

বাংলাদেশ ফাইন্যান্সিয়াল ইন্টেলিজেন্স ইউনিট

বাংলাদেশ ব্যাংক

প্রধান কার্যালয়

ঢাকা।

ওয়েবসাইট: [www.bangladeshbank.org.bd](http://www.bangladeshbank.org.bd)

বিএফআইইউ সার্কুলার লেটার নং- ০৪/২০১৩

তারিখ : ১৯ কার্তিক, ১৪২০  
০৩ নভেম্বর, ২০১৩

ব্যবস্থাপনা পরিচালক/প্রধান নির্বাহী কর্মকর্তা,

সকল ব্যাংক, আর্থিক প্রতিষ্ঠান, বীমাকারী, মানিচেঞ্জার, অর্থ অথবা অর্থমূল্য প্রেরণকারী বা স্থানান্তরকারী কোম্পানী বা প্রতিষ্ঠান, বাংলাদেশ ব্যাংকের অনুমতিক্রমে ব্যবসা পরিচালনাকারী প্রতিষ্ঠান, স্টক ডিলার ও স্টক ব্রোকার, পোর্ট ফোলিও ম্যানেজার ও মার্চেন্ট ব্যাংকার, সিকিউরিটি কাস্টডিয়ান, সম্পদ ব্যবস্থাপক, অ-লাভজনক সংস্থা/প্রতিষ্ঠান (NPO), বেসরকারী উন্নয়ন সংস্থা (NGO), সমবায় সমিতি, রিয়েল এস্টেট ডেভেলপার, মূল্যবান ধাতু বা পাথরের ব্যবসা প্রতিষ্ঠান, ট্রাস্ট ও কোম্পানী সেবা প্রদানকারী, আইনজীবী, নোটারী, অন্যান্য আইন পেশাজীবী এবং একাউন্টেন্ট।

প্রিয় মহোদয়,

জাতিসংঘের নিরাপত্তা পরিষদের বিভিন্ন রেজুলেশনের আওতায় তালিকাভুক্ত ব্যক্তি বা প্রতিষ্ঠানের হিসাব অবরুদ্ধকরণ ও অন্যান্য বিষয়ে অনুসরণীয় নির্দেশাবলী।

পররাষ্ট্র মন্ত্রণালয়, গণপ্রজাতন্ত্রী বাংলাদেশ সরকার কর্তৃক ২৯ নভেম্বর, ২০১২ তারিখে জারীকৃত "Prevention and Suppression of Terrorism and Financing of Terrorism (Implementation of United Nations Security Council Resolutions) order, 2012 বিষয়ক এস,আর,ও নং-৩৯৮-আইন/২০১২ এর সংশ্লিষ্ট সংশোধনীসমূহ ১৮ জুন, ২০১৩ তারিখ জারীকৃত এস,আর,ও নং ১৮৮(ক)-আইন/২০১৩ গত ২৯ আগস্ট, ২০১৩ তারিখ বাংলাদেশ গেজেটের (অতিরিক্ত সংখ্যা) মাধ্যমে জনসাধারণের জ্ঞাতার্থে প্রকাশ করা হয়েছে। বাংলাদেশ গেজেটের (অতিরিক্ত সংখ্যা) মাধ্যমে জারীকৃত এস,আর,ও, দুটির কপি সংশ্লিষ্ট সকলের সংগ্রহের নিমিত্তে বাংলাদেশ ব্যাংকের নিম্নবর্ণিত ওয়েবলিংকে আপলোড করা হয়েছেঃ

<http://www.bangladeshbank.org.bd/mediaroom/circulars/circulars.php>

২. সন্ত্রাস বিরোধী আইন, ২০০৯ (২০১২ ও ২০১৩ সালের সংশোধনীসহ) এর ১৫(১)(ঘ) ও ২০ক।(এ) ধারায় প্রদত্ত ক্ষমতাবলে এ আইনের ২(২০) ধারায় অন্তর্ভুক্ত সকল রিপোর্ট প্রদানকারী সংস্থাকে পররাষ্ট্র মন্ত্রণালয়ের এস,আর,ও নং-৩৯৮-আইন/২০১২ ও এস,আর,ও নং ১৮৮(ক)-আইন/২০১৩ এর নির্দেশনাসমূহ সংশ্লিষ্ট সকল পক্ষের অবগতিতে আনয়নপূর্বক এর পরিপালন নিশ্চিত করার জন্য নির্দেশনা প্রদান করা যাচ্ছে।

৩. অত্র ইউনিট কর্তৃক ১০ অক্টোবর, ২০১২ তারিখে উপর্যুক্ত বিষয়ে জারীকৃত বিএফআইইউ সার্কুলার লেটার নং-০৩/২০১২ এর নির্দেশনাবলীও যথাযথভাবে পরিপালন নিশ্চিত করতে হবে।

আপনাদের বিশ্বস্ত,

স্বাক্ষরিত/-

(দেবপ্রসাদ দেবনাথ)

