



FORMAL ORDER



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO.

SU 2021CV: 00036

IN THE MATTER of an application under section 14(1)(a) of the **Terrorism Prevention Act**

AND

IN THE MATTER of an application by the Director of Public Prosecutions for an Order in accordance with section 14(4) of the **Terrorism Prevention Act** to add a listed entity designated as a terrorist entity under the **Terrorism Prevention Act** in keeping with a decision of the United Nations Security Council

AND

IN THE MATTER of an application by the Director of Public Prosecutions for an Order to ADD:

QDi.431 Name: 1: ASHRAF, or Name 2: AL-QIZANI and QDe 167 Name JUND AL-KHILAF IN TUNISIA as al isted entities in keeping with the decision of the United Nations Security Council pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da' esh), Al-Qaida and associated individuals, groups, undertakings and entities

BETWEEN THE DIRECTOR OF PUBLIC PROSECUTIONS
AND ASHRAF/ AL-QIZANI

APPLICANT
DEFENDANT

AND

JUND AL-KHILAF IN TUNISIA

DEFENDANT

IN CHAMBERS # 21

BEFORE THE HONOURABLE JUSTICE STEPHANE JACKSON- HAISLEY

THIS 7th Day of January 2022,

UPON THE HEARING OF THE FIXED DATE CLAIM FORM filed by the Director of Public Prosecutions and dated 7th January, 2022 and coming up for hearing this day and upon hearing Counsel for the Applicant, Miss Judi-Ann Edwards as instructed by the Office of the Director of Public Prosecutions.

IT IS HEREBY ORDERED THAT:

1. In accordance with section 14 (10) (a) of the Terrorism Prevention Act, **QDi.431 Name: 1: ASHRAF, or Name 2: AL-QIZANI AND Name: QDe: JUND AL-KHILAF IN TUNISIA** designated as terrorist entities by the United Nations Security Council and whose information were added to the United Nations Sanctions List under Reference Number SCA 2/21 (19) dated December 29, 2021 are hereby declared as listed entities for the purposes of the Terrorism Prevention Act:

AND

2. In accordance with section 6 (1) of the **Terrorism Prevention Act**, no person in Jamaica or no Jamaican in or outside of Jamaica shall knowingly:
 - a. deal directly or indirectly with any property that is owned or controlled by or on behalf of the above listed entity.
 - b. enter into or facilitate, directly or indirectly, any transactions in respect of that property that is owned or controlled by on behalf of the above-mentioned listed entity

- c. provide any financial or related services in respect of that property that is owned or controlled by or on behalf of the above-mentioned listed entity.
 - d. Convert any property owned or controlled by or on behalf of the below mentioned entities or take any steps to conceal or disguise that property is owned or controlled by or on behalf of the above-mentioned listed entity.
3. This Order relates to 2021: **QDi.431** Name: 1: **ASHRAF**, or Name 2: **AL-QIZANI** and Name: **QDe JUND AL-KHILAF IN TUNISIA** whose details are contained in UN document SCA/2/21 (19) dated December 29, 2021 and remain in effect except or until an Order is made by the Court for any exemption in accordance to section 14 (B) or 14(C) of the Terrorism Prevention Act or otherwise revoked or modified.
 4. The Applicant's attorney is to prepare, file and serve a copy of this Order along with a copy of UN document SCA/2/21 (19) dated December 29, 2021, issued by the United Nations Security Council Sanctions List Committee on all relevant authority and financial institutions.

