

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (ISIL AND AL-QAIDA) REGULATION**

#### **INTRODUCTION**

At the meeting of the Executive Council on 18 September 2018, the Council advised and the Chief Executive (“the CE”) ordered that the United Nations Sanctions (ISIL and Al-Qaida) Regulation (“the Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Regulation was gazetted on 21 September 2018 and came into operation on the same day.

A

#### **BACKGROUND**

##### **Obligation and Authority**

2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to instructions from the Ministry of Foreign Affairs of the People's Republic of China (“MFA”) to implement sanctions decided by the Security Council of the United Nations (“UNSC”). In November 2017, the CE received instructions from the MFA to implement UNSC Resolution (“UNSCR”) 2368 in respect of the Islamic State in Iraq and the Levant (“ISIL”) and Al-Qaida in the Hong Kong Special Administrative Region (“HKSAR”). The Regulation was made pursuant to the instructions. A document issued by the Chief Secretary for Administration confirming the MFA’s instructions is at Annex B.

B

## Sanctions against ISIL and Al-Qaida

### UNSCR 2368

C 3. Recognising that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels, the UNSC has imposed sanctions against terrorist groups. Resolution 2368 at Annex C, adopted in July 2017, imposed sanctions against ISIL, Al-Qaida and associated individuals, groups, undertakings and entities<sup>1</sup> (hereinafter collectively referred to as “ISIL and Al-Qaida”), which include –

- (a) **Asset Freeze:** To freeze all assets or resources of ISIL and Al-Qaida, and prevent the making available of all assets or resources to them (*paragraph 1(a) of UNSCR 2368 refers*);
- (b) **Travel Ban:** To prevent individuals associated with ISIL or Al-Qaida from entering into or transiting through the territory of the HKSAR, subject to certain exceptions (*paragraph 1(b) of UNSCR 2368 refers*); and
- (c) **Arms Embargo:** To prevent the supply, sale or transfer of all arms and related materiel, technical advice, assistance or training related to military activities, to ISIL and Al-Qaida, subject to certain exceptions (*paragraph 1(c) of UNSCR 2368 refers*).

### THE REGULATION

4. The Regulation, at Annex A, seeks to implement the sanction measures against ISIL and Al-Qaida imposed by UNSCR 2368. The main provisions of the Regulation include –

- (a) **sections 2 and 3**, which prohibit the supply, sale, transfer and carriage of prohibited goods (i.e. arms or related materiel) to ISIL and Al-Qaida;
- (b) **section 4**, which prohibits the provision of advice, assistance or training related to military activities to ISIL and Al-Qaida;

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<sup>1</sup> Individuals, groups, undertakings and entities that engage in acts or activities indicating association with ISIL or Al-Qaida (as specified under paragraph 2 of Resolution 2368) would be designated by the Committee of the UNSC established under UNSCRs 1267,1989 and 2253 concerning ISIL and Al-Qaida (Committee). As at 15 September 2018, there were 263 individuals and 82 entities on the Sanctions List maintained by the Committee.

- (c) **section 5**, which provides for prohibition against making available to ISIL and Al-Qaida funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of ISIL and Al-Qaida;
- (d) **section 6**, which prohibits the entry into or transit through the HKSAR by individuals associated with ISIL or Al-Qaida;
- (e) **section 7**, which provides for the granting of licences for making available to ISIL and Al-Qaida funds or other financial assets or economic resources, or dealing with funds or other financial assets or economic resources of ISIL and Al-Qaida under specific circumstances; and
- (f) **section 25**, which provides that the Secretary for Commerce and Economic Development may publish on the website of the Commerce and Economic Development Bureau a list of persons and entities included in the Sanctions List maintained by the Committee.

    D      
A marked-up version showing differences between the Regulation and the United Nations Sanctions (Afghanistan) Regulation 2012, which implements similar sanctions, is at Annex D for Members' reference. Members may wish to note that the opportunity has been taken to improve the drafting of regulations made under the Ordinance to modernise the provisions.

## **IMPLICATIONS**

5. The Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance. It has no financial, civil service, economic, productivity, environmental, sustainability, family or gender implications. Additional work arising from the enforcement of the Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

6. A press release was issued on 21 September 2018 when the Regulation was published in the Gazette. A spokesperson will be available to answer media and public enquiries.

**ADVICE SOUGHT**

7. Members are invited to note the implementation of the UNSCR 2368 in the HKSAR by the Regulation.

**Commerce and Economic Development Bureau  
September 2018**

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## United Nations Sanctions (ISIL and Al-Qaida) Regulation

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

### Part 1

#### Preliminary

##### 1. Interpretation

In this Regulation—

*Al-Qaida* (基地組織) means the entity listed under permanent reference number QDe.004 in the ISIL (Da'esh) and Al-Qaida Sanctions List;

*arms or related materiel* (軍火或相關物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

*assistance* (協助) means technical advice, assistance or training;

*authorized officer* (獲授權人員) means—

- (a) a police officer;
- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

**Commissioner** (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

**Committee** (委員會) means the Committee of the Security Council established under Resolution 1267, Resolution 1989 and Resolution 2253 concerning ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

**economic assets** (經濟資產) means any funds or other financial assets or economic resources;

**economic resources** (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

**funds** (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale;
- (g) documents evidencing an interest in funds or financial resources; and

(h) any other instrument of export financing;

**Hong Kong person** (香港人) means—

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR;

**ISIL** (伊黎伊斯蘭國) means Islamic State in Iraq and the Levant, also known as Da'esh, being the entity listed under permanent reference number QDe.115 in the ISIL (Da'esh) and Al-Qaida Sanctions List;

**ISIL (Da'esh) and Al-Qaida Sanctions List** (《伊黎伊斯蘭國(達伊沙)和基地組織制裁名單》) means the list maintained by the Committee under Resolution 1267, Resolution 1989 and Resolution 2253 concerning ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

**licence** (特許) means a licence granted under Part 3;

**master** (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

**mode of transport** (運輸工具) means a ship, aircraft or vehicle;

**operator** (營運人), in relation to a mode of transport, means the person for the time being having the management of the mode of transport;

**pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or owner, as appropriate, as being—

- (a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and
- (b) charged with the safe conduct of a flight;

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*prohibited goods* (禁制物品) means any arms or related materiel;

*relevant entity* (有關實體) means—

- (a) a group, undertaking or entity named in the list published under section 25(1); or
- (b) a group, undertaking or entity—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual, group, undertaking or entity named in that list;

*relevant person* (有關人士) means—

- (a) an individual named in the list published under section 25(1); or
- (b) an individual—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of, an individual, group, undertaking or entity named in that list;

*Resolution 1267* (《第1267號決議》) means Resolution 1267 (1999) adopted by the Security Council on 15 October 1999;

*Resolution 1989* (《第1989號決議》) means Resolution 1989 (2011) adopted by the Security Council on 17 June 2011;

*Resolution 2253* (《第2253號決議》) means Resolution 2253 (2015) adopted by the Security Council on 17 December 2015;

*responsible person* (負責人) means—

- (a) for a ship—the charterer, operator or master of the ship;

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(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or

(c) for a vehicle—the operator or driver of the vehicle;

*Secretary* (局長) means the Secretary for Commerce and Economic Development;

*Security Council* (安理會) means the Security Council of the United Nations;

*supply* (供應) means supply, sale or transfer.

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**Part 2****Prohibitions****2. Supply of goods prohibited**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) A person must not supply, or agree to supply, directly or indirectly, or do any act likely to promote the supply of, any prohibited goods—
  - (a) to, or to the order of, a relevant person or a relevant entity; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were, or were to be, supplied—

- (i) to, or to the order of, a relevant person or a relevant entity; or
- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

**3. Carriage of goods prohibited**

- (1) This section applies to—
  - (a) a ship that is registered in the HKSAR, or is in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR, or is in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) a Hong Kong person; or
    - (ii) in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 2, a mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—
  - (a) to, or to the order of, a relevant person or a relevant entity; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) If a mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—

- (a) for a ship registered in the HKSAR—all of the responsible persons for the ship;
  - (b) for any other ship—
    - (i) the charterer of the ship if the charterer is a Hong Kong person, or is in the HKSAR;
    - (ii) the operator of the ship if the operator is a Hong Kong person, or is in the HKSAR; and
    - (iii) the master of the ship if the master is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
  - (c) for an aircraft registered in the HKSAR—all of the responsible persons for the aircraft;
  - (d) for any other aircraft—
    - (i) the charterer of the aircraft if the charterer is a Hong Kong person, or is in the HKSAR;
    - (ii) the operator of the aircraft if the operator is a Hong Kong person, or is in the HKSAR; and
    - (iii) the pilot in command of the aircraft if the pilot in command is both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
  - (e) for a vehicle—all of the responsible persons for the vehicle.
- (4) A person who commits an offence under subsection (3) is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (5) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—
    - (i) to, or to the order of, a relevant person or a relevant entity; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

#### 4. Provision of assistance prohibited

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) A person must not directly or indirectly provide to a relevant person or a relevant entity any assistance related to military activities.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
  - (a) that the assistance was, or was to be, provided to a relevant person or a relevant entity; or

- (b) that the assistance related to military activities.