মহাব্যবস্থাপক

ফোন : ৯৫৩০১১৮

প্রতিলিপি নং- বিএফআইইউ (পলিসি)-৪/২০১৩-৫২২

তারিখ : উল্লিখিত

অবগতি ও প্রয়োজনীয় ব্যবস্থা গ্রহণের জন্য প্রতিলিপি প্রেরণ করা হলো :-

১. সকল বিভাগীয় প্রধান, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, ঢাকা।
২. নির্বাহী পরিচালক, বাংলাদেশ ব্যাংক, মতিঝিল, ঢাকা/চট্টগ্রাম।
৩. মহাব্যবস্থাপক, বাংলাদেশ ব্যাংক, রাজশাহী/খুলনা/বগুড়া/সিলেট/সদরঘাট, ঢাকা/বরিশাল/রংপুর/ময়মনসিংহ।
৪. গভর্নর মহোদয়ের সচিবালয়, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, ঢাকা।
৫. গভর্নর মহোদয়ের ব্যক্তিগত কর্মকর্তা, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, ঢাকা।
৬. ডেপুটি গভর্নর মহোদয়গণের সাথে সংযুক্ত উপ-পরিচালক/সহকারী পরিচালক, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, ঢাকা।
৭. নির্বাহী পরিচালক মহোদয়গণ/অর্থনৈতিক উপদেষ্টা মহোদয়ের ব্যক্তিগত সহকারী, বাংলাদেশ ব্যাংক, প্রধান কার্যালয়, ঢাকা।
৮. মহাপরিচালক, বাংলাদেশ ইনস্টিটিউট অব ব্যাংক ম্যানেজমেন্ট, মিরপুর, ঢাকা।
৯. মহাসচিব, দি ইনস্টিটিউট অব ব্যাংকার্স বাংলাদেশ, বিএসআরএস ভবন, ১০ম তলা, ১২ কাওরান বাজার, তেজগাঁও, ঢাকা।

স্বাক্ষরিত/-

(মোহাম্মদ আবদুর রব)

উপ পরিচালক

ফোন : ৯৫৩০০১০-৭৫/২৪৯৩

ই-মেইল : [abdur.rab@bb.org.bd](mailto:abdur.rab@bb.org.bd)

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, জানুয়ারি ১৫, ২০১৩

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF FOREIGN AFFAIRS

ORDER

Date: 15 Agrahayon, 1419/ 29 November, 2012

**S.R.O. No. 398-Law/2012.**—WHEREAS, the Security Council of the United Nations in its 4051st meeting adopted Resolution 1267 (1999) (appended to this Order as Annexure A) on 15 October 1999 and its successor Resolutions, under Chapter VII of the Charter of the United Nations, requiring all the States to take action against certain terrorists or terrorist organisations, to freeze the assets and other economic resources, to prevent the entry into or the transit through their territory, and to prevent the direct or indirect supply, sale or transfer of arms and ammunitions to the individuals or entities listed in the Schedule;

AND WHEREAS, the Security Council of the United Nations in its 4385th meeting adopted Resolution 1373 (2001) (appended to this Order as Annexure B) on 28 September 2001, under Chapter VII of the Charter of the United Nations requiring all the States to take measures to combat terrorism;

AND WHEREAS, the Security Council of the United Nations adopted Resolutions, under Chapter VII of the Charter of the United Nations, requiring all the States to take measures to prevent and disrupt the financing of proliferation of the weapons of mass destruction;

AND WHEREAS, the Government of the People's Republic of Bangladesh considers it necessary and expedient to issue an Order under the United Nations (Security Council) Act 1948 (Act no. XIV of 1948) to implement the provisions of the said Resolutions of the Security Council of the United Nations adopted under Chapter VII of the Charter of the United Nations to combat terrorism and financing of terrorism;

( ৩৩৫ )

মূল্য ৪ টাকা ৯৬.০০

NOW, THEREFORE, in exercising the power conferred under section 2 of the United Nations (Security Council) Act, 1948, the Government of the People's Republic of Bangladesh is pleased to make the following Order, namely:—

1. **Short title and commencement.**—(1) This Order shall be called the Prevention and Suppression of Terrorism and Financing of Terrorism (Implementation of the United Nations Security Council Resolutions) Order, 2012.

(2) It shall come into force on the date of its publication in the *Official Gazette*.

2. **Definitions.**—(1) In this Order, unless there is anything repugnant in the subject or context—

(a) "Government" means the Government of the People's Republic of Bangladesh;

(b) "Resolutions" means the Resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1540 (2004), 1526 (2004), 1617 (2005), 1718 (2006), 1730 (2006), 1735 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1822 (2008), 1874 (2009), 1904 (2009), 1929 (2010), 1988 (2011), 1989 (2011) adopted by the Security Council of the United Nations under Chapter VII of the Charter of the United Nations to combat terrorism;

(c) "Schedule" means the Schedule annexed to this Order, drawn on the basis of the determination made by the Security Council of the United Nations in the said Resolutions.

(2) Words and expressions used but not defined in this Order and defined in any law of Bangladesh for the time being in force, shall have the meanings respectively assigned to them in such laws.

3. **Provisions of the Order, to apply to certain terrorists and terrorist organizations, and activities.**—The provisions of this Order shall apply to:

(a) terrorists or terrorist organizations falling within the purview of the said Resolutions and Schedule;

(b) activities related to the prevention and suppression of terrorism and financing of terrorism as delineated in the said Resolutions.

