



# Guideline on Grievance Procedures



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## Acronyms and Definitions

### Acronyms

<b>EOCN</b>	The Executive Office for Control and Non-Proliferation
<b>OGS</b>	EOCN's Online Grievance System
<b>UNSC</b>	United Nations Security Council
<b>UNSCR</b>	United Nations Security Council Resolution
<b>UAE</b>	United Arab Emirates



## Definitions

<b>Local List</b>	The UAE Local Terrorist List
<b>UN List</b>	The United Nations Consolidated List.
<b>Sanctions Lists</b>	The UAE Local Terrorist List and the UN Consolidated List.
<b>Court or Competent Court</b>	The court that has jurisdiction over state security offences
<b>Cabinet</b>	The United Arab Emirates Cabinet of Ministers
<b>Sanctions Committee or Committee</b>	United Nations Security Council Sanction Committee that oversees compliance with United Nations Security Council Resolutions. Please note that all current United Nations sanctions regimes have their own Sanctions Committee
<b>Funds or Other Assets</b>	Any assets, including, but not limited to, financial assets, economic resources (including oil and other natural resources), property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets, and any other assets which potentially may be used to obtain funds, goods or services.

## Introduction

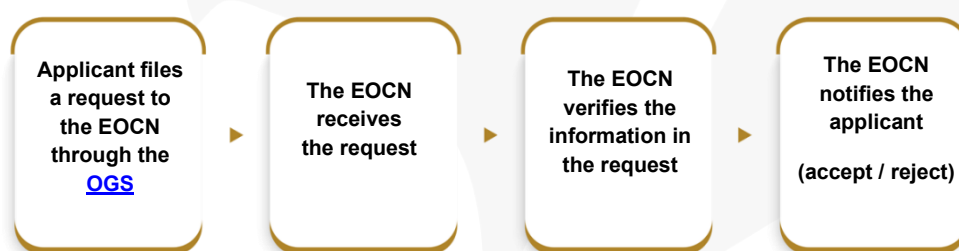
1. The Executive Office for Control and Non-Proliferation (EOCN) is the authority responsible for receiving grievance requests related to both the UAE Local Terrorist List (Local List) and the United Nations Security Council Consolidated List (UN List), collectively referred to as “Sanctions Lists”.
2. This guidance aims to clarify the procedures for submitting grievance requests related to the Sanctions Lists, the types of grievance requests and the application review process.
3. The EOCN processes **three** types of grievance applications, as set out in Cabinet Decision No. 74 of 2020. These are:
  - i. The Removal or De-listing of a Designation from Sanctions Lists
  - ii. Cancellation or Lifting of Freezing Measures
  - iii. Permission to Use Frozen Funds or Other Assets
4. It is important to note that the grievance procedures described in this guideline apply **exclusively** to freezing measures that have been taken based upon designations on the **Local List** (issued by the UAE Cabinet) and/or the **UN List** (issued by the UNSC).
5. Grievance requests related to freezing measures applied due to reasons other than designations on the Sanctions Lists, such as freeze orders issued by a competent authority in the UAE due to investigative proceedings, court orders, or freezing due to designations on other unilateral/multilateral sanctions lists, fall outside the scope of the EOCN and is not covered in this guideline.
6. Refer to the [EOCN's Online Grievance System \(OGS\) User Guide](#) for more information on how to submit a grievance request.

## Section One: Requesting the Removal or De-listing of a Designation from Sanctions Lists

7. Individuals and entities designated under the Sanctions Lists may request the removal or de-listing of a designation, as per the procedures detailed below:

### Request for Removal or De-listing from Local List

8. Any individual or entity designated in the Local List can submit a grievance against the designation decision, either personally or through a legal representative. The request for removal or de-listing can also apply for:
- A deceased individual; or
  - An entity that no longer exists.
9. The procedure for requesting the removal or de-listing of a designation from the Local List is the following:



*Exhibit 1: Procedure to request the removal or de-listing from the Local List.*

### Appeals to the Competent Court

10. In case the grievance was rejected or remains without a response for sixty (60) days from date of its submission, the applicant may appeal the Cabinet's designation decision at the Competent Court within sixty (60) days from the date he was notified of the rejection or lapse of the response period.
11. The Court's decision regarding the grievance shall not be subject to appeal. If a grievance was rejected, a new grievance may only be submitted after the lapse of six (6) months from date of rejection of the previous grievance, unless a serious reason acceptable to the President of the Court arises before expiry of such period.

12. An appeal against a designation decision shall not be accepted before a grievance against it is filed and rejected, or before the lapse of the response period.

