

STATUTORY INSTRUMENT

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TERRORISM PREVENTION (FREEZING OF INTERNATIONAL TERRORISTS FUNDS AND OTHER RELATED MEASURES) REGULATIONS, 2013

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STATUTORY INSTRUMENT NO. 13 OF 2013

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THE ANTI-MONEY LAUNDERING AND COMBATION OF
FINANCING OF TERRORISM ACT, 2012
(ACT NO. 2 OF 2012)

TERRORISM PREVENTION (FREEZING OF INTERNATIONAL TERRORISTS FUNDS AND OTHER RELATED MEASURES) REGULATIONS, 2013 Short title.

IN EXERCISE of the powers conferred upon the Unit by section 133 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012 the Unit hereby makes the following Regulations.

PART I—PRELIMINARY

1. In these Regulations, unless the context otherwise requires— Interpretation.

“confiscation” means the permanent deprivation of funds or other assets by order of a competent authority or a court and includes forfeiture;

“CISU” means the Central Intelligence and Security Unit established under section 11 of the National Security and Central Intelligence Act, 2002;

“Committee” means the Prevention of Terrorism Committee established under Regulation 4 of these Regulations;

“designated persons” means a natural person or legal person or organisation designated by the Sanctions Committee pursuant to a UNSCR or those natural person or legal person or organisation designated or accepted as appropriate by regional and national jurisdictions pursuant to a UNSCR;

“Director” means the Director of the Financial Intelligence Unit;

“funds” mean financial assets, property of any 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, the funds or other assets, including bank credits, travelers’ cheques, bank cheques, money orders, shares, securities, bonds, drafts or letters of credit, and any interest, dividends or other income on or value accruing from or generated by the funds or other assets;

“Inter-Ministerial Committee” means the governing body of the FIU;

“other assets” means 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 other assets;

“supervisory authority” means the Bank of Sierra Leone or other authority having oversight over a reporting entity;

“terrorist” means a person who commits or attempts to commit a terrorist act or who participates in or facilitates the commission of a terrorist act or conspiracy to do so;

“terrorist group “ means a structured group or organization of more than two persons established over a period of time and acting in concert to commit terrorist acts;

“terrorist property” means the property of a terrorist or any other property consisting of funds that are intended to be used to finance or otherwise assist the commission of a terrorist act;

“TOCU” means Transnational Organised Crime Unit;

“Unit” means the Financial Intelligence Unit established under section 2 of the Anti-Money Laundering and Combating of Financing of Terrorism Act, 2012;

“UNSCR” means The United Nations Security Council Resolutions;

“who finance terrorism” means any person, group, undertaking or other entity that provides or collects, by any means, directly or indirectly, funds or other assets that may be used in full or in part, to facilitate the commission of terrorist acts, or to any persons or entities acting on behalf of, or at the direction of such persons, groups, undertakings or other entities and shall also include natural or legal persons who provide or collect funds and other assets with the intention that they should be used or in the knowledge that they are to be used, in full or in part in order to carry out terrorist acts;

“without delay” mean –

- (a) in the case of preventing the flight or dissipation of terrorist-linked funds or other assets for the purposes of UNSCR 1267

(1999), within a matter of hours of a designation by the *Al-Qaida* and Taliban Sanctions Committee; and

- (b) upon having reasonable ground, to suspect or believe that a person or entity is a terrorist, one who finances terrorism or a terrorist organisation for the purposes of UNSCR 1373 (2001).

Application.

2. (1) These Regulations shall apply to –

- (a) the designated persons contained in the Consolidated List of the United Nations Committee (the Consolidated List)
- (b) the designated persons contained in the List drawn up by Sierra Leone, pursuant to any existing or future law (the Sierra Leone List);
- (c) the designated persons contained in the List drawn up by Regional Member States of ECOWAS ('the Regional List'); and
- (d) any dealing or transaction concerning the designated person on the UN Consolidated List, Regional List or Sierra Leone List (together referred to in these Regulations 'the Lists').

