



Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 13 January 2004 from the Permanent Mission of Djibouti to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Djibouti to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit to him herewith the report of the Republic of Djibouti on the implementation of Security Council resolution 1455 (2003) of 17 January 2003 (see annex).

Annex to the note verbale dated 13 January 2004 from the Permanent Mission of Djibouti to the United Nations addressed to the Chairman of the Committee*

Report of Djibouti on the implementation of Security Council resolution 1455 (2003)

I. Introduction

1. **Please provide a description of activities, if any, by Usama bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

There are no activities by Usama bin Laden, Al-Qaida, the Taliban and their associates in the Republic of Djibouti. However, like other countries, Djibouti is not immune to terrorist threats, and has therefore participated in the efforts of the international community to eradicate the scourge of terrorism. At the national level, Djibouti has taken numerous steps to prevent and punish terrorist crimes.

In that regard, the Government of Djibouti reaffirms that:

- It firmly rejects and condemns terrorism in all its forms, regardless of its causes and objectives;
- It is actively involved in international and bilateral efforts to combat terrorism and its financing.

Djibouti has reported on its implementation of Security Council resolution 1373 (2001) and has provided the clarifications which were subsequently requested (see also the supplementary report). In its reports, Djibouti has indicated in detail all the measures taken by the national authorities to prevent and punish terrorism and eliminate its sources of financing, in accordance with the relevant Security Council resolutions.

Determined to combat terrorism, the Republic of Djibouti is implementing the provisions of resolution 1455 (2003) and earlier resolutions of the Security Council, in which all States are called upon to combat the terrorist activities of the Taliban, the members of Al-Qaida, and individuals, groups, undertakings and entities associated with the Taliban or Al-Qaida.

II. Consolidated List

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

Since the terrorist attacks of September 2001, Djibouti has adopted a series of measures of prevention and suppression in compliance with its obligations under the various Security Council resolutions, but also in order to ensure its own security in the light of the threat which the terrorists represent for international peace and security.

* Additional documentation is on file with the Secretariat and is available for consultation.

The List of individuals and entities subject to sanctions, produced by the Committee established pursuant to resolution 1267, is regularly consulted by the national security authorities, the airport and frontier police and the authorities responsible for financial matters. This List, regularly updated by the Committee, is viewed on the United Nations web site by the authorities responsible for these matters.

Djibouti takes security issues very seriously. It has set up a rigorous security system and conducts frequent border checks to prevent any illegal activity such as the use of travel documents which are counterfeit or have been tampered with. The intelligence and national security services have established offices at the country's airport and seaport to provide support to the airport and frontier police. The national authorities are in a state of constant alert and are taking the necessary steps to ensure the detection and, where appropriate, detention of persons included in the lists drawn up pursuant to Security Council resolutions 1267 (1999) and 1333 (2000).

Under presidential decree No. 2003-0222/PRE, dated 13 November 2003, the Military Cabinet of the Presidency was put in charge of security control at high-priority sensitive locations: Djibouti International Airport and the international autonomous port of Djibouti. A lieutenant-colonel from the Military Cabinet of the Presidency has been instructed to coordinate the security situation and prepare a situation report on those sensitive locations. That report will be submitted to the Chief of National Security together with suggestions and remarks aimed at remedying any shortcomings observed or improving the existing arrangements.

The List prepared by the Committee and the address of the United Nations web site have been given to all Djibouti's diplomatic and consular offices abroad and to the national security authorities, so that the necessary information is available to all those involved in combating terrorism; this includes the Central Bank of Djibouti, which is the Government's main channel of communication with financial institutions.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

Djibouti has encountered no implementation problems with regard to the names and identifying information as currently included in the List regularly updated by the Committee.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

None of the listed individuals or entities have been detected in the territory of Djibouti.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

The Government of Djibouti has no information relating to the names of any individuals or entities associated with Usama bin Laden or members of the Taliban or Al-Qaida that have not been included in the List.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

No listed individual or entity has done so.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

No.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.**

The Republic of Djibouti is a country governed by the rule of law which maintains excellent relations with the countries in the region. It is also a peaceful country, allowing no subversive activities in its territory; such activities are severely punished by law and by the Penal Code.

