

Statute of the Government Committee Working on the Issue of Implementation of the Resolutions of the United Nations Security Council

Article 1. General provisions

1. The Government Committee working on the issue of Implementation of the Resolutions of the United Nations Security Council (hereinafter - the **Committee**) is guided by the Constitution of Georgia, the Charter of the United Nations Organization (hereinafter - **the UNO**) and the Resolutions of the United Nations Security Council, international treaties and agreements of Georgia, other legislative and subordinate normative acts of Georgia. .
2. In order to perform the tasks assigned to the Committee, cooperates with relevant state institutions of Georgia and foreign countries, local and international organizations.
3. The Committee's structure, authorities and rules of activity are determined by this provision.
4. The terms used in this regulation have the meaning established by the law of Georgia "On Facilitating the Suppression of Money Laundering and Terrorism Financing".

Article 2. Members of the Commission

1. The government commission includes:
 - a) Minister of Justice of Georgia, Chairman of the Commission;
 - b) Deputy Minister of Justice of Georgia, Deputy Chairman of the Commission;
 - c) First Deputy or Deputy Head of the State Security Service of Georgia;
 - d) Deputy Prosecutor General of Georgia;
 - e) Deputy Minister of Internal Affairs of Georgia;
 - f) Deputy Minister of Defence of Georgia;
 - g) Deputy Minister of Foreign Affairs of Georgia;
 - h) Deputy Minister of Finance of Georgia;
 - i) Deputy Minister of Economy and Sustainable Development of Georgia;
 - j) Deputy Minister of Environmental Protection and Agriculture of Georgia;
 - k) Deputy Minister of IDPs from the occupied territories, labour, health and social affairs of Georgia;
 - l) Chief of Staff of the National Security Council of Georgia;
 - m) Head of the State Subordinate Institution of the Ministry of Internal Affairs of Georgia, Border Police Department;
 - n) Head of the State Subordinate Institution of the Ministry of Internal Affairs of Georgia, Patrol Police department;
 - o) Head of the Counter-Terrorist Centre (Department) of the State Security Service of Georgia;
 - p) Head of the Legal Entity of Public Law- Revenue Service;
 - q) Head of the Legal Entity of Public Law - Financial Monitoring Service of Georgia;
 - r) Head of the Legal Entity of Public Law - Agency of Nuclear and Radiation Safety;
 - s) Director of the Legal Entity of Public Law - Maritime Transport Agency;
 - t) Deputy Head of the Intelligence Service of Georgia;
 - u) Vice President of the National Bank of Georgia;

Article 3. Tasks of the Commission

The tasks of the commission are the following:

a) To ensure execution of obligations stipulated by the Resolutions of the UN Security Council, which aim facilitation of the prevention, detection and suppression of the financing of terrorism and the financing of the proliferation of weapons of mass destruction (hereinafter - the Resolutions of the UN Security Council);

b) To perform the function of the contact body during the implementation of the measures provided for in subparagraph "a" of this article for the UN Sanctions Committee and other structures.

Article 4. Structure of the Committee and Work Organization

1. The chairman of the Committee is the Minister of Justice of Georgia, and the deputy chairman of the Committee is the Deputy Minister of Justice of Georgia.

2. The Committee is headed and its sessions are chaired by the chairman of the Committee, and in his absence, by the deputy chairman of the Committee.

3. In the absence of the chairman of the Committee and the Deputy Chairman of the Committee, the session of the Committee will be chaired by another person determined by the chairman of the Committee.

4. The chairman of the Committee, the deputy chairman of the Committee and/or the members have the right to raise the issue at the Committee session.

5. The Commission is authorized if more than half of the members of the Committee are attending. The decision of the Committee is made by the majority of votes of the members present. In case of an even split of votes, the chairman's vote is decisive.

6. The agenda of the Committee session is approved by the majority of votes of the Committee members present at the session and is signed by the minutes of the Committee session.

7. The meeting of the Committee is concluded by a protocol, which is signed by all the members of the Committee present at the meeting and the secretary of the Committee.

8. The functions of the secretariat of the Committee are performed by the Department of International Relations and Legal Cooperation of the Ministry of Justice of Georgia, whose head is the Secretary of the Committee.

9. Secretariat of the Committee:

a) Notifies the Committee members the date of the session and sends them the agenda of the session;

b) Prepares the minutes of the Committee session for signature and sends the minutes to the members of the Commission;

c) Leads the Committee's working groups and provides their organizational, technical and information provision;

d) Exercises other powers necessary for the proper operation of the Committee.