BY THE COURT

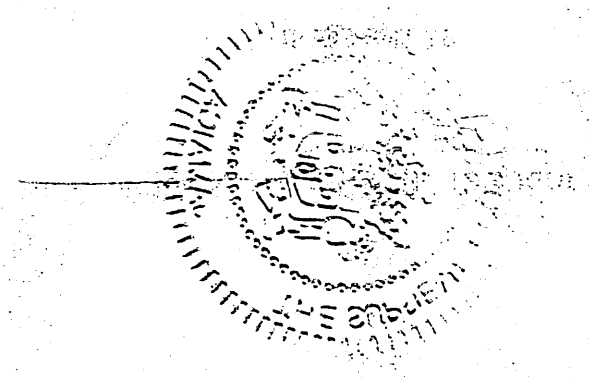

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JUDGE OF THE SUPREME COURT

EXTRACTED by **THE DIRECTOR OF PUBLIC PROSECUTIONS** whose address for service is Public Buildings (West), King Street in the city and parish of Kingston, telephone number (876) 922 -6321-5, fax (876) 922-4318.

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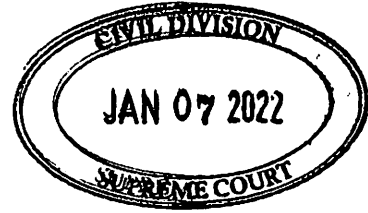
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FORMAL ORDER



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

CLAIM NO. SU 2022 CV: 00034

IN THE MATTER of an application under section 14(9)(b)(i) of the **Terrorism Prevention Act**

AND

IN THE MATTER of an application by the Director of Public Prosecutions for an Order in accordance with section 14(10) (a) of the **Terrorism Prevention Act** to remove a listed entity designated as a terrorist entity under the **Terrorism Prevention Act** in keeping with a decision of the United Nations Security Council

AND

IN THE MATTER of an application by the Director of Public Prosecutions for an Order to remove:

QDi.302 Name: 1: MEVLÜT 2: KAR

QDi.347 Name: 1: DENIS 2: MAMADOU 3: GERHARD 4: CUSPERT

QDi.390 Name: 1: NAYEF 2: SALAM 3: MUHAMMAD 4: UJAYM AL-HABABI

QDi.391 Name: 1: TURKI 2: MUBARAK 3: ABDULLAH 4: AHMAD AL-BINALI

QDi.393 Name: 1: TUAH 2: FEBRIWANSYAH

as listed designated terrorist entities in keeping with the decision of the United Nations Security Council pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da' esh), Al-Qaida and associated individuals, groups, undertakings and entities

BETWEEN	THE DIRECTOR OF PUBLIC PROSECUTIONS	APPLICANT
AND	MEVLÜT KAR	DEFENDANT
AND	DENIS MAMADOU GERHARD CUSPERT	DEFENDANT
AND	NAYEF SALAM MUHAMMAD UJAYM AL-HABABI	DEFENDANT
AND	TURKI MUBARAK ABDULLAH AHMAD AL-BINALI	DEFENDANT
AND	TUAH FEBRIWANSYAH	DEFENDANT

IN CHAMBERS # 21

BEFORE THE HONOURABLE JUSTICE STEPHANE JACKSON- HAISLEY

THIS 7TH DAY OF JANUARY 2022,

UPON THE HEARING OF THE FIXED DATE CLAIM FORM filed by the Director of Public Prosecutions and dated 7TH day of January, 2022 and coming up for hearing this day and upon hearing Counsel for the Applicant, Miss Judi-Ann Edwards as instructed by the Office of the Director of Public Prosecutions.

IT IS HEREBY ORDERED THAT:

1. In accordance with section 14 (10) (a) of the Terrorism Prevention Act,
 - a. The below mentioned listed entities, which were removed from the United Nations Sanctions List as per UN document SCA/2/22 (01) dated 3rd January, 2022, are hereby removed as listed entities under the Terrorism Prevention Act.
 - b. All Orders previously issued by this Court in respect of the below mentioned listed entities shall cease to apply to said entities as of January 6th 2022.
 - c. This Order relates to the following entities whose details are contained in UN document SCA/2/22 (01) dated 3rd January, 2022:
 - i. **QDi.302 Name: 1: MEVLÜT 2: KAR**
 - ii. **QDi.347 Name: 1: DENIS 2: MAMADOU 3: GERHARD 4: CUSPERT**
 - iii. **QDi.390 Name: 1: NAYEF 2: SALAM 3: MUHAMMAD 4: UJAYM AL-HABABI**
 - iv. **QDi.391 Name: 1: TURKI 2: MUBARAK 3: ABDULLAH 4: AHMAD AL-BINALI**
 - v. **QDi.393 Name: 1: TUAH 2: FEBRIWANSYAH**
2. The Applicant's attorney is to prepare, file and serve a copy of this Order along with a copy of UN document SCA/2/22 (01) dated 3rd January, 2022, issued by the United Nations Security Council Sanctions List Committee on all relevant authority and financial institutions.

