Notice for the attention of Nasir 'Abd-Al-Karim 'Abdullah Al-Wahishi, and Qasim Mohamed Mahdi al-Rimi, whose entries were amended in the list referred to in Articles 2, 3 and 7 of Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaeda organisations, by virtue of Commission Regulation (EU) 2016/1063

(2016/C 239/12)

1. Common Position 2002/402/CFSP [1] calls upon the Union to freeze the funds and economic resources of the members of the ISIL (Da'esh) and Al-Qaeda organisations and other individuals, groups, undertakings and entities associated with them, as referred to in the list drawn up pursuant to UNSCR 1267(1999) and 1333(2000) to be updated regularly by the UN Committee established pursuant to UNSCR 1267(1999).

The list drawn up by this UN Committee comprises:

— ISIL (Da'esh) and Al-Qaeda,

— natural or legal persons, entities, bodies and groups associated with ISIL (Da'esh) and Al-Qaeda, and

— legal persons, entities and bodies owned or controlled by, or otherwise supporting, any of these associated persons, entities, bodies and groups.

Acts or activities indicating that an individual, group, undertaking, or entity is 'associated with' ISIL (Da'esh) and Al-Qaeda include:

(a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of ISIL (Da'esh) and Al-Qaeda, or any cell, affiliate, splinter group or derivative thereof;

(b) supplying, selling or transferring arms and related materiel to any of them;

(c) recruiting for any of them; or

(d) otherwise supporting acts or activities of any of them.

2. The UN Security Council Committee approved on 24 June 2016 the amendment of the entries of Nasir 'Abd-Al-Karim 'Abdullah Al-Wahishi and Qasim Mohamed Mahdi al-Rimi in ISIL (Da'esh) and Al-Qaeda Sanctions Committee's list.

Nasir 'Abd-Al-Karim 'Abdullah Al-Wahishi and Qasim Mohamed Mahdi al-Rimi may submit at any time a request to the UN Ombudsperson, together with any supporting documentation, for the decision to include them in the UN list referred to above, to be reconsidered. Such request should be sent to the following address:

United Nations — Office of the Ombudsperson
Room TB-08041D
New York, NY 10017
UNITED STATES OF AMERICA

Tel. +1 2129632671
Fax +1 2129631300/3778
Email: ombudsperson@un.org

See for more information at: https://www.un.org/sc/suborg/en/sanctions/1267/aq_sanctions_list/procedures-for-delisting

3. Further to the UN decision referred to in paragraph 2, the Commission has adopted Regulation (EU) 2016/1063 [2], which amends Annex I to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaeda organisations [3]. The amendment, made pursuant to Article 7(1)(a) and 7a(5) of Regulation (EC) No 881/2002, amends the entries of Nasir 'Abd-Al-Karim 'Abdullah Al-Wahishi and Qasim Mohamed Mahdi al-Rimi in the list in Annex I of that Regulation ('Annex I').

[1] OJ L 139, 29.5.2002, p. 4.
[2] OJ L 177, 1.7.2016, p. 4.
[3] OJ L 139, 29.5.2002, p. 9.

The following measures of Regulation (EC) No 881/2002 apply to the individuals and entities included in Annex I:

(1) the freezing of all funds and economic resources belonging to the individuals and entities concerned, or owned or held by them, and the prohibition (on everyone) on making funds and economic resources available to any of the individuals and entities concerned or for their benefit, whether directly or indirectly (Articles 2 and 2a); and

(2) the prohibition on granting, selling, supplying or transferring technical advice, assistance or training related to military activities to any of the individuals and entities concerned, whether directly or indirectly (Article 3).

4. Article 7a of Regulation (EC) No 881/2002 provides for a review process where observations on the grounds for listing are submitted by those listed. Individuals and entities added to Annex I by Regulation (EU) 2016/1063 may make a request for the grounds for their listing to the Commission. This request should be sent to:

European Commission
'Restrictive measures'
Rue de la Loi/Wetstraat 200
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

5. The attention of the individuals and entities concerned is also drawn to the possibility of challenging Regulation (EU) 2016/1063 before the General Court of the European Union, in accordance with the conditions laid down in the fourth and sixth paragraphs of Article 263 of the Treaty on the Functioning of the European Union.

6. For good order, the attention of the individuals and entities included in Annex I is drawn to the possibility of making an application to the competent authorities in the relevant Member State(s), as listed in Annex II to Regulation (EC) No 881/2002, in order to obtain an authorisation to use frozen funds and economic resources for essential needs or specific payments in accordance with Article 2a of that Regulation.