(2) These Regulations shall apply to any person or entity notwithstanding any rights granted to or obligations imposed under any existing international or local agreement or contract made prior to the date of commencement of these Regulations.

PART II—AUTHORITIES FOR THE COORDINATION AND
IMPLEMENTATION OF THE REGULATIONS

3. The CISU shall be responsible for coordinating and implementing the process for the freezing of funds and assets under these Regulations. CISU to coordinate implementation process.

4. (1) There is hereby established a body to be known as the Prevention of Terrorism Committee (herein of after referred to as the Committee) to support the CISU in implementing these Regulations. Establishment of Prevention Terrorism Committee .

(2) The Committee shall comprise the following members—

- (a) the Minister of Finance or his representative;
- (b) the Minister of Foreign Affairs or his representative;
- (c) the Attorney-General or his representative;
- (d) the Minister of Internal Affairs or his representative;
- (e) the Governor of the Bank of Sierra Leone or his representative;
- (f) the Director General CISU;
- (g) the Head of the Office of National Security;
- (h) the Director of Financial Intelligence Unit;
- (i) the Inspector-General of Police;
- (j) the Chief of Defence Staff;

- (k) the Chairman of TOCU;
- (l) the Registrar General; and
- (m) the Chief Immigration Officer.

Meetings of
Committee.

5. (1) The Attorney-General shall chair all meetings of the Committee and in the absence of the Attorney-General, a Minister shall preside and in the absence of other ministers the Director General of CISU shall chair such meetings.

(2) Each member shall have one vote but where there is an equality of votes, the Chairman or other member presiding shall have a casting vote.

(3) All acts, matters or things authorized or required to be done by the Committee shall be decided at a meeting where a quorum is present and the decision is supported by the votes of a majority of the members.

(4) The quorum for a meeting of the Committee shall be seven.

Coordination.

6. The CISU shall co-ordinate with the Committee, competent authorities and authorized parties in implementing Sierra Leone's obligations under Security Council Resolutions and other relevant resolutions regarding, among others, the banning of travel, granting of visas and purchase of arms by the designated individuals, entities and organisations to whom these Regulations apply.

PART III—FUNCTIONS AND POWERS OF THE AUTHORITIES

List of
designated
persons,
organisations,
etc.

7. (1) The CISU in coordination with the Committee, supervisory authorities and competent authorities, shall collate, update and review the List of designated persons issued by the United Nations, Regional Member States of ECOWAS or the Government of Sierra Leone.

(2) The list referred to in sub-regulation (1) shall be reviewed on a regular basis in order to conform to the most recent lists issued by the bodies referred to in sub-regulation (1).

(3) Upon receipt of a designated list of persons or organizations from the United Nations, Regional Member States of ECOWAS or Government of Sierra Leone, the CISU shall, within 48 hours of receipt of such list, take all necessary measures to disseminate such list to financial institutions, designated non-financial businesses and professions, members of the Committee, supervisory authorities and relevant competent authorities.

(4) As soon as a designated list is received and disseminated the Director-General shall convene an emergency meeting of the Committee after consultations with the Attorney-General.

(5) Financial institutions and designated non-financial businesses and professions shall, upon receipt of a list of designated persons or organizations, refer to the CISU for clarification about the identity of persons and organizations.

(6) The CISU shall put in place procedures to facilitate the timely processing of clarification and resolution of disputes relating to name of persons and organizations in the list of designated persons.

(7) Whenever the Government declares that a person or group is a suspected international terrorist, the Committee shall enter the name and other details of such a person or group in the Sierra Leone List.

8. The Committee may remove or amend the name of a designated person or group or any other relevant details under the Sierra Leone list whenever the Government revokes or amends a declaration under sub-regulation (7) of Regulation 7. ^{Amendment of list.}

Dissemination
of Sierra
Leone list.

9. The CISU shall disseminate the Sierra Leone List, including any revision or amendment made to it, to all relevant authorities and reporting entities.

Mechanism to
monitor
compliance .

