立法會 Legislative Council

立法會LS70/05-06號文件

提交研究在香港實施聯合國安全理事會 就制裁事宜所作決議的小組委員會的文件

聯合國制裁規例中為實施聯合國 安全理事會決議所作決定針對指定人士的條文

在小組委員會2006年4月3日會議上,委員要求小組委員會法律顧問擬備所提交文件(立法會LS42/05-06號文件)的最新版本,在該文件附表加入兩項修訂規例的有關條文。該兩項修訂規例分別為2006年3月17日在憲報刊登的《〈2005年聯合國制裁(利比里亞)規例〉2006年(修訂)規例》(2006年第58號法律公告),以及《2006年聯合國制裁(科特迪瓦)規例》(2006年第59號法律公告)。本部現已在附表加入(B)(4)及E(2)項(請參閱附件A)。關於該兩項規例的詳情,委員可參閱工商及科技局於2006年3月發出的資料文件(立法會CB(2)1133/05-06(01)及(02)號文件)。

連附件

立法會秘書處助理法律顧問何瑩珠 2006年6月23日

聯合國制裁規例中用以實施 聯合國安全理事會決議所作決定的條文

安理會決議 安理會決議所作決定 規例中用以實施 籲請所有會員國採取措施 安理會決議所作決定的條文 (A) 《 2004年聯 合 國 制 裁 (伊 拉 克) (修 訂) 規 例 》 (自 2004年7月9日 開 始 實 施) 2003年5月 促進交還伊拉克的文化財產; (i) 22日通過的 安理會第 (ii) 先前禁止與伊拉克貿易和向 廢除較早時所訂與伊拉克有關的規例 1483號決議 伊拉克提供金融或經濟資源 中,原有關於禁止將物品輸入及輸出 的禁令不再適用; 的第2及3條。 (並無訂明屆 滿日期) (iii) 禁止向伊拉克出售或供應軍 新訂第3A條賦權行政長官批予特許, 火的禁令繼續適用,但向作為 准許向伊拉克的佔領國供應軍火。 伊拉克佔領國的美國及英國 出售或供應軍火除外;及 *(iv) 凍結先前由伊拉克政府持 有,或由薩達姆.侯賽因或其他 高級官員轉移出伊拉克或獲 取的資金或其他金融資產或 經濟資源,並將該等資金轉入 伊拉克發展基金。 《 2004年 聯合國制裁(利比里亞)規例》(於2004年12月3日至12月21日實施) (B)(1)2003年12月 (i) 除若干例外情況外,不得向利 第3、10及12條 22 日 通 過 的 比里亞供應軍火; 安理會第 1521號決議 (ii) 除若干例外情況外,不得提供 第4及13條 技術上的意見、訓練及協助; (至 2004 年 12月21日) (iii) 禁止若干指名人士入境或過 第7及8條 境,例如前總統杳爾斯.泰勒政 府內的高級官員; (iv) 禁止自利比里亞輸入未經加 第5條 工鑽石; (v) 禁止自利比里亞輸入任何圓 第6條 木和木材製品;及 (vi) 成立委員會以指定須受某些 措施規限的人,並定期更新指 定人士名單。

(B)(2) 《2005年聯合國制裁(利比里亞)規例》

的**附件II(i)**)。

(有關禁止輸入鑽石的第10條於2005年6月10日至6月20日實施,第3至7條、11至15條及第5部則於2005年6月10日至12月20日實施)

2004年3月 12日通過的 安理會第 1532號決議

(至 2004 年 12月21日)

2004年12月 21日通過的 安理會第 1579號決議

把安理會第1521號決議中第(i)、(ii)、(iii)及(v)項決定的有效期續期12個月,但第(iv)項決定,亦即禁止輸入鑽石規定的有效期,則只續期6個月。

*凍結由某些人士(包括前總統查

爾斯·泰勒及委員會指定的人士)

