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ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS (FINANCING OF  
TERRORISM AND PROLIFERATION FINANCING) REGULATIONS 2023

SL No. 36 of 2023

Notified: [7<sup>th</sup> October, 2023]

Table of Provisions

<a href="#">1 Citation</a>	5
<a href="#">2 Commencement</a>	5
<a href="#">3 Interpretation</a>	5
<b><a href="#">PART 1 – DESIGNATIONS OF GROUPS AS TERRORIST GROUPS</a></b>	<b>6</b>
<a href="#">4 Criteria for designating terrorist group by Minister</a>	6
<a href="#">5 Minister may designate terrorist group on own opinion or upon request</a>	6
<a href="#">6 Particulars to be provided for request to designate terrorist group</a>	7
<a href="#">7 Procedure of request to designate terrorist group</a>	7
<a href="#">8 Notification of designated terrorist group to requesting foreign country, foreign person or foreign entity</a>	9
<a href="#">9 Notification of designated terrorist group to requesting Nauruan entity or Nauruan citizen or resident</a>	9
<a href="#">10 Notification of designated terrorist group to UNSC</a>	9
<a href="#">11 Request to United Nations to designate terrorist groups designated by the Minister</a>	9
<a href="#">12 Publication of statement containing information for designated terrorist group</a>	10
<a href="#">13 Identification of designating country</a>	10
<b><a href="#">PART 2 – DESIGNATIONS OF NATURAL PERSONS AS TERRORISTS</a></b>	<b>10</b>
<a href="#">14 Criteria for designating person as terrorist</a>	10
<a href="#">15 Minister may designate terrorist on own opinion or upon request</a>	11
<a href="#">16 Particulars to be provided for request to designate terrorist</a>	11
<a href="#">17 Procedure of request to designate a terrorist</a>	12
<a href="#">18 Notification of designated terrorist to requesting foreign country, foreign person or foreign entity</a>	13
<a href="#">19 Notification of designated terrorist to requesting Nauruan entity or Nauruan citizen or resident</a>	13

G.N.No. 1111/2023 (Cont'd)

<a href="#">20 Notification of designated terrorist to UNSC or its committees</a>	14
<a href="#">21 Request to United Nations to designate terrorist designated by the Minister</a>	14
<a href="#">22 Publication of statement containing information for designated terrorist</a>	14
<a href="#">23 Identification of designating country</a>	14
<b><a href="#">PART 3 – TERRORIST GROUP PROLIFERATION FINANCING</a></b>	<b>14</b>
<a href="#">24 Designation of proliferators of weapons of mass destruction as terrorist group</a>	14
<a href="#">25 Particulars to be provided for request to designate proliferators of weapons of mass destruction as terrorist group</a>	16
<a href="#">26 Procedure of request to designate proliferators of weapons of mass destruction as terrorist group</a>	16
<a href="#">27 Notification of designated terrorist group as proliferators of weapons of mass destruction</a>	16
<a href="#">28 Notification of designated terrorist group to requesting Nauruan entity or Nauruan citizen or resident</a>	16
<a href="#">29 Notification of designated terrorist group as proliferators of weapons of mass destruction to UNSC</a>	16
<a href="#">30 Request to United Nations to designate group designated by Minister as proliferators of weapons of mass destruction</a>	16
<a href="#">31 Publication of statement containing information for group designated as proliferators of weapons of mass destruction</a>	16
<a href="#">32 Identification of designating country</a>	16
<b><a href="#">PART 4 – TERRORIST PROLIFERATION FINANCING</a></b>	<b>16</b>
<a href="#">33 Designation of person as proliferator of weapons of mass destruction</a>	16
<a href="#">34 Particulars to be provided for request to designate proliferator of weapons of mass destruction as terrorist</a>	17
<a href="#">35 Procedure of request to designate terrorist as proliferator of weapons of mass destruction</a>	18
<a href="#">36 Notification of designated terrorist as proliferator of weapons of mass destruction</a>	18
<a href="#">37 Notification of designated terrorist to requesting Nauruan entity or Nauruan citizen or resident</a>	18
<a href="#">38 Notification of designated terrorist as proliferators of weapons of mass destruction to UNSC</a>	18
<a href="#">39 Request to United Nations to designate person designated by Minister as proliferator of weapons of mass destruction</a>	18
<a href="#">40 Publication of statement containing information for person designated as proliferator of weapons of mass destruction</a>	18
<a href="#">41 Identification of designating country</a>	18
<b><a href="#">PART 5 – DESIGNATION AND DE-LISTING OF GROUP BY UNSC</a></b>	<b>18</b>
<a href="#">42 Designation of group required to be designated by UNSC</a>	18
<a href="#">43 De-listing of group designated by UNSC</a>	19
<b><a href="#">PART 6 – DESIGNATION AND DE-LISTING OF PERSON BY UNSC</a></b>	<b>20</b>
<a href="#">44 Designation of person required to be designated by UNSC</a>	20
<a href="#">45 De-listing of person designated by UNSC</a>	20

G.N.No. 1111/2023 (Cont'd)

<b><u>PART 7 – NOTIFICATION OF DESIGNATED GROUPS TO FIU AND FREEZING OR SEIZING OF FUNDS, PROPERTY OR ASSET</u></b> .....	<b>21</b>
<u>46 Notification of designated terrorist group by Minister to FIU</u> .....	21
<u>47 Freezing or seizing of funds, property or assets</u> .....	21
<b><u>PART 8 - NOTIFICATION OF DESIGNATED TERRORISTS TO FIU AND FREEZING OR SEIZING OF FUNDS, PROPERTY OR ASSETS</u></b> .....	<b>23</b>
<u>48 Notification of designated terrorist by Minister to FIU</u> .....	23
<u>49 Freezing or seizing of funds, property or assets by Minister</u> .....	23
<b><u>PART 9 – SEIZING AND FREEZING OF FUNDS, PROPERTY OR ASSETS</u></b> .....	<b>25</b>
<u>50 Application for seizing or freezing of funds, property or assets of terrorist group or terrorist</u> .....	25
<u>51 Funds, property or assets frozen in error</u> .....	25
<u>52 Freezing or seizing of funds, property or assets of designated terrorists or terrorist groups outside Nauru</u> .....	25
<u>53 Review of decision freezing or seizing funds, property or assets by Court</u> .....	25
<b><u>PART 10 – APPEALS AGAINST DESIGNATIONS OF MINISTER</u></b> .....	<b>26</b>
<u>54 Appeal of designation made by the Minister</u> .....	26
<u>55 Minister’s decision appealable to Supreme Court</u> .....	26
<u>56 Hearing of an appeal to be heard in public except in case of security or intelligence</u> .....	26
<u>57 Parties to the proceedings</u> .....	27
<u>58 Jurisdiction of Supreme Court</u> .....	27
<u>59 Court has no jurisdiction in decision of UNSC or its committee</u> .....	27
<u>60 Evidence on appeal</u> .....	27
<b><u>PART 11 – MISCELLANEOUS</u></b> .....	<b>27</b>
<u>61 Confidentiality</u> .....	27
<u>62 Notification of Secretary for Justice and Border Control</u> .....	28
<u>63 Cooperation with other agencies and exchange of information</u> .....	28
<u>64 Publication of designated or de-listed person or group</u> .....	28
<u>65 Registers</u> .....	28
<u>66 Request for information</u> .....	28
<u>67 Rights of bona fide third parties</u> .....	29
<u>68 Management of all requests</u> .....	29
<u>69 Delegation by the Minister</u> .....	29
<u>70 Forms and procedure</u> .....	29
<b><u>SCHEDULE 1</u></b> .....	<b>30</b>
<b><u>SCHEDULE 2</u></b> .....	<b>32</b>
<b><u>SCHEDULE 3</u></b> .....	<b>47</b>
<b><u>SCHEDULE 4</u></b> .....	<b>49</b>

G.N.No. 1111/2023 (Cont'd)

<a href="#">SCHEDULE 5</a> .....	51
<a href="#">SCHEDULE 6</a> .....	53
<a href="#">SCHEDULE 7</a> .....	55
<a href="#">SCHEDULE 8</a> .....	57

G.N.No. 1111/2023 (Cont'd)

The Cabinet makes these Regulations under Section 128 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*:

**1 Citation**

These Regulations may be cited as the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*.

**2 Commencement**

These Regulations commence on the day they are notified in the Gazette.

**3 Interpretation**

In these Regulations:

**'asset'** has the same meaning given to it under Section 107 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

**'Commissioner of Police'**, include a person acting as the Commissioner, the Deputy Commissioner of Police or any other person approved by the Commissioner to attend to a request or to examine a report under these Regulations;

**'designation'** refers to listing of a terrorist group or terrorist for the purposes of Financial Action Task Force standards;

**'FIU'** means the Financial Intelligence Unit continued under Section 68 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*;

**'group'** means a group of persons who have a common purpose to commit a terrorist act or making provisions for terrorist and proliferation financing and assets;

**'Minister'** means the Minister responsible for Justice and Border Control;

**'proliferation financing'** means the provision of funds or financial services used for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons or any other weapons of mass destruction, and their means of delivery and related materials, including both technologies and dual-use goods used for non-legitimate purposes, in contravention of domestic laws or, where applicable, international obligations;

**'Secretary'** means the Secretary for Justice and Border Control;

**'terrorist'** has the same meaning given to it under Section 2(1) of the *Counter Terrorism and Transnational Organised Crime Act 2004*;

**'terrorist act'** has the same meaning given to it under Section 2(1) of the *Counter Terrorism and Transnational Organised Crime Act 2004*;

**'terrorist financing'** or **'terrorism financing'** includes the financing of terrorist acts and of terrorist groups and terrorists through the provision of any kind of funds, property, or assets in any form, including bank credits, traveller's cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit; and

**'terrorist group'** has the same meaning given to it under Section 2(1) of the *Counter Terrorism and Transnational Organised Crime Act 2004*.

G.N.No. 1111/2023 (Cont'd)

## PART 1 – DESIGNATIONS OF GROUPS AS TERRORIST GROUPS

### 4 **Criteria for designating terrorist group by Minister**

- (1) The Minister may designate a terrorist group where such group:
  - (a) commits a terrorist act;
  - (b) commits an offence under Part 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*;
  - (c) commits an offence under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* which relates to any terrorist act, terrorist financing and proliferation financing or assets;
  - (d) is designated by the UNSC or its committees under a resolution or successor resolution or any international or regional legal instrument;
  - (e) is controlled, directly or indirectly, by any person or entity designated under any UNSC resolution as a terrorist group, terrorist or by a person acting on behalf of a terrorist group or terrorist, or is controlled, directly or indirectly, by any person or entity designated by UNSC resolutions dealing with proliferation financing or by persons and entities acting on their behalf, or at their direction;
  - (f) participates as an accomplice in a terrorist act;
  - (g) organises or directs others to commit a terrorist act; or
  - (h) contributes to the commission of a terrorist act by a terrorist or a group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act, or with the knowledge of the intention of the terrorist or the group to commit a terrorist act; and
  - (i) for matters in (a), (b), (c), (d), (e), (f), (g) and (h) includes whether the group has committed or is in the process of planning to commit a terrorist act.
- (2) Where a group attempts to commit, participate in, or contribute to any of the criteria outlined in subregulation (1), the Minister may designate the group as a terrorist group, and it shall not matter whether such attempt, participation or contribution resulted in a terrorist act being carried out.