BY THE COURT


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JUDGE OF THE SUPREME COURT

EXTRACTED by THE DIRECTOR OF PUBLIC PROSECUTIONS whose address for service is Public Buildings (West), King Street in the city and parish of Kingston, telephone number (876) 922 -6321-5, fax (876) 922-4318.

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REFERENCE: SCA/2/22 (01)

The Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities presents compliments to the Permanent Representatives and Observers to the United Nations and wishes to convey the following:

On 03/01/2022, the entries specified below were removed from the ISIL (Da'esh) and Al-Qaida Sanctions List.

The assets freeze, travel ban and arms embargo set out in paragraph 1 of Security Council resolution 2368 (2017) and adopted under Chapter VII of the Charter of the United Nations accordingly no longer apply to the entries.

A. Individuals

QDi.302 Name: 1: MEVLÜT 2: KAR 3: na 4: na
Title: na **Designation:** na **DOB:** 25 Dec. 1978 **POB:** Ludwigshafen, Germany **Good quality a.k.a.:** Mevluet Kar **Low quality a.k.a.:** a) Abu Obaidah b) Obeidah Al Turki c) Al-Turki d) Al Turki Kyosev e) Yanal Yusov f) Abu Udejf el-Turki g) Abu Obejd el-Turki h) Abdurrahman Almanci **Nationality:** Turkey **Passport no:** Turkey number TR-M842033, issued on 2 May 2002, issued in Mainz, Germany (by the Turkish Consulate General, expired on 24 Jul. 2007) **National identification no:** na **Address:** Güngören Merkez Mahallesi Toros Sokak 6/5, Istanbul, Turkey (previous as at Aug. 2009) **Listed on:** 25 Jan. 2012 **Other information:** Associated with Islamic Jihad Group (QDe.119). Arrest warrant issued by the investigating judge of the German Federal Court of Justice on 17 Aug. 2009. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> click here

QDi.347 Name: 1: DENIS 2: MAMADOU 3: GERHARD 4: CUSPERT
Title: na **Designation:** na **DOB:** 18 Oct. 1975 **POB:** Berlin, Germany **Good quality a.k.a.:** na **Low quality a.k.a.:** Abu Talha al-Almani **Nationality:** Germany **Passport no:** na **National identification no:** 2550439611, issued in District Friedrichshain-Kreuzberg of Berlin, Germany (issued on 22 Apr. 2010, expires on 21 Apr.

2020) **Address:** a) (Syria/Turkey border area (as at Jan. 2015)) b) Karl-Marx-Str. 210, Berlin, 12055, Germany (primary address) **Listed on:** 11 Feb. 2015 (amended on 1 May 2019) **Other information:** Physical description: eye colour: brown; hair colour: black; height: 178cm; Tattoos: BROKEN DREAMS in letters (on back) and landscape of Africa (on right upper arm). Father's name: Richard Luc-Giffard; Mother's name: Sigrid Cuspert. European arrest warrant issued by investigating judge at the Federal Court of Justice of Germany, dated 14 May 2014 and 5 Dec. 2014. Review pursuant to Security Council resolution 2253 (2015) was concluded on 21 Feb. 2019. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> click here