## **Request for Removal or De-Listing from UN List**

13. Any individual, entity, or group designated by the United Nations Security Council (UNSC) can submit a request for removal or de-listing from the UN List directly to the applicable UNSC Sanctions Committee, following the procedures for submitting de-listing requests pursuant to each UNSC Sanctions Committee. As such, the EOCN does not receive requests to de-list from the UN List and any such requests must be submitted directly to the relevant UNSC Sanctions Committee through the Focal Point process or Office of the Ombudsperson, as detailed below.
14. Individuals, entities, or groups designated in the UN List can submit de-listing requests directly to the [Focal Point for De-listing](#) (*except for designated individuals, entities, or groups inscribed on the list of the 1267/1989/2253 Committee (“the ISIL (Da’esh) and Al-Qaida Sanctions List”)*). Designated individuals or entities seeking to de-list from the Security Council’s ISIL (Da’esh) and Al-Qaida Sanctions List must submit their petition to [The Office of the Ombudsperson](#).
15. For detailed procedures on the de-listing procedures related to the Focal Point for De-Listing or The Office of the Ombudsperson, refer directly to the United Nations website.
16. The request for removal or de-listing can also apply for:
  - A deceased individual; or
  - An entity that no longer exists.

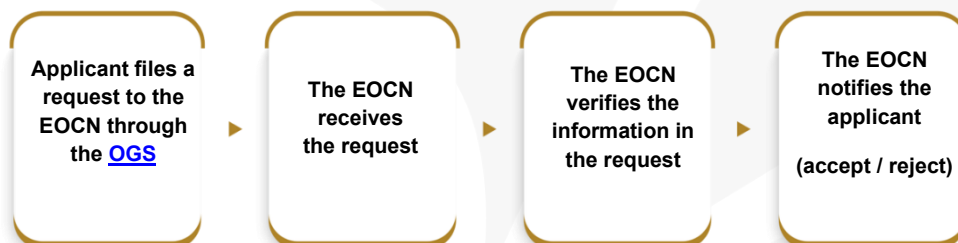
## Section Two: Requesting Cancellation or Lifting of Freezing Measures

17. Freezing may be cancelled or lifted when taken against an individual, entity, or group who was adversely affected under the following situations:

- An individual, entity, or group that has a **name identical or similar** to a designated individual, entity, or group;
- The designated individual, entity, or group has been **removed / de-listed** from the list by the relevant authorities; or
- The individual, entity, or group is a **third party acting in good faith** who has been adversely or wrongly affected by the freezing measures.

### Request to Cancel or Lift Freezing Measures due to Local List Designation

18. The procedure for cancellation of freezing taken against an individual, entity, or group due to a designation on the Local List is the following:



*Exhibit 2: Procedure to request the cancellation of freezing due to Local List Designation.*

### Appeals to the Competent Court

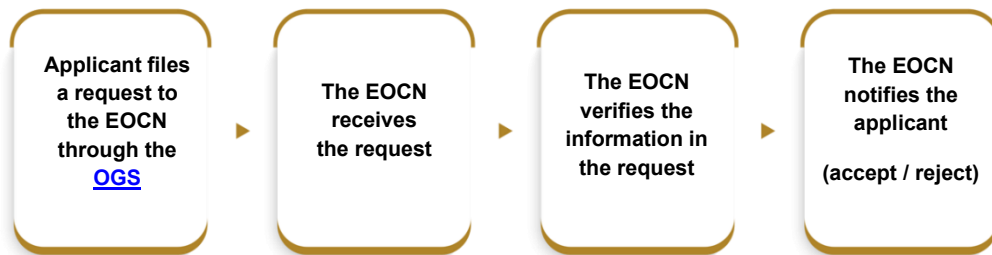
19. If the application is rejected by the Supreme Council, or if no response to the application is received within thirty (30) days from date of its submission, the applicant may file an appeal at the Competent Court within sixty (60) days from the date of notification of the rejection, or after the response period has elapsed.

20. The Court's decision on the grievance may not be appealed, and if the Court rules to reject the grievance, a new grievance may only be filed after six (6) months from the date of rejection of the grievance, unless a serious reason that is accepted by the President of the Court arises before the expiry of such period.

21. An appeal against a decision to apply freezing shall not be accepted before a grievance against it is filed and rejected, or before the lapse of the response period.

### **Request to Cancel or Lift Freezing Measures due to UN List Designation**

22. The procedure for cancellation of freezing measures taken against an individual, entity, or group due to a designation on the UN List is the following:



*Exhibit 3: Procedure to request the cancellation of freezing subject to UN List Designation.*

### **Appeals to the Competent Court**

23. If the request to lift freezing is rejected or remains without a response for thirty (30) days from the date of its submission, the applicant may file an appeal at the Competent Court within sixty (60) days from the date on which he/she was notified of the rejection of the request, or after the response period elapses.

