

United Nations Nations Unies

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REFERENCE

22 November 2006

Dear Mr. Chichakli,

I refer to your letter dated 12 September 2006 in which you reiterate that you have incorrectly been made subject to a travel ban and assets freeze in respect of an alleged association with certain individuals in Liberia, and inform us that you have been left "with no option but to sue the UN in a court of law to seek correction and claim damages". You further indicate that you intend to "resolve this matter in a civilized and expeditious manner", offering the good services of your lawyer to negotiate.

We have taken note of your previous letter dated 25 August 2006, addressed to the "President of the Commission on Liberia, via H.H. Kofi Annan", arguing that the decision to impose sanctions on you was made incorrectly and demanding that your name and the name of all entities you control be immediately removed from the sanction list.

As you may know, pursuant to paragraph 21 of the Security Council resolution 1521 (2003) concerning Liberia, a Committee was established, *inter alia*, to designate individuals subject to travel restrictions in accordance with paragraph 4 (a) of that resolution. Further, the Security Council, in its resolution 1532 (2004), mandated the Committee to identify individuals and entities subject to assets freeze, in accordance with paragraph 4 of that resolution.

It should be noted that the Committee is an organ of the Security Council. It is of an intergovernmental nature, is independent from the Secretary-General, and reports directly to the Security Council. As such, the responsibility for designating individuals and entities that may be subject to travel restrictions and assets freeze ("listing") rests exclusively with the Security Council, upon the recommendation of the Committee. It is also the responsibility of the Security Council upon the recommendation of the Committee to delist names previously listed ("delisting").

Mr. Richard Chichakli
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In order to properly fulfill its responsibilities for "listing" and "delisting", the Committee is guided by the following guidelines and procedures. In respect of the "Assets Freeze List", the "Guidelines for the Application of Paragraphs 1 and 2 of Resolution 1532 (2004)" ("the Guidelines") are applicable. With respect to the "Travel Ban List", the "Procedures for Updating and Maintaining the List of Persons subject to Travel Restrictions pursuant to Resolution 1521 (2003)" ("the Procedures"), are applicable. Attached for your information a copy of both the Guidelines and the Procedures.

With respect to the Assets Freeze List, section 4 of the Guidelines states that an individual or an entity on the Assets Freeze List "may petition the government of residence and/or citizenship to request review of the case." With respect to the Travel Ban List, paragraph 3 of the Procedures states that the Committee is to review the list "every three months in conjunction with outstanding requests to remove individuals from the list received through the Permanent Mission of which the listed individual is a national, or through the nearest UN office", and that "[i]n exceptional cases, the Committee will consider requests received directly from individuals".

We note that you have, in accordance with the Procedures, already submitted a direct request to the Committee for the removal of your name from the Travel Ban List. With respect to the Assets Freeze List, you may wish to follow the Guidelines and request your government of residence and/or citizenship to request Committee to review the listing of your name and the names of all of the entities which you control. Again, the decision to "delist" you and the entities you control from the lists, as explained above, rests solely with the Security Council upon the recommendation of the Committee.

As a matter of courtesy, I will forward your letter of 23 September 2006, together with its attachments, and this letter, to the Chairman of the Committee. This, however, should not be construed as replying the avenues described above in respect of your delisting request.

Yours sincerely,

Larry Robinson
Assistant Secretary-General for
Legal Affairs