

## **Ministry of Foreign Affairs**

### **Ministerial Resolution No. 141 of 2023 on the Executive Regulations of the Special Committee for the Implementation of Security Council resolutions under Chapter VII of the United Nations Charter on combating terrorism and the financing of the proliferation of weapons of mass destruction**

Minister of Foreign Affairs:

- After perusal of Article 25 of Law No. 106 of 2013 on Anti-Money Laundering and Combating the Financing of Terrorism;
- On the Kuwaiti Cabinet Resolution No. 1396 issued on 11 November 2013 approving the formation of a committee headed by the Ministry of Foreign Affairs and the membership of each of the official bodies concerned with the implementation of Security Council resolutions issued under Chapter VII of the United Nations Charter related to combating terrorism and the financing of the proliferation of weapons of mass destruction, and authorizing the Deputy Prime Minister and Minister of Foreign Affairs to issue a decision on the executive regulations on the terms of reference of the Committee.
- On the Ministerial Resolution No. 4 of 2014 on the formation of the Special Committee for the Implementation of Security Council resolutions issued under Chapter VII of the United Nations Charter on combating terrorism and the financing of the proliferation of weapons of mass destruction, as amended by Resolution No. 31 of 2015.
- On the Ministerial Resolution No. 5 of 2014 on the Executive Regulations for the Implementation of Security Council resolutions issued under Chapter VII of the United Nations Charter relating to combating terrorism and the financing of the proliferation of weapons of mass destruction.

- On the Kuwaiti Cabinet Resolution No. 827 issued on 23 June 2019 approving the authorization of the Deputy Prime Minister and Minister of Foreign Affairs to issue the necessary decisions to implement the Security Council resolutions issued under Chapter VII of the United Nations Charter related to combating terrorism and the financing of the proliferation of weapons of mass destruction without referring to the Council of Ministers.
- And upon the presentation of the Deputy Minister.
- Based on what is required by the interest of work.

## **“Decided”**

### **Chapter I: Definitions**

#### **Article 1**

In the application of the provisions of this resolution, all definitions and terms contained in the United Nations International Convention for the Suppression of the Financing of Terrorism of 1999 issued by Law No. 85 of 2013 dated February 14, 2013, and the international resolutions issued by the Security Council related to terrorism, Law No. 106 of 2013 on combating money laundering and terrorist financing, and Ministerial Resolution No. 37 of 2013 on issuing the executive regulations of the Anti-Money Laundering and Combating the Financing of Terrorism Law No. 106 of 2013 shall apply. The following phrases and words have the meaning assigned to them:

1. United Nations Sanctions Committees: The United Nations Security Council Sanctions Committees established by Security Council Resolutions 1267 (1999), 1373 (2001), 1988 (2011), 1718 (2006), 2231 (2015), 2253 (2015), and other relevant resolutions.

2. Relevant resolutions of the United Nations Security Council: All resolutions relevant to the resolutions mentioned in paragraph (2) of this Article.
3. Special Committee: The Special Committee established pursuant to these Regulations in Article (2).
4. Competent authority / competent authorities: Representative / representatives of the Special Committee.
5. National List: the counter-terrorism list prepared by the Special Committee which includes persons, groups or entities against whom there are reasonable grounds to believe that they have committed, attempted, attempted to commit, participated in, facilitated or financed a terrorist act, in accordance with the criteria for suspicion.

## **Chapter II: Composition and Provisions of the Special Committee.**

### **Article 2**

6. Law: Law No.106 of 2013 on Anti-Money Laundering and Combating the Financing of Terrorism.
7. Regulatory Authorities: All entities stipulated in Law No. 106 of 2013 and the executive regulations of this law issued by Ministerial Resolution No. 37 of 2013.
8. Criteria for suspicion: Criteria for suspicion or reasonable grounds that the entity or person proposed for identification meets the designation criteria in Security Council Resolution 1373 (2001), which is issued by a decision of the Special Committee.

