

Treasury
Customs and Excise Division

Sanctions Notice 46

United Nations Sanctions

Mali



October 2017
(revised to 3 October 2019)



Isle of Man
Government

Reil'tys Ellan Vannin

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About this Notice

This Notice draws attention in convenient form to measures designed to impose restrictive measures in respect of Mali.

This Notice provides guidance on aspects of the measures having effect in the Isle of Man, and should be read in conjunction with any order or regulations giving effect to those measures in the Island.

The Treasury has appointed its Customs and Excise Division to act for the purpose of enforcing financial sanctions. Accordingly, certain powers have been delegated by the Treasury to the Division.

Enquiries concerning this Notice should be addressed to the address given below and marked for the attention of the Sanctions Officer.

The Sanctions Officer
The Treasury
Customs and Excise Division
PO Box 6
Custom House
North Quay
Douglas
Isle of Man
IM99 1AG

This Notice is provided for information purposes only, and its contents should not be taken as a definitive statement of the law. You are advised to seek independent legal advice if you believe you are affected by anything in this Notice.

For further information about sanctions in general, including how to deal with false positives, or when sanctions are lifted or persons delisted, refer to the [Financial Sanctions Guidance](#). The guidance also covers the granting of licences.

Notices, and other information about sanctions and export and trade controls, may be found at - <https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/>

Directions

The Customs and Excise Division, as agent for the Treasury, **directs** that any funds held for or on behalf of the individuals or entities named in the published lists having effect in the Island must not be made available, except under the authority of a licence in writing from the Treasury.

Any funds should be blocked or frozen and the details reported to the Financial Intelligence Unit.

All persons in business or a profession in the Island, including financial institutions, **must** check whether they maintain any account, or otherwise hold or control funds or economic resources, for individuals or entities included in the lists and, if so, they should freeze the

account, funds or economic resources and report their findings to the Financial Intelligence Unit.

Any person, entity or body with information that would facilitate compliance with the sanctions Regulation(s) **must** supply such information to the Financial Intelligence Unit and co-operate in any verification of the information.

Reports of accounts and amounts frozen should be made using THEMIS; however, if you do not have access to this reporting system, you should use the appropriate form on the FIU website.

Financial Intelligence Unit contact details

Financial Intelligence Unit
PO Box 51
Douglas
Isle of Man
IM99 2TD

Telephone: +44 1624 686000
Email: fiu@gov.im

Introduction

1. Mali has been affected by conflict that began with a coup in 2012, and involving government forces, separatist groups and radical Islamist militias (including Al-Qaida splinter group, Al-Qaida in the Islamic Maghreb or AQIM). Despite the Agreement on Peace and Reconciliation in Mali in 2015 signed by some of the armed actors in 2015, Northern Mali in particular has continued to be affected by unrest. The security situation is volatile and humanitarian needs are increasing while access for humanitarian organisations remained very challenging.
2. French forces have deployed to Mali.
3. On 5 September 2017, the UN Security Council adopted Resolution 2374 that established a targeted sanctions regime on Mali. This called for a travel ban and an assets freeze on individuals and entities engaged in actions or policies that threaten the peace, security or stability of Mali.
4. A Sanctions Committee was also established.
5. This followed the establishment of the Agreement on Peace and Reconciliation in Mali in March 2015 and the setting up of the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), and the call from the UN Secretary General in December 2016 for the Council to consider the imposing of targeted sanctions against those obstructing the implementation of the Agreement.
6. The designation criteria contained in the Resolution included -
 - a. engaging in hostilities in violation of the Agreement on Peace and Reconciliation in Mali;