10. The Unit and the CISU shall develop a mechanism to monitor financial institutions and designated non financial businesses and professions to whom these Regulations apply and make recommendations to the Committee for the imposition of financial or administrative sanctions for non-compliance.

Administrative
or financial
sanctions.

11. The Committee shall impose administrative or financial sanctions on financial institutions and designated non-financial businesses and professions for non-compliance with these Regulations.

Implementation
of UNSC
resolutions.

12. The Committee shall have powers connected with the implementation of United Nations Security Council Resolutions, successor resolutions and other relevant Resolution for which these Regulations are issued.

Recommend
measures and
issues
directives.

13. The Committee may recommend measures or issue directives to CISU that are necessary for the implementation of these Regulations.

PART IV-DISTRIBUTION PROCEDURES FOR LIST OF DESIGNATED PERSONS AND ORGANISATIONS

Distribution
chain
procedure.

14. (1) A distribution chain procedure shall be implemented from time to time in accordance with the distribution flow chart set out in the First Schedule to enhance the expeditious dissemination of the designated list to all Ministries , Departments, Agencies and reporting entities.

(2) The CISU shall after consultations with the Committee amend the procedures and the flow chart from time to time for the effective and consistent implementation of the distribution chain procedure.

15. The Minister responsible for foreign affairs and international cooperation shall, without delay, forward the listing or delisting of any individual, entity or organization in accordance with the flow chart specified in the First Schedule subject to financial sanctions or other restrictions related to terrorism or proliferation of weapons of mass destruction and freezing of assets.

Minister of Foreign Affairs to forward listing or delisting.

16. All designated lists issued by the United Nations, Regional Member States of ECOWAS and the Government shall be distributed by the CISU to all competent authorities and reporting entities within 48 hours of its release.

Designated list to be distributed by CISU.

17. Reporting entities or agencies within Sierra Leone shall refer to the designated List to screen their customers.

List to be used to screen customers.

18. (1) Where a reporting entity or agency discovers a name match with that on the designated list, the reporting entity or agency shall verify that name match through its supervisory body or where the supervisory body does not exist through the Director General of CISU.

Verification of name match.

(2) Where a match of any customer of a reporting entity or agency with particulars on the designated list is established beyond doubt, that reporting entity or agency shall prevent that designated person or entity from conducting any transaction with the reporting entity or agency without prejudice to file immediately a suspicious transaction report with the Unit.

(3) Upon receipt of a suspicious transaction report under sub-Regulation (2), the Director shall immediately notify the Inter-Ministerial Committee, the Attorney General and the Director General of CISU.

19. The Director General of CISU shall take prompt and necessary actions to notify any individual or entity whose particulars appear on a designated list pursuant to UNSCR 1373.

Notification of individuals who appear on list.

Coordination
of efforts.

20. Law enforcement and other agencies shall coordinate their efforts, use and share intelligence materials in developing each case of designation.

PART V—FREEZING OF FUNDS AND OTHER ASSETS

Funds held
within Sierra
Leone.

21. Where funds or other economic resources owned, held or controlled by a designated individual, entity, undertaking or groups are held within the jurisdiction of Sierra Leone, the funds and other economic resources shall be frozen upon establishing beyond doubt that a designated person or entity is the owner, controller or beneficiary of the funds or economic resources.

Determining
owner of
funds.

22. In determining whether the funds or other economic resources are owned or controlled by a designated person or entity the fact that such funds are held in the name of a relation or associate shall be immaterial.

Funds
controlled
by third party.

23. Where funds are held or controlled by a third party to which a designated person or entity remain the beneficial owner, those funds shall be frozen as if they were held or controlled by the designated person or entity.

Third party
rights.

24. Funds frozen under these Regulations shall be without prejudice to the rights of third parties acting in good faith.

Freezing
order.

25. (1) A freezing order shall take place without prior notice to the designated individual or entity.

(2) Freezing of funds and assets shall be carried out without delay and upon having reasonable grounds, or a reasonable basis, to suspect or believe that a person or entity is a designated terrorist.

(3) All funds and other economic resources frozen under these Regulations shall be recorded against the names of the owners and beneficial owners for proper management.