**5. Making available or dealing with economic assets prohibited**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR.
- (2) Except under the authority of a licence granted under section 7(1)—
- (a) a person must not directly or indirectly make available any economic assets to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person must not directly or indirectly deal with any economic assets belonging to, or owned or controlled directly or indirectly by, a relevant person or a relevant entity (including, if the person is a relevant person or a relevant entity, the economic assets belonging to, or owned or controlled directly or indirectly by, the person).
- (3) However, subsection (2) does not apply if the person does the act in a place outside the HKSAR under the authority of a permission granted in accordance with a law in force in the place (being a law substantially corresponding to section 7).
- (4) A person who contravenes subsection (2) commits an offence and is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 7 years.

- (5) It is a defence for a person charged with an offence under subsection (4) to prove that the person did not know and had no reason to believe—
- (a) for a contravention of subsection (2)(a)—that the economic assets were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) for a contravention of subsection (2)(b)—that the person was dealing with economic assets belonging to, or owned or controlled directly or indirectly by, a relevant person or a relevant entity.
- (6) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or owned or controlled directly or indirectly by, a relevant person or a relevant entity with—
- (a) interest or other earnings due on that account; or
  - (b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity.
- (7) In this section—
- deal with* (處理) means—
- (a) in respect of funds—
    - (i) use, alter, move, allow access to or transfer;
    - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
    - (iii) make any other change that would enable use, including portfolio management; and

- (b) in respect of other financial assets or economic resources—use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

**6. Entry or transit of persons prohibited**

- (1) A relevant person must not enter or transit through the HKSAR.
  - (2) However, subsection (1) does not apply to a case in respect of which—
    - (a) the relevant entry or transit is necessary for the fulfilment of a judicial process; or
    - (b) the Committee has determined that the relevant entry or transit is justified.
  - (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.
  - (4) This section does not apply to a person having the right of abode or the right to land in the HKSAR.
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**Part 3**

**Licences**

**7. Licence for making available or dealing with economic assets**

- (1) If, on application, the Chief Executive determines that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate, a licence for—
  - (a) making available economic assets to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with economic assets belonging to, or owned or controlled directly or indirectly by, a relevant person or a relevant entity.
- (2) The requirements are as follows—
  - (a) the economic assets are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or
    - (iii) fees or service charges for the routine holding or maintenance of economic assets belonging to, or owned or controlled directly or indirectly by, a relevant person or a relevant entity;
  - (b) the economic assets are necessary for extraordinary expenses.

- (3) However, if the Chief Executive determines that the requirement in subsection (2)(a) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
  - (b) must grant the licence in the absence of a negative decision by the Committee within 3 working days of the notification.
- (4) Also, if the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the determination; and
  - (b) must not grant the licence unless the Committee approves the determination.

**8. Provision of false or misleading information or documents for purpose of obtaining licences**

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false or misleading in a material particular commits an offence and is liable—
- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
- (2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false or misleading in a material particular commits an offence and is liable—

- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment—to a fine and to imprisonment for 2 years.
-

**Part 4****Enforcement****9. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3 applies has been, is being or is about to be used in contravention of section 3(2).

**10. Power to board and search modes of transport**

The authorized officer may—

- (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the mode of transport and search it; and
- (b) for the purposes of paragraph (a), use or authorize the use of reasonable force.

**11. Power to require information and production of cargo, article or document**

- (1) The authorized officer may require a responsible person for the mode of transport to—
  - (a) provide any information relating to the mode of transport, or to (for a ship or an aircraft) its cargo or (for a vehicle) any article carried on it, that the officer may specify; or
  - (b) produce for inspection any of its cargo or articles, or any document relating to the mode of transport or to any of its cargo or articles, that the officer may specify.
- (2) The power under subsection (1) includes a power to—

- (a) specify whether the information should be provided orally or in writing and in what form; and
- (b) specify the time by which, and the place at which, the information should be provided or the cargo, article or document should be produced for inspection.

**12. Power to direct movement**

- (1) If the mode of transport is a ship, the authorized officer may do one or more of the following—
  - (a) direct a responsible person for the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is specified;
  - (b) require a responsible person for the ship to take any of the following steps—
    - (i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged or about to be engaged until the responsible person is notified by an authorized officer that the ship and its cargo may proceed;
    - (ii) if the ship is in the HKSAR—to cause the ship and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the ship and its cargo may depart;
    - (iii) if the ship is in another place—
      - (A) to take the ship and any of its cargo to a port specified by an authorized officer; and
      - (B) to cause the ship and its cargo to remain in that place until the responsible person is notified by an authorized officer that the ship and its cargo may depart;

(iv) to take the ship and any of its cargo to another destination specified by an authorized officer by agreement with the responsible person.

- (2) If the mode of transport is an aircraft and the aircraft is in the HKSAR, the authorized officer may require a responsible person for the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person is notified by an authorized officer that the aircraft and its cargo may depart.
- (3) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to—
- (a) take the vehicle and any article carried on it to a place specified by an authorized officer; and
  - (b) cause the vehicle and the article to remain in that place until the responsible person is notified by an authorized officer that the vehicle and the article may depart.

### 13. Failure to comply with direction or requirement

- (1) A responsible person for a mode of transport commits an offence if, without reasonable excuse, the person—
- (a) disobeys a direction given under section 12(1)(a); or
  - (b) refuses or fails to comply with a requirement made under section 11(1) or 12(1)(b), (2) or (3)—
    - (i) within the time specified by an authorized officer; or
    - (ii) if no time is specified—within a reasonable time.

- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

### 14. Provision of false or misleading information or documents

- (1) A responsible person for a mode of transport commits an offence if the person, in response to a requirement made under section 11(1)—
- (a) provides or produces to an authorized officer any information or document that the person knows to be false or misleading in a material particular; or
  - (b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

### 15. Power to enter and detain modes of transport

- (1) Without limiting sections 13 and 14, this section applies if an authorized officer has reason to suspect that a requirement made under section 12(1)(b), (2) or (3) may not be complied with.
- (2) The officer may take any steps that appear to the officer to be necessary to secure compliance with that requirement including, in particular, steps to—
- (a) enter or authorize the entry on any land or the mode of transport concerned;
  - (b) detain or authorize the detention of the mode of transport, or of (for a ship or an aircraft) any of its cargo or (for a vehicle) any article carried on it; or

(c) use or authorize the use of reasonable force.

- (3) Subject to subsections (4) and (5), subsection (2) does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.
- (4) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, or of an aircraft for further periods of not more than 6 hours each.
- (5) The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each.
- (6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

#### 16. Production of proof of identity

Before or on exercising a power conferred by this Part, an authorized officer must, if requested by any person, produce proof of the officer's identity to the person for inspection.

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## Part 5

### Evidence

#### 17. Interpretation of Part 5

In this Part—

*premises* (處所) includes any place and, in particular, includes—

- (a) any mode of transport or offshore structure; and
- (b) any tent or movable structure;

*seized property* (被檢取財產) means anything seized under section 18(3).

#### 18. Power of magistrate or judge to grant warrant

- (1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—
  - (a) an offence under this Regulation has been committed or is being committed; and
  - (b) there is, on any premises specified in the information, evidence in relation to the commission of the offence.
- (2) A warrant granted under subsection (1) may authorize an authorized officer, together with any other person named in the warrant, at any time within 1 month from the date of the warrant, to—
  - (a) enter the premises specified in the information; and
  - (b) search the premises.
- (3) A person authorized by a warrant to search any premises may exercise any or all of the following powers—



- (a) the power to search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises;
  - (b) the power to seize and detain anything found—
    - (i) on the premises; or
    - (ii) on any person referred to in paragraph (a), that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
  - (c) the power to take in relation to anything seized under paragraph (b) any other steps that may appear necessary for preserving the thing and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, the person may use any force that is reasonably necessary for the purpose.

**19. Detention of seized property**

- (1) A seized property may not be detained for more than 3 months.
- (2) However, if the seized property is relevant to an offence under this Regulation, and proceedings for the offence have begun, it may be detained until the completion of those proceedings.

**Part 6****Disclosure of Information or Documents****20. Disclosure of information or documents**

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to require that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,
 for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to ISIL, Al-Qaida and associated individuals, groups, undertakings and entities decided on by the Security Council; or

- (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
  - (2) For the purposes of subsection (1)(a)—
    - (a) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right; and
    - (b) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person.
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## Part 7

### Other Offences and Miscellaneous Matters

#### 21. Liability of persons other than principal offenders

- (1) If—
  - (a) the person convicted of an offence under this Regulation is a body corporate; and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate,

the director, manager, secretary or other similar officer is also guilty of the offence.

- (2) If—
  - (a) the person convicted of an offence under this Regulation is a firm; and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any other person concerned in the management of the firm,

the partner or other person is also guilty of the offence.

#### 22. Offences in relation to obstruction of authorized persons etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**23. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes anything with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- (a) on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
- (b) on conviction on indictment—to a fine and to imprisonment for 2 years.

**24. Consent and time limit for proceedings**

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings against a person for an offence under this Regulation that is alleged to have been committed outside the HKSAR must be commenced within 12 months from the date on which the person first enters the HKSAR after the alleged commission of the offence.

**25. Publication of list of individuals, groups, undertakings and entities by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (*CEDB*) a list of individuals, groups, undertakings and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1.
- (2) The Secretary may include in the list the name of an individual, group, undertaking or entity included in the ISIL (Da'esh) and Al-Qaida Sanctions List.
- (3) The list may also contain other information that the Secretary considers appropriate.