持有的資金、金融資產及經濟資

源, 並確保不會為上述人士的利益

而提供此種或任何其他資金(全

文 載 於 立 法 會 LS42/05-06 號 文 件

第8條訂明,除第9條所訂的例外情況及除按根據第16條批予的特許授權外,任何人不得為行政長官根據第39條指明的有關人士的利益而提供任何資金(全文載於立法會LS42/05-06號文件的**附件II(ii))**。

第3至7條及10至15條

(至 2005 年 12月20日)

(B)(3) <u>《〈2005年聯合國制裁(利比里亞)規例〉2005年(修訂)規例》</u> (於2005年10月28日至12月20日實施)

2005 年 6 月 21日通過的 安 理 會 第 1607號決議 把安理會第1521號決議中第(iv)項決定,亦即禁止輸入鑽石規定的有效期再續期6個月。

新訂第10A條

(至 2005 年 12月20日)

(B)(4) 《〈2005年聯合國制裁(利比里亞)規例〉2006年(修訂)規例》

(有關禁止輸入鑽石、圓木及木材製品的第10B及11A條於2006年3月17日至6月19日實施;及

部分定義、第3A至7A條、第12A至15A條、第5A部及附表則於2006年3月17日至12月19日實施)

2005年12月 20日通過的 安理會第 1647號決議 (i) 重新確認安理會第1532號決議,亦即*凍結某些指定人士資金的規定將繼續有效,而此項決定將最低限度每年檢討一次;

現有第8條

(至 2006 年 12月19日)

(ii) 把安理會第1521號決議中第 (i)、(ii)及(iii)項決定的有效期

續期12個月;及

新訂第3A、4A、5A、6A、7A、12A及 13A條

(iii) 把安理會第1521號決議中第 (iv)及(v)項決定的有效期續期 6個月。 新訂第10B及11A條

(C)(1) <u>《</u>	聯合國制裁(剛果民主共和國)規例》(於2005年	3月4日至7月31日實施)						
2003 年 7 月 28 日 通 過 的 安 理 會 第 1493號決議	切在某些地區的外國和剛果 武裝集團供應軍火;及							
(至 2004 年 7月27日)	(ii) 不得向一切在某些地區的外 第7及9個國和剛果武裝集團提供任何協助、意見或訓練。	X						
2004 年 7 月 27 日 通 過 的 安 理 會 第 1552號決議	有效期續期。							
(至 2005 年 7月31日)								
	2005年聯合國制裁(剛果民主共和國)(修訂)規例 < 2005年7月8日至7月31日實施)							
2005 年 4 月 18日通過的 安 理 會 第	會第1493號決議所訂的措施;							
1596號決議	(ii) 禁止若干指定人士入境或過 新訂第7 境;及	/B及7C條						
(至 2005 年 7月31日)		'A、9A及24A條						
(C)(3) <u>《</u>	(C)(3) <u>《 2005年聯合國制裁(剛果民主共和國)規例 》(</u> 自2005年10月28日開始實施)							
2005 年 7 月 29 日 通 過 的 安 理 會 第 1616號決議		及7至13條						
(至 2006 年 7月31日)								
(D)(1) <u>《聯合國制裁(蘇丹)規例》</u> (自2005年4月1日開始實施)								
2004 年 7 月 30 日 通 過 的 安 理 會 第 1556號決議	達爾富爾省、南達爾富爾省和	又7條						
(並無訂明屆滿日期)	(ii) 除若干例外情況外,不得提供 第6及8個 技術上的訓練或協助。	条						

(D)(2) 《 2005年聯合國制裁(蘇丹)(修訂)規例》(自2005年7月8日開始實施)

2005 年 3 月 29日通過的 安 理 會 第 1591號決議 (i) 成立委員會以指定須受禁制 措施規限的人;

(ii) 除若干例外情況外,禁止指定 人士入境或過境;及 新訂第6B及6C條

(並無訂明屆滿日期)