(4) Without prejudice to Regulations 21 to 24 funds or other economic resources frozen under these Regulations, shall provide for the disposal of that part of the funds or other resources for the maintenance of dependants, to cover cost of legal fees to defend an action against inclusion on the designated list.

26. Where a financial institution, designated non financial businesses or profession have been issued with designated list issued by the United Nations, Regional Member States of ECOWAS or the Government of Sierra Leone they shall refer to that list prior to conducting any transaction or establishing a business relationship with any person or entity to ascertain whether or not the name of such person or entity is on the designated list.

List issued by
UN etc.

27. (1) Where the name of a person or an entity is verified to be on the designated list, the reporting entity shall block the funds or any other economic resources belonging to or connected to that person or entity and shall forthwith submit a suspicious transaction report to the Unit.

Blocking of
funds after
verification.

(2) A report of a suspicious transaction made by an entity under sub-regulation (1), shall state—

- (a) the information or other matter on which the knowledge or suspicion is based;
- (b) any information it holds about the person or group by which the person or group can be identified and the nature and the amount or quantity of any funds or economic resources held by the reporting entity for the person or group at any time up to 5 years prior to the designation being made.

(3) A person contravenes sub-regulation (1) if he deals with the funds or other economic resources, knowingly, or having reasonable cause to suspect that the funds or economic resources were owned or controlled by a designated person or entity and fails to file a suspicious transaction report.

PART VI—EMERGENCY PREVENTIVE FREEZING
MEASURES BY THE UNIT

Director to
institute
preventive
measures.

28. (1) Without prejudice to Part V, the Director shall on receipt of any list of designated persons or groups declared as terrorists or terrorist group, institute preventive measures, by order in writing or electronic mail or any other means of communication cause to be frozen instantaneously the funds or other assets of a designated person or group on the list for a maximum period of 48 hours pending CISU initiating action and shall ensure that no funds or other assets are made available, directly or indirectly, to or for the benefit of that designated person or group.

(2) Where the Director, has taken the appropriate measures under sub-regulation (1), he shall immediately inform members of the Committee and the CISU.

(3) The freezing order of the Director shall not prevent CISU from taking over the freezing process before the lapse of the 48 hours where the CISU indicates clearly that it was taking over the freezing of the funds or assets of the designated person or group.

(4) Funds frozen by the Director shall include funds or other assets—

- (a) wholly or jointly owned or controlled, directly or indirectly, by a designated person, a terrorist, a person who finances terrorism or a terrorist organization;
- (b) 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.

29. The Attorney-General shall without delay, submit a report on the freezing of funds and other assets of a designated person or group to the relevant UN Sanctions Committee through the Ministry of Foreign Affairs. Attorney General to submit report.

30. The Unit shall disseminate information on the actions by local and foreign competent authorities, including Financial Intelligence Units and other entities who are responsible for counter-terrorism and counter-financing of terrorism matters. FIU to disseminate information

31. Where the Director, acting in good faith freezes funds or other economic resources in error and the error is discovered before the lapse of 48 hours or the intervention of the CISU, the Director shall immediately cause such funds or other economic resources to be unfrozen and submit a report to the Committee. Funds frozen in error.

32. No claim or action, criminal or civil shall lie against the Director for any financial loss or reputational damage caused to a person or entity where the funds or other economic resources frozen was done in error provided that the Director acted in good faith. Immunity.

PART VII—PROHIBITION AGAINST MAKING FUNDS OR
ECONOMIC RESOURCES AVAILABLE TO DESIGNATED
PERSONS OR ORGANISATIONS

33. A person or reporting entity shall not make available directly or indirectly any funds or other assets that are frozen under these Regulations to or for the benefit of a designated person or entity. Prohibition on making frozen funds available.

34. No person shall participate knowingly or intentionally in any activity that circumvents any prohibitions under these Regulations. Circumventing prohibitions.

35. No person or reporting entity shall, prior to effecting the freezing order, tip-off a designated person or entity that is subject to Parts VI and VII of these Regulations. Tip-off.

