

Bermuda: Delisting Information

Delisting/challenging designations

Designated persons and entities in Bermuda who are subject to financial sanctions can challenge their listing by making a request for delisting. The financial sanctions remain in place while the challenge or request is being considered. When a decision is reached that supports the challenge a Financial Sanctions Notice is issued removing the entry from the consolidated list.

When to request delisting

Delisting is considered appropriate whenever the listing criteria under the applicable sanctions regime are no longer met. Some examples include: cases of mistaken listing, whenever relevant changes in fact or new evidence emerge, upon the death of a listed person, or upon the liquidation of a listed entity.

Where a **false positive** occurs, i.e. where a person or entity is wrongfully subject to financial sanctions measures (such as an asset freeze) and they assert they are not the intended target, such persons should first contact the relevant institution applying the financial sanction. The person or entity should ask for an explanation as to why the assets are frozen. The parties should work together within the institution's sanctions policies to ensure that the person or entity is a true sanctions match. This may require supplying documentary evidence to the relevant institution to verify identity and/or submitting a detailed statement setting out why the subject person/entity is not in fact the designated/listed person.

How to make a delisting request

Requests (or petitions) for delisting are sent to the competent authority with the relevant supporting information. The relevant competent authority will vary based on the sanctions regime which designates the person or entity. If you require assistance identifying which competent authority to submit a delisting request, you can contact the Ministry of Legal Affairs, Financial Sanctions Implementation Unit for assistance at (441) 292-2463.

Bermuda listings under UNSC Resolution 1373

To delist a Bermuda-originating listing made under UNSC Resolution 1373, designated persons and entities should submit a petition for delisting to the Governor. The Governor then assesses the petition and consults with the UK Secretary of State. Where they are in agreement with the petition the

Governor will revoke a final designation pursuant to the Terrorist Asset-Freezing etc. Act 2010 (Overseas Territories) Order 2011, section 5 (as amended) (TAFOTO).

To challenge a designation pursuant to UNSCR 1373 a designated person or entity may appeal to the Supreme Court of Bermuda against any such designation.

UN listings

To challenge a UN listing, individuals, groups, undertakings and/or entities inscribed on the sanctions list of one of the Security Council sanctions committees, can submit de-listing requests either through the Governor or directly through one of the applicable UN delisting agencies (the Office of the Ombudsperson or the UN Focal Point).

Requests for delisting submitted to the Governor are initially assessed; and if supported by the Governor, the delisting petition will be submitted to the UK Foreign and Commonwealth Office (FCO) as the FCO is responsible for negotiating all international sanctions for the UK. The UK (FCO), as the Member State to the UN, will ultimately decide whether to take the delisting forward to the relevant UN Sanctions Committee or the Security Council.

To petition the Governor, you should contact Government House:

Address: The Governor of Bermuda
Government House
11 Langton Hill
Pembroke HM13
Bermuda

E-mail: governor@gov.bm
Telephone: (441) 292 3600

Alternatively, petitions for delisting made directly to the UN should note the following:

For UN listings under the ISIL (Da'esh) and Al-Qaida sanctions regime (1267/1989), a petition for delisting can be made to the **Office of the Ombudsperson** to the ISIL (Da'esh) and Al-Qaida Sanctions Committee:

Address: Office of the Ombudsperson
Room DC2 2206
United Nations
New York, NY 10017
United States of America

Telephone: +1 212 963 8226
E-mail: ombudsperson@un.org

More information about the Office of the Ombudsperson is available on the UN's website:
<https://www.un.org/sc/suborg/en/ombudsperson>.

For all other UN listings, a request should be sent to the **UN Focal Point** for delisting:

Address: Focal Point for De-listing
Security Council Subsidiary Organs Branch
Room DC2 0853B
United Nations
New York, N.Y. 10017
United States of America

Telephone: +1 917 367 9448
Fax: +1 212 963 1300
Email: delisting@un.org

More information about the Focal Point is available on the UN's website:
<https://www.un.org/sc/suborg/en/sanctions/delisting>.

EU listings

To challenge an EU listing, you should contact the EU directly:

Address: Council of the European Union
General Secretariat
DG C 1C
Rue de la Loi/Wetstraat 175
1048 Bruxelles/Brussel
BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

UK listings

For UK listings under its domestic sanctions regimes there are avenues of appeal and judicial review within the specific legislation under which the designation is made. Legal correspondence should be sent to:

Address: The Treasury Solicitor
Government Legal Department
One Kemble Street
London
WC2B 4TS
DX 123242 Kingsway
United Kingdom