**4. Powers of the Government to prevent and suppress the terrorists and terrorist activities falling within the purview of the Resolutions.**—The Government, while exercising its powers under the relevant laws, shall take measures to:

- (a) make comprehensive plans requiring the concerned authorities to prepare a terrorist watch list in respect of individuals and entities listed in the Schedule and to take follow up measures in respect of activities stated hereunder, emphasizing the need to report back on the actions taken in this regard so as to neutralize such terrorists or terrorist organisations;
- (b) prevent and suppress the financing of any terrorist act;
- (c) prohibit any willful provision or collection, directly or indirectly, of funds by any individual or entity whether in or outside Bangladesh, with the intention to use such funds or having the knowledge that they shall be used to carry out any terrorist act;
- (d) freeze, seize or attach funds or other financial assets or economic resources, held by or on behalf of the individuals or entities listed in the Schedule without issuing any prior notice;
- (e) prohibit any individual or entity from making any funds, financial assets or economic resources of financial or other related services available, directly or indirectly, for the benefit of individuals or entities listed in the Schedule;
- (f) prevent the entry into or the transit through Bangladesh of individuals listed in the Schedule through effective border control and immigration measures;
- (g) prevent any direct or indirect supply, sale and transfer in or outside Bangladesh, of arms and ammunition and other related items, materials, equipment, goods and technologies to the individuals or entities listed in the Schedule;
- (h) deny permission for any aircraft to take off or land in its territory if it is owned, leased or operated by or on behalf of the individuals or entities listed in the Schedule;
- (i) prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, including through inspection of cargo to and from the individuals or entities listed in the Schedule;
- (j) prohibit and prevent any activity mentioned in the Resolutions that is related to individuals and entities listed in the Schedule.

5. **Power to give directions, etc.**—(1) The Government may, from time to time, issue directions to the concerned authorities in such manner as it may consider necessary for the implementation of this Order.

(2) The directions issued under this paragraph may include directions to implement the plans referred to in paragraph 4 of this Order and to freeze, seize or attach the assets and other economic resources; prevent the entry into or the transit through Bangladesh; prevent the sale and transfer of arms and ammunitions; deny permission for any aircraft to take off or land; and prevent illicit trafficking in nuclear, chemical or biological weapons, their means of deliver and related materials to and from the individuals and entities listed in the Schedule, and the directions to institute any criminal proceedings against them.

(3) The directions under this paragraph may be issued through subsequent Orders.

(4) If any individual or entity fails to comply with the provisions of this Order or subsequent Orders referred to in sub-paragraph (3) of this Order, that individual or entity shall be liable for punishment under the provisions of the relevant laws of Bangladesh for the time being in force.

6. **National coordination of implementation of the Resolutions.**— In order to coordinate and monitor the effective implementation of the Resolutions of the Security Council of the United Nations, the Government has formed a National Committee on the Implementation of the United Nations Security Council Resolutions on Combating Terrorism and Financing of Terrorism. The Committee is headed by the Foreign Secretary, Ministry of Foreign Affairs and comprises representatives from the relevant Ministries/Agencies. The composition and Terms of Reference (ToR) of the National Committee is appended to this Order as ANNEXURE C.

7. **Updating or amendment of the Schedule.**—The Government may, by an order published in the *official Gazette*, update or amend the Schedule annexed to this Order, from time to time, through consultation with the National Committee referred to in paragraph 6 of this Order.

#### **Annexure –A**

##### **United Nations Security Council Resolution 1267 (1999)**

*Adopted by the Security Council at its 4051st meeting on 15 October 1999*

The Security Council,

Reaffirming its previous resolutions, in particular resolutions 1189 (1998) of 13 August 1998, 1193 (1998) of 28 August 1998 and 1214 (1998) of 8 December 1998, and the statements of its President on the situation in Afghanistan,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and its respect for Afghanistan's cultural and historical heritage,

Reiterating its deep concern over the continuing violations of international humanitarian law and of human rights, particularly discrimination against women and girls, and over the significant rise in the illicit production of opium, and stressing that the capture by the Taliban of the Consulate-General of the Islamic Republic of Iran and the murder of Iranian diplomats and a journalist in Mazar-e-Sharif constituted flagrant violations of established international law,

Recalling the relevant international counter-terrorism conventions and in particular the obligations of parties to those conventions to extradite or prosecute terrorists,

Strongly condemning the continuing use of Afghan territory, especially areas controlled by the Taliban, for the sheltering and training of terrorists and planning of terrorist acts, and reaffirming its conviction that the suppression of international terrorism is essential for the maintenance of international peace and security,

Deploring the fact that the Taliban continues to provide safe haven to Usama bin Laden and to allow him and others associated with him to operate a network of terrorist training camps from Taliban-controlled territory and to use Afghanistan as a base from which to sponsor international terrorist operations,

Noting the indictment of Usama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania and for conspiring to kill American nationals outside the United States, and noting also the request of the United States of America to the Taliban to surrender them for trial (S/1999/1021),

Determining that the failure of the Taliban authorities to respond to the demands in paragraph 13 of resolution 1214 (1998) constitutes a threat to international peace and security,