Aiding and
abetting
concealment
of funds.

36. No person or reporting entity shall aid and abet the concealment of funds or assets owned and controlled by a designated individual or entity with the intent to circumvent the freezing of funds and assets.

Penalty.

37. A person who contravenes any Regulation under this Part commits an offence where—

- (a) in the case of funds, that person knows or ought to know or ought to have reasonably suspected that the funds were being made available directly or indirectly, to or for the benefit of a designated person or entity; or
- (b) in the case of other economic resources, that person knows or ought to know or have reasonable suspicion that the —
 - (i) economic resources were being made available, directly or indirectly for the benefit of a designated person or entity;
 - (ii) the designated person or entity would be likely to exchange the economic resources or use them in exchange for funds, goods or services.

Funds credited
as receipts.

38. (1) Without prejudice to sub-regulation (2), of Regulation 27 and Part VIII funds accruing to a frozen account including—

- (a) interest or other earning due,
- (b) payment due under contracts, agreements or obligations that were concluded before the freezing order came into effect, and

(c) funds transferred to the account,

shall be credited as receipts from additional funds and shall constitute part of the frozen funds and the reporting entity or institution shall file a report of the receipt of such additional funds with the Unit which shall report to the Committee.

(2) Where there is no existing account for the receipt of funds as provided under these Regulations, the Unit or CISU shall inform the Attorney-General for appropriate action to be taken in this respect.

39. For the purposes of this Part—

- (a) funds or other assets shall be 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.

Funds or assets made available to designated persons.

PART VIII—CONDITIONS AND PROCEDURES FOR UTILISATION OF FROZEN FUNDS OR ASSETS

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

Funds or other assets owned, held or controlled by designated person or entity.

(2) For the purposes of this Regulation “deal with” means—

(a) in relation to funds—

- (i) use, alter, move, allow access to, or transfer;
- (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.

Non application of Regulations. 41. (1) Part VI and Regulation 40 shall not apply where a person credits a frozen account with—

- (a) interest or other earning due on that account;
- (b) a payment due under a contract, agreement or regulation;
- (c) a payment in favour of a designated person where the interest, other earnings and payments are subject to the assets freeze.

(2) Part VI and Regulation 40 shall not prevent an institution from crediting a frozen account where it receives funds transferred to the account.

(3) Regulation 40 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 reporting entity shall, without delay, inform the Committee, the Directors of CISU and the Unit where that reporting entity credits a frozen account—

- (a) with payment referred to in paragraph (b) of sub- regulation (1) or
- (b) in the circumstances referred to in Sub- regulation (2).

42. (1) Subject to a written approval by the Attorney-General a designated person or entity shall be granted licensed access to funds frozen under these Regulations for meeting basic needs of the designated person on the relevant list and other expenses including food, rental, education, fees, charges, real estate, mortgage, medical bills, taxes, insurance premium and such other expenses as the Attorney-General may approve

Licence to
access frozen
funds.

(2) Application for use of frozen funds or assets pursuant to subregulation (1) shall be made to the Attorney-General by designated persons or entities or their authorized representatives with supporting documents.

(3) The Attorney-General shall consider the application and may grant, reduce or refuse the request made in the application as considered reasonable in the circumstances.

(4) In the case of a designated person on the UN Consolidated List, upon receipt of the application, the Attorney-General shall inform the appropriate UN Sanctions Committee of his intention to approve the utilization of the frozen fund or any part thereof and where the UN Sanctions Committee fails to respond within seven working days indicating its approval or objection the funds may be utilized as directed by the Attorney-General.

(5) Where any entity or person in custody is the owner or controller or beneficiary of frozen funds or other economic assets they shall be informed in writing of the approval or refusal by the Attorney-General.

(6) A designated person or entity on either of the UN consolidated List, Regional Member States of ECOWAS list or Government of Sierra Leone list making an application for utilisation of frozen funds or assets shall be informed in writing of the approval or rejection of their application.

PART IX- REVIEW, DELISTING AND UNFREEZING

Funds or
assets frozen
in error.