- (4) The Secretary may remove the name of an individual, group, undertaking or entity from the list if the individual, group, undertaking or entity no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in subsection (1) printed from the website of the CEDB—
  - (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list.

**26. Exercise of powers of Chief Executive**

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.
- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to another person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restriction or condition the Chief Executive considers appropriate.

**27. Exercise of powers of Secretary**

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.

United Nations Sanctions (ISIL and Al-Qaida) Regulation

Part 7  
Section 27

L.N. 157 of 2018  
B4671

- (2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.

Carrie LAM  
Chief Executive

18 September 2018

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United Nations Sanctions (ISIL and Al-Qaida) Regulation

Explanatory Note  
Paragraph 1

L.N. 157 of 2018  
B4673

**Explanatory Note**

This Regulation gives effect to certain decisions in Resolution 2368 (2017) adopted by the Security Council of the United Nations on 20 July 2017 in respect of ISIL, Al-Qaida and persons or entities associated with them by providing for the prohibition against—

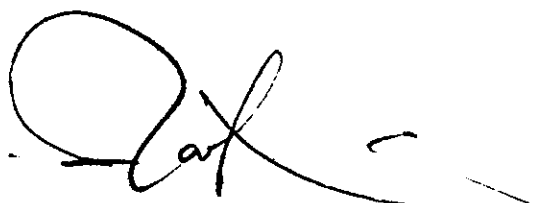
- (a) the supply, sale, transfer or carriage of arms or related materiel to certain persons or entities;
- (b) the provision of technical advice, assistance or training related to military activities in certain circumstances;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;
- (d) dealing with funds or other financial assets or economic resources belonging to, or owned or controlled by, certain persons or entities; and
- (e) entry into or transit through the HKSAR by certain persons.

**United Nations Sanctions Ordinance  
(Cap. 537)**

**United Nations Sanctions (ISIL and Al-Qaida) Regulation**

This is to confirm that the Chief Executive received specific instructions from the Ministry of Foreign Affairs of the People's Republic of China in November 2017 which requested the Government of the Hong Kong Special Administrative Region to implement Resolution 2368 of the Security Council of the United Nations, and that the United Nations Sanctions (ISIL and Al-Qaida) Regulation was made in pursuance of the instructions.

Dated this 18<sup>th</sup> day of September 2018

A handwritten signature in black ink, appearing to read 'Matthew Cheung Kin-chung', with a long horizontal stroke extending to the right.

( Matthew Cheung Kin-chung )  
Chief Secretary for Administration



## Resolution 2368 (2017)

**Adopted by the Security Council at its 8007th meeting, on  
20 July 2017**

*The Security Council,*

*Recalling* its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), 2083 (2012), 2133 (2014), 2161 (2014), 2170 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2214 (2015), 2249 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2331 (2016), 2341 (2017), 2347 (2017), 2354 (2017),

*Reaffirming* that terrorism in all forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed, and *reiterating* its unequivocal condemnation of the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida, and associated individuals, groups, undertakings, and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability,

*Recognizing* that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations,

*Reaffirming* that terrorism cannot and should not be associated with any religion, nationality, or civilization,

*Expressing* its gravest concern about the presence, violent extremist ideology and actions of ISIL, and Al-Qaida, and the growing presence of their affiliates around the world,

*Reaffirming* its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

*Recalling* the importance of Member States fulfilling all of their obligations under the Charter of the United Nations,

*Underscoring* the important role of the United Nations, in particular the United Nations Security Council, in facilitating international cooperation in countering terrorism,



*Stressing* that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism,

*Recalling* the Presidential Statements of the Security Council on threats to international peace and security caused by terrorist acts of 15 January 2013 (S/PRST/2013/1), 28 July 2014 (S/PRST/2014/14), 19 November 2014 (S/PRST/2014/23), 29 May 2015 (S/PRST/2015/11), 28 July 2015 (S/PRST/2015/14), 11 May 2016 (S/PRST/2016/6) and 13 May 2016 (S/PRST/2016/7),

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights law, international refugee law, and international humanitarian law, threats to international peace and security caused by terrorist acts, *stressing* in this regard the important role the United Nations plays in leading and coordinating this effort,

*Recognizing* that development, security, and human rights are mutually reinforcing and are vital to an effective and comprehensive approach to countering terrorism, and *underlining* that a particular goal of counter-terrorism strategies should be to ensure sustainable peace and security,

*Reaffirming* its resolution 1373 (2001) and in particular its decisions that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists,

*Urging* all States, including States where ISIL is present, to prevent any trade, economic, and financial ties with ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities, including through enhancing their border security efforts,

*Stressing* that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

*Emphasizing* that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, including in support of countering terrorism, and *stressing* in this regard the need for robust implementation of the measures in paragraph 1 of this resolution,

*Stressing* the important role the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee plays in identifying possible cases of non-compliance with the measures pursuant to paragraph 1, including its role in determining the appropriate course of action on each case,

*Recalling* that ISIL is a splinter group of Al-Qaida, and *recalling* further that any individual, group, undertaking, or entity supporting ISIL or Al-Qaida is eligible for listing,

*Condemning* the frequent, recent terrorist attacks perpetrated by ISIL around the world resulting in numerous casualties, as well as the continued gross, systematic and widespread abuses of human rights and violations of international

humanitarian law by ISIL, and *recognizing* the need for sanctions to reflect current threats and, in this regard, *recalling* paragraph 7 of resolution [2249 \(2015\)](#),

*Recalling* that all States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, and *urges* States to act in accordance with their obligations under international law, in order to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of activities conducted by terrorists or terrorist groups,

*Reminding* all States that they have an obligation to take the measures described in paragraph 1 with respect to all individuals, groups, undertakings, and entities included on the ISIL (Da'esh) and Al-Qaida Sanctions list created pursuant to resolutions [1267 \(1999\)](#), [1333 \(2000\)](#), [1989 \(2011\)](#), [2083 \(2012\)](#), and [2161 \(2014\)](#) and [2253 \(2015\)](#), regardless of the nationality or residence of such individuals, groups, undertakings, or entities,

*Urging* all Member States to participate actively in maintaining and updating the ISIL (Da'esh) & Al-Qaida Sanctions List by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings, and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

*Reminding* the ISIL (Da'esh) and Al-Qaida Sanctions Committee to remove expeditiously and on a case-by-case basis individuals, groups, undertakings, and entities that no longer meet the criteria for listing outlined in this resolution, *welcoming* improvements to the Committee's procedures and the format of the ISIL (Da'esh) & Al-Qaida Sanctions List, *expressing* its intent to continue efforts to ensure that procedures are fair and clear, and *recognizing* the challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution,

*Recognizing* the importance of building capacities of Member States to counter terrorism and terrorist financing,

*Welcoming* again the establishment of the Office of the Ombudsperson pursuant to resolution [1904 \(2009\)](#) and the enhancement of the Ombudsperson's mandate in resolutions [1989 \(2011\)](#), [2083 \(2012\)](#), [2161 \(2015\)](#) and [2253 \(2015\)](#) *noting* the Office of the Ombudsperson's significant contribution in providing additional fairness and transparency, and *recalling* the Security Council's firm commitment to ensuring that the Office of the Ombudsperson is able to continue to carry out its role effectively and independently, in accordance with its mandate,

*Welcoming* the Ombudsperson's biannual reports to the Security Council, including the reports submitted on 21 January 2011, 22 July 2011, 20 January 2012, 30 July 2012, 31 January 2013, 31 July 2013, 31 January 2014, 31 July 2014, and 2 February 2015,

*Welcoming* the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity-building, and all other United Nations bodies, and *strongly encouraging* further engagement with the United Nations Counter-



Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, and *welcoming* the initiative of the Secretary-General to transfer the current CTITF and the United Nations Counter-Terrorism Centre into the office of Counter-terrorism,

*Recalling* its resolutions 2199 (2015) and 2133 (2014) strongly condemning kidnapping and hostage-taking committed by terrorist groups for any purpose, including with the aim of raising funds or gaining political concessions, expressing its determination to prevent kidnapping and hostage-taking committed by terrorist groups and to secure the safe release of hostages without ransom payments or political concessions, in accordance with applicable international law, *reiterating its call upon* all Member States to prevent terrorists from benefiting directly or indirectly from ransom payments or from political concessions and to secure the safe release of hostages, welcoming the endorsement by the Global Counterterrorism Forum (GCTF) in September 2015 of the “Addendum to the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists” and *urging* all States to remain vigilant about kidnapping and hostage-taking by ISIL, Al-Qaida, and their affiliates,

*Gravely concerned* that in some cases ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities continue to profit from involvement in transnational organized crime, and *expressing concern* that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs, and artefacts, and from the illicit trade in natural resources including gold and other precious metals and stones, minerals, wildlife, charcoal, petroleum, and petroleum products, as well as from kidnapping for ransom and other crimes including extortion and bank robbery,

*Recognizing* the need to take measures to prevent and suppress the financing of terrorism, terrorist organizations, and individual terrorists even in the absence of a link to a specific terrorist act, including from the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors, and recalling paragraph 5 of resolution 1452 (2002),