### 5 **Minister may designate terrorist group on own opinion or upon request**

- (1) The Minister may, in his or her own opinion, designate a group which falls in one or more of the criteria outlined in Regulation 4(1), if he or she acquires information or evidence that causes him or her to believe, on reasonable grounds, and is satisfied that the group shall be designated as a terrorist group.
- (2) The Minister may, upon receiving a request from a foreign country, foreign person or foreign entity, designate a group as a terrorist group if he or she is satisfied on reasonable grounds based on the information provided by the requesting foreign country, foreign person or foreign entity.

G.N.No. 1111/2023 (Cont'd)

- (3) The Minister may, upon receiving a request from a Nauruan entity or Nauruan citizen or resident, designate a group as a terrorist group if he or she is satisfied on reasonable grounds based on the information provided by the requesting Nauruan entity or Nauruan citizen or resident.
- (4) The Minister shall expediently consider a request for designation under subregulations (2) and (3).

**6 Particulars to be provided for request to designate terrorist group**

A request under Regulation 5(2) and (3) shall:

- (a) be made in writing and addressed to the Minister;
- (b) provide as much relevant information as possible on the:
  - (i) name of the group intended for designation;
  - (ii) sufficient identifying information to enable accurate and positive identification of the group; and
  - (iii) information which would ordinarily be required by the International Criminal Police Organisation to issue a special notice, where it is available;
- (c) provide a statement of a case which shall, where possible, contain:
  - (i) a detailed basis for the designation;
  - (ii) any specific information which meets the relevant criteria for designation;
  - (iii) the nature of information or supporting information or documents; and
  - (iv) details of any connection between the proposed designee and a designated terrorist or terrorist group;
- (d) state the nature of the funds, property or assets of the group in the Republic, which is used or linked to any terrorist, terrorist group, terrorist act, terrorist financing or proliferation financing or assets;
- (e) state the nature of funds, property or assets, which are owned or controlled, directly or indirectly, wholly or jointly, or derived or generated from such funds, property or assets; and
- (f) state, if known, a reference to any person who, or entity which, may be interested in the fund or asset of the group and the location of such person or entity.

**7 Procedure of request to designate terrorist group**

- (1) A request made pursuant to Regulation 5(2) by a foreign country, foreign person or foreign entity shall be:
  - (a) addressed to the Minister for Foreign Affairs;
  - (b) made under the diplomatic protocol facilitated by the Secretary for Foreign Affairs; and
  - (c) copied to the Minister so that the request is acted upon with expediency, where in urgent circumstances delay may be occasioned for the transmission of the request to the Minister, due to the requirements of complying with the protocols.

G.N.No. 1111/2023 (Cont'd)

- (2) Upon receipt of a request under Regulation 5, the Minister shall direct the Commissioner of Police, FIU or any other enforcement department or agency, to immediately examine the request and advise the Minister in writing within 3 days, whether there are reasonable grounds to designate a terrorist group.
- (3) The Commissioner of Police, FIU or any other enforcement department or agency may collect or request for additional information from:
  - (a) the foreign country, foreign person or foreign entity that submitted the request;
  - (b) the Nauruan entity or Nauruan citizen or resident that submitted the request;
  - (c) any other supervisory authority;
  - (d) any reporting entity, which includes financial institutions and designated non-financial businesses and professions;
  - (e) the Director of Public Prosecutions;
  - (f) the Nauru Customs Service;
  - (g) the Quarantine Section;
  - (h) the Immigration Section;
  - (i) any other department or instrumentality of the Republic; or
  - (j) any other person or entity who may have access to information necessary to make a designation of a terrorist group.
- (4) A person or entity to whom a request is made under subregulation (3) shall provide the required information to the Commissioner of Police, FIU or any other enforcement department or agency within 48 hours of receipt of the request.
- (5) The Minister shall make a designation, based on the advice provided by the Commissioner of Police, FIU or any other enforcement department or agency as to whether there are reasonable grounds to believe that the group is:
  - (a) committing a terrorist act;
  - (b) committing an offence under Part 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*;
  - (c) committing an offence under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* which relates to any terrorist act, terrorist financing or proliferation financing or assets;
  - (d) designated by the UNSC or its committees under a resolution or successor resolution or any international or regional legal instrument;



G.N.No. 1111/2023 (Cont'd)

- (e) controlled, directly or indirectly, by any person or entity designated under any UNSC resolution as a terrorist group or by a person acting on behalf of a terrorist, terrorist group, or is controlled, directly or indirectly, by any person or entity designated by UNSC resolutions dealing with proliferation financing or by persons and entities acting on their behalf, or at their direction;
- (f) participating as an accomplice in a terrorist act;
- (g) organising or directing others to commit a terrorist act; or
- (h) contributing to the commission of a terrorist act by a person or group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act, or with the knowledge of the intention of the terrorist or terrorist group to commit a terrorist act; and
- (i) for matters in (a), (b), (c), (d), (e), (f), (g) and (h) includes, whether the group has committed or is in the process of planning to commit the terrorist act.

(6) A designation by the Minister shall be made:

- (a) *ex parte*; and
- (b) without giving prior notice to the group whose proposal for designation as a terrorist group is being considered.

(7) The designation of a terrorist group by the Minister shall be in Form 1 of Schedule 1.

**8 Notification of designated terrorist group to requesting foreign country, foreign person or foreign entity**

Where the Minister designates a terrorist group, he or she shall notify the requesting foreign country, foreign person or foreign entity within 48 hours of such designation.

**9 Notification of designated terrorist group to requesting Nauruan entity or Nauruan citizen or resident**

Where the Minister designates a terrorist group, he or she shall notify the requesting Nauruan entity or Nauruan citizen or resident within 48 hours of such designation.

**10 Notification of designated terrorist group to UNSC**

Where the Minister designates a terrorist group, he or she shall notify the UNSC or the relevant UNSC Sanctions Committee within 48 hours of such designation.

**11 Request to United Nations to designate terrorist groups designated by the Minister**

(1) Where the Minister designates a terrorist group, he or she shall, through the Minister for Foreign Affairs, in accordance with diplomatic protocols and the procedures set out in subregulation (2), request the United Nations to designate that group in accordance with the UNSC resolutions relating to terrorist acts, terrorism or as a group engaged in proliferation financing.

(2) A request to designate a terrorist group under subregulation (1) shall:

- (a) be made in accordance with the procedures and standard forms for designating terrorist groups engaged in the proliferation financing adopted by the UNSC or its committees;

G.N.No. 1111/2023 (Cont'd)

- (b) provide as much relevant information as possible on the group proposed to be designated, including information that sufficiently identifies the group, and any name and trade name, acronym, and other former or current names identifying them, address of headquarters and branches or local offices, subsidiaries, organisational links, ownership structure, controlling management, parent company, nature of business or commercial activity, any country of the main activity or operation, registration or incorporation number or other identification numbers, website addresses, and status of the legal entity in terms of being under liquidation or dissolution; and
- (c) provide a statement containing as much detail as possible on the basis for the proposed designation, including specific information supporting a determination that the group meets the relevant criteria, supporting information or documents and details of any connection between the group and any other person, entity or group designated by the United Nations or already designated as a terrorist or a terrorist group by the Minister.

(3) For the purposes of subregulation (2)(a), the UNSC approved standard form for listing of a group is in Form 1 of Schedule 2.

**12 Publication of statement containing information for designated terrorist group**

The statement that is required to be provided under regulation 11 (2)(c) may be published in line with the procedures of the relevant UNSC Sanctions Committee, with the exception of any information that the Republic considers to be confidential.

**13 Identification of designating country**

Unless the Minister specifies to the UNSC or its committees to identify the Republic of Nauru as the designating country of the person designated for the purposes of proliferation financing, the Republic of Nauru shall not be identified.

**PART 2 – DESIGNATIONS OF NATURAL PERSONS AS TERRORISTS**

**14 Criteria for designating person as terrorist**

(1) The Minister may designate a natural person a terrorist where such person:

- (a) commits a terrorist act;
- (b) commits an offence under Part 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*;
- (c) commits an offence under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* which relates to any terrorist act, terrorist financing or proliferation financing or assets;
- (d) is designated by the UNSC or its committees under a resolution or successor resolution or any international or regional legal instrument;
- (e) is controlled, directly or indirectly, by any person or entity designated under any UNSC resolution as a terrorist group, terrorist or by a person acting on behalf of a terrorist, terrorist group, or is controlled, directly or indirectly, by any person or entity designated by UNSC resolutions dealing with proliferation financing or by persons and entities acting on their behalf, or at their direction;
- (f) participates as an accomplice in a terrorist act;

G.N.No. 1111/2023 (Cont'd)

- (g) organises or directs others to commit a terrorist act; or
  - (h) contributes to the commission of a terrorist act by a group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act, or with the knowledge of the intention of the terrorist or group to commit a terrorist act; and
  - (i) for matters in (a), (b), (c), (d), (e), (f), (g) and (h) includes, whether the person has committed or is in the process of planning to commit a terrorist act.
- (2) Where a person attempts to commit, participate in, or contribute to any of the criteria outlined in subregulation (1), the Minister may designate the person as a terrorist, and it does not matter whether such an attempt, participation, or contribution resulted in a terrorist act being carried out.

**15 Minister may designate terrorist on own opinion or upon request**

- (1) The Minister may, on his or her own opinion, designate a person, who falls in one or more of the criteria outlined in Regulation 14(1) if he or she acquires information or evidence that causes him or her to believe, on reasonable grounds, and is satisfied that the person shall be designated as a terrorist.
- (2) Upon receiving a request from a foreign country, foreign person or foreign entity, the Minister may designate a person as a terrorist if he or she is satisfied on reasonable grounds based on the information provided by the requesting foreign country, foreign person or foreign entity.
- (3) The Minister may, upon receiving a request from a Nauruan entity or Nauruan citizen or resident, designate a group as a terrorist group if he or she is satisfied on reasonable grounds based on the information provided by the requesting Nauruan entity or Nauruan citizen or resident.
- (4) The Minister shall expediently consider a request for designation under subregulations (2) and (3).

**16 Particulars to be provided for request to designate terrorist**

A request under Regulation 15(2) and (3) shall:

- (a) be made in writing and addressed to the Minister;
- (b) provide as much relevant information as possible on the:
  - (i) name of the natural person intended for designation;
  - (ii) sufficient identifying information to enable accurate and positive identification of the person; and
  - (iii) information which would ordinarily be required by the International Criminal Police Organisation to issue a special notice, where it is available;
- (c) provide a statement of a case which shall, where possible, contain:
  - (i) a detailed basis for the designation;
  - (ii) any specific information which meets the relevant criteria for designation;
  - (iii) the nature of information or supporting information or documents; and
  - (iv) details of any connection between the proposed designee and a designated terrorist or terrorist group;
- (d) state the nature of the funds, property or assets of the person in the Republic, which is used or linked to any terrorist, terrorist group, terrorist act, terrorist financing or proliferation financing or assets;

G.N.No. 1111/2023 (Cont'd)

- (e) state the nature of funds, property or assets, which are owned or controlled, directly or indirectly, wholly or jointly, or derived or generated from such funds, property or assets; and
- (f) state, if known, a reference to any person who, or entity which, may be interested in the fund or property of the person and the location of such person or entity.

