

Whereas the Security Council of the United Nations, acting under section 41 of the Charter of the United Nations, adopted Security Council Resolution 1373 (2001) on September 28, 2001;

And whereas it appears to the Governor in Council to be necessary to make regulations for enabling the measures set out in that resolution to be effectively applied;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Foreign Affairs, pursuant to sections 2 and 3 of the *United Nations Act*, hereby makes the annexed *United Nations Suppression of Terrorism Regulations*.

UNITED NATIONS SUPPRESSION OF TERRORISM REGULATIONS

INTERPRETATION

1. the definitions in this section apply in these Regulations.

"Canadian" means an individual who is a citizen within the meaning of the *Citizenship Act*, or a body corporate incorporated or continued by or under the laws of Canada or a province. (Canadian)

"entity" means a body corporate, trust, partnership or fund or an unincorporated association or organization. (*entité*)

"listed person" means

(a) Usama bin Laden or his associates as defined in section 1 of the *United Nations Afghanistan Regulations*; and

(b) a person whose name is listed in the schedule in accordance with section 2. (*personne inscrite*)

"Minister" means the Minister of Foreign Affairs. (*ministre*)

"person" means an individual or an entity. (*personne*)

"property" means real and personal property of every description and deeds and instruments relating to or evidencing the title or right to property, or giving a right to recover or receive money of goods, and includes any funds, financial assets or economic resources. (*bien*)

LIST

2. (1) A person whose name is listed in the schedule is a person who there are reasonable grounds to believe

(a) has carried out, attempted to carry out, participated in or facilitated the carrying out of a terrorist activity;

(b) is controlled directly or indirectly by any person conducting any of the activities set out in paragraph (a); or

(c) are acting on behalf of, or at the direction of, or in association with any person conducting any of the activities set out in paragraph (a).

(2) Any listed person may apply in writing to the Solicitor General to be removed from the schedule.

After reviewing the application, the Solicitor General may recommend to the Governor in Council that the Applicant be removed from the schedule, if there are reasonable grounds for doing so.

PROVIDING OR COLLECTING FUNDS

3. No person in Canada and no Canadian outside Canada shall knowingly provide or collect by any means, directly or indirectly, funds with the intention that the funds be used, or in the knowledge that the funds are to be used, by a listed person.

FREEZING PROPERTY

4. No person in Canada and No Canadian outside Canada shall knowingly

(a) deal directly or indirectly in any property of a listed person, including funds derived or generated from property owned or controlled directly or indirectly by that person;

(b) enter into or facilitate, directly or indirectly, any transaction related to a dealing referred to in paragraph (a) ;

(c) provide any financial or other related service in respect of the property referred to in paragraph (a); or

(d) make any property or any financial or other related service available, directly or indirectly, for the benefit of a listed person.

5. All secured and unsecured rights and interests held by a person, other than a listed person or their agent, in the frozen property are entitled to the same ranking as they would have been entitled to had the property not been frozen.

CAUSING ASSISTING OR PROMOTING

6. No person in Canada and no Canadian outside Canada shall knowingly do anything that causes, assists or promotes, or is intended to cause, assist or promote, any activity prohibited by section 3 or 4, unless the person has a certificate issued by the Minister under section 11

DUTY TO DETERMINE

7. (1) Every Canadian financial institution within the meaning of section 2 of the Bank Act must determine on a continuing basis whether it is in possession or control of property owned or controlled by or on behalf of a listed person.

(2) Every financial institution referred to in subsection (1) must report monthly to the principal agency or body that supervises or regulates it under federal or provincial law

(a) that it is not in possession or control of any property referred to in subsection (1); or

(b) if it is in possession or control of such property, the number of persons, contracts or accounts involved and the total value of the property.

(3) This section also applies to authorized foreign banks, within the meaning of section 2 of the Bank Act in respect of their business in Canada.

DISCLOSURE

8. Every person in Canada and every Canadian outside Canada shall disclose forthwith to the Commissioner of the Royal Canadian Mounted Police and to the Director of the Canadian Security Intelligence Service

(a) the existence of property in their possession or control that they have reason to believe is owned or controlled by or on behalf of a listed person; and

(b) information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

OFFENCES AND PUNISHMENT

9. Any person who contravenes sections 3, 4, 6, 7 or 8 is guilty of an offence and liable,

(a) on summary conviction to the maximum fine or imprisonment, or both, as set out in the *United Nations Act*; or

(b) on conviction on indictment to the maximum fine or imprisonment, or both, as set out in the *United Nations Act*.

10. If a corporation commits an offence under these Regulations, any director, officer or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted.

CERTIFICATE

11. No offence is committed under section 9 for doing any act or thing that may be prohibited by these Regulations or omitting to do any act or thing that may be required by these Regulations if, before that person does or omits to do that act or thing, the Minister issues a certificate to the person stating that the Minister has reasonable grounds to believe that

(a) the Security Council of the United Nations Resolution 1373 adopted on September 28, 2001 does not intend that the act or thing be prohibited;

(b) the act or thing has been approved by the Security Council of the United Nations or by the Committee of the Security Council; or

(c) the person named in the certificate is not a listed person.

CCMING INTO FORCE

12. These Regulations come into force on the day on which they are registered.

SCHEDULE

(Sections 1 and 2)

Abu Sayyaf Group

Armed Islamic Group (GIA)

Harakat ul-Mujahidin (HUM)

Al-Jihad (Egyptian Islamic Jihad)

Islamic Movement of Uzbekistan (IMU)

Asbat al-Ansar

Salafist Group for Call and Combat (GSPC)

Libyan Islamic Fighting Group

Al-Itihaad al-Islamiya (AIAI)

Islamic Army of Aden

Shaykh Sai'id (born 1939, Baghdad and also known as Mustafa Muhammad Ahmad)

Abu Hafs the Mauritanian (born 1958 and also known as Mahfouz Ould al-Walid, Khalid Al-Shanqiti)

Ibn Al-Shaykh al-Libi

Abu Zubaydah (born 1971 and also known as Zayn al-Abidin Muhammad Husayn, Tariq)

Abd al-Hadi al-Iraqi (also known as Abu Abdallah)

Thirwat. Salah Shihata (born June 29, 1960, Egypt)

Tariq Anwar al-Sayyid Ahmad (also known as Fathi, Amr al-Fatih)

Muhammad Salah (also known as Nasr Fahmi Nasr Hasanayn)

Makhtab Al-Khidama/Al-Kifah

Wafa Humanitarian Organization
Al Rashid Trust
Mamoun Darkazanli Import-Export Company