*Recognizing* the need for Member States to prevent the abuse of non-governmental, non-profit and charitable organizations by and for terrorists, *noting* that the ongoing international campaign against terrorist financing has identified individual cases in which terrorists and terrorist organizations exploit some non-profit organizations in the sector to raise and move funds, provide logistical support, encourage terrorist recruitment, or otherwise support terrorist organizations and operations, and *calling upon* non-governmental, non-profit, and charitable organizations to prevent and oppose, as appropriate, attempts by terrorists to abuse their status through risk mitigation measures, while recalling the importance of fully respecting the rights to freedom of expression and association of individuals in civil society and freedom of religion or belief, and *welcoming* the 2016 revised international standard and guidance issued by the Financial Action Task Force (FATF) in Recommendation 8, including its recommendation for a more appropriate, risk-based approach and government engagement with the non-profit sector to appropriately and effectively mitigate terrorist abuse, and to take appropriate actions when necessary, noting that any such measures implemented by states be consistent with their international obligations, and *reiterating* that States should identify and take effective and proportionate actions against non-profit

organizations that either are exploited by or knowingly support terrorists or terrorist organizations taking into account the specifics of the case,

*Recalling* its decision that Member States shall eliminate the supply of weapons, including small arms and light weapons, to terrorists, as well as its calls on States to find ways of intensifying and accelerating the exchange of operational information regarding traffic in arms, and to enhance coordination of efforts on national, subregional, regional, and international levels,

*Strongly condemning* the continued flow of weapons, including small arms and light weapons, military equipment, unmanned aircraft systems (UASs) and their components, and improvised explosive device (IED) components to and between ISIL, Al-Qaida, their affiliates, and associated groups, illegal armed groups and criminals, and *encouraging* Member States to prevent and disrupt procurement networks for such weapons, systems and components between ISIL, Al-Qaida and associated individuals, groups, undertakings and entities, including through proposing relevant listing requests,

*Expressing* concern at the increased use, in a globalized society, by terrorists and their supporters of new information and communications technologies, in particular the Internet, to facilitate terrorist acts, as well as their use to incite, recruit, fund, or plan terrorist acts,

*Stressing* the need to effectively counter the ways that ISIL, Al-Qaida and associated individuals, groups, undertakings and entities use their narratives to incite and recruit others to commit terrorist acts, and *further recalling* in this regard resolution [2354 \(2017\)](#) and the “Comprehensive International Framework to Counter Terrorist Narratives” ([S/2017/375](#)) with recommended guidelines and good practices,

*Expressing concern* at the flow of international recruits to ISIL, Al-Qaida, and associated groups and the scale of this phenomenon, and *recalling* its resolution [2178 \(2014\)](#) deciding that Member States shall, consistent with international human rights law, international refugee law, and international humanitarian law, prevent and suppress the recruiting, organizing, transporting, or equipping of foreign terrorist fighters and the financing of their travel and of their activities,

*Reiterating* the obligation of Member States to prevent the entry into or transit through their territories of any individual about whom that State has credible information that provides reasonable grounds to believe that he or she is seeking entry into or transit through their territory for the purpose of participating in the foreign terrorist fighter-related activities described in paragraph 6 of resolution [2178 \(2014\)](#), and *reiterating* further the obligation of Member States to prevent the movement of terrorist groups, in accordance with applicable international law, by, inter alia, effective border controls, and, in this context, to exchange information expeditiously, improve cooperation among competent authorities to prevent the movement of terrorists and terrorist groups to and from their territories, the supply of weapons for terrorists, and financing that would support terrorists,

*Expressing concern* at the increasing number of foreign terrorist fighters leaving zones of armed conflict, returning to their countries of origin, transiting through, traveling to or relocating to or from other Member States, and *encouraging* Member States to share relevant information, as appropriate, within and between

governments about funding flows and movement of foreign terrorist fighters to mitigate the risk they pose,

*Calling upon* Member States to continue information sharing, through appropriate channels and arrangements, and consistent with international and domestic law, on individuals, groups, undertakings and entities implicated in terrorist activities, in particular their supply of weapons and sources of material support, and on the ongoing international counter-terrorism coordination including among special services, security agencies and law enforcement organizations and criminal justice authorities,

*Condemning* any engagement in direct or indirect trade, in particular of petroleum and petroleum products, modular refineries, and related materiel including chemicals and lubricants, with ISIL, Al-Nusrah Front (ANF), and associated individuals, groups, undertakings, and entities designated by the Committee, and *reiterating* that such engagement would constitute support for such individuals, groups, undertakings, and entities and may lead to further listings by the Committee,

*Condemning* the destruction of cultural heritage in Iraq and Syria particularly by ISIL and ANF, including targeted destruction of religious sites and objects; and *recalling its decision* that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting cross-border trade in such items, thereby allowing for their eventual safe return to the Iraqi and Syrian people,

*Recalling* its resolution [2178 \(2014\)](#) expressing concern with the continued threat posed to international peace and security by ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities, and *reaffirming* its resolve to address all aspects of that threat, including terrorist acts perpetrated by foreign terrorist fighters,

*Condemning* in the strongest terms abductions of women and children by ISIL, ANF, and associated individuals, groups, undertakings, and entities and recalling resolution [2242 \(2015\)](#), *expressing* outrage at their exploitation and abuse, including rape, sexual violence, forced marriage, and enslavement by these entities, *encouraging* all State and non-state actors with evidence to bring it to the attention of the Council, along with any information that such human trafficking and related forms of exploitation and abuse may support the perpetrators financially, *emphasizing* that this resolution requires States to ensure that their nationals and persons within their territory do not make available any funds, financial assets or economic resources for ISIL's benefit, and *noting* that any person or entity who transfers funds to ISIL directly or indirectly in connection with such exploitation and abuse would be eligible for listing by the Committee,

*Recalling* its resolution [2331 \(2016\)](#), condemning all acts of trafficking, *further expressing* its intention to invite the Special Representatives of the Secretary-General on Sexual Violence in Conflict and on Children and Armed Conflict to brief the Committee, in accordance with the Committee's rules of procedure, and to provide relevant information including, if applicable, the names of

individuals involved in the trafficking in persons who may meet the Committee's designation criteria,

*Welcoming* the efforts of the Secretariat to standardize the format of all United Nations sanctions lists to facilitate implementation by national authorities, further *welcoming* the Secretariat's efforts to translate all list entries and narrative summaries of reasons for listing available in all official languages of the United Nations, and *encouraging* the Secretariat, with the assistance of the Monitoring Team, as appropriate, to continue its work to implement the data model approved by the Committee,

*Acting* under Chapter VII of the Charter of the United Nations,

#### *Measures*

1. *Decides* that all States shall take the following measures as previously imposed by paragraph 8 (c) of resolution 1333 (2000), paragraphs 1 and 2 of resolution 1390 (2002), and paragraphs 1 and 4 of resolution 1989 (2011), with respect to ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities:

#### *Asset Freeze*

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

#### *Travel Ban*

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

#### *Arms Embargo*

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities;

#### *Listing Criteria*

2. *Decides* that acts or activities indicating that an individual, group, undertaking or entity is associated with ISIL or Al-Qaida and therefore eligible for inclusion in the ISIL (Da'esh) & Al-Qaida Sanctions List include:

(a) Participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida, ISIL, or any cell, affiliate, splinter group or derivative thereof;

3. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors;

4. *Confirms* that any individual, group, undertaking or entity either owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with ISIL or Al-Qaida, including on the ISIL (Da'esh) & Al-Qaida Sanctions List, shall be eligible for listing;

5. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting and related services, used for the support of Al-Qaida, ISIL, and other individuals, groups, undertakings or entities included on the ISIL (Da'esh) & Al-Qaida Sanctions List;

6. *Confirms* that the requirements in paragraph 1 (a) above apply to funds, financial assets or economic resources that may be made available, directly or indirectly, to or for the benefit of listed individuals in connection with their travel, including costs incurred with respect to transportation and lodging, and that such travel-related funds, other financial assets or economic resources may only be provided in accordance with the exemption procedures set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and in paragraphs 10, 80 and 81 below;

7. *Notes* that the requirements in paragraph 1 (a) above apply to financial transactions involving any funds, economic resources or income-generating activities that benefit individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List, including, but not limited to, trade in petroleum products, natural resources, chemical or agricultural products, weapons, or antiquities by listed individuals, groups, undertakings and entities, kidnapping for ransom, and the proceeds of other crimes including, trafficking in persons, extortion and bank robbery;

8. *Confirms* that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the ISIL (Da'esh) & Al-Qaida Sanctions List, regardless of how or by whom the ransom is paid;

9. *Reaffirms* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

10. *Encourages* Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), *confirms* that

exemptions to the travel ban must be submitted by Member States, individuals or the Ombudsperson, as appropriate, including when listed individuals travel for the purpose of fulfilling religious obligations, and *notes* that the Focal Point mechanism established in resolution [1730 \(2006\)](#) may receive exemption requests submitted by, or on behalf of, an individual, group, undertaking or entity on the ISIL (Da'esh) & Al-Qaida Sanctions List, or by the legal representative or estate of such individual, group, undertaking or entity, for Committee consideration, as described in paragraph 81 below;

#### *Measures implementation*

11. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above;

12. *Reaffirms* that those responsible for committing, organizing, or supporting terrorist acts must be held accountable, *recalls* its decision in resolution [1373 \(2001\)](#) that Member States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, *underlines* the importance of fulfilling this obligation with respect to such investigations or proceedings involving ISIL, Al-Qaida and associated individuals, groups, undertakings and entities, and *urges* Member States to provide full coordination in such investigations or proceedings, especially with those States where, or against whose citizens, terrorist acts are committed, in accordance with their obligations under international law, in order to find and bring to justice, extradite, or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of activities conducted by ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