Stressing its determination to ensure respect for its resolutions,

Acting under Chapter VII of the Charter of the United Nations,

1. Insists that the Afghan faction known as the Taliban, which also calls itself the Islamic Emirate of Afghanistan, comply promptly with its previous resolutions and in particular cease the provision of sanctuary and training for international terrorists and their organizations, take appropriate effective measures to ensure that the territory under its control is not used for terrorist installations and camps, or for the preparation or organization of terrorist acts against other States or their citizens, and cooperate with efforts to bring indicted terrorists to justice;

2. Demands that the Taliban turn over Usama bin Laden without further delay to appropriate authorities in a country where he has been indicted, or to appropriate authorities in a country where he will be returned to such a country, or to appropriate authorities in a country where he will be arrested and effectively brought to justice;

3. Decides that on 14 November 1999 all States shall impose the measures set out in paragraph 4 below, unless the Council has previously decided, on the basis of a report of the Secretary-General, that the Taliban has fully complied with the obligation set out in paragraph 2 above;

4. Decides further that, in order to enforce paragraph 2 above, all States shall:

- (a) Deny permission for any aircraft to take off from or land in their territory if it is owned, leased or operated by or on behalf of the Taliban as designated by the Committee established by paragraph 6 below, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need, including religious obligation such as the performance of the Hajj;
- (b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 below, and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need;

5. Urges all States to cooperate with efforts to fulfil the demand in paragraph 2 above, and to consider further measures against Usama bin Laden and his associates;

6. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

- (a) To seek from all States further information regarding the action taken by them with a view to effectively implementing the measures imposed by paragraph 4 above;

- (b) To consider information brought to its attention by States concerning violations of the measures imposed by paragraph 4 above and to recommend appropriate measures in response thereto;
- (c) To make periodic reports to the Council on the impact, including the humanitarian implications, of the measures imposed by paragraph 4 above;
- (d) To make periodic reports to the Council on information submitted to it regarding alleged violations of the measures imposed by paragraph 4 above, identifying where possible persons or entities reported to be engaged in such violations;
- (e) To designate the aircraft and funds or other financial resources referred to in paragraph 4 above in order to facilitate the implementation of the measures imposed by that paragraph;
- (f) To consider requests for exemptions from the measures imposed by paragraph 4 above as provided in that paragraph, and to decide on the granting of an exemption to these measures in respect of the payment by the International Air Transport Association (IATA) to the aeronautical authority of Afghanistan on behalf of international airlines for air traffic control services;
- (g) To examine the reports submitted pursuant to paragraph 9 below;

7. Calls upon all States to act strictly in accordance with the provisions of this resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of coming into force of the measures imposed by paragraph 4 above;

8. Calls upon States to bring proceedings against persons and entities within their jurisdiction that violate the measures imposed by paragraph 4 above and to impose appropriate penalties;

9. Calls upon all States to cooperate fully with the Committee established by paragraph 6 above in the fulfilment of its tasks, including supplying such information as may be required by the Committee in pursuance of this resolution;

10. Requests all States to report to the Committee established by paragraph 6 above within 30 days of the coming into force of the measures imposed by paragraph 4 above on the steps they have taken with a view to effectively implementing paragraph 4 above;

11. Requests the Secretary-General to provide all necessary assistance to the Committee established by paragraph 6 above and to make the necessary arrangements in the Secretariat for this purpose;



12. Requests the Committee established by paragraph 6 above to determine appropriate arrangements, on the basis of recommendations of the Secretariat, with competent international organizations, neighbouring and other States, and parties concerned with a view to improving the monitoring of the implementation of the measures imposed by paragraph 4 above;

13. Requests the Secretariat to submit for consideration by the Committee established by paragraph 6 above information received from Governments and public sources on possible violations of the measures imposed by paragraph 4 above;

14. Decides to terminate the measures imposed by paragraph 4 above once the Secretary-General reports to the Security Council that the Taliban has fulfilled the obligation set out in paragraph 2 above;

15. Expresses its readiness to consider the imposition of further measures, in accordance with its responsibility under the Charter of the United

Nations, with the aim of achieving the full implementation of this resolution;

16. Decides to remain actively seized of the matter.

#### Annexure – B

##### **United Nations Security Council Resolution 1373 (2001)**

*Adopted by the Security Council at its 4385th meeting, on 28 September 2001*

*The Security Council,*

*Reaffirming* its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001,

*Reaffirming also* its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressing its determination to prevent all such acts,

*Reaffirming further* that such acts, like any act of international terrorism, constitute a threat to international peace and security,

*Reaffirming* the inherent right of individual or collective self-defence as recognized by the Charter of the United Nations as reiterated in resolution 1368 (2001),

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

*Deeply concerned* by the increase, in various regions of the world, of acts of terrorism motivated by intolerance or extremism,

*Calling* on States to work together urgently to prevent and suppress terrorist acts, including through increased cooperation and full implementation of the relevant international conventions relating to terrorism,

*Recognizing* the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism,

*Reaffirming* the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV)) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that all States shall:

- (a) Prevent and suppress the financing of terrorist acts;
- (b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;
- (c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;
- (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

2. *Decides also* that all States shall:

- (a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;
- (b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information;
- (c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;
- (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;
- (e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;
- (f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;
- (g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

3. *Calls* upon all States to:

- (a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;
- (b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

- (c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;
- (d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;
- (e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);
- (f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;
- (g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

4. *Notes* with concern the close connection between international terrorism and transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and in this regard *emphasizes* the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security;

5. *Declares* that acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations and that knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations;

6. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council, to monitor implementation of this resolution, with the assistance of appropriate expertise, and *calls upon* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement this resolution;

7. *Directs* the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of this resolution, and to consider the support it requires, in consultation with the Secretary-General;

8. *Expresses* its determination to take all necessary steps in order to ensure the full implementation of this resolution, in accordance with its responsibilities under the Charter;

9. *Decides* to remain seized of this matter.

