

Implementation of Targeted Sanctions

Financial Prohibitions Against Listed Parties under the United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019

The United Nations (Financial Prohibitions, Arms Embargo and Travel Ban) Sanctions Act 2019 (the ‘Act’) enables the Government of Mauritius to implement targeted sanctions, including financial sanctions, arms embargo and travel ban, and other measures imposed by the United Nations Security Council under Chapter VII of the Charter of the United Nations, with a view to addressing threats to international peace and security, including terrorism, the financing of terrorism and proliferation of weapons of mass destruction.

The National Sanctions Secretariat, established under section 7 of the Act, has issued a Notice under section 18 of the Act as well as an Explanatory Note on the implementation of United Nations Sanctions Measures which have been published in the Government Gazette of 5 October 2019 which can be accessed at the following link :
http://attorneygeneral.govmu.org/English//DOCUMENTS/NATIONAL_SANCTIONS_SECRETARIAT_NOTICE.PDF.

The United Nations has established a list of parties (‘Listed Parties’) against which targeted sanctions have been imposed. The United Nations Security Council Consolidated List may be accessed at the following link: <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>.

Institutions including law firm, foreign law firm, joint law venture and foreign lawyer are required to **regularly** consult the Consolidated List and take immediate action with respect to any changes brought thereto. They must also regularly consult the newspapers for any notice which may be issued by the National Sanctions Secretariat and immediately act upon it.

Law firm, foreign law firm, joint law venture and foreign lawyer are reminded of the following obligations imposed under the Act:

(i) Financial prohibitions

- (a) Prohibition to deal with the funds or other assets of Listed Parties under section 23 of the Act;
- (b) Prohibition to make funds or other assets available to Listed Parties under section 24 of the Act.

(ii) Reporting obligations

(a) any person¹ must immediately (i.e without delay and not later than 24 hours), verify whether the details of the Listed Party match with the particulars of any of its customer;

(b) if there is a positive match, the reporting person must identify whether the customer owns any funds or other assets with it, including the funds or assets mentioned in section 23(1);

(c) Law firm, foreign law firm, joint law venture and foreign lawyer are required to make a report to the National Sanctions Secretariat and the Attorney General's Office where funds or other assets have been identified by it.

(d) a nil report must be submitted to the above authorities if no funds or other assets is identified.

(iii) Reporting of suspicious information

Law firm, foreign law firm, joint law venture and foreign lawyer must immediately submit to the FIU in accordance with section 14 of the Financial Intelligence and Anti-Money Laundering Act, any information relating to a Listed Party which is known to it.

(iv) Internal controls

Law firm, foreign law firm, joint law venture and foreign lawyer must implement internal controls and other procedures to enable it to effectively comply with the obligations under the Act.

The Attorney General's Office is required, under section 40(2) of the Act, to supervise and enforce compliance by its licensees with the requirements imposed under the Act. Failure to comply with the Act is an offence.

¹ Any person includes law firm, foreign law firm, joint law venture and foreign lawyer who are also reporting persons under the Financial Intelligence and Anti Money Laundering Act 2002.