17

**Procedure of request to designate a terrorist**

- (1) A request made pursuant to Regulation 15(2) by a foreign country, foreign person or foreign entity shall be:
  - (a) addressed to the Minister for Foreign Affairs;
  - (b) made under the diplomatic protocol facilitated by the Secretary for Foreign Affairs; and
  - (c) copied to the Minister so that the request is acted upon with expediency, where in urgent circumstances delay may be occasioned for the transmission of the request to the Minister, due to the requirements of complying with the protocols.
- (2) Upon receipt of a request under this regulation, the Minister shall direct the Commissioner of Police, FIU or any other enforcement department or agency, to immediately examine the request and advise the Minister in writing within 3 days whether there are reasonable grounds to designate a terrorist.
- (3) The Commissioner of Police, FIU or any other enforcement department or agency, may collect or request additional information from:
  - (a) the foreign country, foreign person or foreign entity that submitted the request;
  - (b) the Nauruan entity or Nauruan citizen or resident that submitted the request;
  - (c) any other supervisory authority;
  - (d) any reporting entity, which includes financial institutions and designated non-financial business and professions;
  - (e) the Director of Public Prosecutions;
  - (f) the Nauru Customs Service;
  - (g) the Quarantine Section;
  - (h) the Immigration Section;
  - (i) any other department or instrumentality of the Republic; or
  - (j) any other person or entity who may have access to information necessary to make a designation of a terrorist.
- (4) A person or entity to whom a request is made under subregulation (3) shall provide the required information to the Commissioner of Police, FIU or any other enforcement department or agency, within 48 hours of receipt of the request.

G.N.No. 1111/2023 (Cont'd)

- (5) The Minister shall make a designation, based on the advice provided by the Commissioner of Police, FIU or any other enforcement department or agency, as to whether there are reasonable grounds to believe that the person is:
- (a) committing a terrorist act;
  - (b) committing an offence under Part 3 of the *Counter Terrorism and Transnational Organised Crime Act 2004*;
  - (c) committing an offence under the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* which relates to any terrorist act, terrorist financing or proliferation financing or assets;
  - (d) designated by the UNSC or its committees under a resolution or successor resolution or any international or regional legal instrument;
  - (e) controlled, directly or indirectly, by any person or entity designated under any UNSC resolution as a terrorist or by a person acting on behalf of a terrorist, terrorist group, or is controlled, directly or indirectly, by any person or entity designated by UNSC resolutions dealing with proliferation financing or by persons and entities acting on their behalf, or at their direction;
  - (f) participating as an accomplice in a terrorist act;
  - (g) organising or directing others to commit a terrorist act; or
  - (h) contributing to the commission of a terrorist act by a person or group of persons acting with a common purpose, where the contribution is made intentionally and with the aim of furthering the terrorist act, or with the knowledge of the intention of the person or group to commit a terrorist act; and
  - (i) for matters in (a), (b), (c), (d), (e), (f), (g) and (h) includes whether the group has committed or in the process of planning to commit the terrorist act.
- (6) A designation by the Minister shall be made:
- (a) *ex parte*; and
  - (b) without giving prior notice to the person whose proposal for designation as a terrorist is being considered.
- (7) The designation of a terrorist by the Minister shall be in Form 2 of Schedule 1.

**18 Notification of designated terrorist to requesting foreign country, foreign person or foreign entity**

Where the Minister designates a terrorist, he or she shall notify the requesting foreign country, person, or entity within 48 hours of such designation.

**19 Notification of designated terrorist to requesting Nauruan entity or Nauruan citizen or resident**

Where the Minister designates a terrorist, he or she shall notify the requesting Nauruan entity or Nauruan citizen or resident within 48 hours of such designation.

G.N.No. 1111/2023 (Cont'd)

**20 Notification of designated terrorist to UNSC or its committees**

Where the Minister designates a terrorist, he or she shall notify the UNSC or its committees within 48 hours of such designation.

**21 Request to United Nations to designate terrorist designated by the Minister**

- (1) Where the Minister designates a terrorist, he or she shall, through the Minister for Foreign Affairs, in accordance with diplomatic protocols and the procedures set out in subregulation (2), request the United Nations to designate that person in accordance with the UNSC resolutions relating to terrorist act, terrorism or proliferation financing.
- (2) A request to designate a terrorist under subregulation (1) shall:
  - (a) be made in accordance with the procedures and standard forms for designating of terrorists or proliferators of weapons of mass destruction or their financiers adopted by the UNSC or its committees;
  - (b) provide as much relevant information as possible on the person proposed to be designated, including the full name of the natural person, family name, alias, date and place of birth, nationality, gender, other family member names, occupation details, country of residence, passport number, other identification card number, current and former residential addresses, current status before law enforcement authorities in terms of the person being wanted, detained or convicted, and all information needed by the International Criminal Police Organisation to issue a special notice, where it is available; and
  - (c) provide a statement containing as much detail as possible on the basis for the proposed designation, including specific information supporting a determination that the person meets the relevant designation criteria, supporting information or documents and details of any connection between the person and any other person, entity or group designated by the UNSC or its committees or designated as a terrorist or a terrorist group by the Minister.

- (3) For the purpose of subregulation (2)(a), the UNSC or its committees approved standard form for listing of a terrorist is in Form 2 of Schedule 2.

**22 Publication of statement containing information for designated terrorist**

The statement that is required to be provided under Regulation 21(2)(c) may be published in line with the procedures of the UNSC or its committees, with the exception of any information that the Republic considers to be confidential.

**23 Identification of designating country**

Unless the Minister specifies to the UNSC or its committees to identify the Republic of Nauru as the designating country of the person designated as a proliferator of weapons of mass destruction, the Republic of Nauru shall not be identified.

**PART 3 – TERRORIST GROUP PROLIFERATION FINANCING**

**24 Designation of proliferators of weapons of mass destruction as terrorist group**

- (1) The Minister may, on his or her own opinion, designate a group engaged in proliferation financing as a terrorist group if he or she acquires information or evidence that causes him or her to believe, on reasonable grounds that the group meets the specific criteria for designation set out in:

G.N.No. 1111/2023 (Cont'd)

- (a) UNSCR 1718 (2006) and its successor resolutions:
    - (i) as being engaged in or providing support for, including through other illicit means, to the Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial funds, property or assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities; or
    - (ii) as being responsible for, including through supporting or promoting, Democratic People's Republic of Korea's policies in relation to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;
  - (b) UNSCR 1731 (2006) and its successor resolutions:
    - (i) as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of the resolution, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of the resolution; or
    - (ii) as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and decides further that all States shall ensure that any funds, financial funds, property or assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities; or
  - (c) any other relevant UNSC resolutions.
- (2) Upon receiving a request from a foreign country, foreign person or foreign entity, the Minister may designate a group engaged in proliferation financing as a terrorist group if he or she is satisfied on reasonable grounds based on the information provided by the requesting foreign country, foreign person or foreign entity.
  - (3) Upon receiving a request from a Nauruan entity or Nauruan citizen or resident, the Minister may designate a group engaged in proliferation financing as a terrorist group if he or she is satisfied on reasonable grounds based on the information provided by the requesting Nauru entity or Nauru citizen or resident.
  - (4) The Minister shall expediently consider a request for designation under subregulations (2) and (3).

G.N.No. 1111/2023 (Cont'd)

**25 Particulars to be provided for request to designate proliferators of weapons of mass destruction as terrorist group**

The particulars to be provided for a request to designate a group as a proliferator of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 6.

**26 Procedure of request to designate proliferators of weapons of mass destruction as terrorist group**

The procedure for a request to designate a group as a proliferator of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 7.

**27 Notification of designated terrorist group as proliferators of weapons of mass destruction**

Where the Minister designates a group as proliferators of weapons of mass destruction, he or she shall notify the requesting foreign country, person, or entity within 48 hours of such designation.

**28 Notification of designated terrorist group to requesting Nauruan entity or Nauruan citizen or resident**

Where the Minister designates a terrorist group as proliferators of weapons of mass destruction, he or she shall notify the requesting Nauruan entity or Nauruan citizen or resident within 48 hours of such designation.

**29 Notification of designated terrorist group as proliferators of weapons of mass destruction to UNSC**

Where the Minister designates a group as proliferators of weapons of mass destruction, he or she shall notify the UNSC or its relevant committees within 48 hours of such designation.

**30 Request to United Nations to designate group designated by Minister as proliferators of weapons of mass destruction**

The request by the Minister to designate a group as proliferators of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 11.

**31 Publication of statement containing information for group designated as proliferators of weapons of mass destruction**

The statement that is required to be provided in accordance with Regulations 11(2)(c) and 30 may be published in line with the procedures of the UNSC or its committees, with the exception of any information that the Republic considers to be confidential.

**32 Identification of designating country**

Unless the Minister specifies to the UNSC or its committees to identify the Republic of Nauru as the designating country of the group designated as a proliferator of weapons of mass destruction, the Republic of Nauru shall not be identified.

**PART 4 – TERRORIST PROLIFERATION FINANCING**

**33 Designation of person as proliferator of weapons of mass destruction**

(1) The Minister may, on his or her own opinion, designate a person engaged in proliferation financing as a terrorist if he or she acquires information or evidence that causes him or her to believe, on reasonable grounds that the person meets the specific criteria for designation set out in:



G.N.No. 1111/2023 (Cont'd)

- (a) UNSCR 1718 (2006) and its successor resolutions:
    - (i) as being engaged in or providing support for, including through other illicit means, Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial funds, property or assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities; or
    - (ii) as being responsible for, including through supporting or promoting, the Democratic People's Republic of Korea's policies in relation to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;
  - (b) UNSCR 1731 (2006) and its successor resolutions:
    - (i) as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of the resolution, except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of the resolution; or
    - (ii) as being engaged in, directly associated with or providing support for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Security Council or the Committee removes them from the Annex, and decides further that all States shall ensure that any funds, financial funds, property or assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities; or
  - (c) any other relevant UNSC resolutions.
- (2) Upon receiving a request from a foreign country, foreign person or foreign entity, the Minister may designate a person engaged in proliferation financing as a terrorist if he or she is satisfied on reasonable grounds based on the information provided by the requesting foreign country, foreign person or foreign entity.
  - (3) Upon receiving a request from a Nauruan entity or Nauruan citizen or resident, the Minister may designate a person engaged in proliferation financing as a terrorist if he or she is satisfied on reasonable grounds based on the information provided by the requesting Nauru entity or Nauru citizen or resident.
  - (4) The Minister shall expediently consider a request for designation under subregulations (2) and (3).

34

**Particulars to be provided for request to designate proliferator of weapons of mass destruction as terrorist**

The particulars to be provided for a request to designate a person as a proliferator of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 16.

G.N.No. 1111/2023 (Cont'd)

**35 Procedure of request to designate terrorist as proliferator of weapons of mass destruction**

The procedure for a request to designate a person as a proliferator of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 17.

**36 Notification of designated terrorist as proliferator of weapons of mass destruction**

Where the Minister designates a person as a proliferator of weapons of mass destruction, he or she shall notify the requesting foreign country, person, or entity within 48 hours of such designation.

**37 Notification of designated terrorist to requesting Nauruan entity or Nauruan citizen or resident**

Where the Minister designates a terrorist as a proliferator of weapons of mass destruction, he or she shall notify the requesting Nauruan entity or Nauruan citizen or resident within 48 hours of such designation.

**38 Notification of designated terrorist as proliferators of weapons of mass destruction to UNSC**

Where the Minister designates a person as a proliferator of weapons of mass destruction, he or she shall notify the UNSC or its committees within 48 hours of such designation.

**39 Request to United Nations to designate person designated by Minister as proliferator of weapons of mass destruction**

The request by the Minister to designate a person as a proliferator of weapons of mass destruction shall, with the necessary modifications, be the same as outlined in Regulation 21.

