the Anti-Money Laundering Act, 2008 (Act 749), maintain an electronic and manual database of information disclosed to and obtained by the Centre.

Simulation of information flow and operations

23. The Centre shall, at intervals of every three months, in collaboration with other competent authorities, simulate information flow and other operations to be carried out in respect of the United Nations List and transmit the results through the Attorney-General and Minister for Justice to the Anti-Money Laundering and Counter-Financing of Terrorism Inter-Ministerial Committee on Anti-Money Laundering and Countering the Financing of Terrorism and Financing of Proliferation of weapons of mass destruction.

Submission of quarterly reports by the Centre

24. The Centre shall submit a report every three months on domestic lists, third party requests and the United Nations Sanctions List to the Minister.

Duty to report violation of Instructions

25. A person who knows or has reasonable grounds to believe that a person has contravened a provision of these instructions shall without delay report the contravention to the Centre and the Committee.

Internal rules

26. The Centre may, in collaboration with the relevant regulatory agency, supervisory body, administrative agency, security and intelligence agency, law enforcement agency and any authorised party or person concerned with the implementation of these Instructions, issue internal rules to any person who is subject to its control for the purposes of implementing the obligations provided in these Instructions.

Burden of proof

27. (1) For the purposes of this Instrument, in a case relating to Third Party requests or Domestic List

- (a) an order declaring a person or an entity to be a designated terrorist individual, entity or organisation, or

- (b) the freezing of funds or other assets on reasonable grounds

the burden of proof required to determine reasonable grounds is the balance of probability rather than proof beyond reasonable doubt.

(2) For purposes of these Instructions, the provision in subsection (1) does not apply to designations made by the United Nations.

Interpretation

28. In this Instrument, unless the context otherwise requires, "Committee" means the Implementation Committee established under section 1;

"designated person" means an individual, entity or organisation that is

- (a) a terrorist or a terrorist organisation,
- (b) engaged in the financing of terrorism or a terrorist organisation, or
- (c) engaged in the financing of the proliferation of weapons of mass destruction and other transnational organised crime and that has been listed in the United Nations Consolidated List under United Nations Security Council Resolutions 1267 (1999), 1373 (2001), 1718 (2006), 1737 (2006), Successor Resolutions and other relevant Resolutions or listed in the Domestic List under section 16 of this Instrument;

"Domestic List" means the list of an individual, entity or organisation that is

- (a) a terrorist or a terrorist organisation,
- (b) engaged in the financing of terrorism or a terrorist organisation, or
- (c) engaged in the financing of the proliferation of weapons of mass destruction and other transnational organised crime prepared and approved by the Committee under section 16;

“funds or other assets” means any assets, including but not limited to financial assets, economic resources, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including but not limited to bank credits, traveller’s cheques, bank cheques, money orders, shares, securities, bonds, drafts or other letters of credit and any interest, dividends or other income on or value accruing from or generated by such funds or other assets;

“Sanctions Committee” means the committee of the United Nations Security Council established pursuant to the relevant United Nations Security Council Resolution;

“United Nations Consolidated List” means the list of persons and entities designated under United Nations sanctions regimes relating to terrorism and the financing of the proliferation of weapons of mass destruction; and

“without delay” means ideally within a matter of hours of

- (a) in the case of the United Nations Sanctions List and freezing actions dealing with third party requests, receipt of information relating to the listing or delisting of a terrorist individual, entity or organization,
 - (b) in the case of or designation by the Committee, confirmation by order of the Court, or
 - (c) upon having reasonable grounds, or a reasonable basis to suspect or believe that an individual, entity or organization is a terrorist, one who finances terrorism or a terrorist organisation.
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Revocation and savings

29. (1) The following Executive Instruments are hereby revoked:

- (a) Instructions for the Implementation of the United Nations Security Council Resolution No. 1267 (1999), United Nations Security Council Resolution No. 1373 (2001), United Nations Security Council Resolution No. 1718 (2006), Successor Resolutions and other Relevant Resolutions, (E. I. 8), and
- (b) Instructions for the Enforcement of the United Nations Consolidated List and Third Party Requests, (E.I. 19).

(2) Despite the revocation, any notices, orders, directions, appointments or any other act lawfully made or done under the revoked Executive Instruments and in force immediately before the commencement of this Executive Instrument shall be considered to have been made or done under this Instrument and shall continue to have effect until reviewed, cancelled or terminated.

SCHEDULE
Meetings of the Committee

(Section 5)

1. The Committee shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.
2. The chairperson shall, at the request of not less than four of the members of the Committee, convene an extraordinary meeting of the Committee at the place and time determined by the chairperson.
3. The quorum at a meeting of the Committee is five.
4. The chairperson shall preside at meetings of the Committee and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall preside.
5. Matters before the Committee shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
6. The Committee may co-opt a person to attend a Committee meeting but that person shall not vote on a matter for decision at the meeting.
7. The proceedings of the Committee shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.
8. Subject to this section, the Committee may determine the procedure for its meetings.

MARIETTA BREW APPIAH-OPPONG (MRS.)
Attorney-General and Minister for Justice

Date of Gazette notification: 15th February, 2013.