#### Annexure- C

### **National Committee on the Implementation of the United Nations Security Council Resolutions on Combating Terrorism and Financing of Terrorism:**

#### **Terms of Reference (TOR) for the committee:**

- (i) To review/ monitor and coordinate at the national level the implementation of and compliance with the UNSCRs 1267 (and its successor Resolutions) and 1373 and the FATF Recommendations 6 and 7;
- (ii) To develop and issue rules/ policy guidelines for the implementation of and compliance with the UNSCRs 1267 (and its successor Resolutions) and 1373 and the FATF Recommendations 6 and 7;
- (iii) To develop and issue necessary SRO(s) for the implementation of and compliance with the UNSCRs 1267 (and its successor Resolutions) and 1373 and the FATF Recommendations 6 and 7;
- (iv) To hold a meeting of the committee every three months in order to review/ monitor and coordinate at the national level the implementation of and compliance with the concerned UNSCRs and FATF recommendations;
- (v) To report on a regular basis on its activities to the NCC on AML/ CFT.

#### **Composition of the committee:**

The inter-ministerial committee would be chaired by the Foreign Secretary. The committee will comprise the representatives (at the level of Deputy Secretary and above) from the following Ministries/ agencies:

- (i) Ministry of Home Affairs;
- (ii) Bank and Financial Institutions Division, Ministry of Finance;
- (iii) Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs;
- (iv) Bangladesh Bank.

The committee may co-opt or invite representatives from any other Government Ministries/ agencies with a view to facilitating its work on specific issues.

The Director General (UN), MOFA would act as the Member-Secretary of the Committee.

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বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, আগস্ট ২৯, ২০১৩

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF FOREIGN AFFAIRS

NOTIFICATION

Date : 18 June 2013

**SRO No. 188(Ka)-Law/2013**—In exercise of the power conferred by section 2 of the United Nations (Security Council) Act, 1948 (Act No. XIV of 1948) the Government is pleased to make the following amendments in the S.R.O No 398-Law/2012, dated 29 November 2012, relating to Prevention and Suppression of Terrorism and Financing of Terrorism (Implementation of United Nations Security Council Resolutions) Order, 2012, namely:—

**Amendments**

**In the aforesaid Order—**

- (1) In the first paragraph of the preamble, for the words “certain terrorists and terrorist organizations” shall be substituted by the words “individuals and entities listed pursuant to the Resolutions”;
- (2) In the fourth paragraph of the preamble, the words “to combat terrorism and financing of terrorism” shall be deleted;

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(3) Paragraph 2 (1) (b) of the Order shall be replaced by the words “‘Resolutions’ means the Resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1540 (2004), 1526 (2004), 1617 (2005), 1718 (2006), 1730 (2006), 1735 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1822 (2008), 1874 (2009), 1904 (2009), 1929 (2010), 1988 (2011), 1989 (2011), 2082 (2012), 2083 (2012) and any successor resolution adopted by the Security Council of the United Nations in the future under Chapter VII of the Charter of the United Nations”;

(4) After paragraph 2 (1) (c) of the Order the following new clause (d), (e) and (f) shall be inserted, namely:—

“(d) ‘Listed individuals and entities’ means the individuals, groups, undertakings and entities who are listed in the Schedule;

(e) ‘Freeze’ means to prohibit the transfer, conversion, disposition or movement of any Fund and other financial assets or economic resources that are owned or controlled by listed individuals or entities on the basis of, and for the duration of the validity of, and action initiated by the United Nations Security Council or in accordance with applicable Security Council Resolutions by the competent authority.

(f) ‘Funds and other financial assets or economic resources’ means—

(i) any type of funds or assets, corporeal or incorporeal, moveable or immovable, tangible or intangible, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets or funds and any interest, dividends or other income on or value accruing from or generated by such funds or assets;

(ii) cash, any other type of financial assets, economic resources, 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, travelers 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 which is located inside or outside the country; and

(iii) those used for the provision of internet hosting or related services, used for the support of the listed individuals and entities”;

(5) Paragraph 4(c) of the Order shall be substituted by the words—

“(c) prohibit any willful provision or collection, directly or indirectly, of funds by any individual or entity in its jurisdiction, with the intention to use such funds or having the knowledge that they shall be used to carry out any terrorist act or for the benefit of listed individuals and entities”;