43. (1) Where funds or assets of a person or entity are frozen in error because of similarity of particulars or wrong entry in the lists or in the account of a person or entity being investigated or because of any other error, the person or entity affected may apply to the Attorney-General for delisting and unfreezing of the funds or assets.

(2) Upon receipt of the application referred to in sub-regulation (1), the Attorney-General shall where the application relates to-

- (a) any UN Consolidated List, take a decision within 21 working days from the date of receipt of the application and after consultations with the appropriate Sanctions Committee of the UN; and
- (b) the Sierra Leone List, determine the application within 14 working days from the date of receipt of the said application.

(3) The Attorney-General shall inform the applicant and all other relevant authorities of any decision in writing.

44. (1) A designated person who objects and wishes to have his name deleted from the lists may in the case of— Deleting name from list.

- (a) Sierra Leone List submit an application to the Committee which shall recommend its approval or objection to the Attorney-General;
- (b) UN Consolidated List, submit an application through the Attorney-General to the UN Ombudsman stating reasons for the application.

(2) Where a decision is taken by the Committee to delist in the case of the Sierra Leone List, it shall inform all institutions holding funds or assets that are the subject of a freeze and instructions for delisting and unfreezing of funds and other assets shall be issued publicly.

45. Institutions acting under these Regulations to freeze assets or funds shall not be held liable for any damages caused to a person or entity when done in good faith. Immunity.

46. (1) Without prejudice to available procedures, a petitioner resident in Sierra Leone may petition the Government to review the Regional Member States of ECOWAS list. Petition of regional list.

(2) The petitioner referred to in sub regulation (1) shall provide justification and relevant information in support of the petition.

(3) The Government upon review of the justification and relevant information shall seek additional information and hold consultations on the delisting request with the Government of the designating country that originally proposed the designation.

(4) The original designating country may request additional information from the Government regarding the petition.

(4) In the case of a designated person on the UN Consolidated List, upon receipt of the application, the Attorney-General shall inform the appropriate UN Sanctions Committee of his intention to approve the utilization of the frozen fund or any part thereof and where the UN Sanctions Committee fails to respond within seven working days indicating its approval or objection the funds may be utilized as directed by the Attorney-General.

(5) Where any entity or person in custody is the owner or controller or beneficiary of frozen funds or other economic assets they shall be informed in writing of the approval or refusal by the Attorney-General.

(6) A designated person or entity on either of the UN consolidated List, Regional Member States of ECOWAS list or Government of Sierra Leone list making an application for utilisation of frozen funds or assets shall be informed in writing of the approval or rejection of their application.

PART IX—REVIEW, DELISTING AND UNFREEZING

Funds or
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43. (1) Where funds or assets of a person or entity are frozen in error because of similarity of particulars or wrong entry in the lists or in the account of a person or entity being investigated or because of any other error, the person or entity affected may apply to the Attorney-General for delisting and unfreezing of the funds or assets.

(2) Upon receipt of the application referred to in sub-regulation (1), the Attorney-General shall where the application relates to—

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- (a) Sierra Leone List submit an application to the Committee which shall recommend its approval or objection to the Attorney-General;
- (b) UN Consolidated List, submit an application through the Attorney-General to the UN Ombudsman stating reasons for the application.

(2) Where a decision is taken by the Committee to delist in the case of the Sierra Leone List, it shall inform all institutions holding funds or assets that are the subject of a freeze and instructions for delisting and unfreezing of funds and other assets shall be issued publicly.

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(2) The petitioner referred to in sub regulation (1) shall provide justification and relevant information in support of the petition.

(3) The Government upon review of the justification and relevant information shall seek additional information and hold consultations on the delisting request with the Government of the designating country that originally proposed the designation.

(4) The original designating country may request additional information from the Government regarding the petition.

(5) If, after reviewing any additional information, the Government wishes to pursue a delisting request, it shall persuade the designating Government to submit jointly or separately a request for delisting to the appropriate Sanctions Committee.