13. *Reiterates* Member States' obligation to ensure that their nationals and persons in their territory not make available economic resources to ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities, *recalls also* that this obligation applies to the direct and indirect trade in petroleum and refined petroleum products, modular refineries, and related material including chemicals and lubricants, and other natural resources, and *recalls further* the importance of all Member States complying with their obligation to ensure that their nationals and persons within their territory do not make donations to individuals and entities designated by the Committee or those acting on behalf of or at the direction of designated individuals or entities;

14. *Encourages* all Member States to more actively submit to the Committee listing requests of individuals and entities supporting ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities, and directs the Committee to immediately consider, in accordance with its resolution [2199 \(2015\)](#), designations of individuals and entities engaged in financing, supporting, facilitating acts or activities, including in petroleum and antiquities trade-related activities with ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities;

15. *Recalls* its resolution [2331 \(2016\)](#), reaffirms its intention to consider targeted sanctions for individuals and entities associated with ISIL or Al-Qaida involved in trafficking in persons in areas affected by armed conflict and in sexual

violence in conflict, and encourages all Member States to consider submitting to the Committee listing requests in this regard;

16. *Expresses* increasing concern about the lack of implementation of resolutions [1267 \(1999\)](#), [1989 \(2011\)](#), [2199 \(2015\)](#) and [2253 \(2015\)](#) including the insufficient level of reporting by Member States to the Committee on the measures they have taken to comply with its provisions and *calls upon* Member States to take the necessary measures to fulfil their obligation under paragraph 12 of resolution 2199 to report to the Committee interdictions in their territory of any petroleum, petroleum products, modular refineries, and related material being transferred to or from ISIL or ANF, and *calls upon* Member States to report also such interdictions of antiquities, as well as the outcome of proceedings brought against individuals and entities as a result of any such activity;

17. *Strongly urges* all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force's (FATF) revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, particularly Recommendation 6 on targeted financial sanctions related to terrorism and terrorist financing; to apply the elements in FATF's Interpretive Note to Recommendation 6, with the final objective of effectively preventing terrorists from raising, moving and using funds, in line with the objectives of Immediate Outcome 10 of the FATF methodology; to take note of, *inter alia*, related best practices for effective implementation of targeted financial sanctions related to terrorism and terrorist financing and the need to have appropriate legal authorities and procedures to apply and enforce targeted financial sanctions that are not conditional upon the existence of criminal proceedings; and to apply an evidentiary standard of proof of "reasonable grounds" or "reasonable basis", as well as the ability to collect or solicit as much information as possible from all relevant sources;

18. *Welcomes* the recent FATF reports on the Financing of the Terrorist Organization ISIL (published February 2015) and Emerging Terrorist Financing Risks (published October 2015), and ongoing FATF work related to terrorist financing, including the development of risk indicators related to terrorist financing, *welcomes* further the recent FATF guidance on criminalizing terrorist financing (October 2016), including Interpretive Note to Recommendation 5, clarifying that Recommendation 5 applies to "funds or other assets" and that this term covers the broadest range of financial assets and economic resources, including petroleum and petroleum products and other natural resources, and other assets which could be used to obtain funds, the relevant elements of resolution [2178 \(2014\)](#), specifically clarifying that terrorist financing includes the financing of the travel of individuals who travel or attempt to travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, and *highlights* that FATF Recommendation 5 applies to the financing of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act;

19. *Encourages* FATF to continue its efforts to prioritize countering terrorist financing, in particular identifying and working with Member States with strategic anti-money laundering and countering terrorist financing deficiencies that have hindered Member States from effectively countering the financing of terrorism,

including by ISIL, Al-Qaida, and associated individuals, group, entities and undertakings, and in this regard, *reiterates* that the provision of economic resources to such groups is a clear violation of this and other relevant resolutions and is not acceptable;

20. *Clarifies* that the obligation in paragraph 1 (d) of resolution 1373 (2001) applies to making funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act;

21. *Calls upon* States to ensure that they have established as a serious criminal offense in their domestic laws and regulations the willful violation of the prohibition described in paragraph 1 (d) of resolution 1373 (2001);

22. *Calls upon* Member States to move vigorously and decisively to cut the flows of funds and other financial assets and economic resources to individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List, as required by paragraph 1 (a), and *taking into account* relevant FATF Recommendations and international standards designed to enhance financial transparency including effectively supervising the money value transfer systems and detecting and preventing the physical cross-border movement of currency to support terrorism, as well as to protect non-profit organizations, from terrorist abuse, using a risk-based approach, while working to mitigate the impact on legitimate activities through all of these mediums;

23. *Urges* Member States to remain vigilant about the use of information and communication technology for terrorist purposes and act cooperatively to prevent terrorists from recruiting and raising funds for terrorist purposes, and to counter their violent extremist propaganda and incitement to violence on the Internet and social media, including by developing effective counter narratives, while respecting human rights and fundamental freedoms and in compliance with obligations under international law, and *stresses* the importance of cooperation with civil society and the private sector in this endeavor;

24. *Urges* Member States to promote awareness of the ISIL (Da'esh) & Al-Qaida Sanctions List as widely as possible, including to relevant domestic agencies, the private sector and the general public to ensure effective implementation of the measures in paragraph 1 above and *encourages* Member States to urge that their respective company, property and other relevant public and private registries regularly screen their available databases, including but not limited to those with legal and/or beneficial ownership information, against the ISIL (Da'esh) & Al-Qaida Sanctions List;

25. *Highlights* the importance of strong relationships with the private sector in countering the financing of terrorism, *welcomes* the work by FATF to develop risk indicators related to terrorist financing and *calls upon* Member States to engage with financial institutions and share information on terrorist financing (TF) risks to provide greater context for their work in identifying potential TF activity related to ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities, and to promote stronger relationships between governments and the private sector as well as between private sector entities in countering terrorist financing;

26. *Underscores* that ransom payments to ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities continue to be one of the sources of



income which supports their recruitment efforts, strengthens their operational capability to organize and carry out terrorist attacks, and incentivizes future incidents of kidnapping for ransom, and *reaffirms* the call upon Member States in resolution 2133 (2014) to prevent terrorists from benefiting directly or indirectly from ransom payments, or from political concessions and to secure the safe release of hostages;

27. *Urges* Member States to remain vigilant about the growing presence of ISIL and its affiliates around the world, and *further urges* Member States to identify and propose for listing individuals, groups, undertakings and entities that meet the criteria in paragraph 2 of this resolution;

28. *Recognizes* the importance of information sharing within and between governments to effectively counter the financing of terrorism, *calls upon* Member States to continue exercising vigilance over relevant financial transactions and improve information-sharing capabilities and practices within and between governments through multiple authorities and channels, including law enforcement, intelligence, security services, and financial intelligence units, and also *calls upon* Member States to improve integration and utilization of financial intelligence with other types of information available to national governments to more effectively counter the terrorist financing threats posed by ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities;

29. *Decides* that Member States, in order to prevent ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities from obtaining, handling, storing, using or seeking access to all types of explosives, whether military, civilian or improvised explosives, as well as to raw materials and components that can be used to manufacture improvised explosive devices or unconventional weapons, including (but not limited to) chemical components, detonators, detonating cord, or poisons, shall undertake appropriate measures to promote the exercise of enhanced vigilance by their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction that are involved in the production, sale, supply, purchase, transfer and storage of such materials, including through the issuance of good practices, and *further encourages* Member States to share information, establish partnerships, and develop national strategies and capabilities to counter improvised explosive devices;

30. *Encourages* Member States, including through their permanent missions, and relevant international organizations to meet the Committee for in-depth discussion on any relevant issues;

31. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

32. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

33. *Encourages* Member States that issue travel documents to listed individuals to note, as appropriate, that the bearer is subject to the travel ban and corresponding exemption procedures;

34. *Encourages* Member States to consult the ISIL (Da'esh) & Al-Qaida Sanctions List when considering whether to grant travel visa applications, for the purpose of effectively implementing the travel ban;

35. *Reaffirms* its call upon Member States in resolution [2178 \(2014\)](#) to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee and further reaffirms its call upon Member States to report any such departure from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations;

36. *Calls upon* Member States to develop the capability to process Passenger Name Records (PNR) data and to ensure PNR data is used by the relevant national competent authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses, and *encourages* Member States to require that, where appropriate, airlines under their jurisdiction provide PNR to their relevant national authorities;

37. *Reaffirms* its decision in resolution [2178 \(2014\)](#) that all States shall ensure that their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of such foreign terrorist fighter-related activities described in paragraph 6 of that resolution;

38. *Encourages* Member States to exchange information expeditiously with other Member States, in particular States of origin, destination and transit, when they detect the travel of individuals on the ISIL (Da'esh) & Al-Qaida Sanctions List;

39. *Calls upon* Member States to improve international, regional, and subregional cooperation to address the issue of foreign terrorist fighters returning to their countries of origin, transiting through, traveling to or relocating to or from other Member States, including through increased sharing of information, in accordance with domestic and international law, for the purpose of identifying such movement of foreign terrorist fighters, the sharing and adoption of best practices, and improved understanding of the patterns of travel and financing used by foreign terrorist fighters;

