

**SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1591 (2005)
CONCERNING THE SUDAN**

23 March 2006

GUIDELINES OF THE COMMITTEE FOR THE CONDUCT OF ITS WORK

This document contains the guidelines of the Committee for the conduct of its work, as adopted by the Committee on 23 March 2006. In accordance with the decision of the Committee, copies of these guidelines are to be transmitted to all Member States and relevant international organizations/agencies as soon as possible. These guidelines will also be posted on the Committee's webpage: <http://www.un.org/Docs/sc/committees/SudanTemplate.htm>.

The 1591 Committee

1. The Committee was established by subparagraph 3 (a) of Security Council resolution 1591 (2005), on 29 March 2005, to undertake tasks related to the Council's relevant measures, in particular the arms embargo concerning the states of North Darfur, South Darfur and West Darfur imposed by paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), and the restrictions on travel and the freezing of assets of designated individuals imposed by subparagraphs 3 (d) and 3(e) of resolution 1591 (2005).
2. The Committee is a subsidiary organ of the Security Council and will consist of all the members of the Council.
3. The Chairman of the Committee will be appointed by the Security Council to serve in his personal capacity. The Chairman will be assisted by two Vice Chairmen who will also be appointed by the Council.
4. The Chairman will chair all formal meetings of the Committee. In his absence, he will appoint one of the Vice Chairmen to act on his behalf. The Chairman, or one of his designated representatives may also convene and chair informal consultations of the Committee.

5. The Secretariat of the United Nations will provide the Committee with secretariat support.

Mandate of the Committee

6. The Committee's mandate, as specified in paragraph 3 (a) of resolution 1591 (2005), is as follows:

i. to monitor implementation of the measures referred to in subparagraphs (d) and (e) of this paragraph and paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 below;

ii. to designate those individuals subject to the measures imposed by subparagraphs (d) and (e) of this paragraph and to consider requests for exemptions in accordance with subparagraphs (f) and (g);

iii. to establish such guidelines as may be necessary to facilitate the implementation of the measures imposed by subparagraphs (d) and (e);

iv. to report at least every 90 days to the Security Council on its work;

v. to consider requests from and, as appropriate, provide prior approval to the Government of Sudan for the movement of military equipment and supplies into the Darfur region in accordance with paragraph 7 below;

vi. to assess reports from the Panel of Experts established under subparagraph (b) of this paragraph, and Member States, in particular those in the region, on specific steps they are taking to implement the measures imposed by subparagraphs (d) and (e) and paragraph 7 below;

vii. to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures.

List of Individuals and Entities Subject to the Measures Imposed by Subparagraphs 3 (d) and 3 (e) of Resolution 1591 (2005) (Consolidated Travel Ban and Assets Freeze List)

Establishing the List

7. (a) The Committee will decide on the designation of an individual referred to in subparagraph 3 (c) of resolution 1591 (2005), on the basis of the criteria contained in the same subparagraph, when it receives relevant information with respect to that individual or entity. In considering the designation of an individual, the Committee will consider information provided by Member States, the Secretary-General, the High Commissioner for Human Rights, the Panel of Experts established under subparagraph 3 (b) of resolution 1591 (2005) and other relevant sources.

(b) The proposed designation of an individual should be accompanied by, to the greatest extent possible, a narrative description of the information that justifies how that individual fits within the criteria contained in subparagraph 3 (c) of resolution 1591 (2005);

(c) The proposed designation of an individual should be accompanied by, to the greatest extent possible, relevant, specific and up-to-date information to facilitate the identification of that individual by competent authorities:

-- name, date of birth, place of birth, nationality, aliases, residence, passport or travel document number, professional or functional title;

(d) Details to facilitate the identification of designated individuals by competent authorities shall be included in the list when such information has been made available to the Committee.

(e) The initial consolidated list established by the Committee in accordance with resolution 1591 will be published in a United Nations Press Release as soon as possible and posted simultaneously on the web page of the Committee. The list will be officially transmitted to all Member States through a note verbale from the Chairman.

Updating and Maintaining the List

8. (a) The Committee will consider all requests from United Nations Member States, submitted in writing, to add or correct names of individuals or entities to the consolidated list within two working days from the date of official transmittal of the requests to Committee members. Requests to add names to the list should be accompanied by relevant information as described in subparagraphs 7 (b) and (c) of these guidelines.