(6) The Government may submit a request for delisting to the UN Sanction Committee pursuant to the no-objection procedure without any accompanying request from the original designating Government

Designated person deceased.

47. Where the Attorney-General reasonably believes a designated person is deceased, he shall in relation to the—

- (a) Sierra Leone List, delete the name and other details of the designated person; or
- (b) UN Consolidated List, request the Sanctions Committee to delete the name and other details of the designated person.

Procedure for transmitting communication.

48. Any communication for transmission to the UN Sanctions Committee under these Regulations shall be effected by the Attorney-General through the Ministry of Foreign Affairs.

Attorney-General requesting information.

49. The Attorney-General may request a designated person to provide information relating to—

- (a) funds and economic resources owned, held or controlled by the designated person; or
- (b) any disposal of such funds or economic resources whether disposal occurred before or after the person became a designated person.

PART X- INFORMATION AND REPORTING OBLIGATIONS

Dissemination of list.

50. The CISU through the Attorney-General shall maintain and disseminate a comprehensive and updated list of designated persons and entities to the relevant authorities.

Guidelines.

51. The Attorney-General after consultation with the Committee may issue guidelines for the effective implementation of—

- (a) prohibition and restriction on travel, visas and purchase of arms in the relevant Security Council Resolutions and in any subsequent Resolutions in respect of a designated person;

- (b) prohibition of transactions or dealings for the supply of arms to or the conduct of training for designated persons.

52. Persons or entities designated as terrorist by the Government shall be notified by the Attorney-General. Notification of terrorist.

53. Institutions holding funds or assets for designated persons or entities shall notify the Attorney-General, CISU, Unit or relevant supervisory authority within 24 hours of holding the funds or assets and proceed with the freezing of funds and assets without notifying the designated persons or entities. Freezing of funds and assets.

54. The Attorney-General upon the application of the freezing measure under these Regulations shall inform the designated person in writing or in any other manner considered appropriate the reason for his inclusion in the List. Reasons for inclusion.

55. The Attorney-General shall inform a designated person about the possibility of— Utilizing part of frozen fund, submitting complaints.

- (a) utilizing part of the frozen funds or other resources in accordance with these Regulations; and
- (b) submitting complaints to the Attorney-General or the UN Ombudsman in accordance with sub-regulation (2) of Regulation 43 and Regulation 44.

56. (1) The Lists to which these Regulations apply shall comprise information pertaining to the designated person for the purpose of determining his identity. Application of list

(2) Information pertaining to a designated person shall include—

- (a) name of the person, family and pseudo names and titles, if any;
- (b) place and date of birth or if a company the date of registration including the registration number;
- (c) nationality or address of the registered office;
- (d) sex;

- (e) addresses;
- (f) occupation or job;
- (g) date of inclusion of name in the lists; and
- (h) any other information as may be considered relevant by the Attorney-General or approved by the Sanctions Committee.

PART XI – PENALTIES AND SANCTIONS

Contravention by Sierra Leoneans . 57. A Sierra Leonean, whether domiciled in Sierra Leone or not, who contravenes these Regulations commits an offence and shall be liable, on conviction, to a fine of not less than Le 1,000,000.00 or to a term of imprisonment of not less than six months or to both such fine and imprisonment.