**40 Publication of statement containing information for person designated as proliferator of weapons of mass destruction**

The statement that is required to be provided in accordance with Regulations 21(2)(c) and 39 may be published in line with the procedures of the UNSC or its committees, with the exception of any information that the Republic considers to be confidential.

**41 Identification of designating country**

Unless the Minister specifies to the UNSC or its committees to identify the Republic of Nauru as the designating country of the person designated as a proliferator of weapons of mass destruction, the Republic of Nauru shall not be identified.

**PART 5 – DESIGNATION AND DE-LISTING OF GROUP BY UNSC**

**42 Designation of group required to be designated by UNSC**

(1) Where the UNSC or its committees designates a group as a terrorist group, or where the UNSC or its committees designates a group for activities related to proliferation financing under any UNSC resolution adopted under Chapter VII of the United Nations Charter, the Permanent Mission of Nauru to the United Nations shall, within 48 hours after the designation, submit to the Minister for Foreign Affairs, and notify the Minister and the Financial Intelligence Unit, of the particulars of the designation.

(2) The Minister for Foreign Affairs shall immediately forward to the Minister the designation submitted to him or her under subregulation (1), and the Minister shall, within 48 hours of receiving the designation, designate the group to be a terrorist group in accordance with these Regulations.

(3) For avoidance of doubt, a group may only be designated a terrorist group by the Minister under this Part if:

G.N.No. 1111/2023 (Cont'd)

- (a) such group is designated as such by the UNSC or its committees; or
  - (b) such group is designated for activities related to proliferation financing by the UNSC or its committees,
- in accordance with a relevant UNSC Resolutions.

(4) The designation under subregulation (2) shall be in Form 1 of Schedule 3.

**De-listing of group designated by UNSC**

- (1) A group designated as a terrorist group for activities related to proliferation financing by the UNSC or its committees, may apply to the UNSC or its committees to be de-listed in accordance with the procedures set out in the relevant UNSC resolution under which the group was designated.
- (2) A group applying to be de-listed from the ISIL (Da'esh) and Al-Qaida Sanctions List of the UNSC may submit a request for de-listing directly to the Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee.
- (3) In the case of a group who has been designated for activities sanctions under the UNSC Resolutions, such group may apply for de-listing directly to the Focal Point for de-listing established pursuant to UNSC Resolution 1730(2006).
- (4) Any request for de-listing as a designated terrorist group shall be accompanied by information and documents supporting the request.
- (5) A group in the Republic who is designated by the UNSC or its committees may submit to the Minister a request for de-listing.
- (6) A request submitted to the Minister under subregulation (5) shall be submitted to the Office of the Ombudsperson or to the Focal Point within 48 hours, in coordination with the Minister for Foreign Affairs and accompanied by the Minister's observation as to the admissibility of the request.
- (7) The Minister may submit a request for de-listing by the UNSC or its committees, whether on his or her own opinion or based on a request received from a designated terrorist group, if the Minister determines that the applicable criteria do not or no longer apply.
- (8) Where a group is de-listed as a terrorist group by the UNSC or its committees, or where a group is de-listed by the UNSC or its committees where they were listed for activities related to proliferation financing, and such group has been designated as a terrorist group in the Republic as a consequence under these Regulations, the group shall be removed from the list of designated terrorist groups.
- (9) Where a group is removed from the list of designated terrorist groups, the Minister shall immediately notify the FIU and it shall, upon receipt of the notification, immediately circulate the information to all reporting entities and any relevant public or private entity to facilitate the timely unfreezing or unseizing of the funds, property or assets of the relevant group.
- (10) The FIU shall circulate the information under subregulation (9) in Form 1 of Schedule 4.

43

**PART 6 – DESIGNATION AND DE-LISTING OF PERSON BY UNSC**

**44 Designation of person required to be designated by UNSC**

- (1) Where the UNSC or its committees designates a person as a terrorist, or where the UNSC or its committees designates a person for activities related to proliferation financing under any UNSC resolution adopted under Chapter VII of the United Nations Charter, the Permanent Mission of Nauru to the United Nations shall, within 48 hours after the designation, submit to the Minister for Foreign Affairs, and notify the Minister and the Financial Intelligence Unit, of the particulars of the designation.
- (2) The Minister for Foreign Affairs shall immediately forward to the Minister the designation submitted to him or her under subregulation (1), and the Minister shall, within 48 hours of receiving the designation, designate the person to be a terrorist in accordance with these Regulations.
- (3) For avoidance of doubt, a person may only be designated a terrorist by the Minister under this Part if:
  - (a) such person is designated as such by the UNSC or its committees; or
  - (b) such person is designated for activities related to proliferation financing by the UNSC or its committees,in accordance with a relevant UNSC resolution.
- (4) The designation under subregulation (2) shall be in Form 2 of Schedule 3.

**45 De-listing of person designated by UNSC**

- (1) A person designated as a terrorist for activities related to proliferation financing by the UNSC or its committees, may apply to the UNSC or its committees to be de-listed in accordance with the procedures set out in the relevant UNSC resolution under which the person was designated.
- (2) A person applying to be de-listed from the ISIL (Da'esh) and Al-Qaida Sanctions List of the UNSC may submit a request for de-listing directly to the Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee.
- (3) In the case of a person who has been designated for activities sanctions under the UNSC Resolutions, such person may apply for de-listing directly to the Focal Point for de-listing established pursuant to UNSC Resolution 1730(2006).
- (4) Any request for de-listing as a designated terrorist shall be accompanied by information and documents supporting the request.
- (5) A person in the Republic who is designated by the UNSC or its committees may submit to the Minister a request for de-listing.
- (6) A request submitted to the Minister under subregulation (5) shall be submitted to the Office of the Ombudsperson or to the Focal Point within 48 hours, in coordination with the Minister for Foreign Affairs and accompanied by the Minister's observation as to the admissibility of the request.
- (7) The Minister may submit a request for de-listing by the UNSC or its committees, whether on his or her own opinion or based on a request received from a designated terrorist, if the Minister determines that the applicable criteria do not or no longer apply.

G.N.No. 1111/2023 (Cont'd)

- (8) Where a person is de-listed as a terrorist by the UNSC or its committees, or where a person is de-listed by the UNSC or its committees where they were designated for activities related to the proliferation financing, and such person has been designated as a terrorist in the Republic as a consequence under these Regulations, the person shall be removed from the list of designated terrorists.
- (9) Where a person is removed from the list of designated terrorists, the Minister shall immediately notify the FIU and it shall, upon receipt of the notification, immediately circulate the information to all reporting entities and any relevant public or private entity to facilitate the timely unfreezing or unseizing of the funds, property or assets of the relevant person.
- (10) The FIU shall circulate the information under subregulation (9) in Form 2 of Schedule 4.

**PART 7 – NOTIFICATION OF DESIGNATED GROUPS TO FIU AND FREEZING OR SEIZING OF FUNDS, PROPERTY OR ASSET**

**46 Notification of designated terrorist group by Minister to FIU**

- (1) Where the Minister designates a terrorist group under these Regulations, he or she shall notify the FIU within 48 hours of the designation.
- (2) The notification under subregulation (1) shall be in Form 1 of Schedule 5.

**47 Freezing or seizing of funds, property or assets**

- (1) Upon designation of a terrorist group, the Minister shall cause the immediate temporary freezing or seizing of the:
  - (a) funds, property or assets of the designated group; and
  - (b) any other funds derived or generated from such funds, including any funds or other property wholly or jointly owned or controlled, directly or indirectly, by the designated group or by any person acting on behalf of or at the direction of the designated group.
- (2) A directive by the Minister under subregulation (1) shall remain in force until the Supreme Court issues an order freezing or seizing the funds, property or assets.
- (3) For the purposes of subregulation (1), the Minister shall, within 8 hours of such designation, and without notice to the terrorist group, circulate the information in an expeditious manner to all reporting entities and any relevant public or private entity to facilitate the timely freezing or seizing of the funds, property or assets of the group.
- (4) Within 8 hours after receipt of information under subregulation (3) by a reporting entity or relevant public or private entity, such reporting entity or relevant public or private entity shall conduct a check to verify whether the details of the terrorist or terrorist group match with particulars of any customer, and if so, determine whether the customer holds any funds, property or assets with it.
- (5) Where a customer is determined to match the details of a terrorist group and such customer holds any funds, property or assets, whether wholly or jointly owned or controlled directly or indirectly by the customer, the reporting entity or relevant public or private entity shall, without delay and without notice to the terrorist group, freeze or seize such funds, property or assets and immediately stop all transactions related to such funds, property or assets.
- (6) The reporting entity or relevant public or private entity shall, immediately after freezing or seizing any funds, property or assets under subregulation (5), inform the Minister of the full particulars of the funds, property or assets which have been frozen or seized and any other information that is

G.N.No. 1111/2023 (Cont'd)

relevant to or would facilitate compliance with these Regulations, including all transactions or attempted transactions relating to the funds, property or assets.

- (7) The particulars required under subregulation (6) shall include:
- (a) in the case of a reporting entity:
    - (i) the account number;
    - (ii) the name of the account owner or holder;
    - (iii) the time of freezing of the account;
    - (iv) the balance of the account at the time of freezing or seizing of the funds, property or assets;
    - (v) the related accounts, if any, including the balance of funds, property or assets in the accounts at the time of freezing or seizing; and
    - (iv) an explanation as to the grounds for the identification of the related accounts; and
  - (b) in the case of a relevant public or private entity:
    - (i) the nature and description of the fund, property or assets;
    - (ii) the name of the owner or holder of the funds, property or assets;
    - (iii) the mode and date of acquisition of the funds, property or assets by the owner;
    - (iv) the location of the funds, property or assets; and
    - (v) the transactions relating to the funds, property or assets.
- (8) Subject to this regulation, a natural person, reporting entity, relevant public or private entity in the Republic:
- (a) shall, without delay and without prior notice to the terrorist group, freeze or seize:
    - (i) any funds, property or assets that is owned or controlled by the designated terrorist group and not just those that can be associated with a particular terrorist or proliferation act, plot or threat;
    - (ii) any funds, property or assets that is wholly or jointly controlled, directly or indirectly by the designated terrorist group;
    - (iii) any funds, property or assets derived or generated from any other funds, property or assets owned or controlled directly or indirectly by the designated terrorist group; and
    - (iv) any funds, property or assets of any person or entity acting on behalf of, or at the direction of, the designated terrorist group;
  - (b) shall not allow any dealing in respect of any funds, property or assets the Minister has directed to be frozen or seized; and

G.N.No. 1111/2023 (Cont'd)

- (c) shall not have any dealing with a designated terrorist group, including making any funds, property or assets, economic resources, or financial or other related services available, directly or indirectly, wholly or jointly, for their benefit or the benefit of entities owned or controlled, directly or indirectly, by a designated terrorist group, or any other person or entity acting on their behalf, or at their direction unless authorised or otherwise notified with these Regulations.
- (9) A person who contravenes subregulation (8) commits an offence and shall be liable upon conviction to a penalty provided in Section 125 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*.
- (10) Upon receipt of the information or particulars required under this regulation, the Minister shall submit them to the Director of Public Prosecutions within 8 hours of receipt.

## **PART 8 - NOTIFICATION OF DESIGNATED TERRORISTS TO FIU AND FREEZING OR SEIZING OF FUNDS, PROPERTY OR ASSETS**

### **48 Notification of designated terrorist by Minister to FIU**

- (1) Where the Minister designates a terrorist under these Regulations, he or she shall notify the FIU within 48 hours of the designation.
- (2) The notification under subregulation (1) shall be in Form 2 of Schedule 5.