(6) Paragraph 4(d) of the Order shall be substituted by the words—

“(d) Freeze, seize or attach, without delay, and without issuing any prior notice, the property, funds or other financial assets or economic resources held by, including funds derived or generated from property owned or controlled directly or indirectly by the listed person or entity or by any undertaking owned or controlled by the listed person or entity, or on behalf of a natural person or an entity, if the name of the person or entity is included in the lists. However, any payment in favour of frozen accounts of these individuals and entities shall be allowed;”

(7) Paragraph 4(f) of the Order shall be substituted by the words—

“(f) Prevent the entry into or transit through Bangladesh of the individuals, together with their family members listed in the Schedule, through effective border control and immigration measures, provided that they are not Bangladeshi nationals and this shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Committee established pursuant to 1267, hereinafter referred to as “the Committee”, determines on a case-by-case basis only that entry or transit is justified;”

(8) Paragraph 4(g) of the Order shall be substituted by the words—

“(g) Prevent any direct or indirect supply, sale or transfer from Bangladesh or by its nationals outside Bangladesh or using Bangladeshi flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities to the individuals or entities listed in the Schedule;”

(9) After paragraph 4 (j) of the Order, the following two new clauses—  
(k) and (l) shall be inserted, namely :—

“(k) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

(l)(i) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts; and

(ii) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;”;

(10) Paragraph 7 of the Order shall be substituted by the words—

“7. **Updating or amendment of the Schedule.**—The government shall update or amend the Schedule annexed to this Order as and when the Sanction Lists are amended by the Committee or from time to time, through consultation with the National Committee referred to in paragraph 6 of this Order.”

(11) After Paragraph 7 of the Order the following new paragraphs 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall be inserted:—

**“8. Listing procedures.**—(1) If any individual or entity meets the criteria stated in the UN Security Council Resolutions, the National Committee shall submit the name to the respective UNSCR’s Committee for inclusion on the List with as much relevant information as possible on the proposed name, in particular sufficient identifying information so as to allow for the accurate and positive identification and a detailed statement of case.

(2) For individual or entity who meets the criteria stated in the UNSCR 1373, the Provisions of section 17 to 20 of Anti Terrorism Act (ATA), 2009 shall be applicable.

**9. Exemptions.**—(1) The provision of paragraph 4 (d) does not apply to funds and other financial assets or economic resources that have been determined by the National Committee to be—

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the National Committee to the Committee of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision by the Committee within 48 hours in case of the individuals and entities under the UNSCR 1988 sanctions list and the UNSCR 1267 sanctions list and five days in case of the individuals and entities listed by the Security Council Committee established pursuant to resolution 1718;

(b) necessary for extraordinary expenses, provided that such determination has been notified by the National Committee to the Committee and has been approved by the Committee;

(2) The National Committee can receive requests from listed individuals and entities for exemptions to the measures outlined in paragraph 8 (1) and the National Committee shall transmit such requests to the Committee for a decision and further notify such individuals or entities of the Committee's decision.

**10. False positives.**—Upon request by any of the listed individuals and entities, the national committee can allow the funds and other financial assets or economic resources of individuals or entities with the same or similar name as listed individuals or entities (i.e. a false positive or mistaken identity) to be unfrozen, provided that the National Committee is confirmed that the individual or entity is not the actual listed individuals or entities.

**11. Delisting procedures.**—The individuals and entities listed under UNSCR 1267 and UNSCR 1988 sanctions regimes can challenge their listing by submitting delisting petitions to the Office of the Ombudsperson. The URL of the Office of the Ombudsperson is <http://www.un.org/en/sc/ombudsperson/accessinfo.shtml>.

**12. Notification of listing and delisting.**—If the National Committee receives any notification about an individual or entity's listing in or delisting from the UNSCR 1267 Sanctions List and 1988 Sanctions List, the National committee will notify listed individuals and entities of their designation/listing with the narrative summary of reasons for listing, a description of the effects of designation, procedures for considering delisting requests, and the provisions regarding available exemptions.

- 13. Gateways for exchanging information.**—(1) The Government, under arrangements entered into by the government of Bangladesh with the Office of the Ombudsperson or any other country or other such arrangements, shall share all relevant information including operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.
- (2) The Government can request other countries to take appropriate measures and to provide information of individuals or entities listed in the schedule of Anti Terrorism Act, 2009 following the criteria set out in the UNSCR 1373.
- 14. Appointment of Focal Points for implementing the UN Security Council Resolutions.**—The Government shall appoint following focal point for implementing the UN Security Council Resolutions, namely—
- The Focal Point from the Ministry of Foreign Affairs (hereinafter referred to as 'MOFA') shall be the Director General (UN), Ministry of Foreign Affairs;
  - The Focal Point from the Ministry of Home Affairs (hereinafter referred to as 'MOHA') shall be the Head of Political Wing/Joint Secretary (Political), Ministry of Home Affairs;
  - The Focal Point from the Ministry of Civil Aviation and Tourism shall be the Deputy Secretary, Ministry of Civil Aviation and Tourism;
  - The Focal Point from the Ministry of Shipping shall be the Deputy Secretary (Shipping), Ministry of Shipping;
  - The Focal Point from the Ministry of Commerce shall be the Director (WTO Cell), Ministry of Commerce;

- (f) The Focal Point from the NGO Affairs Bureau shall be the Director General, NGO Affairs Bureau, Prime Minister's Office;
- (g) The Focal Point from the Bank and Financial Institution Division, Ministry of Finance shall be the Deputy Secretary (Regulations and Policy), Bank and Financial Institution Division, Ministry of Finance;
- (h) The Focal Point from the National Board of Revenue (NBR) shall be the First Secretary (Taxes), National Board of Revenue;
- (i) The Focal Point from the Bangladesh Financial Intelligence Unit (hereinafter referred to as 'BFIU') shall be the Operational Head and General Manager of BFIU Bangladesh Bank; and
- (j) The Focal Point from the Legislative and Parliamentary Affairs Division shall be the Deputy Secretary (Printing and publication).