Article 5. Authority of the Committee

In order to implement the set tasks, the Committee is authorized to:

a) To ensure facilitation of the process of fulfilment of obligations stipulated by the Resolutions of the UN Security Council, supervision of the process of fulfilment of these obligations by competent bodies, and for this purpose:

a. a) To develop instructions and guidance documents;

a. b) Create thematic working groups;

a. c) To monitor the execution of the obligations established by the Resolutions of the UN Security Council.

b) To work on the issue of formation of a list of persons related to terrorism or financing of terrorism (hereinafter - the list of persons subject to sanctions) and for this purpose:

b. a) To review the petition of the working group on the basis of the appeal of the competent agency with reasonable the standards regarding the appeal to the UN Sanctions Committee to include a person in the list of sanctioned persons;

b. b) To review the petition of the working group based on the appeal of the competent body of Georgia or another state with reasonable the standards, in accordance with the UN Security Council Resolution 1373 (2001) regarding the inclusion of a person in the list of persons subject to sanctions and make a decision on the sanctioning of this person on the issue of the appeal to the competent body of another state;

b. c) To study with appropriate periodicity, but not less than once a year or on basis of a reasoned petition of an interested person, whether there is still a reasonable basis for including a person in the list of sanctioned persons provided for in subsections "b. a" and "b. b" of this paragraph.

c) To make a decision on the issue of seizure of the property of the person included in the list of sanctioned persons or partial release of the property from confiscation;

d) To take effective measures to prevent actions directed to supporting the import and/or export of products subject to export and import control in Georgia for persons sanctioned by Sanctions Committees in Georgia, established by the Resolutions of the UN Security Council;

e) To carry out effective measures in order to implement the Resolutions related to the restriction of freedom of movement for the sanctioned persons by the Sanctions Committees established by the Resolutions of the UN Security Council;

f) To provide the interested person with information about the mechanisms operating in the UN, which, in the manner established by the Resolution of the United Nations Security Council, reviews the statements related to the removal of the relevant person from the list of persons subject to sanctions and/or the suspension of the sanctions against to this person;

g) To deliver to the relevant UN body the petitions submitted by the interested party to the Committee regarding the removal of a person from the list of sanctioned persons and/or the suspension of the sanction applicable to him/her;

h) To request information necessary for his/her activities from the state institutions of Georgia, local and international organizations in the manner established by the legislation;

i) To exercise other powers assigned to him/her.

Article 6. Execution of obligations stipulated by the Resolutions of the UN Security Council

1. Changes made by the UN Sanctions Committee to the list of sanctioned persons (inclusion of a person in the list of sanctioned persons or removal from this list or change of identification data of a person) take direct effect from the moment it is published on the official website of the UN Sanctions Committee.

2. In order to monitor the implementation of changes made to the list of sanctioned persons by the supervisory bodies, accountable persons and other competent bodies, defined by the legislation of Georgia:

a) The Committee requests information from the supervisory bodies with appropriate periodicity, but not less than once in 6 months, regarding the measures taken by them and the accountable persons included in their supervisory field to implement the changes made to the list of sanctioned persons;

b) The Committee requests information from other competent bodies with due periodicity, but not less than once a year, regarding the measures taken by them to implement the changes made to the list of sanctioned persons.

3. The supervisory bodies shall immediately notify the Committee about any fact of confiscation of the property of the person included in the lists of sanctioned persons by the accountable persons, or any other action taken for this purpose.

Article 7. Formation of lists of persons subject to sanctions

1. In order to review the issue of formation of lists of persons subject to sanctions, the Committee shall develop and approve the rule and procedure for formation of lists of persons subject to sanctions.

2. In compliance with the rule and procedure envisaged by the first paragraph of this Article, with the reasonable basis standard, in case of presence of specific and detailed circumstances, the Committee will review the petition of the working group of the UN Security Council (1267 (1999)/1989 (2011) - "Al-Qaeda", Daesh and related persons, groups, organizations; 1988 (2011) - Taliban and related persons, groups, organizations) based on the appeal of competent agency, regarding the addition of a person to the list of sanctioned persons determined by the Resolutions and in case of a positive resolution of the issue, will apply to the relevant Sanctions Committee of the UN Security Council.

3. The appeal foreseen in paragraph 2 of this Article is carried out in compliance with the procedures established by the relevant Sanctions Committee of the UN Security Council and using standard forms.

4. Committee, in compliance with the rule and procedure for the formation of the lists of sanctioned persons according to the first paragraph of this Article, with the standard of reasonable grounds, in the presence of specific and detailed circumstances, based on the appeal of the competent body of Georgia or another state, will consider the petition of the working group on the issue of entering a person into the list of persons subject to sanctions in accordance with UN Security Council Resolution 1373 (2001) and takes one of the following decision:

a) on the presentation of additional information by the initiating party (competent body of Georgia or another state);

b) On satisfying the appeal, to add a person to the list of persons subject to sanctions and seizure his/her property;

c) On refusing to satisfy the appeal.