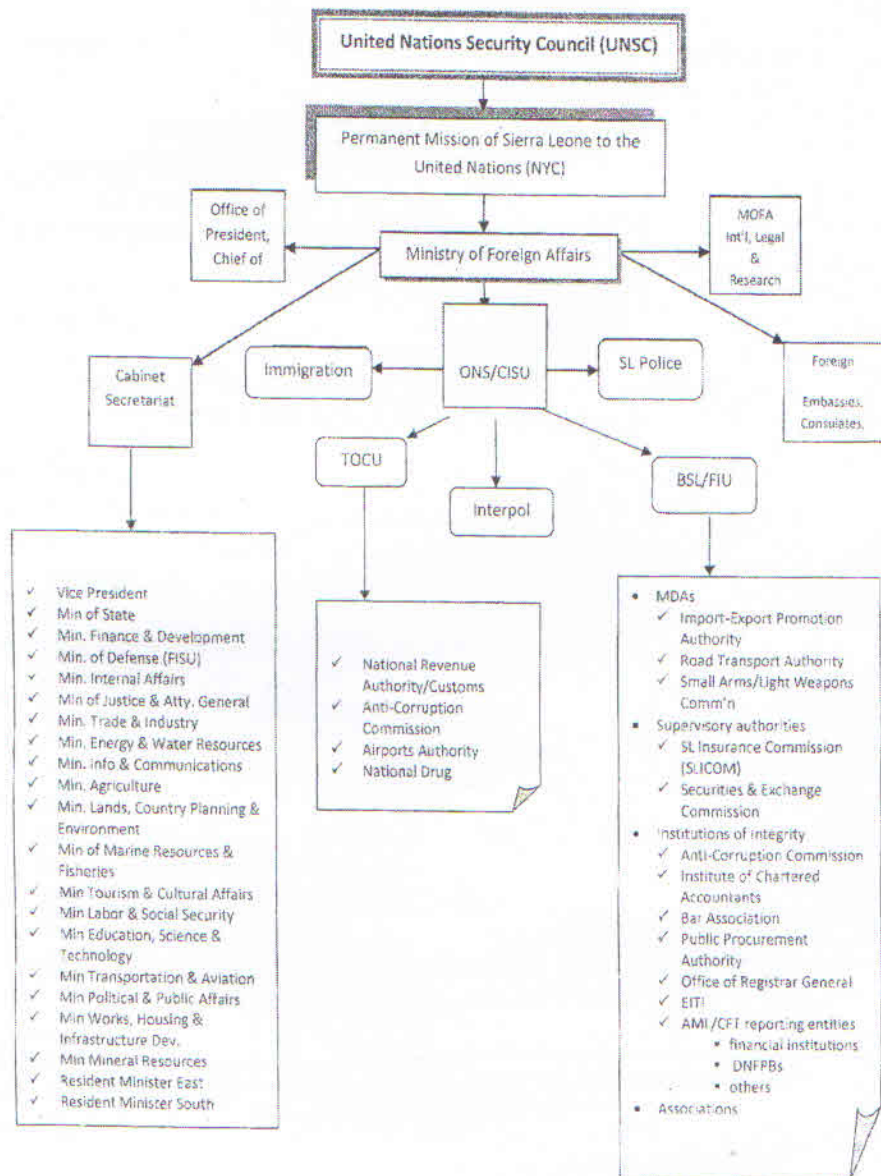
Failure to submit report 58. (1) A reporting entity who fails to submit a report as required under these Regulations commits an offence and shall be liable, on conviction, to a fine of not less than Le 1,000,000.00 and Le 2,000,000.00 for each day on which the failure continues.

(2) If a failure to submit a report as required under these Regulations is investigated and proven to be intentional in order to circumvent these Regulations or cause a delay to any action that would otherwise have been taken by the CISU, the FIU or the Prevention of Terrorism Committee, the reporting entity shall be liable, on conviction, to a fine of not less than Le 10,000,000.00 and Le 2,000,000.00 for each day on which the failure continues.

Failure to freeze funds and assets. 59. A reporting entity that fails to freeze funds and assets of designated persons or entities with whom they have a business relationship after receipt of the designated list, commits an offence and shall be liable, on conviction, to a fine of Le 100,000,000.00 and Le 20,000,000.00 for each day on which the failure continues.

Failure to comply directives. 60. A reporting entity that fails to comply with directives issued by a competent authority under these Regulations commits an offence and shall be liable, on conviction, to a fine of Le 10,000,000.

SCHEDULE
SIERRA LEONE: DISTRIBUTION MAP FOR UNSC CFT/NPF LISTS



MADE this 2nd day of October, 2013.

KAIFALA MARAH (DR.),
*Minister of Finance and Economic Development,
Chairman, Inter-Ministerial Committee.
For and on behalf of the Financial Intelligence Unit.*