### **49 Freezing or seizing of funds, property or assets by Minister**

- (1) Upon designation of a terrorist, the Minister shall cause the immediate temporary freezing or seizing of the:
  - (a) funds, property or assets of the designated person; and
  - (b) any other funds derived or generated from such funds, including any funds or other property wholly or jointly owned or controlled, directly or indirectly, by the designated person or by any person acting on behalf of or at the direction of the designated person.
- (2) A directive by the Minister under subregulation (1) shall remain in force until the Supreme Court issues an order freezing or seizing the funds, property or assets.
- (3) For the purposes of subregulation (1), the Minister shall, within 8 hours of such designation, and without notice to the terrorist, circulate the information in an expeditious manner to all reporting entities and any relevant public or private entity to facilitate the timely freezing or seizing of the funds, property or assets of the person.
- (4) Within 8 hours after receipt of information under subregulation (3) by a reporting entity or relevant public or private entity, such reporting entity or relevant public or private entity shall conduct a check to verify whether the details of the terrorist match with particulars of any customer, and if so, determine whether the customer holds any funds, property or assets with it.
- (5) Where a customer is determined to match the details of a terrorist and such customer holds any funds, property or assets, whether wholly or jointly owned or controlled directly or indirectly by the customer, the reporting entity or relevant public or private entity shall, without delay and without notice to the terrorist, freeze or seize such funds, property or assets and immediately stop all transactions related to such funds, property or assets.

G.N.No. 1111/2023 (Cont'd)

- (6) The reporting entity or relevant public or private entity shall, immediately after freezing or seizing any funds, property or assets under subregulation (5), inform the Minister of the full particulars of the funds, property or assets which have been frozen or seized and any other information that is relevant to or would facilitate compliance with these Regulations, including all transactions or attempted transactions relating to the funds, property or assets.
- (7) The particulars required under subregulation (6) shall include:
- (a) in the case of a reporting entity:
    - (i) the account number;
    - (ii) the name of the account owner or holder;
    - (iii) the time of freezing of the account;
    - (iv) the balance of the account at the time of freezing or seizing of the funds, property or assets;
    - (v) the related accounts, if any, including the balance of funds or property in the accounts at the time of freezing or seizing; and
    - (iv) an explanation as to the grounds for the identification of the related accounts; and
  - (b) in the case of a relevant public or private entity:
    - (i) the nature and description of the funds, property or assets;
    - (ii) the name of the owner or holder of the funds, property or assets;
    - (iii) the mode and date of acquisition of the funds, property or assets by the owner;
    - (iv) the location of the funds, property or assets; and
    - (v) the transactions relating to the funds, property or assets.
- (8) Subject to this Regulation, a natural person, reporting entity, relevant public or private entity in the Republic:
- (a) shall, without delay and without prior notice to the terrorist, freeze or seize:
    - (i) any funds, property or assets that is owned or controlled by the designated terrorist and not just those that can be associated with a particular terrorist or proliferation act, plot or threat;
    - (ii) any funds, property or assets that is wholly or jointly controlled, directly or indirectly by the designated terrorist;
    - (iii) any funds, property or asset derived or generated from any other funds, property or assets owned, controlled directly or indirectly by the designated terrorist; and
    - (iv) any funds, property or assets of any person or entity acting on behalf of, or at the direction of, the designated terrorist;
  - (b) shall not allow any dealing in respect of any funds, property or assets the Minister has directed to be frozen or seized; and
  - (c) shall not have any dealing with a designated terrorist, including making any funds, property or assets, economic resources, or financial or other related services available, directly or indirectly, wholly or jointly, for their benefit or the benefit of entities owned or controlled, directly or indirectly, by a designated terrorist, or any other person or entity



G.N.No. 1111/2023 (Cont'd)

acting on their behalf, or at their direction unless authorised or otherwise notified with these Regulations.

- (9) A person who contravenes subregulation (8) commits an offence and shall be liable upon conviction to the sentence provided in Section 125 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*.
- (10) Upon receipt of the information or particulars required under this regulation, the Minister shall submit them to the Director of Public Prosecutions within 8 hours of receipt.

## **PART 9 – SEIZING AND FREEZING OF FUNDS, PROPERTY OR ASSETS**

### **50 Application for seizing or freezing of funds, property or assets of terrorist group or terrorist**

- (1) The Director of Public Prosecutions shall, within 8 hours of receipt of the information under Regulation 47(10) or 49(10), make an *ex parte* application to the Supreme Court for a seizing or freezing order of funds, property or assets of a terrorist or terrorist group.

- (2) The Court shall make a determination expeditiously.

### **51 Funds, property or assets frozen in error**

Where any funds, property or assets is frozen in error, the Minister shall immediately notify the Director of Public Prosecutions of the error and request the Director of Public Prosecutions to obtain a Court order authorising the Minister to immediately unfreeze the funds, property or assets.

### **52 Freezing or seizing of funds, property or assets of designated terrorists or terrorist groups outside Nauru**

- (1) Where the Minister designates a person as a terrorist or a group as a terrorist group under these Regulations and such person or group has funds, property or assets in a foreign country, the Minister, through the appropriate diplomatic channels, request the relevant authority in such foreign country where the funds, property or assets are located, freeze or seize such funds, property or assets.
- (2) A request under subregulation (1) shall be accompanied with as much relevant information as possible to enable the relevant authority in the foreign country where the funds, property or assets are located to make a determination on the request, including sufficient identifying information to allow for the accurate and positive identification of the person or group, as well as a statement containing as much detail as possible on the basis for the proposed designation, including specific information supporting a determination that the person or group meets the relevant designation criteria.

### **53 Review of decision freezing or seizing funds, property or assets by Court**

- (1) The Court may vary an order freezing or seizing funds, property or assets, where it is satisfied on the balance of probabilities that:
- (a) the order freezing or seizing the funds, property or assets was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;
  - (b) the person or group had their funds, property or assets frozen in error, owing to their having the same or similar names to those of designated terrorists or terrorist groups;
  - (c) the person or group is an innocent third party with a *bona fide* right to the frozen or seized funds, property or assets; or
  - (d) the frozen or seized funds, property or assets is exempt from freezing or seizing under any law or under the relevant UNSC Resolutions on combatting terrorist acts, terrorism or proliferation financing.

G.N.No. 1111/2023 (Cont'd)

- (2) Upon an application being made under subregulation (1), the Court shall examine *ex parte* and *in camera* any security or intelligence reports or other information or evidence considered confidential by the Minister, which were considered by the Minister and which formed, in part or in whole, the basis for the seizing or freezing of the funds, property or assets.
- (3) Where an order freezing or seizing funds is varied by the Court, the Minister shall issue a notice of that fact to the person or group and to any other person or entity affected by the decision.
- (4) The Minister shall, upon receipt of an order by the Court revoking an order freezing or seizing any funds, property or assets, cause a reporting entity or relevant public or private entity, to unfreeze the funds, property or assets.
- (5) An order made under this Regulation shall be published, within 24 hours, in the Gazette by the Minister, in Form 1 of Schedule 8.
- (6) This Regulation shall not apply to any funds, property or assets frozen or seized by virtue of a UNSC Resolution unless such funds, property or assets has been unfrozen in accordance with the UNSC Resolution under which the property was frozen or seized.

#### **PART 10 – APPEALS AGAINST DESIGNATIONS OF MINISTER**

##### **54 Appeal of designation made by the Minister**

For the purposes of Section 111 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023*, a person or entity shall apply to the Minister to be de-listed in Form 2 of Schedule 8.

##### **55 Minister's decision appealable to Supreme Court**

- (1) A terrorist group or terrorist designated under Parts 1,2,3 and 4 may appeal to the Supreme Court against the decision of the Minister either on the procedure or on the merits of the designation.
- (2) An appeal against the designation of a terrorist group or terrorist by the Minister shall be:
  - (a) made by a Notice of Appeal, in Form 1 of Schedule 6; and
  - (b) accompanied by a supporting affidavit, in Form 2 of Schedule 6.
- (3) The Notice of Appeal shall provide:
  - (a) a concise nature of the procedural or substantive error of the designation;
  - (b) a concise nature of relief sought;
  - (c) the relevant domestic or international laws to be relied upon for the appeal; and
  - (d) such other orders being sought as may be appropriate.
- (4) An appeal under subregulation (1) shall be filed within 30 days from the gazettal of the designation by the Minister.

##### **56 Hearing of an appeal to be heard in public except in case of security or intelligence**

- (1) Subject to subregulation (2), the appeal or any application within the appeal shall be heard in open court.

G.N.No. 1111/2023 (Cont'd)

- (2) The Court may be held in camera or in a closed court where there are issues of confidentiality of any reports in relation to any security or intelligence considered by the Minister at the time of making his or her designation.

**57 Parties to the proceedings**

- (1) An appeal under Parts 1, 2, 3 and 4 shall be filed by the designated terrorist group or terrorist.
- (2) The appeal shall be filed against the Minister, in his or her statutory capacity under the relevant law.
- (3) The Republic may be joined as an interested party under Section 11(2) of the *Republic Proceedings Act 1972*.
- (4) The Notice of Appeal and supporting affidavit issued by the Court shall be served to the Minister and Secretary within 14 days of the filing of the appeal.

**58 Jurisdiction of Supreme Court**

- (1) The Court may set aside a designation by the Minister if it is satisfied on the balance of probabilities that:
- (a) there were no reasonable grounds for the Minister to make a designation; or
  - (b) the grounds on which the Minister based his or her decision no longer exist, such as when new information or new factual information is available to the Court or when there is a change in the behaviour of the designated group.
- (2) In determining that there are no reasonable grounds to designate under the Act or these regulations, the Court may take into account the following factors:
- (a) the designated terrorist group or terrorist is an innocent third party with a similar or identical name; or
  - (b) the designated terrorist group or terrorist no longer satisfies the designation criteria.

**59 Court has no jurisdiction in decision of UNSC or its committee**

- (1) For avoidance of doubt, the provisions of this Part do not apply to a group or person designated by the UNSC or its committees, and the Court has no jurisdiction by way of an appeal or judicial review to set aside a designation of a group which has not been de-listed by the UNSC or its committees.
- (2) Any application or appeal filed against the decision referred to in subregulation (1) shall be summarily dismissed by the Court.

**60 Evidence on appeal**

- (1) Where an appellant intends to rely on oral or written evidence that were not submitted to the Minister or were not considered, he or she may apply to the Court for leave to adduce such evidence.
- (2) The Court shall have the jurisdiction to hear and consider the application under subregulation (1).

**PART 11 – MISCELLANEOUS**

**61 Confidentiality**

A person who processes or receives information in accordance with these Regulations shall regard the information as confidential and not disclose it unless required by law.

G.N.No. 1111/2023 (Cont'd)

**62 Notification of Secretary for Justice and Border Control**

- (1) Where a person is designated a terrorist or a group designated a terrorist group pursuant to these Regulations, the Minister shall immediately notify the Secretary for Justice and Border Control and require him or her to implement the appropriate immigration controls with regard to the designated terrorist or terrorist group.
- (2) Notwithstanding subregulation (1), where the person is designated a terrorist or the group is a terrorist group as a result of a UNSC Resolution requiring that a travel ban be imposed on such person or group, the Secretary shall immediately impose such travel ban.

**63 Cooperation with other agencies and exchange of information**

To give effect to the Act and these Regulations, the FIU, Police, Director of Public Prosecutions, departments and other instrumentalities of the Republic shall cooperate, and where necessary, exchange information.