24. The Court's decision regarding the grievance shall not be subject to appeal. If a grievance is rejected, a new grievance may only be submitted after six (6) months from the date of rejection of the previous grievance, unless a serious reason that is accepted by the President of the Court arises before the expiry of such period.

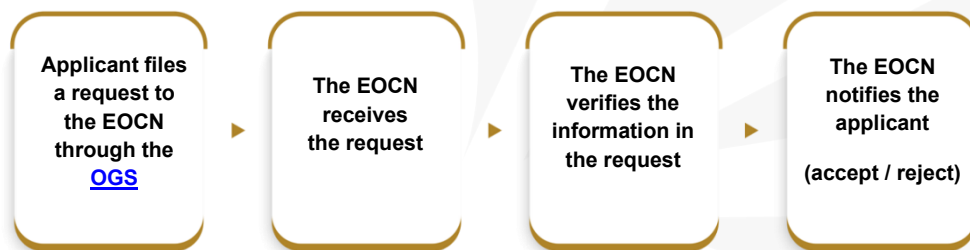
25. An appeal against a decision to apply freezing shall not be accepted before a grievance against it is filed and rejected, or before the lapse of the response period.

## Section Three: Requesting Permission to Use Frozen Funds or Other Assets

26. An individual, entity, or group designated in the Local or UN List, or his/her legal representative, and any stakeholder may request permission to use all or part of the frozen Funds or Other Assets for any of the following purposes:
- a. **To cover necessary or basic expenses**, such as the amounts payable for foodstuffs, rent, mortgage, medicine, medical treatment, taxes, insurance premiums, educational and judicial fees, and public utility fees.
  - b. **To pay professional fees and costs relating to rendered legal services and other extraordinary expenses** within reasonable limits, or services relating to safekeeping or management of frozen Funds or Other Assets.

### Request for Permission to use Funds or Other Assets Frozen due to Local List Designation

27. The procedure to request permission to use the frozen Funds or Other Assets due to Local List designation is the following:



*Exhibit 4: Procedure to request permission to use Funds or Other Assets frozen due to Local List Designation.*

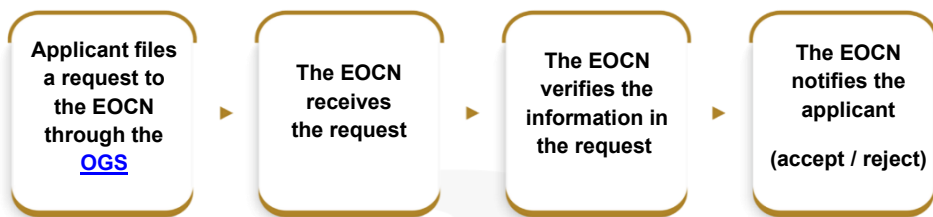
### Appeals to the Competent Court

28. In case the application is rejected, or if no response is received within thirty (30) days from the date of its submission, the applicant may file a grievance at the Competent Court within thirty (30) days from the date when he/she was notified of the rejection, or after the response period has elapsed.
29. The applicant may not appeal against the rejection of the request until a grievance against it is duly filed and rejected, or the period for responding to it has elapsed.

## Request for Permission to use Funds or Other Assets Frozen due to UN List Designation

### *Necessary or Basic Expenses*

30. The procedure to request permission to use the frozen Funds or Other Assets due to UN List designation to cover **necessary or basic expenses** is the following:



**Exhibit 5A:** Procedure to request permission to use Funds or Other Assets frozen due to UN List Designation to cover necessary or basic expenses.

31. The EOCN may revoke the decision to use Funds or Other Assets frozen at any time and when having reasonable grounds for a suspicion that the funds are used for terrorist or proliferation financing.

## Extraordinary Expenses

32. The procedure to request permission to use the frozen Funds or Other Assets due to UN List designation to cover extraordinary expenses is the following:



*Exhibit 5B: Procedure to request permission to use Funds or Other Assets frozen due to UN List Designation to cover extraordinary expenses.*

33. The EOCN may revoke the decision to use funds frozen under the UN List at any time and when having reasonable grounds for a suspicion that the funds are used for financing terrorism or financing proliferation of weapons of mass destruction.

### Appeals to the Competent Court

34. If the application for use of funds frozen under the UN List rejected or remains without response for thirty (30) days from date of its submission, the applicant may file an appeal at the Competent Court within sixty (60) days from the date on which he/she was notified of the rejection of the application, or after the response period elapses.
35. The Court's decision on the grievance may not be appealed, and if the Court rules to reject the grievance, a new grievance may only be filed after six (6) months from the date of rejection of the grievance, unless a serious reason that is accepted by the President of the Court arises before the expiry of such period.
36. An appeal against a decision to refuse the use of frozen funds shall not be accepted before a grievance against it is filed and rejected, or before the period given to respond expires.

## Contact us



To contact us, please send an email to

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