Djibouti believes that prompt and decisive measures must be taken to prevent any person from giving any kind of support, active or passive, to entities or individuals involved in acts of terrorism, including the recruitment of agents for terrorist groups.

Djibouti has placed its infrastructures at the disposal of a number of friendly countries which are members of the anti-terrorist coalition. This is proof, if any were needed, of its commitment to the fight against terrorism.

Furthermore, since the country's territory is rather small and its population highly homogenous, any suspect activity is easily detected, all the more so because Djibouti's intelligence services work in close collaboration with the armed forces of foreign States having bases in the national territory (France, Germany, Spain, the United States of America) and with the intelligence services of friendly and neighbouring countries.

III. Financial and Economic Assets Freeze

Under the sanctions regime (paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

Note: For the purpose of implementation of the financial prohibitions in this sanctions regime, “economic resources” is defined to mean assets of every kind, whether tangible or intangible, movable or immovable (International Convention for the Suppression of the Financing of Terrorism).

9. **Please describe briefly:**

- **the domestic legal basis to implement the asset freeze required by the resolutions above;**
- **any impediments under your domestic law in this context and steps taken to address them.**

The National Counter-Terrorism Committee was established, under the leadership of the Minister of Justice, following the adoption of Security Council resolution 1373. It is composed of all the relevant Government departments, i.e. the Ministry of Foreign Affairs, the Central Bank, the army, the police and the National Security Department. Its first task was to restructure the entire security apparatus to create synergy among all actors in the security sector. With regard to the harmonization of legislation, the Committee recommended that the country should add to its legislative and penal arsenal through the adoption of Act No. 196/AN/02/4ème L of 29 December 2002 on Money-Laundering, Confiscation and International Cooperation in respect of the Proceeds of Crimes. A copy of the Act is attached to this report.

The Act defines as a criminal offence the premeditated provision or collection by nationals, within the territory of Djibouti, by any means whether direct or indirect, of funds for the purpose of committing acts of terrorism.

With the adoption of the Act, Djibouti has strengthened its legislative and penal arsenal, in accordance with paragraph 1 of resolution 1373 (2001) and its subparagraphs (a), (b), (c) and (d), in order to prevent and suppress the financing of acts of terrorism, but also pursuant to its obligations under resolutions 1267 (1999) and 1390 (2002).

As for the International Convention for the Suppression of the Financing of Terrorism, Djibouti signed the Convention in November 2001 and is considering becoming a party to it in the near future.

10. **Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

Djibouti has put in place a stringent system for the control of financial movements, designed to ensure that its financial system is not used for money-laundering or to finance terrorism. Financial institutions are required to conform to the aforementioned legislation with respect to the freezing of terrorists' assets.

The Republic of Djibouti has never provided any support to entities involved in acts of terrorism and the Djibouti Penal Code imposes severe penalties for such acts. The exchange of information with countries of the coalition and countries in the subregion has been intensified. In line with its policy of non-interference and of

having friendly relations with neighbouring countries, the Republic of Djibouti has never sheltered or supported terrorist entities.

In that regard, concerning the financing of terrorism and international cooperation, please refer to the chapter on sanctions of the Act on Money-Laundering, which punishes the conversion, transfer, concealment or disguising of the nature of proceeds of crime; and the possession or use of or search for financing for terrorist activities, as well as to title V on international cooperation. Chapter I of the Act concerns requests for mutual assistance in criminal matters; chapter II concerns extradition, while chapter III concerns provisions common to requests for mutual assistance in criminal matters and extradition.

The Djibouti authorities have not yet discovered or needed to freeze funds or other financial assets or economic resources belonging to individuals, groups, undertakings or entities appearing on the list drawn up pursuant to resolutions 1267 (1999), 1333 (2000), or 1390 (2002).