(b) The Committee may decide to extend the period of consideration in exceptional cases, even in the absence of a hold.

(c) If no objections are received within two days, the additional information and/or corrections to names already on the list will be promptly incorporated in the list.

(d) Any modification to the list (including through the quarterly review described in paragraph 9 (a) below) will be promptly communicated to all Member States through a Note Verbale from the Chairman. A Security Council press release will also be issued, and the updated list will be made promptly available on the web page of the Committee.

Delisting

9. (a) The Committee will review and, if appropriate, update the list every three months, and, on a case-by-case basis in exceptional circumstances as decided by Committee members, in connection with outstanding requests to remove individuals or entities from the list. Requests for both deletions from and additions to the list will be included in the quarterly reviews. Delisting requests must be submitted in writing and presented to the Committee through the Permanent Mission to the United Nations of the State of which the listed individual is a national or resident, or through a United Nations office (such as UNMIS). The petitioner must provide adequate and clear justification for the de-listing request, offer relevant information and request support for de-listing. All requests for the deletion of names from the list, must be received not less than 48 hours prior to the commencement of the quarterly review process. The Chair will circulate all requests to the members as soon as they are submitted. The Chair will also send an interim response to each deletion request, confirming receipt of the request, pending its consideration by the Committee.
- (b) The government to which a petition is submitted (the petitioned government) should review all relevant information and should approach bilaterally the government(s) originally proposing designation (the designating government(s)) to seek additional information and to hold consultations on the de-listing request. The petitioned government may approach the Committee Chairman to obtain the name(s) of the designating government(s);
- (c) The original designating government(s) may also request additional information from the petitioner's country of citizenship or residency. The petitioned and the designating government(s) may, as appropriate, consult with the Chairman of the Committee during the course of any such bilateral consultations;
- (d) If, after reviewing any additional information, the petitioned government wishes to pursue a de-listing request, it may seek to persuade the designating

government(s) to submit jointly or separately a request for de-listing to the Committee. However, the petitioned government may, without an accompanying request from the original designating government(s), submit a request for de-listing to the Committee.

Requests for Exemptions to Travel Restrictions Pursuant to Subparagraph 3 (f) of Resolution 1591 (2005)

10. In subparagraph 3 (f) of resolution 1591 (2005), the Security Council decided that the travel restrictions imposed under subparagraph 3 (d) of the resolution shall not apply where the Committee determines on a case by case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in Sudan and the region.

11. Each request for exemption to the travel restrictions imposed under subparagraph 3 (d) of resolution 1591 (2005) shall be submitted in writing, on behalf of the listed individual, to the Chairman of the Committee through the Permanent Mission to the United Nations of the State of which the listed individual is a national or resident, or, in exceptional cases, through a United Nations office (such as UNMIS).

12. Except in cases of emergency, to be determined by the Committee, all requests shall be received by the Chairman no less than four working days before the commencement date of the proposed travel.

13. All requests should include the following information, with accompanying documents:

- i. the name, designation, nationality and passport number(s) of the person(s) undertaking the proposed travel.

- ii. the purpose(s) for the proposed travel, with copies of supporting documents furnishing details connected to the request such as specific dates and times of meetings or appointments.
- iii. the proposed dates and times of departure from and return to the country from which the travel commenced.
- iv. the complete itinerary for such travel including the points of departure and return and all transit stops.
- v. details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels.
- vi. a statement of specific justification for the exemption.

14. Any request for extension(s) of exemptions approved by the Committee under subparagraph 3 (f) of resolution 1591 (2005) shall also be subject to the provisions above, and shall be received by the Committee Chair in writing, attaching revised itinerary, no less than four working days before the expiry of the approved exemption period, and circulated to Committee members.

15. The Committee shall receive written confirmation from the Government, in whose territory the listed individual resides, with supporting documents, confirming the itinerary and date on which the listed individual travelling under an exemption granted by the Committee returned to the country of residence.

16. Any changes to the required travel information previously submitted to the Committee, particularly the points of transit, shall require the prior approval of the Committee and shall be received by the Committee Chair and circulated to Committee members no less than two working days prior to the commencement of the travel, except in cases of emergency.