QDi.390 Name: 1: NAYEF 2: SALAM 3: MUHAMMAD 4: UJAYM AL-HABABI

Name (original script): نايف سلام محمد عجم الحبابي

Title: Sheikh **Designation:** na **DOB:** a) 1981 b) Approximately 1980 **POB:** Saudi Arabia **Good quality a.k.a.:** Nayf Salam Muhammad Ujaym al-Hababi **Low quality a.k.a.:** a) Faruq al-Qahtani b) Faruq al-Qatari c) Farouq al-Qahtani al Qatari d) Sheikh Farooq al- Qahtani e) Shaykh Imran Farouk f) Sheikh Farouq al-Qatari **Nationality:** a) Saudi Arabia b) Qatar **Passport no:** Qatari passport number 592667 (issued on 3 May 2007) **National identification no:** na **Address:** Afghanistan (since 2009) **Listed on:** 28 Mar. 2016 **Other information:** Al-Qaida (QDe.004) emir for the eastern zone of Afghanistan. Has led an Al- Qaida battalion in Afghanistan since at least mid-2010. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> click here

QDi.391 Name: 1: TURKI 2: MUBARAK 3: ABDULLAH 4: AHMAD AL-BINALI

Title: na **Designation:** na **DOB:** 3 Sep. 1984 **POB:** Al Muharraq, Bahrain **Good quality a.k.a.:** a) Turki Mubarak Abdullah Al Binali b) Turki Mubarak al-Binali c) Turki al-Benali d) Turki al-Binali **Low quality a.k.a.:** a) Abu Human Bakr ibn Abd al-Aziz al-Athari b) Abu Bakr al-Athari c) Abu Hazm al-Salafi d) Abu Hudhayfa al-Bahrayni e) Abu Khuzayma al-Mudari f) Abu Sufyan al-Sulami g) Abu Dergham h) Abu Human al-Athari **Nationality:** Bahrain (citizenship revoked in Jan. 2015) **Passport no:** a) Bahrain number 2231616, issued on 2 Jan. 2013 (expires on 2 Jan. 2023) b) Bahrain number 1272611, issued on 1 Apr. 2003 (previous) **National identification no:** 840901356 **Address:** na **Listed on:** 20 Apr. 2016 **Other information:** Head of religious compliance police and a recruiter of foreign terrorist fighters for Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq (QDe.115), as of mid-May 2015. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> click here

QDi.393 Name: 1: TUAH 2: FEBRIWANSYAH 3: na 4: na

Title: na **Designation:** na **DOB:** 18 Feb. 1968 **POB:** Jakarta, Indonesia **Good quality a.k.a.:** a) Tuah Febriwansyah bin Arif Hasrudin b) Tuwah Febriwansah c) Muhammad Fachri d) Muhammad Fachria e) Muhammad Fachry **Low quality a.k.a.:** na **Nationality:** Indonesia **Passport no:** na **National identification no:** Indonesia 09.5004.180268.0074 **Address:** Jalan Baru LUK, No.1, RT 05/07, Kelurahan Bhakti Jaya, Setu Sub-district, Pamulang District, Tangerang Selatan, Banten Province,

Indonesia **Listed on:** 20 Apr. 2016 **Other information:** Leader of an Indonesia-based organization that has publicly sworn allegiance to Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq (QDe.115). Provided support to ISIL in the areas of recruitment, fundraising, and travel. Detained in Indonesia by Indonesian authorities as of 21 March 2015 and charged with terrorism offenses. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals> [click here](#)

The names of individuals and entities removed from the ISIL (Da'esh) and Al-Qaida Sanctions List pursuant to a decision by the Committee may be found in the "Press Releases" section on the Committee's website:

<https://www.un.org/securitycouncil/sanctions/1267/press-releases>

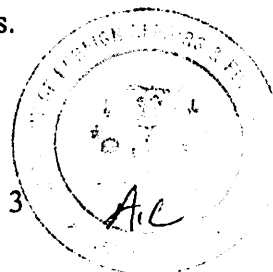
To obtain a fully updated version of the List, Member States are encouraged to consult, on a regular basis, the Committee's website at the following URL:

https://www.un.org/securitycouncil/sanctions/1267/qa_sanctions_list. The Sanctions List is available in HTML, PDF and XML format and is updated regularly on the basis of relevant information provided by Member States and international and regional organizations.