15. **Communication of the Order.**—All the Ministries, Divisions and organizations listed above shall communicate the provision of this Order to all 'Primary Contact Points' of all implementing and law enforcement agencies under their jurisdictions such as, but not limited to Port Authority, Customs Houses, Bangladesh Police, CID, SB, RAB, Border Guard of Bangladesh, Coast Guard, Department of Passport and Immigration, DGFI and NSI.

16. **Communication of the list of individuals and entities.**—Communication mechanism of the list of individuals or entities is as follows—

- (a) The MOFA shall update the list of individuals and entities as and when the Sanction Lists are amended by the concerned UNSCR Committees. On any revision, MOFA shall communicate the updated list to the Focal Points; and

- (b) After getting the list of individuals and entities listed by the respective UNSCR Committee from MOFA or from its website, all the Ministries, Divisions and organizations listed above shall communicate the list to all 'Primary Contact Points' of all implementing and law enforcement agencies under its control for necessary actions.

17. **Regarding funds, financial assets or economic resources or related services held in or through Reporting Organization.—**

As regards funds, financial assets or economic resources or related services of the individuals and entities held in or through the reporting organizations, the process will as follows—

- (a) The reporting organizations shall maintain and update the listed individuals and entities in electronic form and regularly run a check at the website of United Nations (<http://www.un.org/sc/committees/index.shtm>) on the given parameters to verify whether individuals or entities listed by the respective UNSCR Committee are holding any funds, financial assets or economic resources or related services or any form of relationship with them;
- (b) In case, the particulars of any of their customers match with the particulars of listed individuals and entities, the reporting organization shall immediately stop payment, conduct transactional review and report to the BFIU within the next working day with full particulars of the listed and/or the suspected individuals or entities as well as the funds, financial assets or economic resources or related services held by such customer on their books to the BFIU;
- (c) BFIU will analyze the report and, if necessary, call for additional information/documents or inspect the Reporting Organization and forwarded the case, if it is deemed appropriate to the law enforcement agencies like CID of Bangladesh Police for further action and also keep the Focal Point of MOFA informed about the actions taken;

- (d) If BFIU is fully convinced after proper analysis that the details of the reported customer do not match with the details of individuals or entities listed by the concerned UNSCR Committee or in the schedule of this Order, BFIU shall immediately issue an order to withdraw the stop-payment;
- (e) In case, the match of any of the customers with the particulars of listed individuals or entities is beyond doubt, BFIU shall forward the details to CID of Bangladesh Police and MOFA and also instruct the reporting organization to maintain the stop payment until further instruction is given;
- (f) On receipt of the particulars/documents referred to in paragraph 17 (c) above, CID of Bangladesh Police shall cause a verification so as to ensure that the individuals/entities identified by the reporting organization and forwarded by the BFIU are the listed individuals or entities and the funds, financial assets or economic resources or related services, reported by reporting organizations are held by the listed individuals or entities. This verification shall be completed within a period not exceeding five working days from the date of the receipt of such information;
- (g) If CID finds that the individuals or entities that are identified by the reporting organizations and forwarded by the BFIU are the listed individuals or entities, it shall trace out any property owned by or are held for the benefit of the listed individuals or entities, and immediately freeze/attach the property. CID shall inform the result of the verification to BFIU and/or the particulars of the frozen property to MOHA;
- (h) In case, the results of the verification indicate that the properties are owned by or held for the benefit of the listed individuals or entities, an order to freeze these properties shall be issued by BFIU within one working day after receiving of such verification from CID and conveyed to the concerned reporting organization under intimation to CID of Bangladesh Police. The BFIU shall



also forward a copy thereof to the Focal Point of MOFA, so that any individual or entity may be prohibited from making any funds, financial assets or economic resources or related services available for the benefit of the listed individuals of entities or any other person engaged in or suspected to be engaged in terrorism; and

- (i) The order shall take place without prior notice to the listed individuals or entities.

**18. Regarding financial assets or economic resources held outside reporting organizations as the nature of properties is immovable.—**(1) The Focal Point of MOHA shall forward the lists of suspected individuals or entities to the Contact Points of all law enforcement agencies with the request to maintain and update the names of the listed individuals or entities. CID of Bangladesh Police will verify the names of the listed individuals or entities from the records of the office of the Registrar performing the work of registration of immovable properties under their respective jurisdiction.

- (2) In case, it is found that any listed individual or entity is holding financial assets or economic resources of the nature of immovable property under its jurisdictions, the Contact Point shall communicate the complete particulars of such individuals or entities along with complete details of the financial assets or economic resources of the nature of immovable property to the Focal Point of MOHA, within the next working day.

