



30 July 2013

Bank Use Promotion & Financial Intelligence Unit

Directive to Financial Institutions and Designated Non Financial Businesses and Professions on Freezing of Assets of Designated Persons and Entities

Issued in terms of section 5 of the Suppression of Foreign and International Terrorism (Application of UNSCR 1267 of 1999 and UNSCR 1373 of 2001) Regulations, 2013, as read with section 4 of the Money Laundering and Proceeds of Crime Act, number 4 of 2013

Preamble

WHEREAS Zimbabwe's membership of the United Nations requires the country to implement resolutions of the United Nations Security Council (UNSC) issued in terms of Chapter VII of the Charter of the United Nations, including, more specifically, United Nations Security Council Resolution 1267 of 1999 (UNSCR 1267) and its successor resolutions; and

WHEREAS, the obligation to implement UNSCR 1267 and its successor resolutions is further re-enforced by the FATF Recommendations, more particularly Recommendation 6, which requires countries to, among other things, freeze, **without delay**, the funds or other assets of any person or entity designated by, or under the authority of, the United Nations Security Council, and further, to ensure that no funds or other assets are made available, directly or indirectly, to, or for the benefit of such designated person or entity; and

WHEREAS pursuant to the country's aforesaid international obligations, the country has put in place legislative and other measures to ensure compliance with obligations

under United Nations Security Council Resolutions, including UNSCR 1267 and its successor resolutions, as well as with FATF Recommendation 6; and

WHEREAS, in terms of section 5 of the Suppression of Foreign and International Terrorism (Application of UNSCR 1267 of 1999 and UNSCR 1373 of 2001) Regulations, 2013, Statutory Instrument 112 of 2013, as read with section 4 of the Money Laundering and Proceeds of Crime Act, number 4 of 2013, the Unit, is empowered to issue directives to financial institutions, Designated Non Financial Businesses or Professions (DNFBPs) and other persons, for the implementation of the said Act and the said regulations;

NOW THEREFORE, it is directed as follows:

1. The persons and entities named in the attached lists, being persons and entities designated by, or under the authority of, the United Nations Security Council, acting in terms of its powers under Chapter VII of the Charter of the United Nations, are hereby declared to be “designated persons” for purposes of this directive.
2. The first list, established and maintained by the UNSC 1267 Committee, is in respect of individuals, groups, undertakings and other entities associated with Al-Qaida. The second list, established by the UNSC 1988 Committee is in respect of individuals, groups, undertakings and other entities associated with the Taliban.
3. Every financial institution DNFBP as defined in section 2 of the Money Laundering and Proceeds of Crime Act, Number 4 of 2013, and every natural or legal person, who comes into possession or control of any asset, funds or other economic resource belonging to, controlled or held by, or for the benefit of a designated person, shall, **immediately and without delay**, freeze such funds, assets or economic resources.
4. A financial institution, DNFBP or other person, natural or legal, which / who becomes aware that it / he/ she is in possession of or has control over any assets, funds or other economic resources belonging to, controlled or held by, or for the benefit of a designated person, shall in addition to taking immediate action referred to paragraph 3 above, immediately and no later than 24 hours, submit a written report to the Unit, providing sufficient particulars of the designated person,

the funds, assets or other economic resource involved, and the action taken by the financial institution, DNFBP or such other person.

5. The funds, assets or resources frozen in terms of this directive shall remain frozen until further directions from the UNSC or the relevant Committee of the UNSC, which directions the Unit shall communicate in writing.
6. Any designated person aggrieved by an funds /asset freeze effected in terms of this directive has recourse through the Office of the Ombudsperson, created under UNSCR 1904 of 2009, and whose contact details are:

Office of the Ombudsperson
Room TB-08041D
United Nations
New York, NY 10017
United States of America
Tel: +1 212 963 2671; Fax: +1 212 963 1300/3778; E-mail: ombudsperson@un.org

7. The Unit shall communicate, in writing, any changes to the lists of designated persons as published from time to time by or under the authority of the UNSC.
8. Notwithstanding the Unit's obligation to communicate any revisions / changes to the UNSC sanctions lists, as and when the Unit becomes aware of any such revisions / changes, your institution has an obligation to, at all times, keep itself informed of, and act upon such changes as shall be published from time to time on the UN website. The sanctions lists, reproduced in the attached annexure, and any subsequent changes thereto, are accessible on the UN website at: http://www.un.org/sc/committees/list_compend.shtml.

You are directed accordingly.

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Reserve Bank of Zimbabwe