40. *Urges* Member States to expeditiously exchange information, through bilateral or multilateral mechanisms and in accordance with domestic and international law, concerning the identity of foreign terrorist fighters, including, as appropriate, foreign terrorist fighters of more than one nationality with Member States whose nationality the foreign terrorist fighter holds, as well as to ensure consular access by those Member States to their own detained nationals, in accordance with applicable international and domestic law;

41. *Encourages* designating States to inform the Monitoring Team whether a national court or other legal authority has reviewed a listed party's case and whether any judicial proceedings have begun, and to include any other relevant information when submitting the standard form for listing;

42. *Encourages* all Member States to designate national focal points in charge of liaising with the Committee and the Monitoring Team on issues related to the implementation of the measures described in paragraph 1 above and the assessment of the threat from ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities;

43. *Encourages* all Member States to report to the Committee on obstacles to the implementation of the measures described in paragraph 1 above, with a view to facilitating technical assistance;

44. *Calls upon* all States to submit an updated report to the Committee no later than 120 days from the date of adoption of this resolution on their implementation, including relevant enforcement actions as appropriate, of the measures referred to in paragraph 1 of this resolution;

#### *The Committee*

45. *Directs* the Committee to continue to ensure that fair and clear procedures exist for placing individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List and for removing them as well as for granting exemptions per resolution [1452 \(2002\)](#), and *directs* the Committee to keep its guidelines under active review in support of these objectives;

46. *Requests* the Committee to report, through its Chair, at least once per year, to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation and on the state of the overall work of the Committee and the Monitoring Team in conjunction with other Committee Chairs, as appropriate, and *expresses* its intention to hold informal consultations at least once per year on the work of the Committee and *further requests* the Chair to hold regular briefings for all interested Member States;

47. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and directs the Chair, in regular reports to the Council pursuant to paragraph 46, to provide progress reports on the Committee's work on this issue;

48. *Confirms* that no matter should be left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, in accordance with the Committee's guidelines;

49. *Requests* the Committee to facilitate, through the Monitoring Team or specialized United Nations agencies, assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

#### *Listing*

50. *Encourages* all Member States to submit to the Committee for inclusion on the ISIL (Da'esh) & Al-Qaida Sanctions List names of individuals, groups,

undertakings and entities participating, by any means, in the financing or support of acts or activities of ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities;

51. *Reaffirms* that, when proposing names to the Committee for inclusion on the ISIL (Da'esh) & Al-Qaida Sanctions List, Member States shall use the standard form for listing, available on the Committee's website, and provide a statement of case that should include as detailed and specific reasons as possible describing the proposed basis for the listing, and as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by INTERPOL to issue a Special Notice, and *reaffirms* that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 55;

52. *Reaffirms* that Member States proposing a new listing, as well as Member States that have proposed names for inclusion on the ISIL (Da'esh) and Al-Qaida Sanctions List before the adoption of this resolution, shall specify if the Committee or the Ombudsperson may not make known the Member State's status as a designating State;

53. *Encourages* Member States to submit, where available and in accordance with their national legislation, photographs and other biometric data of individuals for inclusion in INTERPOL-United Nations Security Council Special Notices;

54. *Directs* the Committee to continue to update, as necessary, the standard form for listing in accordance with the provisions of this resolution; further *directs* the Monitoring Team to report to the Committee on further steps that could be taken to improve the quality of the ISIL (Da'esh) & Al-Qaida Sanctions List and Consolidated Sanctions List, including by improving identifying information, as well as steps to ensure that INTERPOL-United Nations Security Council Special Notices exist for all listed individuals, groups, undertakings, and entities; and further *directs* the Secretariat, with the assistance of the Monitoring Team, to implement, disseminate and maintain the data model approved by the Committee in all official languages and *requests* the Secretary-General to provide additional resources in this regard;

55. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the ISIL (Da'esh) & Al-Qaida Sanctions List, a narrative summary of reasons for listing that are as detailed and specific as possible, as well as additional relevant information;

56. *Encourages* Member States and relevant international organizations and bodies to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

57. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the

Committee's decision on listing and provide additional material for the narrative summary of reasons for listing described in paragraph 54;

58. *Reaffirms* that the Secretariat shall, after publication but within three working days after a name is added to the ISIL (Da'esh) & Al-Qaida Sanctions List, notify the Permanent Mission of the State or States where the individual or entity is believed to be located and, in the case of individuals, the State of which the person is a national (to the extent this information is known), and *requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the ISIL (Da'esh) & Al-Qaida Sanctions List;

59. *Reaffirms* the requirement that Member States take all possible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the listing and to include with this notification the narrative summary of reasons for listing, a description of the effects of listing, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraph 43 of resolution 2083 (2012) and annex II of this resolution, and the provisions of resolution 1452 (2002) and paragraphs 83 and 1 (b) of this resolution regarding available exemptions, including the possibility of submitting such requests through the Focal Point mechanism in accordance with paragraphs 11 and 83 of this resolution;

#### *Review of Delisting Requests — Ombudsperson/Member States*

60. *Decides* to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), as reflected in the procedures outlined in annex II of this resolution, for a period of 24 months from the date of expiration of the Office of the Ombudsperson's current mandate in December 2019, *affirms* that the Ombudsperson shall continue to receive requests from individuals, groups, undertakings or entities seeking to be removed from the ISIL (Da'esh) & Al-Qaida Sanctions List in an independent and impartial manner and shall neither seek nor receive instructions from any government, and *further affirms* that the Ombudsperson shall continue to present to the Committee observations and a recommendation on the delisting of those individuals, groups, undertakings or entities that have requested removal from the ISIL (Da'esh) & Al-Qaida Sanctions List through the Office of the Ombudsperson, either a recommendation to retain the listing or a recommendation that the Committee consider delisting;

61. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, where the Ombudsperson recommends retaining the listing in the Comprehensive Report of the Ombudsperson on a delisting request pursuant to annex II;

62. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with annex II of this resolution, where the Ombudsperson recommends that the Committee consider delisting, unless the Committee decides by consensus before the end of that 60-day period that the requirement shall remain in place with respect

to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

63. *Recalls* its decision that the Committee may, by consensus, shorten the 60-day period referred to in paragraph 62 on a case-by-case basis;

64. *Reiterates* that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law;

65. *Underscores* the importance of the Office of the Ombudsperson, and *requests* the Secretary-General to continue to strengthen the capacity of the Office of the Ombudsperson by providing necessary resources, including for translation services, as appropriate, and to make the necessary arrangements to ensure its continued ability to carry out its mandate in an independent, effective and timely manner, and to keep the Committee updated on actions in this regard;

66. *Strongly urges* Member States to provide all relevant information to the Ombudsperson, including any relevant confidential information, where appropriate, *encourages* Member States to provide relevant information, including any detailed and specific information, when available and in a timely manner, *welcomes* those national arrangements entered into by Member States with the Office of the Ombudsperson to facilitate the sharing of confidential information, *strongly encourages* Member States' further progress in this regard, including by concluding arrangements with the Office of the Ombudsperson for the sharing of such information, and *confirms* that the Ombudsperson must comply with any confidentiality restrictions that are placed on such information by Member States providing it;

67. *Strongly urges* Member States and relevant international organizations and bodies to encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to first seek removal from the ISIL (Da'esh) & Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson;

68. *Notes* the Financial Action Task Force (FATF) international standards and, inter alia, best practices relating to targeted financial sanctions, as referenced in paragraph 22 of this resolution;

69. *Recalls* its decision that when the designating State submits a delisting request, the requirement for States to take the measures described in paragraph 2 of this resolution shall terminate with respect to that individual, group, undertaking or entity after 60 days unless the Committee decides by consensus before the end of that 60-day period that the measures shall remain in place with respect to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further

that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

70. *Also recalls* its decision that the Committee may, by consensus, shorten the 60-day period referred to in paragraph 69 on a case-by-case basis;

71. *Further recalls* its decision that, for purposes of submitting a delisting request in paragraph 69, consensus must exist between or among all designating States in cases where there are multiple designating States; and further *recalls* its decision that co-sponsors of listing requests shall not be considered designating States for purposes of paragraph 62;

72. *Strongly urges* designating States to allow the Ombudsperson to reveal their identities as designating States to those listed individuals and entities that have submitted delisting petitions to the Ombudsperson;

73. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the ISIL (Da'esh) & Al-Qaida Sanctions List of individuals, groups, undertakings and entities that are alleged to no longer meet the criteria established in the relevant resolutions, and set out in paragraph 2 of this resolution, and *strongly urges* Member States to provide reasons for submitting their delisting requests;

74. *Encourages* States to submit delisting requests for individuals who are officially confirmed to be dead, and for entities reported or confirmed to have ceased to exist, while at the same time taking all reasonable measures to ensure that assets that had belonged to these individuals or entities will not be transferred or distributed to other individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List or any other Security Council sanctions list;

75. *Encourages* Member States, when unfreezing the assets of a deceased individual or an entity that is reported or confirmed to have ceased to exist as a result of a delisting, to recall the obligations set forth in resolution [1373 \(2001\)](#) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

76. *Reaffirms* that, prior to the unfreezing of any assets that have been frozen as a result of the listing of Usama bin Laden, Member States shall submit to the Committee a request to unfreeze such assets and shall provide assurances to the Committee that the assets will not be transferred, directly or indirectly, to a listed individual, group, undertaking or entity, or otherwise used for terrorist purposes in line with Security Council resolution [1373 \(2001\)](#), and *decides* further that such assets may only be unfrozen in the absence of an objection by a Committee member within 30 days of receiving the request, and stresses the exceptional nature of this provision, which shall not be considered as establishing a precedent;