The implementation of United Nations Security Council Resolutions Committee issued under Chapter VII of the United Nations Charter, relating to combating terrorism and the financing of the proliferation of weapons of mass destruction (Special Committee) shall be chaired by the Assistant Minister for Development and International Cooperation and include the membership of:

1. Deputy Assistant Foreign Minister for Development and International Cooperation  
Vice-Chairman of the Special Committee
2. A representative of the Ministry of Justice

3. A representative of the Kuwait Financial Intelligence Unit
4. A representative of the Central Bank of Kuwait
5. A representative of the Ministry of Interior
6. A representative of the Ministry of Defense
7. A representative of the Public Prosecution
8. A representative of the Ministry of Social Affairs
9. A representative of the Ministry of Commerce and Industry
10. A representative of the General Administration of Customs
11. A representative of the Capital Markets Authority
12. A representative of the Directorate General of Civil Aviation
13. A representative of the Insurance Unit

### **Article 3**

The Chairman of the Special Committee shall be charged with nominating the Rapporteur of the Special Committee and the Secretariat of the Committee.

### **Article 4**

The Rapporteur of the Special Committee and the Secretariat shall have the following duties:

1. Extending invitations to the Special Committee meetings.
2. Recording the minutes of its meetings, keeping its records, decisions, and all work related to the work of the Special Committee.
3. Notifying the Chairman of the Special Committee and the members of the Special Committee of the date of the meeting at least (10) working days in advance, and this period shall be reduced in case of urgency at the request of the Chairman and according to the period determined by the Chairman.

4. Providing all members of the Special Committee with the agenda, including the items and topics to be discussed, supported by the necessary documents and information.
5. Providing the Chairman and members of the Special Committee with the draft minutes of the meeting in order to review it and express an opinion in preparation for its approval at the next meeting.
6. Providing the members of the Special Committee with a copy of all the decisions of the Committee.
7. Contacting the members of the special committee for work by e-mail.

#### **Article 5**

The Chairman of the Special Committee may seek the assistance of whomever they deem appropriate in the work of the Committee.

#### **Article 6**

The Special Committee is the link between the Government of the State of Kuwait and the relevant foreign authorities.

#### **Article 7**

The Special Committee for the Implementation of the Resolutions Issued by the Security Council under Chapter VII of the United Nations Charter related to combating terrorism and the financing of the proliferation of weapons of mass destruction is responsible for submitting the necessary draft resolutions to the Minister of Foreign Affairs for issuance in accordance with Cabinet Resolution No. 827 issued on 23 June 2019 to take the necessary decisions in this regard and follow up on their implementation at the national level with all designated bodies.

These decisions include:

1. Taking the necessary resolutions, procedures, and measures to freeze and seize all funds and assets and any other measures provided for in Chapter VII Security Council resolutions for persons, organizations, and entities included in the lists of the Security Council Sanctions Committee under Resolutions 1267 (1999) 1373

(2001) 1988 (2011) 1718 (2006) 2231 (2015) 2253 (2015), and other relevant resolutions.

2. Taking the necessary decisions, procedures, and measures to freeze and seize the funds and assets of persons, organizations, and entities found by the Committee to be linked to terrorist crimes and to include them in the national list under Resolution 1373 (2001).
3. Coordinating efforts among the concerned authorities in the State of Kuwait to implement the obligations contained in the relevant Security Council and United Nations resolutions on combating terrorism and the financing of the proliferation of weapons of mass destruction.
4. Participating in conferences and committees concerned with combating terrorism.
5. Requesting any documents or data it deems necessary from the various competent authorities to exercise their competences, to be provided to the Special Committee upon request.
6. Issuing instructions and directives to the concerned authorities, each within its competence, with the decisions taken in its field of competence to implement them.
7. Receiving grievances from individuals, organizations, or entities in which the Special Committee takes the necessary measures, and expressing opinions and prepare responses to cases brought by such individuals, organizations, or entities before the Special Court.
8. Periodically following-up on the database developed by the Special Committee on its work.
9. Applying the measures of freezing funds to the proceeds from which the above funds arise or are collected.
10. The Special Committee shall report to the Minister for Foreign Affairs on its work and recommendations every six months, or whenever requested.

