

DRAWN AND PREPARED BY

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**BARBADOS**

**No. 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.346 NAME: 1: 'ABD AL-MALIK 2: MUHAMMAD 3: YUSUF 4: 'UTHMAN  
'ABD AL-SALAM**
- 2. QDI.402 NAME: 1: NAYIF 2: SALIH 3: SALIM 4: AL-QAYSI**

**DEFENDANTS**

**ORDER**

**BEFORE:** The Honourable Sir Patterson Cheltenham, K.A. Chief Justice who considered  
the Application on the 5<sup>th</sup> day of March 2022 via telephone.

**Entered** on the 5<sup>th</sup> day of March 2022.

**AND UPON READING** the Fixed Date Claim Form filed on the 4<sup>th</sup> day of March 2022 and the affidavit of Mr. Kevin Forde, Crown Counsel (Ag.) sworn and filed on the 4<sup>th</sup> day of March 2022 together with the Exhibits 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 March 04, 2022 via the UN Security Council Press Release **SC/14818**:

<https://www.un.org/press/en/2022/sc14818.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, K.A. Chief Justice pursuant to **section 8(1)** of the **Anti-Terrorism (Amendment) Act, 2019-34**, who considered the Application **CV 1448 of 2019** on the 13<sup>th</sup> day of November 2019 be **hereby varied** to the extent that the Defendants (1) **QDi.346 Name: 1: 'ABD AL-MALIK 2: MUHAMMAD 3: YUSUF 4: 'UTHMAN 'ABD AL-SALAM** and (2) **QDi.402 Name: 1: NAYIF 2: SALIH 3: SALIM 4: AL-QAYSI** be no longer designated as terrorists or terrorist entities for the purposes of the **Anti-Terrorism (Amendment) Act, 2019-34**
2. Pursuant to **section 9(1) and (2)** of the **Anti-Terrorism (Amendment) Act, 2019-34** 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 with immediate effect.
- 3. This matter be deemed urgent.
- 4. 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;
- 5. The Registrar of the Supreme Court do serve a Copy of the Order on the Financial Intelligence Unit (FIU) immediately;
- 6. Pursuant to **section 10(1)** of the **Anti-Terrorism (Amendment) Act, 2019-34**, the Director of Public Prosecutions shall cause notice of this Order to be published electronically immediately in the Official Gazette and in at least two (2) daily newspapers in circulation in Barbados.

Dated this    day of March 2022

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Registrar of the Supreme Court (Ag.)

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**ORDER**

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**DONNA C.B. BABB-AGARD, QC  
Director of Public Prosecutions**