- b. taking actions that obstruct (including through prolonged delay) or threaten the implementation of that Agreement;
 - c. action for, or on behalf of, or at the direction of, or otherwise supporting or financing those violating the Agreement by engaging in hostilities or obstructing its implementation, including through proceeds from organised crime;
 - d. engaging in planning, directing, sponsoring or conducting attacks against -
 - i. the various entities referred to in the Agreement, including local, regional and state institutions, joint patrols and the Malian Security and Defense Forces;
 - ii. MINUSMA peacekeepers and other associated Un and associated personnel, including members of the Panel of Experts and international security presences (including the joint force of the Group of Five for the Sahel, EU Missions and French forces);
 - e. obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali;
 - f. planning, directing or committing acts in Mali that violate international human rights law or international humanitarian law, or that constitute human rights abuses or violations; or
 - g. using or recruiting children in violation of applicable international law in the context of the armed conflict in Mali.
7. To date no persons or entities have been designated by the Sanctions Committee.
8. On 28 September 2017, Council Regulation (EU) 2017/1770 and Council Decision (CFSP) 2017/1775 were made, coming into force on 30 September 2017. These measures implemented UN SCR 2374 in the EU. Annex I to the Regulation was to contain any persons and entities subject to financial sanctions, but none were included in the Annex when it was made.
9. On 16 October 2017 the European Union (Mali Sanctions) Order 2017 came into operation, applying Council Regulation (EU) No. 2017/1770 in the Island.

On 16 October 2017 the European Union (Mali Sanctions) Regulations 2017 came into operation, providing for penalties and offences for breaches of the Council Regulation, allowing for the issue of licences by the Treasury, where necessary, and providing information powers for the investigation of suspected breaches etc.

The effect of the two instruments was to give full effect to the UN restrictions in the Island, and provide the powers necessary to enforce them.

Funds and economic resources

10. For the purpose of the sanctions, "funds" means financial assets and benefits of every kind, including (but not limited to) -

-
- cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivative contracts;
 - interest, dividends or other income or on value accruing from or generated by assets;
 - credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - letters of credit, bills of lading, bills of sale;
 - documents evidencing an interest in funds or financial resources.
11. "Economic resources" means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but which may be used to obtain funds, goods or services.

Frozen accounts

12. All funds and economic resources belonging to, held or controlled by designated persons held by banks, building societies, stockbrokers, accountants etc must be frozen. No funds or economic resources may be made available to a designated person unless permitted by a licence from the Treasury, except that the following are permitted -
- adding to frozen accounts of interest or other earnings;
 - adding to frozen accounts payments due under contracts, agreements or obligations that arose or were concluded before the date on which the person was subject to sanctions in the Island;
 - adding to frozen accounts transfers from other sources.
13. Financial and credit institutions must notify the Financial Intelligence Unit immediately if they have a frozen account, and if they receive transfers from other sources into frozen accounts.

Licences

14. The Treasury may licence the release or the making available of funds or economic resources where -
- necessary for the basic needs of designated persons and their immediate family (including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges);

- exclusively for reasonable professional fees or the reimbursement of expenses incurred in connection with the provision of legal services;
- exclusively for payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- for extraordinary expenses;
- exclusively to satisfy claims secured by a lien or judgment established prior to the date that the person involved became a designated person - but only if not for the benefit of a designated person and not contrary to public policy.

Amendments to this Notice

This Notice was first published on 17 October 2017.

15. Various amendments to make clear that reporting of frozen accounts or breaches of sanctions must be made to the Financial Intelligence Unit, 3 April 2018.
16. Privacy Notice added.
17. References to old sanctions notices removed and a link to the Financial Sanctions Guidance added.

Isle of Man Customs and Excise website

Amendments to these sanctions will be advised by means of news releases which will be published on the official Isle of Man Government website at <https://www.gov.im/>

The Isle of Man Customs and Excise website will contain details of all current sanctions, news releases, Sanctions Notices and links to relevant websites and lists at <https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/>

New or amended versions of this Notice will be provided on that website.

Privacy Notice

The Treasury collects information about you in order to administer taxation and carry out other functions for which it is responsible (e.g. National Insurance, customs and excise duties, property rates, social security benefits, state pensions and legal aid etc.), and for the detection and prevention of crime.

Whilst that information will primarily be provided by you, where the law allows we may also get information about you from other organisations, or give information about you to them. This may be to check the accuracy of the information provided, prevent or detect crime or protect public funds in other ways. These organisations may include other government departments, the police and other agencies.

To find out more about how we collect and use personal information, contact any of our offices or visit our website at: <https://www.gov.im/about-the-government/departments/the-treasury/privacy-notice/>

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This document can be provided in large print or audio tape on request

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