77. *Calls upon* the Committee when considering delisting requests to give due consideration to the opinions of designating State(s), State(s) of residence, nationality, location or incorporation, and other relevant States as determined by the Committee, *directs* Committee members to provide their reasons for objecting to delisting requests at the time the request is objected to, and *requests* the Committee to provide reasons to relevant Member States and national and regional courts and bodies, upon request and where appropriate;

78. *Encourages* all Member States, including designating States and States of residence, nationality, location or incorporation to provide all information to the Committee relevant to the Committee's review of delisting petitions, and to meet with the Committee, if requested, to convey their views on delisting requests, and further *encourages* the Committee, where appropriate, to meet with representatives of national or regional organizations and bodies that have relevant information on delisting petitions;

79. *Confirms* that the Secretariat shall, within three days after a name is removed from the ISIL (Da'esh) & Al-Qaida Sanctions List, notify the Permanent Mission of the State(s) of residence, nationality, location or incorporation (to the extent this information is known), and *recalls* its decision that States receiving such notification shall take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual, group, undertaking or entity of the delisting in a timely manner;

80. *Reaffirms* that, in cases in which the Ombudsperson is unable to interview a petitioner in his or her state of residence, the Ombudsperson may request, with the agreement of the petitioner, that the Committee consider granting exemptions to the restrictions on assets and travel in paragraphs 1 (a) and (b) of this resolution for the sole purpose of allowing the petitioner to meet travel expenses and travel to another State to be interviewed by the Ombudsperson for a period no longer than necessary to participate in this interview, provided that all States of transit and destination do not object to such travel, and further directs the Committee to notify the Ombudsperson of the Committee's decision;

#### *Exemptions/Focal Point*

81. *Recalls* that the assets freeze measures outlined in paragraph 1 above shall not apply to funds and other financial assets or economic resources that the Committee determines to be:

(a) necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, following notification of intention to authorize access to such funds and in the absence of a negative decision by the Committee within 3 working days of the notification;

(b) necessary for extraordinary expenses, being expenses other than basic expenses, following notification of the intention to authorize release of such funds and approval of the Committee of the request within 5 working days of the notification, and where appropriate, there should be specific periods of time requested by the notifying Member States for such expenses;

82. *Reaffirms* that the Focal Point mechanism established in resolution [1730 \(2006\)](#) may:

(a) Receive requests from listed individuals, groups, undertakings, and entities for exemptions to the measures outlined in paragraph 1 (a) of this resolution, as defined in resolution [1452 \(2002\)](#) provided that the request has first been submitted for the consideration of the State of residence, and *reaffirms* further that



the Focal Point shall transmit such requests to the Committee for a decision, directs the Committee to consider such requests, including in consultation with the State of residence and any other relevant States, and further directs the Committee, through the Focal Point, to notify such individuals, groups, undertakings or entities of the Committee's decision;

(b) Receive requests from listed individuals for exemptions to the measures outlined in paragraph 1 (b) of this resolution and transmit these to the Committee to determine, on a case-by-case basis, whether entry or transit is justified, directs the Committee to consider such requests in consultation with States of transit and destination and any other relevant States, and *reaffirms* further that the Committee shall only agree to exemptions to the measures in paragraph 1 (b) of this resolution with the agreement of the States of transit and destination, and further directs the Committee, through the Focal Point, to notify such individuals of the Committee's decision;

83. *Reaffirms* that the Focal Point may receive, and transmit to the Committee for its consideration, communications from:

(a) individuals who have been removed from the ISIL (Da'esh) & Al-Qaida Sanctions List;

(b) individuals claiming to have been subjected to the measures outlined in paragraph 1 above as a result of false or mistaken identification or confusion with individuals included on the ISIL (Da'esh) & Al-Qaida Sanctions List;

84. *Directs* the Committee, with the assistance of the Monitoring Team and in consultation with relevant States, to carefully consider such communications and to respond, through the Focal Point, to such communications referred to in paragraph 83 (b), as may be appropriate, within 60 days, and *further directs* the Committee, in consultation with INTERPOL as may be appropriate, to communicate with Member States as may be appropriate to address possible or confirmed cases of false or mistaken identity or confusion with individuals included on the ISIL (Da'esh) & Al-Qaida Sanctions List;

*Review and maintenance of the ISIL (Da'esh) & Al-Qaida Sanctions List*

85. *Encourages* all Member States, in particular designating States and States of residence, nationality, location or incorporation, to submit to the Committee additional identifying and other information, including where possible and in accordance with their national legislation, photographs and other biometric data of individuals along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

86. *Requests* the Monitoring Team to circulate to the Committee every twelve months a list compiled in consultation with the respective designating States and States of residence, nationality, location or incorporation, where known, of:

(a) individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them;

(b) individuals on the ISIL (Da'esh) & Al-Qaida Sanctions List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets;

(c) individuals, groups, undertakings and entities on the ISIL (Da'esh) & Al-Qaida Sanctions List that are reported or confirmed to have ceased to exist, along with an assessment of any relevant information;

(d) any other names on the ISIL (Da'esh) & Al-Qaida Sanctions List that have not been reviewed in three or more years ("the triennial review");

87. *Directs* the Committee to review whether these listings remain appropriate, and *further directs* the Committee to remove listings if it decides they are no longer appropriate;

88. *Directs* the Monitoring Team to refer to the Chair for review listings for which, after three years, no relevant State has responded in writing to the Committee's requests for information, and in this regard, *reminds* the Committee that its Chair, acting in his or her capacity as Chair, may submit names for removal from the ISIL (Da'esh) & Al-Qaida Sanctions List, as appropriate and subject to the Committee's normal decision-making procedures;

#### *Coordination and outreach*

89. *Directs* the Committee to continue to cooperate with other relevant Security Council Sanctions Committees, in particular those established pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#), [1988 \(2011\)](#), [1970 \(2011\)](#) and [2140 \(2014\)](#);

90. *Reiterates* the need to enhance ongoing cooperation among the Committee and United Nations counter-terrorism bodies, including the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution [1540 \(2004\)](#), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to these bodies;

91. *Encourages* the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with the Counter-Terrorism Executive Directorate (CTED) and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

92. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 2 above, with a view to encouraging States to comply fully with this resolution and resolutions [1267 \(1999\)](#), [1333 \(2000\)](#), [1390 \(2002\)](#), [1455 \(2003\)](#), [1526 \(2004\)](#), [1617 \(2005\)](#), [1735 \(2006\)](#), [1822 \(2008\)](#), [1904 \(2009\)](#), [1988 \(2011\)](#), [1989 \(2011\)](#), [2082 \(2012\)](#), [2083 \(2012\)](#), and [2133 \(2014\)](#), [2161 \(2014\)](#), [2178 \(2014\)](#), [2195 \(2014\)](#), [2199 \(2015\)](#), and [2214 \(2015\)](#) and [2253 \(2015\)](#);

93. *Directs* the Committee to consider requests for information from States and international organizations with ongoing judicial proceedings concerning implementation of the measures imposed in paragraph 1 above, and to respond as appropriate with additional information available to the Committee and the Monitoring Team;

*Monitoring Team*

94. *Decides*, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team and its members, established pursuant to paragraph 7 of resolution [1526 \(2004\)](#), for a further period of twenty four months from the expiration of its current mandate in December 2019, under the direction of the Committee with the responsibilities outlined in annex I, and *requests* the Secretary-General to make the necessary arrangements to this effect, and *welcomes* the restructuring under way in the Secretariat which will allow the Monitoring Team to receive and fully enjoy the benefits of the additional substantive and administrative staff and resources requested in paragraph 90 of resolution [2253 \(2015\)](#) to effectively, safely, and in a timely manner fulfil its mandate, including with regard to duty of care in high-risk environments, under the direction of the Committee, a subsidiary organ of the Security Council, and *requests* further updates from the Secretariat by December 17 2017 on the restructuring;

95. *Directs* the Monitoring Team, in its comprehensive, independent reports to the Committee referred to in paragraph (a) of annex 1, to report on relevant thematic and regional topics and developing trends as may be requested by the Security Council or the Committee following the adoption of this resolution;

96. *Encourages* relevant United Nations Missions, within their existing mandates, resources, and capabilities, to assist the Committee and the Monitoring Team, such as through logistical support, security assistance, and exchange of information in their work relevant to the threat by ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities in their respective areas of deployment;

97. *Directs* the Monitoring Team to identify, gather information on, and keep the Committee informed of instances and common patterns of non-compliance with the measures imposed in this resolution, as well as to facilitate, upon request by Member States, assistance on capacity-building, requests the Monitoring Team to work closely with State(s) of residence, nationality, location or incorporation, designating States, other relevant States, and relevant United Nations Missions, and further directs the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

98. *Directs* the Committee, with the assistance of its Monitoring Team, to hold special meetings on important thematic or regional topics and Member States' capacity challenges, in consultation, as appropriate, with the Counter Terrorism Committee and CTED, CTITF, and with the FAFT to identify and prioritize areas for the provision of technical assistance to enable more effective implementation by Member States;

99. *Requests* the Analytical Support and Sanctions Monitoring Team to provide the Committee established pursuant to resolutions [1267 \(1999\)](#) and [1989](#)