### **Article 8**

A member of the Special Committee shall meet the following conditions:

1. To be a Kuwaiti national.
2. To be nominated by the entity to which they belong, the member may not refuse to be a member of the Special Committee except by an official letter from the party that nominated them. In the event that the member was unable to attend more than 3 times in a row without an acceptable excuse, the Chairman of the Special Committee shall request the nominating party to nominate another member who meets the conditions of membership.
3. Has good knowledge of the relevant international resolutions, national legislation, and instructions issued by the State of Kuwait in the field of combating terrorism and the financing of the proliferation of weapons of mass destruction.
4. They must be at a supervisory level, not less than the level of (department director), so that they have good knowledge of the competencies of the body they represent in the Special Committee, especially in the field of combating terrorism and the financing of the proliferation of weapons of mass destruction.
5. To be authorized by the entity they represent in the Special Committee with the powers and authorities that allow them the ability to take appropriate decisions related to combating terrorism and the financing of the proliferation of weapons of mass destruction.
6. Full proficiency in the English language, in light of the nature of the tasks of the Special Committee and those related to the required communication with external parties or external meetings attended by the members of the Committee.
7. Prepared to participate in the work teams that are formed by the Committee.
8. Commitment to submit semi-annual reports to the Committee on the measures taken by the entity to which the member is affiliated on the resolutions issued by the Security Council under Chapter VII of the United Nations Charter, provided that the reports are discussed during the sessions of the Special Committee.

## **Article 9**

Members of the Special Committee shall:

1. Not disclose the information and data available to the member by virtue of their membership in the Special Committee to others except within the limits permitted by the relevant laws and instructions and other matters related to the rule of his job.
2. Not disclose to various media or social media the information and data available to the member by virtue of their membership in the Special Committee without the permission of the Chairman of the Committee.
3. Attend all meetings of the Special Committee on the scheduled dates.
4. Accomplish all the tasks entrusted to them and provide all the data and information required of them.
5. Permanent and continuous commitment to all controls contained in this decision.
6. Continuous viewing of the web page of the Ministry of Foreign Affairs of the Special Committee, as well as the web page of the United Nations concerned with the relevant Security Council resolutions to combat money laundering and terrorist financing, as well as all regional and international developments in this field, especially those related to the scope of competence of the entity it represents.

### **Article 10**

The Special Committee shall meet in accordance with the following mechanisms:

1. The meeting shall be convened at the request of the Chairman or Vice-Chairman of the Special Committee or by at least half of the members of the Special Committee.
2. The Chairman shall preside over the meetings of the Committee and, in their absence, the Vice-Chairman shall preside over the meeting.
3. The Special Committee may call its meetings to seek the advice of whomever it deems appropriate or to hear their opinion on a particular subject without the right to vote, provided that they are Kuwaiti nationals.
4. The member shall attend the meetings of the Special Committee themselves, and the member shall not be entitled to authorize another person as their substitute to attend the meetings.



5. The Special Committee shall meet quarterly or whenever the need arises.
6. The meeting shall be at the place and time specified by the Chairman, and in the event that the discussion of all agenda items is not completed at the main meeting, a subsequent date shall be set for a supplementary meeting, in order to discuss the rest of the agenda items within a period to be determined by the Chairman.
7. Communication with the members of the Special Committee at all levels is carried out only through the e-mail of each member. It is not permitted to send it to the secretariat working in the member's office, and the responsibility for reviewing the confidential documents of the Special Committee is on the member of the Committee.
8. A member of the Special Committee is the point of contact between the Special Committee and the body that works by addressing him directly in all matters related to the work of the Committee.

### **Article 11**

The quorum of the Commission shall be determined as follows:

1. Quorum: The quorum for the meetings of the Special Committee shall be completed by the presence of half of the members +1, including the Chairman or the Vice-Chairman in the absence of the Chairman.
2. Lack of quorum: If the quorum is not reached at the beginning of the meeting, it shall be postponed for half an hour, in order for members to be able to attend and complete the quorum. In the event that the members do not attend after the expiry of the period, the Rapporteur of the Special Committee shall send a letter to all members explaining that the meeting has been canceled as a result of not completing the quorum, and reschedule the meeting for a later date.

