

**立法會**  
**Legislative Council**

LC Paper No. LS70/05-06

**Paper for the Subcommittee to Examine the Implementation  
in Hong Kong of Resolutions of the  
United Nations Security Council in relation to Sanctions**

**Provisions in the  
United Nations Sanctions Regulations that implement decisions of the  
United Nations Security Council Resolutions against designated persons**

At the Subcommittee meeting on 3 April 2006, the legal adviser to the Subcommittee was asked to update the Paper (LC Paper No. LS42/05-06) by including into the table to the Paper, relevant provisions of the two Amendment Regulations, i.e. the United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2006 (L.N. 58 of 2006) and United Nations Sanctions (Côte d'Ivoire) Regulation 2006 (L.N. 59 of 2006) published in the Gazette on 17 March 2006. Items (B)(4) and (E)(2) are now included (see Annex A). Members may refer to the Information Paper issued by the Commerce, Industry and Technology Bureau in March 2006 (LC Paper No. CB(1)1133/05-06(01) and (02)) for details of those two Regulations.

2. For members' information, with reference to item (D)(2) in the table, the Chief Executive has exercised his power under section 23A of the United Nations Sanctions (Sudan) Regulation specifying relevant persons or relevant entities by a Government Notice No. 3047 on 19 May 2006 (see Annex B).

Encl.

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**Provisions in the United Nations Sanctions Regulations  
that implement decisions of the United Nations Security Council Resolutions**

UNSCR	Decisions of the UNSCR calling on all Member States to take measures	Provisions in Regulation that implement UNSCR decisions
(A) <u>The United Nations Sanctions (Iraq) (Amendment) Regulation 2004</u> (in force since 9 July 2004)		
UNSCR 1483 of 22 May 2003  (no expiry date)	(i) to facilitate the return of Iraqi cultural properties;  (ii) to disapply previous trade prohibitions and provision of financial or economic resources to Iraq;  (iii) continue to apply prohibition on sale or supply of arms to Iraq except to U.S.A. and U.K. as occupying powers in Iraq; and  *(iv) to freeze funds or other financial assets or economic resources previously held by Iraq government or removed from Iraq, or acquired by Saddam Hussein or other senior officials and transfer those funds to the Iraq Development Fund.	original sections 2 & 3 in the earlier Iraq Regulation relating to prohibition of import and export of goods were repealed.  new section 3A empowers the Chief Executive to grant a licence for the supply of arms to the occupying powers in Iraq.
(B)(1) <u>The United Nations Sanctions (Liberia) Regulation 2004</u> (in force from 3 to 21 December 2004)		
UNSCR 1521 of 22 December 2003  (till 21 December 2004)	(i) to prevent the supply of arms to Liberia subject to certain exceptions;  (ii) to prevent provision of technical advice, training, assistance subject to certain exceptions;  (iii) to prevent the entry or transit of certain named persons such as the senior members of former President Charles Taylor's Government;  (iv) to prevent the import of all rough diamonds from Liberia;  (v) to prevent the import of all round logs and timber products from Liberia; and  (vi) to establish a Committee to designate persons subject to certain measures and to update the list of designated person regularly.	sections 3, 10 and 12  sections 4 and 13  sections 7 and 8  section 5  section 6