The United Nations Security Council Consolidated List is also updated following all changes made to the ISIL (Da'esh) and Al-Qaida Sanctions List. An updated version of the Consolidated List is accessible via the following URL:

<https://www.un.org/securitycouncil/content/un-sc-consolidated-list>.

In accordance with paragraph 19 of resolution 1526 (2004), the Secretariat automatically conveys updates of the ISIL (Da'esh) and Al-Qaida Sanctions List to States, regional and sub-regional organizations by e-mail shortly following the postings of such updates on the Committee's website. Member States are invited to submit any updated or new information for this purpose to the Secretariat by e-mail to: SC-1267-Committee@un.org. The Committee encourages all States to allow implementation of updates of the ISIL (Da'esh) and Al-Qaida Sanctions List based on e-mails, soft-copy notices, or website postings.



3 January 2022

REFERENCE: SCA/2/21 (19)

The Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities presents her compliments to the Permanent Representatives and Observers to the United Nations and wishes to convey the following:

On 29/12/2021, the Committee approved the **addition** of the entries specified below to its Sanctions List of individuals and entities subject to the assets freeze, travel ban and arms embargo set out in paragraph 1 of Security Council resolution 2368 (2017) and adopted under Chapter VII of the Charter of the United Nations.

A. Individuals

QDi.432 Name: 1: ASHRAF 2: AL-QIZANI 3: na 4: na

Name (original script): أشرف القيزاني

Title: na **Designation:** na **DOB:** 5 Oct. 1991 **POB:** El Gouazine, Dahmani, Governorate of Le Kef, Tunisia **Good quality a.k.a.:** a) Ashraf al-Gizani b) Abu 'Ubaydah al-Kafi c) Achref Ben Fethi Ben Mabrouk Guizani d) Achraf Ben Fathi Ben Mabrouk Guizani **Low quality a.k.a.:** na

Nationality: Tunisia **Passport no:** na **National identification no:** 13601334, Tunisia **Address:** na **Listed on:** 29 Dec. 2021 **Other information:** Senior member of Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq (QDe.115). Recruited for ISIL and instructed individuals to perpetrate terrorist acts via online video. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Entities> click here

Narrative summary

QDi.432

ASHRAF AL-QIZANI

Date on which the narrative summary became available on the Committee's website:
30 December 2021

Reasons for listing:

Ashraf al-Qizani was listed on 29 December 2021 pursuant to paragraphs 2 and 4 of Resolution 2368 (2017) as being associated with ISIL or Al-Qaida for "participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of", "recruiting for" and "other acts or activities indicating association with" Islamic State in Iraq and the Levant (ISIL), listed as Al-Qaida in Iraq (QDe.115).

Additional information:

Ashraf al-Qizani, also known as Abu 'Ubaydah al-Kafi, serves as the leader of Jund al-Khilafah in Tunisia (JAK-T), an ISIS affiliate in Tunisia. Al-Qizani became the emir of JAK-T after the death of former JAK-T emir Yunus Abu-Muslim in 2019. Under al-Qizani's leadership, JAK-T has carried out numerous attacks in Tunisia. Prior to his appointment as leader of JAK-T, al-Qizani had previously been a member of the Shura Council and served as a sergeant for each of the three companies in JAK-T.

JAK-T emerged as an independent terrorist group in Tunisia in early 2014, but pledged its support to ISIS by December 2014. In November 2019, JAK-T reaffirmed its affiliation with ISIL when it recognized new ISIL leader Amir Muhammad Sa'id Abdal-Rahman al-Mawla (QDi.426).