**64 Publication of designated or de-listed person or group**

- (1) The Minister shall publish in the Gazette:
  - (a) for any designation of a terrorist group or terrorist, in Form 3 of Schedule 8; and
  - (b) for any de-listing of a group or person, in Form 4 of Schedule 8.
- (2) The FIU shall immediately circulate any designation or de-listing of a terrorist or terrorist group to:
  - (a) any other supervisory authority;
  - (b) any reporting entity, which includes financial institutions and designated non-financial businesses and professions;
  - (c) the Director of Public Prosecutions;
  - (d) the Nauru Customs Service;
  - (e) the Quarantine Section;
  - (f) the Immigration Section; and
  - (g) any other department or instrumentality of the Republic.

**65 Registers**

- (1) The Secretary shall be responsible for establishing and maintaining a Register of all persons and groups designated as terrorists or terrorist groups in Form 1 of Schedule 7.
- (2) The FIU shall be responsible for establishing and maintaining a Register of funds, property or assets seized or frozen in Form 2 of Schedule 7.

**66 Request for information**

- (1) A foreign country, foreign person or foreign entity may submit a written request to the Secretary or the FIU for information maintained pursuant to the Act or these Regulations.
- (2) A Nauruan entity or Nauruan citizen or resident may submit a written request to the Secretary or the FIU for information maintained pursuant to the Act or these Regulations.
- (3) A request for information relating:

G.N.No. 1111/2023 (Cont'd)

- (a) to a person designated a terrorist or group designated a terrorist group under the Act or these Regulations shall be addressed to the Secretary; and
- (b) to the freezing or seizing of funds, property or assets under the Act or these Regulations, shall be addressed to the FIU.

**67 Rights of bona fide third parties**

The rights of bona fide third parties who are acting in good faith shall be taken into consideration when implementing the provisions of these Regulations.

**68 Management of all requests**

(1) The Minister shall be responsible for establishing and maintaining a Register of:

- (a) all requests for designation;
- (b) application for de-listing;
- (c) decisions made by the Minister; and
- (d) orders for freezing or de-freezing funds, assets and properties.

(2) The request and any orders made by any person shall be reviewed on a regular basis and noted in the register for any actions taken by the Minister or any other person duly authorised under the Act or these Regulations to carry out such activities.

(3) The review in subregulation (2) shall constitute case management which will be for:

- (a) any requests made under the Act or regulations; and
- (b) any cases filed in court.

**69 Delegation by the Minister**

The Minister may delegate to the Secretary to undertake any function provided for under Regulation 68.

**70 Forms and procedure**

- (1) Where there are no specific forms or procedures prescribed, any proceeding so filed under these Regulations shall be conducted in accordance with existing written laws, including Rules of the court or Practice Directions issued by the Chief Justice.
- (2) An appeal from one hierarchy of a court to another shall be instituted and heard in the same manner as is undertaken in other causes or matters as prescribed in the *District Court Act 2018*, *Supreme Court Act 2018* and the *Nauru Court of Appeal Act 2018* respectively.
- (3) The enforcement of an order shall be undertaken in accordance with existing procedures under any written law including, the *Administration of Justice Act 2018*.

G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 1**

*[Section 110; Regulation 7(7)]*

**FORM 1**



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DESIGNATION OF TERRORIST GROUP**

In accordance with Section 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 7(7) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I hereby designate *[name of group]* as a terrorist group

.....  
.....  
.....  
.....

Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**FORM 2**

*[Section 110; Regulation 17(7)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DESIGNATION OF TERRORIST**

In accordance with Section 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 17(7) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I hereby designate *[name of natural person]* as a terrorist

.....  
.....  
.....  
.....

Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 2**

**FORM 1**

*[Section 110; Regulations 11(3)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations  
2023

**UNITED NATIONS SECURITY COUNCIL (UNSC) APPROVED STANDARD FORM FOR LISTING OF  
GROUPS**

**STANDARD FORM FOR LISTING OF GROUPS ON THE  
ISIL (DA'ESH) AND AL-QAIDA SANCTIONS LIST**

Member States are requested to provide the following information to allow for the accurate and positive identification of the group. Please leave blank any fields for which information is not available. For additional information or assistance in completing the form, please contact the Analytical Support and Sanctions Monitoring Team at : email: [1267MT@un.org](mailto:1267MT@un.org), telephone: 917-367-2315.

<b>I.A. KEY IDENTIFYING INFORMATION</b>		
<b>Full name</b> (this is the main name under which the group will be listed)	(in Latin script)	
	<b>Original script</b> (if not Latin): <b>Indicate script</b> (for example, Arabic, Chinese, Russian):	
	<b>Full name in other scripts</b> (indicate scripts, for example, Arabic, Chinese, Russian):	
<b>Acronym</b> (if applicable)	(in Latin script)	
	<b>Original script</b> (if not Latin): <b>Indicate script</b> (for example, Arabic, Chinese, Russian):	
	<b>Other scripts</b> ( indicate scripts, for example, Arabic, Chinese, Russian):	
<b>Establishment</b>	Place (street, city, state/province, country):  Day:      Month:                      Year:              Calendar:	
	<b>Operational areas</b>	
<b>Addresses</b> (if applicable)	Place (street, city, state/province, country): Time frame (Month/Year —Month/Year):              Calendar:	
	Place (street, city, state/province, country): Time frame (Month/Year —Month/Year):              Calendar:	
	Place (street, city, state/province, country): Time frame (Month/Year —Month/Year):              Calendar:	
	Current (street, city, state/province, country):  Previous (street, city, state/province, country):	Dates:  Dates:



G.N.No. 1111/2023 (Cont'd)

<b>I.B. ALIASES/AKAS/FKAS</b>	
Please leave blank any fields for which information is not available.	
<b>Also-Known-As (AKA)</b> (including Formerly-Known-As (FKA) names)	(in Latin script) <b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Type of AKA</b>	<input type="checkbox"/> Name variation <input type="checkbox"/> Spelling variation <input type="checkbox"/> Formerly-Known-As (FKA) <input type="checkbox"/> Other, explain:
<b>Acronym</b> (if applicable)	(in Latin script): <b>Original script</b> (if not Latin): <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Other information relevant to this AKA</b>	
<b>Also-Known-As (AKA)</b> (including Formerly-Known-As (FKA) names)	(in Latin script) <b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Type of AKA</b>	<input type="checkbox"/> Name variation <input type="checkbox"/> Spelling variation <input type="checkbox"/> Formerly-Known-As (FKA) <input type="checkbox"/> Other, explain:
<b>Acronym</b> (if applicable)	(in Latin script): <b>Original script</b> (if not Latin): <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Other information relevant to this AKA</b>	
<b>Also-Known-As (AKA)</b> (including Formerly-Known-As (FKA) names)	(in Latin script) <b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Type of AKA</b>	<input type="checkbox"/> Name variation <input type="checkbox"/> Spelling variation <input type="checkbox"/> Formerly-Known-As (FKA) <input type="checkbox"/> Other, explain:
<b>Acronym</b> (if applicable)	(in Latin script): <b>Original script</b> (if not Latin): <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Other information relevant to this AKA</b>	

<b>I.C. Founders, leaders and other key figures</b>	
Please leave blank any fields for which information is not available.	
<b>Founder, leader, associate or other key figure</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script) <b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian): <b>Other scripts</b> (if applicable):
<b>Birth data</b>	Place (street, city, state/province, country): Day:                      Month:                      Year:                      Calendar:
<b>Nationality, citizenship</b> (current and past, add dates when granted, revoked, annulled, withdrawn, if known)	
<b>States of residence</b>	
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Identity and travel document</b>	(describe nationality, type, issued by, issued at, issue date, issued to, place and date of birth as documented)
<b>Physical description</b>	(male/female, tribal/ethnic background, other details)
<b>AKAs</b>	(include alias in original/other scripts (describe), type of AKAs (good or low quality), birth data and nationality under each AKAs, any additional information)
<b>Any other relevant information</b>	

G.N.No. 1111/2023 (Cont'd)

<b>Founder, leader, associate or other key figure</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script)
	<b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian):
	<b>Other scripts</b> (if applicable):
<b>Birth data</b>	Place (street, city, state/province, country): Day:              Month:                              Year:              Calendar:
<b>Nationality, citizenships</b> (current and past, add dates when granted, revoked, annulled, withdrawn, if known)	
<b>States of residence</b>	
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Identity and travel document</b>	(describe nationality, type, issued by, issued at, issue date, issued to, place and date of birth as documented)
<b>Physical description</b>	(male/female, tribal/ethnic background, other details)
<b>AKAs</b>	(include alias in original/other scripts (describe), type of AKAs (good or low quality), birth data and nationality under each AKAs, any additional information)
<b>Any other relevant information</b>	

<b>Founder, leader, associate or other key figure</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script)
	<b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian):
	<b>Other scripts</b> (if applicable):
<b>Birth data</b>	Place (street, city, state/province, country): Day:              Month:                              Year:              Calendar:
<b>Nationality, citizenship</b> (current and past, add dates when granted, revoked, annulled, withdrawn, if known)	
<b>States of residence</b>	
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Identity and travel document</b>	(describe nationality, type, issued by, issued at, issue date, issued to, place and date of birth as documented)
<b>Physical description</b>	(male/female, tribal/ethnic background, other details)
<b>AKAs</b>	(include alias in original/other scripts (describe), type of AKAs (good or low quality), birth data and nationality under each AKAs, any additional information)
<b>Any other relevant information</b>	

**I.D. organizational linkages, associated and affiliated groups, entities and undertakings**  
Please describe all branches, subsidiaries, parent organization and/or sister branches. Please leave blank any fields for which information is not available.

<b>Associated and affiliated groups, entities, undertakings</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script)
	<b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian):
	<b>Other scripts</b> (if applicable):
<b>Establishment data</b> (multiple, if applicable)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Financial information</b>	(known funds, property or assets, major funding sources)

G.N.No. 1111/2023 (Cont'd)

<b>AKAs</b>	(include AKAs in original/other scripts (describe), type of AKAs, any additional information)
<b>Any other relevant information</b>	

<b>Associated and affiliated groups, entities, undertakings</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script)
	<b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian):
	<b>Other scripts</b> (if applicable):
<b>Establishment data</b> (multiple, if applicable)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Financial information</b>	(known funds, property or assets, major funding sources)
<b>AKAs</b>	(include AKAs in original/other scripts (describe), type of AKAs, any additional information)
<b>Any other relevant information</b>	

<b>Associated and affiliated groups, entities, undertakings</b>	
<b>PRN</b>	(Permanent Reference Number if listed)
<b>Full name</b>	(in Latin script)
	<b>Original script</b> (if not Latin) <b>Indicate script</b> (for example, Arabic, Chinese, Russian):
	<b>Other scripts</b> (if applicable):
<b>Establishment data</b> (multiple, if applicable)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Address or location</b> (current and past)	Place (street, city, state/province, country) and date (day, month, year, calendar):
<b>Financial information</b>	(known funds, property or assets, major funding sources)
<b>AKAs</b>	(include AKAs in original/other scripts (describe), type of AKAs, any additional information)
<b>Any other relevant information</b>	

<b>I.E. OTHER INFORMATION</b>	
<b>Status</b>	Open and active <input type="checkbox"/>
	Clandestine <input type="checkbox"/>
	Merged <input type="checkbox"/> with which entity:
	Splintered <input type="checkbox"/> from which entity:
	Banned/illegal <input type="checkbox"/>
<b>Existing INTERPOL Notices</b> (please indicate if there are any INTERPOL notices issued for the group at the request of your authorities)	Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:
<b>Website address</b>	

G.N.No. 1111/2023 (Cont'd)

**I.F. FINANCIAL INFORMATION**

<b>Known funds, property or assets</b>	Funds	Value	
		Bank account	
		Bank ID	
	Stocks, bonds and other financial funds, property or assets	Value	
		Category and term	
		Regulators	
	Property	Value	
		Address	
		Registration number	
		Registration Authority	
	Other funds, property or assets and economic resources	Value	
		Category	
<b>Major funding sources</b>	Donations <input type="checkbox"/>		
	Proceeds of crimes <input type="checkbox"/>		
	Others, <input type="checkbox"/> please explain:		

**I.G. OTHER INFORMATION NOT SPECIFIED ABOVE**

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G.N.No. 1111/2023 (Cont'd)

**II. BASIS FOR LISTING**

Member States are requested to indicate in one or more of the fields below the association between the group inscribed in section I of this form and ISIL or Al-Qaida (including on the ISIL (Da'esh) and Al-Qaida Sanctions List). Please include the permanent reference number(s) of those names which the group is associated with that already appear on the ISIL (Da'esh) and Al-Qaida Sanctions List. In the event of the designation of this group by the Committee, the information provided will be used for the development of the narrative summary of reasons for listing to be published on the Committee's website.

