



BORD TA' SORVELJANZA DWAR IS-SANZJONIJIET  
SANCTIONS MONITORING BOARD  
MALTA

# Guidance Note on the designation by OFAC of one Maltese Individual

Guidance Note

05 March 2024

On 05 March 2024, the Department of the Treasury's Office of Foreign Assets Control (OFAC) [designated two individuals and five entities associated with the Intellexa Consortium](#) for their role in developing, operating, and distributing commercial spyware technology used to target Americans, including U.S. government officials, journalists, and policy experts. The proliferation of commercial spyware poses distinct and growing security risks to the United States and has been misused by foreign actors to enable human rights abuses and the targeting of dissidents around the world for repression and reprisal.

The Sanctions Monitoring Board (SMB) is aware of the designation imposed by the OFAC Notice and is participating in investigations. The SMB recalls that OFAC sanctions are not enforceable in Malta, in line with its Guidance Note regarding hits on National sanctions issued by Other States dated May 2021. However, the SMB recommends that Maltese economic operators undertake the necessary due diligence when dealing with persons, entities and bodies listed by national sanctions of other countries, particularly paying close attention to the reasons why such sanctions have been imposed and to consider any transaction or dealings considering due diligence and KYC obligations, including AML/CFT obligations where applicable.

The SMB is therefore calling for special attention regarding the decisions taken by the OFAC, considering that a Maltese national features on the list. The SMB strongly recommends that all Maltese economic operators and financial institutions in the Republic of Malta exercise enhanced due diligence when dealing with the persons, entities and bodies listed by the OFAC and with assets belonging to these persons, entities, and bodies.



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