### **Article 12**

The voting mechanism of the Special Committee shall be as follows:

1. The Special Committee shall take its decisions by a majority vote of the members present, and in the event of equal votes, the side in which the Chairman is present shall prevail.

2.A member who fails to attend the meeting shall not have the right to object to the decisions approved at the meeting of the Committee.

3.The Committee may issue some of its decisions by circulation, subject to the following controls:

a.The necessity of the subject requires the issuance of the decision by circulation and the Chairman assesses the state of necessity.

b.The decision issued by circulation shall be presented at the next meeting of the Committee and evidenced by the minutes of the meeting.

### **Chapter III: Freezing and Seizure**

#### **Article 13**

Funds or assets that are the subject of measures to freeze funds under this Article shall be safeguarded as precautionary measures.

#### **Article 14**

It is prohibited for any person to make funds available or to provide financial or other related services, directly or indirectly, in whole or in partnership to or for a person, group or entity on the National List and on the Security Council's counter-terrorism lists.

#### **Article 15**

Persons who by virtue of their position in good faith, freeze funds or refuse to allow their disposal or the provision of financial services pursuant to the provisions of this Resolution, shall be exempt from administrative liability.

### **Chapter IV: Funds That Can Be Exempted from the Freeze**

#### **Article 16**

1.Listed persons may submit a written request to the Special Committee containing a request for authorization to dispose of all or part of the frozen funds included in the

National List, to take the appropriate decision on such request, in accordance with the provisions of Security Council Resolutions 1452 (2002) and 2610 (2021) and other relevant resolutions.

2. Names or entities included on the Security Council International List pursuant to Resolutions 1267 (2001), 1988 (2011), 1718 (2006), and 2231 (2015) may directly address the Security Council Sanctions Committee with a request for authorization to dispose of all or part of the frozen funds, or through the Special Committee, and the Chairman of the Special Committee shall take the appropriate action to send such request.

**Chapter V: Inclusion and Delisting in the National List in Implementation of Security Council Resolution 1373 on Taking Precautionary Measures in the Fight Against Terrorism**

**Article 17**

1. The Special Committee shall be competent to consider applications submitted to it under this Article on its own initiative or at the request of one of its members or any competent local or foreign body to which the criteria of suspicion issued by it apply.

2. The Special Committee is responsible for the inclusion of persons, groups, and entities in the National List and shall act to amend it, as it deems appropriate under these Regulations.

3. The Special Committee shall review the National List at least every calendar year to ensure its accuracy and that there are still reasonable grounds to retain the name of a person, group, or entity on the National List, unless there is a matter that requires a review of the listing decision before this period. If the Special Committee finds that the available information no longer constitutes reasonable grounds to keep the name of a person, group or entity on the National List, the listing shall be removed from the List in accordance with the provisions of these Regulations.

4. The decision to include a person, group or entity in the National List or to remove them from it shall be taken immediately and without notice to the person, group, or entity concerned. This shall be recorded in the minutes of the meeting of the Special Committee and the name or entity listed shall be notified by an official letter of the Committee's decision.

## **Article 18**

1. Any person, group or entity whose name has been included on the Special Committee's list in accordance with Article 17 paragraph (2) shall be entitled to submit to it a written request for de-listing within one month of its official receipt of the Special Committee's decision. In the event that the Special Committee decides to grant the request after taking the required action to remove the name from the list in accordance with paragraphs (3) and (4) of Article 17, the Special Committee shall inform the applicant of its decision by an official letter issued by the Chairman of the Committee.
2. In the event that the application is rejected by the Special Committee, the applicant shall appeal to the Kuwaiti courts within 60 days of receiving the notification of the rejection decision.
3. In the absence of an express decision by the Special Committee within the period of (30) days referred to in the first paragraph of this Article, the applicant may appeal within 60 days from the date of expiry of this period before the Kuwaiti courts.