(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 Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivate thereof;  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(b) Supplying, selling or transferring arms and related materiel to Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivate thereof;  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(c) Recruiting for Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivate thereof;  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(d) otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivate thereof;  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(e) either owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida or ISIL, including on the ISIL (Da'esh) and Al-Qaida Sanctions List.  
• Name and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(f) Other acts or activities indicating association with Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof.  
• Name and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

• Nature of such acts or activities:

G.N.No. 1111/2023 (Cont'd)

**III. STATEMENT OF CASE**

The statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing.

**III.A. STATEMENT OF CASE (RELEASABLE UPON REQUEST)**

The statement of case should provide as much detail as possible on the basis(es) for listing, including: (i) specific information supporting a determination that the group meets the criteria above; (ii) the nature of the information, for example, intelligence, law enforcement, judicial, media, and admissions by subject; and (iii) additional information or documents provided with the submission. States should include details of any connection between the group proposed for listing and any currently listed individual or entity.

**III.B. PARTS OF STATEMENT OF CASE IDENTIFIED AS BEING CONFIDENTIAL TO THE COMMITTEE**

G.N.No. 1111/2023 (Cont'd)

**IV. IDENTITY OF DESIGNATING STATE**

*Pursuant to paragraph 46 of resolution 2253 (2015), Member States proposing a new listing shall specify if the Committee or the Ombudsperson may not make known the Member State's status as a designating State.*

Specify if the Committee or the Ombudsperson:

- May make known the Member State's status as a designating State
- May not make known the Member State's status as a designating State

**V. INTERPOL COOPERATION**

*Pursuant to paragraph 45 of resolution 2253 (2015), Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by INTERPOL to issue a INTERPOL-United Nations Security Council Special Notice.*

INTERPOL may for implementation purposes wish to contact the relevant authorities in your country, with a view to obtaining additional information on the group proposed for designation herewith. For this purpose, please indicate below if the Committee may inform INTERPOL, upon INTERPOL's request, that your country is a **designating State** of the above-mentioned group (INTERPOL would then contact your country's permanent mission to the United Nations in New York with the relevant inquiries).

- Yes
- No

In addition, please indicate below if the Committee may convey to INTERPOL, upon INTERPOL's request, the details of the point of contact below within your Government (INTERPOL may then contact directly the contact point below with the relevant inquiries).

- Yes
- No

**VI. POINT OF CONTACT**

*The individual(s) below may serve as a point-of-contact for further questions on this submission:  
(THIS INFORMATION SHALL REMAIN CONFIDENTIAL)*

<i>Name:</i>	<i>Position/Title:</i>
<i>Contact details:</i>	
<i>Office:</i>	
<i>Address:</i>	
<i>Telephone number:</i>	
<i>Fax number:</i>	
<i>E-mail address:</i>	

G.N.No. 1111/2023 (Cont'd)

**FORM 2***[Section 110; Regulation 21(3)]***REPUBLIC OF NAURU****ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations  
2023

**UNITED NATIONS SECURITY COUNCIL (UNSC) APPROVED STANDARD FORM FOR LISTING OF  
PERSONS**

**STANDARD FORM FOR LISTING OF INDIVIDUALS ON THE  
ISIL (DA'ESH) AND AL-QAIDA SANCTIONS LIST**

Member States are requested to provide the following information to allow for the accurate and positive identification of the individual. Please leave blank any fields for which information is not available.

For additional information or assistance in completing the form, please contact the Analytical Support and Sanctions Monitoring Team at: email: [1267MT@un.org](mailto:1267MT@un.org), telephone: 917-367-2315.

<b>I.A. KEY IDENTIFYING INFORMATION</b>	
<b>Full name</b> (in Latin script) (this is the main name under which the individual will be listed)	
<b>Name components</b> (Please write each part of the name on separate rows. If there are more than eight components, please describe in comments. The aim of this section is to ensure that each part of the full name is accurately identified regardless of national naming conventions, so that, for example, last names are not mistaken for first names and vice versa, which affects the accuracy of matching the names.)	<b>Type of name component</b> (Please describe each part of the name as, for example, first name, middle name, last name, family name, maiden name, geographical reference, religious title, name of father/grandfather/great-grandfather, name of mother, name of tribe or honorific pre- or postfix.)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
<b>Comments</b>	
<b>Full name in original script</b> (if not Latin)	
<b>Language/Type of original script</b> (for example, Chinese, Cyrillic, Arabic, Pashtu)	
<b>Full name in other scripts</b> (Not original script but found in official documents. Please indicate script in parenthesis after for each name.)	





G.N.No. 1111/2023 (Cont'd)

<b>Document type</b> (for example, passport, birth certificate, national identification card, residency permit, social security card, driver's license)	
<b>Document number</b>	
<b>Issued by (authority)</b>	
<b>Issued at (street, city, state/province, country)</b>	
<b>Issue date</b>	Day:      Month:      Year:      Calendar:
<b>Expiry date</b>	Day:      Month:      Year:      Calendar:
<b>Issued to</b> (Name in same script as in document, Please indicate the script in parenthesis.)	
<b>Place and date of birth as documented</b>	Place (street, city, state/province, country): Day:      Month:      Year:      Calendar:
<b>Nationality in document</b>	
<b>Additional information or comments</b>	

**I.C. ALIASES/AKAS**

Please make and fill in as many copies of this page as needed. Please use a separate sheet for each AKA. Please leave blank any fields for which information is not available.

Please indicate which documents (if any) were issued in the name specified in this section. Please make the linkage between the documents, the names and dates/places of birth as clear as possible.

<b>Alias/Also-Known-As (AKA) Name</b> (in Latin script)	
<b>AKA components</b> (Please write each part of the AKA on separate rows. If there are more than eight components, please describe in comments. The aim of this section is to ensure that each part of the AKA is accurately identified regardless of national naming conventions, so that, for example, last names are not mistaken for first names and vice versa.)	Type of component (Please describe each part of the AKA as, for example, first name, middle name, last name, family name, maiden name, geographical reference, religious title, name of father/grandfather/great-grandfather, name of mother, name of tribe or honorific pre- or postfix.)
<b>1.</b>	
<b>2.</b>	
<b>3.</b>	
<b>4.</b>	
<b>5.</b>	
<b>6.</b>	
<b>7.</b>	
<b>8.</b>	
<b>Comments:</b>	
<b>AKA in original script</b> (if not Latin)	
<b>Language/Type of original script</b> (for example, Chinese, Cyrillic, Arabic, Pashtu)	
<b>AKA in other scripts</b> (Not original script but found in official documents. Please indicate script in parenthesis after for each name.)	
<b>Type of AKA</b>	<input type="checkbox"/> A separate identity <input type="checkbox"/> Name variation <input type="checkbox"/> Spelling variation <input type="checkbox"/> Nickname <input type="checkbox"/> Nom-de-guerre <input type="checkbox"/> Former legal name <input type="checkbox"/> Other, explain:
<b>Is this AKA sufficient in itself for accurate and positive identification</b> , i.e., a "good quality" also-known-as name found in official documents (a <i>nom de guerre</i> , nickname or other informal pseudonym generally would not be sufficient in itself to allow for positive identification but may still be useful to help determine if a possible match triggered by other identifier information is accurate and will be included on the ISIL (Da'esh) and Al-Qaida Sanctions List as a "low quality" aka)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please include any birth data, nationality, address and travel or identification documents linked to this AKA. For example, an individual may have several passports under different names and including varying identifying data.	
<b>Birth data</b> (related to this name)	Place (street, city, state/province, country): Day:      Month:      Year:      Calendar:
<b>Nationality, citizenship(s)</b> (related to this name)	Dates (current and previous):
<b>States of residence</b> (related to this name)	
<b>Address</b> (related to this name)	Dates (current and previous):

G.N.No. 1111/2023 (Cont'd)

<b>Identity and travel documents</b> (Related to this name.)	<b>Document types, numbers, issuing authorities, comments:</b>
<b>Any additional information</b>	

<b>I.D. - OTHER INFORMATION</b>	
<b>Title(s)</b> (for example, honorary, professional, religious, academic or other title or hereditary status)	
<b>Employment / Occupation</b> (please provide dates and nature of employment, in particular regarding positions held in listed groups, undertakings or entities)	
<b>Marital status</b>	
<b>Status</b>	<b>Wanted / Subject to arrest warrant/Indicted</b> Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:
	<b>Detained</b> (please indicate whether individual is in detention, custody, or prison - if possible, please provide the date, location and circumstances of detention, and the date of likely release) Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:
	<b>Convicted / Sentenced</b> (please indicate whether the individual has been convicted, sentenced or has any other relevant legal status and provide explanation, including details on sentence, type of offense and the date of conviction/sentence and of likely release or other foreseeable consequences such as deportation or extradition proceedings) Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:
	<b>Other</b> (please provide information on any other legal action taken by or against the individual concerned including previous incarcerations and/or deportations or release from prison or if the individual is at large or a fugitive) Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:
<b>Existing INTERPOL Notices</b> (please indicate if there are any INTERPOL notices issued for the individual at the request of your authorities)	Yes <input type="checkbox"/> No <input type="checkbox"/> ...Not Known <input type="checkbox"/> If yes, please explain:  Can this information be released publicly or provided to a Member State(s) upon request? <input type="checkbox"/> No <input type="checkbox"/> Can be released publicly <input type="checkbox"/> Can be provided to Member State upon request
<b>Other supplementary information</b>	
<b>Names of parents</b>	Father's name
	Mother's name

<b>I.E. – PHYSICAL DESCRIPTION</b> (these details may be used for an INTERPOL-UNSC Special Notice)			
<b>Height</b> (cm)		<b>Eye colour</b>	
<b>Weight</b> (kg)		<b>Hair colour</b>	
<b>Build</b> (for example, heavy build)		<b>Complexion</b>	
<b>Male/Female</b>			
<b>Photograph, sketch, computer image attached?</b> (a picture may be included in an INTERPOL-UNSC Special Notice)		Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, type(s):	
<b>Other biometric identifiers attached?</b> (for example, fingerprints, DNA code, iris scan or digital facial image - these details may be used for an INTERPOL-UNSC Special Notice)		Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, type(s):	
<b>Distinguishing marks and other physical characteristics</b> (for example, scars, tattoos, missing fingers)			
<b>Tribal / ethnic background</b>			
<b>Languages spoken</b> (languages in which the individual is known to converse - please indicate whether native, fully competent or limited skills)			

<b>I.F. – OTHER IDENTIFYING INFORMATION NOT SPECIFIED ABOVE</b>

G.N.No. 1111/2023 (Cont'd)

**II. BASIS FOR LISTING**

Member States are requested to indicate in one or more of the fields below the association between the individual inscribed in section I of this form and ISIL or Al-Qaida (including on the ISIL (Da'esh) and Al-Qaida Sanctions List). Please include the permanent reference number(s) of those names which the individual is associated with that already appear on the ISIL (Da'esh) and Al-Qaida Sanctions List. In the event of the designation of this individual by the Committee, the information provided will be used for the development of the narrative summary of reasons for listing to be published on the Committee's website.