*(iii) 除若干例外情況外,凍結由 委員會指定人士擁有的資 金,並確保不會為上述人士 的利益而提供資金(全文載 於立法會LS42/05-06號文件的 **附件III(i)**)。 新訂第6A、8A及23A條(全文載於立法會LS42/05-06號文件的**附件III(ii)**)

(E)(1) 《聯合國制裁(科特迪瓦)規例》(於2005年7月8日至12月14日實施)

2004年11月 15日通過的 安理會第 1572號決議 (i) 禁止向科特迪瓦供應軍火;

|第3至5條

(ii) 除若干例外情況外,禁止提供 技術上的意見、訓練和協助; 第7及12條

(至 2005 年 12月14日)

(iii) 禁止委員會指定的人士入境 或渦境;及

第9及10條

*(iv) 除若干例外情況外,凍結由委員會指定人士擁有的資金,並確保不會為上述人士的利益而提供資金。

第8、13及36條

(E)(2) 《 2006年聯合國制裁(科特迪瓦)規例》

(部分定義、第3至8、10及11條、第3、4及5部、第36(2)及37條於2006年3月17日至12月15日實施)

2005年12月 15日通過的 安理會第 1643號決議 (i) 把安理會第1572號決議中第 (i)、(ii)、(iii)及*(iv)項決定的 有效期續期12個月;及 第3至8、10至15及37條

(至 2006年 12月15日) (ii) 禁止輸入任何未經加工的鑽 石。

第9條

* 和凍結指定人士資金有關的安理會決議所作決定。用以實施此等決定的規例條文載列於一覽表的第三欄。

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第 3047 號公告

聯合國制裁條例(第537章)

本人現根據(聯合國制裁(蘇丹)規例)(第537章附屬法例W)第23A條·將下述的人或 實體指明爲有關人士或有關實體。

行政長宮曾蔭權

LAST NAME	FIRST	ALIAS	DATE OF BIRTH/ PLACE OF BIRTH/ NATIONALITY	PASSPORT/ IDENTIFYING INFORMATION	DESIGNATION/ JUSTIFICATION
ELHASSAN	Gaffar Mohammed				Major-General and Commander of the Western Military Region for the Sudanese Armed Forces (SAF). The Panel of Experts report that Major-General Gaffar Mohammed Elhassan stated to them that he had direct operational command (primarily tactical command) of all elements of the SAF in Darfur while he was in command of the Western Military Region. Elhassan held this position as Western Military Area Commander from November 2004 (approx.) — early 2006. The Panel's information is that Elhassan was responsible for violations of paragraph 7 of SCR 1591 as by virtue of

					this position
					he requested (from
	į				Khartoum)
					and authorized (since
					29 March
					2005) the transfer of
					military
	1				equipment into
	1		i	·	Darfur without
					the prior approval of
					the 1591
		1			Committee, Elhassan
	1				himself
					admitted to the Panel
					of Experts
					that aircraft, aircraft
					engines and
	1	-			other military
	ĺ	i			equipment had
					been brought into
	j 1	İ			Darfur from
j	1				other parts of Sudan
		I			between 29
	İ				March 2005 and
		j			December
		1			2005. For example he
					informed
[1			the Panel that 2
ĺ		1			Mi-24 attack
ļ	}	1			helicopters were
	1	f			brought
1	i	i	i		unauthorized into
		į			Darfur
•	1				between 18 and 21
	1	1			September
i					2005. There are also
	-				reasonable
ļ	İ	i i			grounds to believe
j					that Elhassan
		-			was directly
ļ		1			responsible, as
	į		1		Western Military
					Area
	!				
ļ		1		ļ	Commander, for
Į		-	[ĺ	authorizing
- 1				1	offensive military
- 1					flights in the
-		}		j	area around Abu
- 1		1			Hamra, 23-24
		1			July 2005 and in the
- 1	ì	1			Jebel Moon
j		-		ĺ	area of Western
1	!				Darfur, on 19
	1				November 2005.
	i				Mi-24 attack
		1			helicopters were