## **Article 19**

1. Financial institutions and non-financial businesses and professions specified in Law No. 106 of 2013 subject to the regulatory authorities shall implement Security Council Resolution 1267 (1999) immediately without delay by following up on the websites of the Special Committee and the Security Council and updating the names and entities on an ongoing basis. The supervisory authorities shall be responsible for following up the implementation of these procedures.
2. The Secretariat of the Special Committee shall provide the members of the Special Committee with the decision issued to include a person, group or entity in the National List or remove them from it as soon as it is officially taken, appended to the signature of the Chairman of the Special Committee, so that the member of the Special Committee in turn informs the entity to which he belongs.
3. The supervisory authorities shall inform the financial institutions and designated non-financial businesses and professions subject to their supervision of any decision

issued by the Special Committee on Combating Terrorism and Financing the Proliferation of Weapons of Mass Destruction in the State of Kuwait.

4. The member of the Special Committee shall inform the Special Committee of the actions taken by the entities subject to him regarding the decision of the Special Committee within a period of 5 working days.
5. The supervisory authorities shall issue the necessary decisions to the entities subject to their audit, each according to its competence, in order to ensure the implementation of Security Council Resolutions 1267 (1999) and 1373 (2001) issued under Chapter VII of the United Nations Charter and other relevant resolutions.

### **Article 20**

The Special Committee shall make a written declaration to the persons, groups, or entities included in the List or removed from it, and the competent authority, through the member of the Special Committee, shall follow up on this declaration and ensure its completion.

## **Chapter VI: Submitting a Request to Limit or Remove Inclusion in the Security Council List**

### **Article 21**

The Special Committee, through the appropriate action taken by the Chairman of the Special Committee, shall submit a request to the Competent United Nations Sanctions Committee to identify a person, group, or entity in accordance with the criteria set forth in the relevant resolutions of the UNSC when the Special Committee has reasonable evidence to support such determination and the request shall be made without prior notice to the person, group, or entity concerned.

### **Article 22**

Any person, group or entity designated by the UN Sanctions Committee may submit a grievance to the Security Council Sanctions Committee directly through their e-mail.

## **Chapter VII: Combating the Financing of the Proliferation of Weapons of Mass Destruction.**

## **Article 23**

1.All matters relating to combating the financing of the proliferation of weapons of mass destruction, all international Security Council Resolutions 1718 (2006) 2231 (2015) and other relevant resolutions under Chapter VII of the Charter shall be mandated by the Special Committee.

2.All provisions relating to classification criteria contained in Security Council Resolutions 1718 (2006) 2231 (2015) and other relevant resolutions shall be applied,

the ad hoc will take all necessary measures to freeze funds or assets, listing and delisting persons and entities that are deemed to be involved in or support programs associated with such practices,

or acting on behalf of or at the direction of any designated person or entity, owning or controlling any designated person or entity, directly or indirectly, or assisting in evasion of sanctions or in violation of the provisions contained in the relevant resolutions,

Provided that these procedures shall be applied in accordance with the mechanisms set forth in Chapters III, IV, V and VI of this Resolution.

, and the committee will take all necessary measures to freeze funds or assets.

## **Chapter VIII: General Provisions**

### **Article 24**

1.Financial institutions and designated businesses and professions shall adopt certain procedures to ensure their compliance with the provisions of this Resolution.

2.The measures and penalties provided for in Article 15 of Law No. 106 of 2013 shall be applied in the event that financial institutions or designated non-financial businesses and professions do not comply with the provisions of this Resolution.

## **Chapter IX: Final Provisions**

## **Article 25**

Resolution No. 35 of 2019 issued on 25 July 2019 on the Executive Regulations of the Special Committee for the Implementation of Security Council Resolutions issued under Chapter VII of the United Nations Charter related to terrorism and the financing of terrorism is hereby repealed.

## **Article 26**

Officials each within their competence, shall implement this Resolution, act in accordance with it, and inform whoever is necessary.

## **Article 27**

This Resolution shall enter into force as of the date of its issuance and shall be published in the Official Newspaper.

**Minister of Foreign Affairs**

**Salem Abdullah Al-Jaber Al-Sabah**

**Issued on: 29 Dhu al-Qi`dah 1444 AH**

**Corresponding on: 18 July 2023**