(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 Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof.  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) Al-Qaida Sanctions List (if applicable):

(b) Supplying, selling or transferring arms and related material to Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof.  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(c) Recruiting for Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof.  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(d) Otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof.  
• Name(s) and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

(e) Other acts or activities indicating association with Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof  
• Name and permanent reference number(s) on the ISIL (Da'esh) and Al-Qaida Sanctions List (if applicable):

• Nature of such acts or activities:

G.N.No. 1111/2023 (Cont'd)

**III. STATEMENT OF CASE**

The statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing.

**III.A. STATEMENT OF CASE (RELEASABLE UPON REQUEST)**

The statement of case should provide as much detail as possible on the basis(es) for listing, including: (i) specific information supporting a determination that the individual meets the criteria above; (ii) the nature of the information, for example, intelligence, law enforcement, judicial, media, and admissions by subject; and (iii) additional information or documents provided with the submission. States should include details of any connection between the individual proposed for listing and any currently listed individual or entity.

**III.B. PARTS OF STATEMENT OF CASE IDENTIFIED AS BEING CONFIDENTIAL TO THE COMMITTEE**

G.N.No. 1111/2023 (Cont'd)

**IV. IDENTITY OF DESIGNATING STATE**

*Pursuant to paragraph 46 of resolution 2253 (2015), Member States proposing a new listing shall specify if the Committee or the Ombudsperson may not make known the Member State's status as a designating State.*

Specify if the Committee or the Ombudsperson:

- May make known the Member State's status as a designating State
- May not make known the Member State's status as a designating State

**V. INTERPOL COOPERATION**

*Pursuant to paragraph 45 of resolution 2253 (2015), Member States shall provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by INTERPOL to issue an INTERPOL-UNSC Special Notice.*

INTERPOL may for implementation purposes wish to contact the relevant authorities in your country, with a view to obtaining additional information on the individual proposed for designation herewith. For this purpose, please indicate below if the Committee may inform INTERPOL, upon INTERPOL's request, that your country is a **designating State** of the above-mentioned individual (INTERPOL would then contact your country's permanent mission to the United Nations in New York with the relevant inquiries).

- Yes       No

In addition, please indicate below if the Committee may convey to INTERPOL, upon INTERPOL's request, the details of the point of contact below within your Government (INTERPOL may then contact directly the contact point below with the relevant inquiries).

- Yes       No

**VI. POINT OF CONTACT**

*The individual(s) below may serve as a point-of-contact for further questions on this submission:*

**(THIS INFORMATION SHALL REMAIN CONFIDENTIAL)**

<i>Name:</i>	<i>Position/Title:</i>
<i>Contact details:</i>	
<i>Office:</i>	
<i>Address:</i>	
<i>Telephone number:</i>	
<i>Fax number:</i>	
<i>E-mail address:</i>	

G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 3**

**FORM 1**

*[Section 109; Regulation 42(4)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DESIGNATION OF TERRORIST GROUP BY THE UNITED NATIONS SECURITY COUNCIL (UNSC) OR ITS COMMITTEES**

In accordance with Section 109 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 42(4) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, the UNSC or its committees has designated *[name of group]* as a terrorist group

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Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**FORM 2**

*[Section 109; Regulation 44(4)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DESIGNATION OF TERRORIST BY THE UNITED NATIONS SECURITY COUNCIL (UNSC) OR ITS COMMITTEES**

In accordance with Section 109 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 42(4) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, the UNSC or its committees has designated [*name of group*] as a terrorist

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Dated this .... day of ..... 20...

**Minister for Justice and Border Control**



G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 4**

**FORM 1**

*[Section 109; Regulation 43(10)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations  
2023

**NOTICE OF DE-LISTING OF TERRORIST GROUP DESIGNATED BY UNITED NATIONS SECURITY  
COUNCIL (UNSC) OR ITS COMMITTEES**

The public, including reporting entities, financial institutions and designated non-financial businesses and professions are hereby advised that the United Nations Security Council Committee pursuant to *[insert resolution(s)]* has de-listed the following group(s) as a terrorist group:

- (a) *[insert name of group]*
- (b)

Dated this    day of    20...

**Supervisor of the Financial Intelligence Unit**

G.N.No. 1111/2023 (Cont'd)

**FORM 2**

*[Section 109; Regulation 44(10)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations  
2023

**NOTICE OF DE-LISTING OF TERRORIST GROUP DESIGNATED BY UNITED NATIONS SECURITY  
COUNCIL (UNSC) OR ITS COMMITTEES**

The public, including reporting entities, financial institutions and designated non-financial businesses and professions are hereby advised that the United Nations Security Council Committee pursuant to *[insert resolution(s)]* has de-listed the following person(s) as a terrorist:

(a) *[insert name of person]*

(b)

Dated this    day of    20...

**Supervisor of the Financial Intelligence Unit**

G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 5**

**FORM 1**

*[Section 110; Regulation 46(2)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**NOTICE OF DESIGNATED TERRORIST GROUP BY MINISTER TO FIU**

In accordance with Section 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 46(2) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I have designated the *[name of group]* as a terrorist group and direct the immediate temporary freezing of seizing of the funds, property or assets of the terrorist group.

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Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**FORM 2**

*[Section 110; Regulation 48(2)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**NOTICE OF DESIGNATED TERRORIST BY MINISTER TO FIU**

In accordance with Section 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 48(2) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I have designated the *[name of person]* as a terrorist and direct the immediate temporary freezing of seizing of the funds, property or assets of the terrorist.

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.....  
.....

Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 6**

**FORM 1**

**NOTICE OF APPEAL**

*[Regulation 55(2)(a)]*

**IN THE SUPREME COURT  
[CIVIL APPELLATE JURISDICTION]**

**Supreme Court Case No: ..... / 20...**

**BETWEEN:** *(Name of designated terrorist group / terrorist)*

**Appellant**

**AND:** *Minister for Justice and Border Control*

**Respondent**

**AND:** *Secretary for Justice and Border Control pursuant to Section 11(2) of the Republic Proceedings Act 1972*

**Interested Party**

**NOTICE OF APPEAL**

**TAKE NOTICE** that the abovementioned Appellant appeals to this Honourable Court the Designation as (*terrorist group / terrorist*) by the Minister for Justice and Border Control on ..... of ..... 20... (*date of Designation*).

The full particulars of the appeal are as follows:

State the nature of the Designation by the Minister which is being appealed	
State the concise nature of the procedural or substantive error of the designation	
State the concise nature of the relief sought	
State the relevant domestic or international laws to be relied upon for the appeal	
Such other orders being sought as may be appropriate	
Last date of appealing the designation	
Signature of the appellant	
Date filed and sealed by the Court	
Endorsement by the Registrar of Courts	

G.N.No. 1111/2023 (Cont'd)

FORM 2
AFFIDAVIT IN SUPPORT OF APPEAL

[Regulation 55(2)(b)]

IN THE SUPREME COURT
[CIVIL APPELLATE JURISDICTION]

Supreme Court Case No: ..... / 20...

BETWEEN: (Name of designated terrorist group / terrorist)

Appellant

AND: Minister for Justice and Border Control

Respondent

AND: Secretary for Justice and Border Control pursuant to Section 11(2) of the Republic
Proceedings Act 1972

Interested Party

AFFIDAVIT IN SUPPORT OF APPEAL

I, ..... (name) ....., of ..... (address) ....., ..... (occupation) ....., do hereby
(swear or affirm) the contents of this affidavit and say as follows:

- 1
2
3

SWORN (OR AFFIRMED) BEFORE ME )

at. ...., )

on. .... [day/month/year] ..... )

Deponent

A Notary Public or Commissioner for Oaths
Seal or stamp of the witnessing officer

Note: The affidavit must state the detailed facts and evidence must be properly exhibited. There are no restrictions on the length or content
of the affidavit as long as the appellant is able to demonstrate the errors that are being sought to be challenged.







G.N.No. 1111/2023 (Cont'd)

**SCHEDULE 8**

**FORM 1**

*[Regulation 53(5)]*



**REPUBLIC OF NAURU**

**PURSUANT** to Regulation 49(5) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, the Supreme Court had, on *[insert date of order]* ordered the revocation of the freezing / seizing of *[funds / property / assets]* of the *[person / group]*.

The Order of the Supreme Court is published herewith and all persons or entities shall immediately unfreeze the *[funds / property / assets]*.

[Insert order of the Court]

Dated this ..... day of ..... 20....

**Minister for Justice and Border Control**

**FORM 2**

*[Section 111; Regulation 54]*

<b>To:</b>  The Minister for Justice and Border Control Government Offices Yaren District Republic of Nauru	
<b>Part 1</b>	<b>Information of person or entity seeking de-listing</b>
Name of person or entity	
Registered address	
Telephone Number	
Email	
<b>Part 2</b>	<b>Declaration of intention to be de-listed</b>
I am authorised to file this form on behalf of [name of person / entity]. I declare that the information provided is true, correct and complete.	
I hereby declare on behalf of [person / entity], I wish to be de-listed on the following ground(s):	
(a)	
(b)	
(c)	
<ul style="list-style-type: none"> <li>• <i>I also acknowledge that I may be liable for an offence under the Oaths, Affirmations and Statutory Declaration Act 1976 if the information provided above is incorrect.</i></li> </ul>	
The signature of the person / authorised person for the group is mandatory.	
Signature: .....	
Print name: .....	
Position held (if authorised person for the group): .....	
Date of signature: .....	

G.N.No. 1111/2023 (Cont'd)

**FORM 3**

*[Section 109 / 110; Regulation 64(1)(a)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DESIGNATION OF TERRORIST GROUP / TERRORIST**

In accordance with Section 109 / 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 64(1)(a) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I hereby designate / the UNSC or its committee has designated *[name of group or person]* / as a *[terrorist group / terrorist]*

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.....  
.....  
.....

Dated this .... day of ..... 20...

**Minister for Justice and Border Control**

G.N.No. 1111/2023 (Cont'd)

**FORM 4**

*[Section 109 / 110; Regulation 64(1)(b)]*



**REPUBLIC OF NAURU**

**ANTI-MONEY LAUNDERING AND TARGETED FINANCIAL SANCTIONS ACT 2023**

Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023

**DE-LISTING OF TERRORIST GROUP / TERRORIST**

In accordance with Section 109 / 110 of the *Anti-Money Laundering and Targeted Financial Sanctions Act 2023* and Regulation 64(1)(b) of the *Anti-Money Laundering and Targeted Financial Sanctions (Financing of Terrorism and Proliferation Financing) Regulations 2023*, I hereby de-list / the UNSC or its committee has de-listed *[name of group or person]* / as a *[terrorist group / terrorist]*

.....  
.....  
.....  
.....

Dated this .... day of ..... 20...

**Minister for Justice and Border Control**