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any “due diligence” or “know your customer” requirements.¹ Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Title II, chapter I, article 2-1-2, of Act No. 196/AN/02/4ème L on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds of crime, promulgated on 29 December 2002, provides that the Act covers “credit institutions, financial institutions and intermediaries, as well as any natural or legal person who, in the course of his profession, carries out, supervises, or advises on transactions involving the deposit, exchange, investment, conversion, or any other movement of funds”.

This article further provides that the Act also applies “to all transactions, money changers, insurance companies, investment firms, agents dealing in the sale or rental of real estate or businesses, notaries, accountants, auditors, auctioneers, as well as casinos and gambling establishments”.

Under this regulation, the above-mentioned establishments are required to effect transfers of funds above 1 million Djibouti francs (there is a fixed parity of US\$ 1.00 to 177 Djibouti francs) through a credit or financial institution pursuant to title II, article 2-1-3, of the Act.

Credit and financial institutions shall verify the identity of:

- Customers;
- Casual customers, even where the amount involved is less than 1 million Djibouti francs, if the origin of the funds is not clear;
- Economic beneficiaries, including attorneys and agents, who may not invoke confidentiality as grounds for not revealing the identity of the principal.

¹ For details see Third Report of the Monitoring Group of 17 December 2002, S/2002/1338, chapter V, paras. 27-29.

For further information, please refer to the copy of the Act annexed hereto, especially to title II, chapter II, thereof, on transparency in financial transactions.

The occupations subject to this Act are required to cooperate and collaborate with the authorities responsible for combating money-laundering, especially the Financial Intelligence Service, which may require any public authority and any natural or legal person covered by article 2-1-1 to divulge such information as it may deem relevant to carry out investigations, once a suspicious transaction report has been filed.

Title III, article 3-1-4, on the reporting of and requirement to report suspicious transactions provides that: "Any natural or legal person referred to in article 2-1-1 shall report to the Financial Intelligence Service the transactions covered by article 2-1-1 when they concern funds suspected of being proceeds of money-laundering or being connected with the financing of terrorist activities."

The Act is clear and provides for coercive measures, including the prohibition to invoke banking or professional secrecy, in case of failure to cooperate or report suspicious transactions. The penalties for non-cooperation or non-compliance with that regulation are set out in title IV, chapter II, article 4-2-5 of which provides for "five to ten years of imprisonment and a fine of 25 to 50 million Djibouti francs". Subparagraph (g) lays down penalties for "those who fail to report the suspicious transactions covered by article 3-1-4, where circumstances suggested that a particular transaction might be the proceeds of one of the offences covered by the present article".

The Act on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds of crime complies fully with Security Council resolutions 1267 (1999) and 1390 (2002), since it concerns prevention, suppression and international cooperation with respect to combating the use of the proceeds of crime and terrorist financing.

Financial institutions are required to do whatever is necessary to comply with the law on anti-terrorist measures. If they have relations with any persons included in the list drawn up by the Committee pursuant to resolution 1267, they are required to block all transactions.

12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2001) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- **identification(s) of the person or entities whose assets have been frozen;**
- **a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);**
- **the value of assets frozen.**

Not applicable.

13. **Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

Nothing to report.

14. **Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

As regards the legal basis, see above, and especially the responses to questions 10 and 11.

The Act entered into force on the date of its publication in the *Journal officiel*. It is for the financial institutions to ensure that they comply with its provisions. Financial institutions work closely with the Central Bank of Djibouti and are required to report any suspicious transactions. If they fail to report such transactions, they may face criminal prosecution.

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**

See response to question 11.

- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

See response to question 11.

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

In accordance with Djibouti customs law on imports and exports, customs offices control the import of all goods, including precious commodities, which are subject to an import licence, used to levy the tax on goods and services, compile trade data, and control imports.