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	,	 	
			involved in both operations and reportedly opened fire on both occasions. The Panel of Experts report that Elhassan indicated to the Panel that he himself approved requests for air support and other air operations in his capacity as Western Military Area Commander. (See Panel of Experts report, S/2006/65, paragraphs 266-269.) Through such actions Major-General Gaffar Mohammed Elhassan has breached relevant provisions of SCR 1591 and therefore meets the criteria to be designated by the Committee to be subjected to sanctions.
HILAL	(Sheikh) Musa		Paramount Chief of the Jaiul Tribe in North Darfur. Report from Human Rights Watch states they have a memo dated 13 February 2004 from a a local government office in North Darfur ordering "security units in the locality" to "allow the activities of the mujahideen and the volunteers under

			_			the
						command of the
+						Sheikh Musa
						Hilal to proceed in
		i				the areas of
	1					[North Darfur] and to
	ł					secure
		i		j		their vital needs". On
	1	-				28
	1	1	ļ			September 2005, 400 Arab
		ŀ				militia attacked the
1	ļ					villages of
	-		Ì			Aro Sharrow
-						(including its IDP
						camp), Acho, and
			i			Gozmena in
	i					West Darfur, We also
		1				believe
	1	ì	ļ			that Musa Hilal was
			1			present
						during the attack on
	1	!				Аго
		ĺ	1			Sharrow IDP camp:
		i				his son had
İ		j	İ			been killed during the
						SLA
				ļ		attack on Shareia, so
						he was now
				- 1		involved in a
}	1	i		- 1		personal blood
	1	ļ				feud. There are
	1					reasonable
	1	Ì				grounds to believe that as the
ļ	i					Paramount Chief he
1						had direct
1	İ					responsibility for
				i		these actions
			1			and is responsible for
l		f				violations
}]	i	of international
	1					humanitarian and
ļ	1.				l	human rights law and
		1				other
SHANT	 	+				atrocities.
PRANT	Adam Yacub	Adam	Circa 1976	ĺ	Ī	Sudanese Liberation
	I acub	Yacub		-	ſ	Army
		Sharif, Adam				(SLA) Commander.
		Yacoub			ļ	SLA soldiers under
		1 80000				command of Adam
	1	}		-	1	Yacub Shant
	ļ					violated the
	1				ļ	cease-fire agreement
	<u> </u>					by attacking a

Government of Sudam military contingent that was escorting a convey of trucks near Abu Hamra, Northern Darfur on July 23, 2005, killing three solders. After the attack Government military weapons and ammunition were loated. The Panel of Experts has information establishing that the attack by SLA soldiers took place and was clearly organized, consequently it was well planned. It is therefore reasonable to assume, as the Panel concluded, that Shant, as the confirmed SLA Commander in the area, must have had knowledge of and approved / or ordered the attack. He therefore bears direct responsibility for the attack and meets the criteria for being listed. BADRI Gabril Abdul Kareem Gabril Commander or being listed. National Movement for Reform and Development (NMRD) Field Commander. Badri is responsible for the kidnapping of African Union				 	G
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				!	Adianian in Cudan
(AMIS)				ļ	Mission in Sudan

			personnel in Darfur
	1	i	during
	1 1	,	October 2005, Badri
	1 1	1 '	openly
	i l		attempts to thwart the
			AMIS
j			mission through
			intimidation; for
	· I		example he
		!	threatened to shoot
]		down African Union
	1		(AU)
	1		helicopters in the
	1		Jebel Moon
		į	area in November
	1		2005. Through
j			such actions Badri
	1	İ	has clearly
			violated SCR 1591 in
	1		constituting a threat to stability
	1		in Darfur and meets
	1		the criteria
	! !	ľ	to be designated by
		İ	the
	í l		Committee to be
1	1		subjected to