- (3) The Contact Point of the respective law enforcement agency may cause such verification to be conducted to ensure that the particulars sent by the Registrar performing the work of registering immovable properties are indeed those of the listed individuals or entities. This verification shall be completed within a maximum of five working days and should be conveyed within the next working day of the verification, and if it matches with the particulars of the listed individuals or entities the law enforcement authorities shall immediately attach the property according to law and inform the particulars to the Focal Point of MOHA.

- (4) In case, the results of the verification indicate that the particulars match with those of the listed individuals or entities, the Focal Point of MOHA shall issue an attachment order within next working day to the concerned Registrar performing the work of registering immovable properties and convey the particulars to BFIU.
- (5) The order shall take place without prior notice to the listed individuals or entities.
- (6) Further, the Contact Point of law enforcement agencies/BFIU shall monitor the transactions/accounts of the listed individual or entity so as to prohibit any individuals or entities from making any funds, financial assets or economic resources or related services available for the benefit of the individuals or entities engaged in or suspected to be engaged in terrorism. The Contact Point shall bring such matters to the notice of the Focal Point of MOHA.

**19. Implementation of requests received from foreign countries under U.N. Security Council Resolution 1373 of 2001.—(1)**

To give effect to the requests of foreign countries under the U.N. Security Council Resolution 1373, MOFA shall examine the requests made by the foreign countries and forward it, with their comments to the Focal Point of the concerned Ministries, Division and organization for necessary actions.

- (2) The Focal Point of MOHA shall cause the request to be examined, within five working days, so as to satisfy itself that on the basis of applicable legal principles, the requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee is a terrorist, one who finances terrorism or a terrorist organization, and upon his/her satisfaction, shall forward the request to the BFIU and the Contact Points of the relevant law enforcement agencies. The provisions of this Order are applicable for the listed individuals and entities, shall also be applied for the proposed designee.

- (3) Upon receipt of the request from the Focal Point of MOHA, the Contact Points shall follow the procedures as enumerated under paragraph 4 (b) to 4 (j).
- (4) The freezing orders shall take place without prior notice to the listed individuals or entities involved.

**20. Procedure for unfreezing of funds, financial assets or economic resources or related services of individuals or entities inadvertently affected by the freezing mechanism upon verification that the person or entity is not a listed individual or entity.—**(1) Any individual or entity, if they

have evidence to prove that the freezing of funds, financial assets or economic resources or related services, owned or held by them has been inadvertently frozen, they shall move an application giving the requisite evidence, in writing, to the reporting organization or to the Contact Point of the law enforcement agencies.

- (2) The reporting organizations shall inform and forward a copy of that application together with full details of the frozen funds, financial assets or economic resources or related services to the BFIU.
- (3) BFIU shall forward the copy of the application together with full details of the fund, financial assets or economic resources or related resources to the Focal Point of MOHA. The Focal Point of MOHA shall cause such verification as may be required on the basis of the evidence furnished by the individual or entity and if he/she is satisfied, he/she shall pass an order, within 15 working days, for unfreezing the funds, financial assets or economic resources or related services, owned/held by such applicant, under intimation to the concerned reporting Organization and Contact Points. However, if it is not possible for any reason to pass an Order unfreezing the assets within 15 working days, the Focal Point of MOHA shall inform the applicant about the same.

(4) If the Focal Point of MOHA is not convinced with the supporting documents/information, he/she will forward it to the National Committee on the Implementation of the UNSCR Combating Terrorism and Financing of Terrorism. If the National Committee is unable to decide about the application and the applicant wishes to continue his/her effort, the National Committee shall extend necessary support to settle the application through the respective UNSCR Committees.

**21. Regarding prevention of entry into or transit through Bangladesh.—**(1) As regards prevention of entry into or transit through Bangladesh of the listed individuals, the Focal Point of MOHA, shall forward the lists to the Department of Immigration and Passport, Immigration Police and security agencies with a request to prevent them entry into or transit through Bangladesh. The order shall take place without prior notice to the listed individuals or entities.

(2) The immigration authorities shall ensure strict compliance of the instruction of this Order and also communicate the details of entry or transit through Bangladesh of the listed individuals as prevented by them to the Focal Point of MOHA within the next working day.

(3) The Focal Point of MOFA shall forward the list to its Mission abroad. The Bangladesh Mission abroad shall not issue any kind of visa to the listed individuals to prevent their entry into Bangladesh.

**22. Procedure for communication of compliance of action taken under this Order.—**The Focal Point of MOHA and BFIU shall furnish the details of funds, financial assets or economic resources or related services of listed individuals or entities frozen by an order, and details of the individuals whose entry into Bangladesh or transit through Bangladesh was prevented, respectively, to the Focal Point of MOFA for onward communication to the United Nations.

23. **Acts done in good faith.**—No suit or prosecution or administrative measures or any other legal proceedings shall lie against any person or entity for action taken in good faith when implementing this order.
24. **Strict Compliance.**—All concerned is instructed to ensure strict compliance of this order.”

By order of the President

**MD. SHAHIDUL HAQUE**  
Foreign Secretary in-charge.