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — “hawala”, as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

Title II, chapter I, article 2-1-2 of the Act on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds of crime, provides that the Act covers “credit institutions, financial institutions and intermediaries, as well as any natural or legal person who, in the course of his profession, carries out, supervises, or advises on transactions involving the deposit, exchange, investment, conversion, or any other movement of funds”.

This article further provides that the Act also applies “to all transactions, money changers, insurance companies, investment firms, agents dealing in the sale or rental of real estate or businesses, notaries, accountants, auditors, auctioneers, as well as casinos and gambling establishments”.

The law applies to all financial institutions, including “hawala” systems, which must obtain a permit and a licence, and ensure that their records are ready for inspection at all times.

The non-profit organizations referred to in the question may be either for-profit companies or charities. In Djibouti, the Act on Associations provides that associations must be registered with the Ministry of the Interior. This Act contains provisions governing the accounting for and registration of transactions made by registered associations, including fund-raising activities. Registered associations must submit annual accounts, as well as an audited annual report. The Act further provides that the Minister of the Interior may instruct an association to provide him with any information or documents, especially its accounts and records.

The forces of law and order may also place non-profit organizations under surveillance in order to ensure that they are not engaged in illegal activities and are not using their resources for illicit purposes.

IV. Travel ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2 (b) of resolution 1390 (2002)).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

Legislative and administrative measures: Djibouti has established effective controls at its borders to prevent the movement of terrorists or of those who support them. The Immigration Act stipulates that any person arriving by aircraft at any airport or authorized port must report to an immigration official when and where that official so requests. Anyone who refuses or fails to report to an immigration official when so requested will be viewed as having committed an offence. Moreover, any person wishing to enter the territory of Djibouti must possess a visa in proper order issued by a consulate of Djibouti and a passport valid for more than six months.

16. Have you included the names of the listed individuals in your national “stop list” or border checkpoint list? Please briefly outline steps taken and any problems encountered.

When sufficient details about the listed individuals have been provided to permit their identification with certainty, their names and the data concerning them

have been included on the Committee's list, which has been distributed to the various checkpoints, notably to the airport and frontier police services at the airport and at the port of Djibouti. The National Security Department has also set up offices with computerized resources at its checkpoints in order to strengthen prevention.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

No, Djibouti does not have electronic means of searching List data, but the security service, the information services and the airport and frontier police receive regular updates of the Committee's List and can also keep track of it on the United Nations web site via the Internet.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

None of the listed individuals has ever been arrested in Djibouti, as none has attempted to enter the national territory.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

The List is regularly updated by the Committee and is also communicated to the consular services of Djibouti, which consult it via the Internet so as to be able to refuse visas to listed individuals if necessary. Moreover, since the events of 11 September 2001, the consulates have been informed by a circular from the Ministry of the Interior that any suspicious visa applications must first be transmitted to the Ministry of the Interior so that the reasons for the application may be studied and examined.

To date, Djibouti's services have identified no visa applicants whose names appear on the List.

V. Arms Embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related materiel of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

The Republic of Djibouti produces no weapons of any sort and has neither the technical nor the human capacity to produce them or to provide technical assistance or training to anyone, including the aforementioned entities.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

The Republic of Djibouti produces no arms and, moreover, has sufficiently strict penal legislation regarding the possession and sale of, or trafficking in, firearms, the possession or use of which is prohibited except by such established organs as the army and the national police and the State organs responsible for national security.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Nothing to report. Djibouti does not produce armaments, and only such established organs as the army, the police, and the security services are authorized to possess weapons. For weapons to be imported, End User Certificates are required; these are issued only by the Chief of National Security and are provided only to established organs.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?

Djibouti produces no weapons or ammunition.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

Nothing to report.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

No response.

26. Please include any additional information you believe pertinent.

For more detailed information, please refer to the following:

- Act No. 196/AN/02/4ème L on Money-Laundering, Confiscation and International Cooperation with respect to the proceeds of crime (on file with the Secretariat)

- The following reports submitted to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001):
 - S/2001/1311 of 31 December 2001
 - S/2003/483 of 7 April 2003
-