17. The Committee Chair shall be immediately informed in writing in the event of advancement or postponement of travel for which the Committee has already issued an exemption. Submission to the Committee Chair of written notification will be sufficient in cases where the time of departure is advanced or postponed no more than 48 hours and the previously submitted itinerary remains otherwise unchanged. If

travel is to be advanced or postponed more than 48 hours before or after the date previously approved by the Committee, then a new exemption request must be submitted, and should be received by the Chair and circulated to Committee members in conformity with paragraphs 10, 11 and 12 above.

18. For exemption requests based on emergency medical or other emergency humanitarian need, the Committee will determine whether the travel is justified within the exemption of subparagraph 3 (f) of Security Council resolution 1591, once notified of the name of the traveller, the reason for travel, the date and time of treatment, along with flight details, including transit points and destination(s). In cases of emergency medical evacuations, the Committee Chair shall also be promptly provided with a doctor's note containing as many details as possible of the nature of the medical emergency and the facility where treatment was received by the patient without prejudice to the respect of medical confidentiality, as well as information regarding the date, time, and mode of travel by which the patient returned to his/her country of residence.

Exemptions to Assets Freeze Pursuant to Subparagraph 3 (g) of Resolution 1591 (2005)

19. In considering notifications and requests for exemptions to the assets freeze imposed under subparagraph 3 (e) of resolution 1591 (2005), the Committee shall be guided by subparagraph 3 (g) of the resolution which states that the financial restrictions do not apply to funds, other financial assets and economic resources that:

(i) have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and

economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(ii) have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

(iii) have been determined by relevant States to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of resolution 1591 (2005), is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant States to the Committee.

Requests for Exemptions to the Arms Embargo

20. In accordance with subparagraph 3 (a) v. of Security Council resolution 1591 (2005), the Committee shall consider requests from and, as appropriate, provide prior approval to the Government of Sudan for the movement of military equipment and supplies into the Darfur region in accordance with paragraph 7 of resolution 1591 (2005).

21. Requests for advance approval by the Committee shall be submitted in writing to the Chairman by the Permanent Mission of the Sudan to the United Nations.

22. In accordance with paragraphs 6 and 7 of resolution 1591 (2005), the Committee will expeditiously review any pertinent information it receives from the African Union Ceasefire Commission concerning offensive military flights in and over the Darfur region, and/or concerning the arms embargo and the exemptions thereto that are referred to in paragraph 7 of resolution 1591 (2005).

Meetings of the Committee

23. Meetings of the Committee may be convened at any time the Chairman deems necessary, or at the request of any Member of the Committee. Members will be given a two-working-day notice (or shorter in urgent situations) of the meeting. Members of the Committee may also convene informal sessions.

24. The meetings of the Committee will be closed, unless the Committee decides otherwise. The Committee may invite non-members of the Committee, including the Secretariat, other UN Member States, regional and international organizations, NGOs and individual experts to appear before it for the purpose of providing information or explanations relating to any violations or alleged violations of the sanctions measures imposed by resolution 1556 (2004) and 1591 (2005), or to address the Committee and assist it, on an ad hoc basis, if necessary and useful to the progress of its work. The Committee will consider requests from Member States to send representatives to meet with the Committee for more in-depth discussion of relevant issues.

Decision-making

25. (a) The Committee will reach all decisions by consensus of its members.

(b) If consensus cannot be reached on a particular issue, the Chairman will undertake consultations, or encourage bilateral exchanges, between Member States, as he deems appropriate to resolve the issue and to ensure the effective functioning of the Committee.

(c) If, after these consultations, consensus still cannot be reached, the matter may be submitted to the Security Council.

26. Decisions may be made by a "no-objection procedure" In such cases, the Chairman will circulate to all members of the Committee the proposed decision of the Committee, and will request members of the Committee to indicate, in written form, any objection they may have to the proposed decision within two working days (in

emergency situations the Chairman may decide to reduce that time period after notifying all Committee members accordingly to ensure that no Committee member objects). If no objection is received within the defined period, the proposed decision will be deemed adopted. Objections received after the defined period will not be considered.

27. In order to enhance and publicize the work of the Committee, the Chairman will brief interested Member States and the press following formal meetings of the Committee, unless the Committee decides otherwise. In addition, the Chairman will be authorized, after prior consultations with and approval of the Committee, to hold press conferences or issue press releases on any aspect of the Committee's work.

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