<p>(B)(2) <u>The United Nations Sanctions (Liberia) Regulation 2005</u>          (section 10 on the prohibition of import of diamonds was in force from 10 to 20 June 2005 and sections 3 to 7, 11 to 15 and Part 5 were in force from 10 June to 20 December 2005)</p>		
<p>UNSCR 1532 of 12 March 2004  (till 21 December 2004)</p>	<p>*To freeze funds, financial assets and economic resources, held by persons including former President Charles Taylor and those persons designated by the Committee and should ensure that neither these nor any other funds be made available for the benefit of such persons (full text in <b>Annex II(i)</b> of LC Paper No. LS42/05-06).</p>	<p>section 8 provides that subject to certain exceptions under section 9 and except with the authority of a licence under section 16, a person shall not make available any funds for the benefit of a relevant person specified by the Chief Executive under section 39 (full text in <b>Annex II(ii)</b> of LC Paper No. LS42/05-06)</p>
<p>UNSCR 1579 of 21 December 2004  (till 20 December 2005)</p>	<p>To renew decisions (i), (ii), (iii) and (v) in UNSCR 1521 for 12 months but for decision (iv), i.e. to renew the prohibition on the import of diamonds, only for 6 months.</p>	<p>sections 3 to 7 and 10 to 15</p>
<p>(B)(3) <u>The United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2005</u>          (in force from 28 October to 20 December 2005)</p>		
<p>UNSCR 1607 of 21 June 2005  (valid till 20 December 2005)</p>	<p>To renew decision (iv) in UNSCR 1521 i.e. the prohibition on the import of diamonds, for a further 6 months.</p>	<p>new section 10A</p>
<p>(B)(4) <u>The United Nations Sanctions (Liberia) Regulation 2005 (Amendment) Regulation 2006</u>          (section 10B and 11A on the prohibition of import of diamonds, round logs and timber products are in force from 17 March to 19 June 2006; and some definitions, sections 3A to 7A, 12A to 15A, Part 5A and the Schedule are in force from 17 March to 19 December 2006)</p>		
<p>UNSCR 1647 of 20 December 2005  (valid till 19 December 2006)</p>	<p>(i) to reconfirm that UNSCR 1532, i.e. *to freeze funds of certain designated persons, shall remain in force and this decision to be reviewed at least once a year;</p> <p>(ii) to renew the decisions (i), (ii) and (iii) in UNSCR 1521 for 12 months; and</p> <p>(iii) to renew the decisions (iv) and (v) in UNSCR 1521 for 6 months.</p>	<p>existing section 8</p> <p>new sections 3A, 4A, 5A, 6A, 7A, 12A and 13A</p> <p>new section 10B and 11A</p>

(C)(1) <u>United Nations Sanctions (Democratic Republic of the Congo) Regulation</u> (in force from 4 March to 31 July 2005)		
UNSCR 1493 of 28 July 2003  (till 27 July 2004)	(i) to prevent the supply of arms to all foreign and Congolese armed groups in some territories subject to some exceptions; and  (ii) to prevent any provision of assistance, advice or training to all foreign and Congolese armed groups in some territories.	sections 3 to 6 and 8  sections 7 and 9
UNSCR 1552 of 27 July 2004  (till 31 July 2005)	To renew the measures in UNSCR 1493.	
(C)(2) <u>United Nations Sanctions (Democratic Republic of the Congo) (Amendment) Regulation 2005</u> (in force from 8 to 31 July 2005)		
UNSCR 1596 of 18 April 2005  (till 31 July 2005)	(i) to adopt the measures in UNSCR 1493 but subject to certain exceptions;  (ii) to prevent the entry or transit of certain designated persons; and  *(iii) to freeze funds which are owned by persons designated by the Committee and shall ensure that no funds are made available for the benefit of such persons subject to certain exceptions.	new sections 7B and 7C  new sections 7A, 9A and 24A
(C)(3) <u>United Nations Sanctions (Democratic Republic of the Congo) Regulation 2005</u> (in force since 28 October 2005)		
UNSCR 1616 of 29 July 2005  (till 31 July 2006)	To renew the previous measures for 12 more months.	sections 3 to 5 and 7 to 13
(D)(1) <u>United Nations Sanctions (Sudan) Regulation</u> (in force since 1 April 2005)		
UNSCR 1556 of 30 July 2004  (no expiry date)	(i) to prevent the supply of arms to all non-governmental entities and individuals in the states of North Darfur, South Darfur and West Darfur subject to certain exceptions; and  (ii) to prevent provision of technical training or assistance subject to certain exceptions.	sections 2 to 4 and 7  sections 6 and 8