5. The Committee, if necessary, makes a decision on applying to the competent body of another state with a petition for adding a person to the list of persons subject to sanctions.

6. An appeal to the competent body of another state is made in accordance with the form approved by the Government Committee, which must be substantiated and contain information sufficient for the identification of the person.

7. Based on the Committee's appeal, the supervisory bodies immediately notify the accountable persons included in their field of supervision about the decision-making provided by the Committee by the subparagraph "b" of paragraph 4 of this Article.

Article 8. Property subject to sanctions

For the purposes of this provision, property includes all things or intangible property and the income derived therefrom, owned, disposed or controlled, directly or indirectly, independently or jointly with other persons:

a) A person included in the list of persons subject to sanctions by the relevant Sanctions Committee of the UN Security Council or defined in accordance with subparagraph "b" of paragraph 4 of Article 7 of this Regulation;

b) A person who acts on behalf of or instruction of the person specified in subsection "a" of this Article;

c) A person who owns or disposes any benefit in favour of the person specified in subparagraph "a" of this Article or in accordance with his instructions.

Article 9. Revision of the decision made by the Committee regarding the formation of lists of persons subject to sanctions

1. The Committee shall, with appropriate periodicity, but not less than once a year, or at the request of an interested person, examine whether there are still reasonable grounds to believe that a person is connected to terrorism or the financing of terrorism.

2. Based on the own initiative or a request submitted by an interested person, as a result of reviewing the decision to add a person to the list of sanctioned persons, the Committee makes one of the following decisions:

a) On requesting additional information from the party submitting the petition;

b) On leaving a person in the list of sanctioned persons;

c) On removal of a person from the list of persons subject to sanctions and releasing his/her property from confiscation;

d) On the appropriateness of removing a person from the list of sanctioned persons and on applying to the appropriate Sanctions Committee of the UN Security Council with a petition for removal of a person from the list of sanctioned persons, if the person was included in the list of sanctioned persons of the UN Security Council based on the appeal of the competent body of Georgia.

3. In case of occurrence of relevant circumstances, the Committee will consider the issue of changing the identification data of the person included in the list of sanctioned persons.

4. If, as a result of verification by the Committee, it was established that the person whose property was seized is not the person specified in the lists of persons subject to sanctions, the Committee will make a decision to release the said person's property from seizure.

5. Based on the appeal of the Committee, the supervisory bodies immediately inform the accountable persons included in their field of supervision about the decision made by the Committee in accordance with the paragraph "c" of paragraph 2 of this Article.

Article 10. Decision of the Committee on the removal of seizure to cover necessary and unforeseen expenses

1. The Committee shall consider the petition of the interested person for the partial removal of the seizure from the property of the person included in the list of persons subject to sanctions by the UN Sanctions Committee, if it is proven that the use of the property is necessary in order:

a) to ensure the coverage of the costs of minimum living conditions of a person, including food, rent, mortgage loan, medication or other medical services, state taxes or utility services, legal assistance or of keeping seized property;

b) To cover special and unforeseen expenses;

c) To fulfil the obligations arising on basis of the contract concluded before entering the person into the list of sanctioned persons.

2. As a result of reviewing of the petition submitted on basis of the first paragraph of this Article, the Committee will make one of the following decisions:

a) On granting the petition and referring it to the relevant UN Sanctions Committee;

b) On the request to submit additional information to the person submitting the petition;

c) On refusal to satisfy the petition.

3. In cases provided for in subparagraph "a" of the first paragraph of this Article, the Committee makes a decision to remove the seizure from the property or a part of the property of the person included in the list of persons subject to sanctions, if the Committee does receive a negative answer on the applying to the UN Sanctions Committee within 3 working days in accordance with subparagraph "a" of paragraph 2 of this Article.

4. In cases provided envisaged by the subparagraph "b" of the first paragraph of this Article, the Committee makes a decision on removal of the seizure from the property or part of the property of the person included in the list of sanctioned persons, if the Committee receives a positive response on appeal to the UN Sanctions Committee in accordance with subparagraph "a" of paragraph 2 of this Article.

5. On basis of UN Security Council Resolution 1373 (2001), in accordance with the decision provided for in Article 7, paragraph 4, subparagraph "b" of this provision, the Committee makes a decision independently on the issue of partial removal of the seizure from the property of the persons included in the list of sanctioned persons.

Article 11. Appealing of the decision made by the Committee

A person has the right to appeal the decision made by the Committee in accordance with the procedure established by the General Administrative Code of Georgia.