

DRAWN AND PREPARED BY

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BARBADOS

No. CV 0010 of 2022

**SUPREME COURT OF BARBADOS
IN THE HIGH COURT OF JUSTICE**

IN THE MATTER OF A WITHOUT NOTICE APPLICATION by the Director of Public Prosecutions of Barbados under **section 9 (1) and (2) of the Anti-Terrorism (Amendment) Act, 2019-34**

AND IN THE MATTER of The Anti-Terrorism (Amendment) Act 2019-34

AND IN THE MATTER of an Application by the Director of Public Prosecutions of Barbados for the **Variation** of a Declaratory Court Order under **section 9(1) and (2) of the Anti-Terrorism (Amendment) Act, 2019-34**

BETWEEN

DIRECTOR OF PUBLIC PROSECUTIONS

CLAIMANT

AND

1. QDi.302 Name: 1: MEVLÜT 2: KAR 3: na 4: na
2. QDi.347 Name: 1: DENIS 2: MAMADOU 3: GERHARD 4: CUSPERT
3. QDi.390 Name: 1: NAYEF 2: SALAM 3: MUHAMMAD 4: UJAYM AL-HABABI
4. QDi.391 Name: 1: TURKI 2: MUBARAK 3: ABDULLAH 4: AHMAD AL-BINALI
5. QDi.393 Name: 1: TUAH 2: FEBRIWANSYAH 3: na 4: na

DEFENDANTS

ORDER

BEFORE: The Honourable Francis Belle, Chief Justice of the Supreme Court (Ag.) who considered the Application on the 5th day of January 2022 via zoom video conferencing.

Entered on the 6th day of January 2022.

AND UPON READING the Fixed Date Claim Form filed on the 5th day of January 2022 and the affidavit of Mr. Kevin Forde, Crown Counsel (Ag.) sworn and filed on the 5th day of January 2022 together with the Exhibit attached thereto;

AND UPON DETERMINING that this matter be deemed fit for an urgent hearing;

AND UPON HEARING Mr. Oliver Thomas, Attorney-at-Law and Senior Crown Counsel for the Claimant;

IT IS HEREBY DECLARED: that Pursuant to **section 9(2)** of the **Anti-Terrorism (Amendment) Act, 2019-34**, the Defendants, listed on January 04, 2022 via the UN Security Council Press Release **SC/14758**:

<https://www.un.org/press/en/2022/sc14758.doc.htm>

And listed on the United Nations Security Council Sanctions List concerning ISIL (DA'ESH) and Al-Qaida and designated by the United Nations Security Council 1267/1989/2253 Committee be delisted as terrorist entities or groups affiliated with terrorist activities for the purposes of the **Anti-Terrorism (Amendment) Act, 2019-34**.

IT IS ORDERED that:


1. The Order granted by the Honourable Sir Marston Gibson, the then Chief Justice pursuant to **section 8(1)** of the "Act" who considered the Application **CV 1448 of 2019** on the 13th day of November 2019 is hereby revoked to the extent that the Defendants **(1) QDi.302 Name: 1: MEVLÜT 2: KAR 3: na 4: na; (2) QDi.347 Name: 1: DENIS 2: MAMADOU 3: GERHARD 4: CUSPERT; (3) QDi.390 Name: 1: NAYEF 2: SALAM 3: MUHAMMAD 4: UJAYM AL-HABABI; (4) QDi.391 Name: 1: TURKI 2: MUBARAK 3: ABDULLAH 4: AHMAD AL-BINALI and (5) QDi.393 Name: 1: TUAH 2: FEBRIWANSYAH 3: na 4: na** are no longer designated as terrorists or terrorist entities for the purposes of the Act;
2. Pursuant to **section 9(1) and (2)** of the **Anti-Terrorism Act (as amended)** that:
 - (a) any property of any nature whatsoever whether immovable or movable of the persons/entities against whom the Terrorist Designation Order is made;

- (b) property that is wholly or jointly owned or controlled, directly or indirectly, by the person against whom the Terrorist Designation Order is made;
- (c) property that is derived or generated from other property owned or controlled, directly or indirectly, by the persons against whom the Terrorist Designation Order is made;
- (d) property of a person acting on behalf of, or at the direction of, the person against whom the Terrorist Designation Order is made,

BE RESTORED.

3. The Defendants or any person affected hereby may within 60 days of the making of the Order, appeal to the Court of Appeal against the decision of the Judge and shall give the Director of Public Prosecutions at least 14 days' notice of the application;
4. The Registrar of the Supreme Court do serve a Copy of the Order on the Financial Intelligence Unit (FIU) immediately;
5. Pursuant to **section 10(1)** of the **Act**, the Director of Public Prosecutions shall cause notice of this Order to be published electronically immediately and in the Official Gazette and in at least two (2) daily newspapers in circulation in Barbados, as soon as possible.

Dated this 6th day of January 2022



Deputy Registrar of the Supreme Court (Ag.)

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Order under Section 9(1) and (2) of the Anti-Terrorism
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DEFENDANTS

ORDER

ALLISTON G. SEALE
Director of Public Prosecutions (Ag.)