In its six years of operation, JAK-T has been responsible for numerous attacks on civilians and Tunisian security services, including the November 2015 beheading of a Tunisian youth. Recently, JAK-T was responsible for the January 2020 and March 2020 improvised explosive device attacks targeting Tunisian military vehicles. In September 2020, JAK-T claimed responsibility for a knife attack in Tunisia that killed one Tunisian National Guard officer and wounded another

Related listed individuals and entities:

Al-Qaida in Iraq (QDe.115), listed on 18 October 2004

Jund al-Khilafah in Tunisia (JAK-T) (QDe.167), listed on 29 December 2021

B. Entities and other groups

QDe.167 Name: JUND AL-KHILAFAH IN TUNISIA (JAK-T)

Name (original script): جند الخلافة في تونس

A.k.a.: a) ISIL-Tunisia b) ISIL-Tunisia Province c) Soldiers of the Caliphate d) Jund al-Khilafa e) Jund al Khilafah f) Jund al-Khilafah fi Tunis g) Soldiers of the Caliphate in Tunisia h) Tala I Jund al-Khilafah i) Vanguard of the Soldiers of the Caliphate j) Daesh Tunisia k) Ajnad **F.k.a:** na **Address:** na **Listed on:** 29 Dec. 2021 **Other information:** Formed in November 2014. Associated with Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Entities> click here

Narrative summary

QDe.167

JUND AL-KHILAFAH IN TUNISIA

Date on which the narrative summary became available on the Committee's website:

30 December 2021

Reasons for listing:

Jund al-Khilafah in Tunisia (JAK-T) was listed on 29 December 2021 pursuant to paragraphs 2 and 4 of resolution 2368 (2017) as being associated with ISIL for "participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof".

Additional information:

Jund al-Khilafah in Tunisia (JAK-T) is an ISIL affiliate, which first emerged as an independent terrorist group in Tunisia in early 2014, but pledged its support to ISIL by December 2014. In November 2019,

JAK-T reaffirmed its affiliation with ISIL when it recognized new ISIL leader Amir Muhammad Sa'id Abdal-Rahman al-Mawla (QDi.426).

In its six years of operation, JAK-T has been responsible for numerous attacks on civilians and Tunisian security services, including the November 2015 beheading of a Tunisian youth. Recently, JAK-T has been responsible for the January 2020 and March 2020 improvised explosive device attacks targeting Tunisian military vehicles. In September 2020, JAK-T claimed responsibility for a knife attack in Tunisia that killed one Tunisian National Guard officer and wounded another.

Related listed individuals and entities:

Al-Qaida in Iraq (QDe.115), listed on 18 October 2004.

Ashraf al-Qizani (QDi.432), listed on 29 December 2021.

The names of individuals and entities on the ISIL (Da'esh) and Al-Qaida Sanctions List pursuant to a decision by the Committee may be found in the "Press Releases" section on the Committee's website: <https://www.un.org/securitycouncil/sanctions/1267/press-releases>

To obtain a fully updated version of the List, Member States are encouraged to consult, on a regular basis, the Committee's website at the following

URL: https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list. The Sanctions List is available in HTML, PDF and XML format and is updated regularly on the basis of relevant information provided by Member States and international and regional organizations.

The United Nations Security Council Consolidated List is also updated following all changes made to the ISIL (Da'esh) and Al-Qaida Sanctions List. An updated version of the Consolidated List is accessible via the following URL: <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>.

In accordance with paragraph 19 of resolution 1526 (2004), the Secretariat automatically conveys updates of the ISIL (Da'esh) and Al-Qaida Sanctions List to States, regional and sub-regional organizations by e-mail shortly following the postings of such updates on the Committee's website. Member States are invited to submit any updated or new information for this purpose to the Secretariat by e-mail to: SC-1267-Committee@un.org. The Committee encourages all States to allow implementation of updates of the ISIL (Da'esh) and Al-Qaida Sanctions List based on e-mails, soft-copy notices, or website postings.

29 December 2021