(D)(2) <u>United Nations Sanctions (Sudan) (Amendment) Regulation 2005</u> (in force since 8 July 2005)		
UNSCR 1591 of 29 March 2005  (no expiry date)	<p>(i) to establish a Committee to designate persons subject to the prohibitive measures;</p> <p>(ii) to prevent entry or transit of designated individuals subject to certain exceptions; and</p> <p>* (iii) to freeze funds which are owned by persons designated by the Committee and shall ensure that no funds are made available for the benefit of such persons subject to certain exceptions (full text in <b>Annex III(i)</b> of LC Paper No. LS42/05-06).</p>	<p>new sections 6B and 6C</p> <p>new sections 6A, 8A and 23A (full text in <b>Annex III(ii)</b> of LC Paper No. LS42/05-06)</p>
(E)(1) <u>United Nations Sanctions (Côte d'Ivoire) Regulation</u> (in force from 8 July to 14 December 2005)		
UNSCR 1572 of 15 November 2004  (till 14 December 2005)	<p>(i) to prevent the supply of arms to Côte d'Ivoire;</p> <p>(ii) to prohibit provision of technical advice, training, assistance subject to certain exceptions;</p> <p>(iii) to prevent entry or transit of individuals designated by the Committee; and</p> <p>* (iv) to freeze funds which are owned by persons designated by the Committee and shall ensure that no funds are made available for the benefit of such persons subject to certain exceptions.</p>	<p>sections 3 to 5</p> <p>sections 7 and 12</p> <p>sections 9 and 10</p> <p>sections 8, 13 and 36</p>
(E)(2) <u>United Nations Sanctions (Côte d'Ivoire) Regulation 2006</u> (some definitions, sections 3 to 8, 10, 11, Parts 3, 4 and 5, sections 36(2) and 37 are in force from 17 March to 15 December 2006)		
UNSCR 1643 of 15 December 2005  (till 15 December 2006)	<p>(i) to renew the decisions (i), (ii), (iii) and *(iv) in UNSCR 1572 for 12 months; and</p> <p>(ii) to prevent the import of all rough diamonds.</p>	<p>sections 3 to 8, sections 10 to 15 and section 37</p> <p>section 9</p>

\* Decisions of UNSCR which relate to the freezing of funds of designated persons. Provisions in the Regulation which implement these decisions are shown in the third column of the table.

G.N. 3047

UNITED NATIONS SANCTIONS ORDINANCE (Chapter 537)

I hereby specify, under section 23A of the United Nations Sanctions (Sudan) Regulation (Cap 537 sub.leg. W), the following persons or entities as a relevant person or a relevant entity.

(Donald Tsang)  
Chief Executive

LAST NAME	FIRST NAME	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 Khartoum) and authorized (since 29 March 2005) the transfer of military equipment into Darfur without the prior approval of the 1591 Committee. Elhassan himself admitted to the Panel of Experts that aircraft, aircraft engines and other military equipment had been brought into Darfur from other parts of Sudan between 29 March 2005 and December 2005. For example he informed the Panel that 2 Mi-24 attack helicopters were brought unauthorized into Darfur between 18 and 21 September 2005. There are also reasonable grounds to believe that Elhassan was directly responsible, as Western Military Area Commander, for authorizing offensive military flights in the area around Abu Hamra, 23-24 July 2005 and in the Jebel Moon area of Western Darfur, on 19
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					<p>November 2005. Mi-24 attack helicopters were 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.</p>
HILAL	(Sheikh) Musa				<p>Paramount Chief of the Jalul Tribe in North Darfur. Report from Human Rights Watch states they have a memo dated 13 February 2004 from a local government office in North Darfur ordering "security units in the locality" to "allow the</p>

					<p>activities of the mujahideen and the volunteers under the command of the Sheikh Musa Hilal to proceed in the areas of (North Darfur) and to secure their vital needs". On 28 September 2005, 400 Arab militia attacked the villages of Aro Sharrow (including its IDP camp), Acho, and Gozmena in West Darfur. We also believe that Musa Hilal was present during the attack on Aro Sharrow IDP camp: his son had been killed during the SLA attack on Shareia, so he was now involved in a personal blood feud. There are reasonable grounds to believe that as the Paramount Chief he had direct responsibility for these actions and is responsible for violations of international humanitarian and human rights law and other atrocities.</p>
SHANT	Adam Yacub	Adam Yacub Sharif, Adam Yacoub	Circa 1976		<p>Sudanese Liberation Army (SLA) Commander. SLA soldiers under the command of Adam Yacub Shant</p>

					<p>violated the cease-fire agreement by attacking a Government of Sudan military contingent that was escorting a convoy of trucks near Abu Hamra, Northern Darfur on July 23, 2005, killing three soldiers. After the attack Government military weapons and ammunition were looted. 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.</p>
<b>BADRI</b>	Gabril Abdul Kareem				<p>National Movement for Reform and Development (NMRD) Field Commander. Badri is responsible for the kidnapping of</p>

					<p>African Union Mission in Sudan (AMIS) personnel in Darfur during October 2005. Badri openly attempts to thwart the AMIS mission through intimidation; for example he threatened to shoot down African Union (AU) helicopters in the Jebel Moon area in November 2005. Through such actions Badri has clearly violated SCR 1591 in constituting a threat to stability in Darfur and meets the criteria to be designated by the Committee to be subjected to sanctions.</p>
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