(2011) on a quarterly basis oral briefings on its analysis of global implementation of resolutions 2199 (2015) and 2178 (2014) including gathered information and analysis relevant to potential sanctions designations by Member States or Committee actions that could be taken;

100. *Recalls* its request in paragraph 14 of resolution 2331 (2016) to the Analytical Support and Sanctions Monitoring Team, when consulting with Member States, to include in their discussions the issue of trafficking in persons in the areas of armed conflict and the use of sexual violence in armed conflict as it relates to ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities and to report to the Committee on these discussions as appropriate;

#### *ISIL Reporting*

101. *Emphasizing* the threat posed to international peace and security by ISIL and associated individuals, groups, undertakings, and entities, *requests* the Secretary-General to continue to provide strategic-level reports that demonstrate and reflect the gravity of the aforementioned threat, including from foreign terrorist fighters joining ISIL and associated groups and entities, foreign terrorist fighters returning to their countries of origin, transiting through, traveling to or relocating to or from other Member States, and the sources of financing of these groups and entities including through illicit trade in petroleum, antiquities, and other natural resources, as well as their planning and facilitation of attacks, any support to ISIL, Al-Qaida or any individual included on the ISIL and Al-Qaida Sanctions List, and reflects the range of United Nations efforts in support of Member States in countering this threat, the next report to be provided by 31 January 2018 and then every six months thereafter, with the input of CTED, in close collaboration with the Monitoring Team, as well as other relevant United Nations actors;

#### *Additions to the Sanctions List*

102. *Decides* that the individuals and entities specified in Annex III of this resolution shall be subject to the measures imposed in paragraph 1 of this resolution and added to the ISIL (Da'esh) and Al-Qaida Sanctions List;

103. *Directs* the Committee to make accessible on the Committee's website the narrative summaries of reasons and list entries for listing the individuals and entities specified in Annex III of this resolution as agreed by the Council and *confirms* that the provisions of this resolution and subsequent relevant resolutions shall apply to the names specified in Annex III for so long as they remain on the ISIL (Da'esh) and Al-Qaida Sanctions List;

#### *Reviews*

104. *Decides* to review the measures described in paragraph 1 above with a view to their possible further strengthening in eighteen months or sooner if necessary;

105. *Decides* to remain actively seized of the matter.

## Annex I

In accordance with paragraph 94 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following mandates and responsibilities:

(a) To submit, in writing, comprehensive, independent reports to the Committee, every six months, the first by 31 December 2017, on the following issues:

(i) implementation by Member States of the measures referred to in paragraph 2 of this resolution;

(ii) the global threat posed by ISIL, Al-Qaida, al-Nusrah Front and associated individuals, groups, undertakings, and entities, including (but not limited to) the threat posed by the presence of ISIL and its affiliates in Iraq, the Syrian Arab Republic, Libya, and Afghanistan and beyond, and the threats presented by Boko Haram;

(iii) the impact of the measures in resolution [2199 \(2015\)](#) and resolution [2253 \(2015\)](#) including progress on implementation of these measures, unintended consequences and unexpected challenges, as mandated in that resolutions in the form of updates on each of the following subjects: petroleum and petroleum products trade; trade in cultural property; kidnapping for ransom and external donations; natural resources; the proceeds of crimes including trafficking in persons, extortion and bank robbery direct or indirect supply; sale or transfer of arms and related material of all types; as part of the impact assessment, pursuant to paragraph 30 of resolution [2199 \(2015\)](#);

(iv) the threat posed by foreign terrorist fighters recruited by or joining Al-Qaida, ISIL, and all other associated groups, undertakings;

(v) any other issues that the Security Council or the Committee requests the Monitoring Team to include in its comprehensive reports as set forth in paragraph 95 of this resolution; and

(vi) specific recommendations related to improved implementation of relevant sanctions measures, including those referred to in paragraph 1 of this resolution, resolution [2178 \(2014\)](#) and resolution [2199 \(2015\)](#), and possible new measures;

(b) To assist the Ombudsperson in carrying out his or her mandate as specified in annex II of this resolution, including by providing updated information on those individuals, groups, undertakings or entities seeking their removal from the ISIL (Da'esh) & Al-Qaida Sanctions List;

(c) To assist the Committee in regularly reviewing names on the ISIL (Da'esh) & Al-Qaida Sanctions List, including by undertaking travel on behalf of the Committee, as a subsidiary organ of the Security Council and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(d) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 2 of this resolution;

(e) To submit a comprehensive programme of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(f) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(g) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

(h) To gather information, on behalf of the Committee, on instances of reported non-compliance with the measures referred to in paragraph 2 of this resolution, including by collating information from all relevant sources, including Member States, and engaging with related parties, pursuing case studies, both on its own initiative and upon the Committee's request, and to provide cases of non-compliance and recommendations to the Committee on actions to respond to such cases of non-compliance for its review;

(i) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 2 of this resolution and in preparing proposed additions to the ISIL (Da'esh) & Al-Qaida Sanctions List;

(j) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 55 of this resolution;

(k) To consult with the Committee or any relevant Member States, as appropriate, when identifying that certain individuals or entities should be added to, or removed from, the ISIL (Da'esh) & Al-Qaida Sanctions List;

(l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly reported information on a deceased individual;

(m) To consult with Member States in advance of travel to selected Member States, based on its programme of work as approved by the Committee;

(n) To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the state of visit where appropriate;

(o) To cooperate closely with relevant United Nations counter-terrorism bodies in providing information on the measures taken by Member States on kidnapping and hostage-taking for ransom by Al-Qaida, ISIL, and associated individuals, groups, undertakings, and entities, and on relevant trends and developments in this area;

(p) To encourage Member States to submit names and additional identifying information for inclusion on the ISIL (Da'esh) & Al-Qaida Sanctions List, as instructed by the Committee;

(q) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the ISIL (Da'esh) & Al-Qaida Sanctions List as updated and accurate as possible;

(r) To encourage Member States to provide information to the Monitoring Team that is relevant to the fulfilment of its mandate, as appropriate;

(s) To study and report to the Committee on the changing nature of the threat of Al-Qaida and ISIL, and the best measures to confront them, including by developing, within existing resources, a dialogue with relevant scholars, academic bodies and experts through an annual workshop and/or other appropriate means, in consultation with the Committee;

(t) To collate, assess, monitor, report on, and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 2 (a) of this resolution as it pertains to preventing the criminal misuse of the Internet by ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities, which shall be included in the Monitoring Team's regular report as outlined in section (a) of this annex; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(u) To consult with Member States and other relevant organizations, including the International Air Transport Association (IATA), the International Civil Aviation Organization (ICAO), the World Customs Organization (WCO), INTERPOL, the Financial Action Task Force (FATF) and its regional bodies as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO), including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be reflected in the Monitoring Team's reports referred to in paragraph (a) of this annex, such as gaps and challenges in States' implementation of the measures in this resolution;

(v) To consult, in confidence, with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen implementation of the measures;

(w) To consult with Member States, relevant representatives of the private sector, including financial institutions and relevant non-financial businesses and professions, and international and regional organizations, including FATF and its regional bodies, to promote awareness of, and enhanced compliance with, and to learn about the practical implementation of the asset freeze and to develop recommendations for the strengthening of the implementation of that measure;

(x) To consult with Member States, relevant representatives of the private sector and international and regional organizations, including ICAO, IATA, WCO and INTERPOL, to promote awareness of, and enhanced compliance with, and to learn about the practical implementation of the travel ban, including the use of advanced passenger information provided by civil aircraft operators to Member States, and to develop recommendations for the strengthening of the implementation of that measure;

(y) To consult with Member States, relevant representatives of international and regional organizations and the private sector, in coordination with national authorities, as appropriate, to promote awareness of, enhance compliance with, and to learn about the practical implementation of the arms embargo, with a particular emphasis on measures to counter the use of improvised explosive devices (IEDs) by listed individuals, groups, undertakings and entities and the procurement of related components used to construct IEDs, in particular (but not limited to) trigger mechanisms, explosive precursors, commercial grade explosives, detonators, detonating cords, or poisons;

(z) To assist the Committee in facilitating assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

(aa) To work with INTERPOL and Member States to obtain photographs and, in accordance with their national legislation, biometric information of listed individuals for possible inclusion in INTERPOL-United Nations Security Council Special Notices, to work with INTERPOL to ensure that INTERPOL-United Nations Security Council Special Notices exist for all listed individuals, groups, undertakings, and entities; and to further work with INTERPOL, as appropriate, to address possible or confirmed cases of false or mistaken identify, with a view to reporting to the Committee on such instances and proposing any recommendations;

(bb) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006), and to work, in consultation with the Secretariat, to standardize the format of all United Nations sanctions lists and the Consolidated Sanctions List so as to facilitate implementation by national authorities;

(cc) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(dd) Any other responsibility identified by the Committee.

## **Annex II**

In accordance with paragraph 60 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the ISIL (Da'esh) & Al-Qaida Sanctions List or by the legal representative or estate of such individual, group, undertaking or entity (“the petitioner”).

The Council recalls that Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

### *Information gathering (four months)*

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;



(c) Answer specific questions from the petitioner about Committee procedures;

(d) Inform the petitioner in case the petition fails to properly address the original listing criteria, as set forth in paragraph 2 of this resolution, and return it to the petitioner for his or her consideration; and

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain relevant additional information, return it to the petitioner, with an appropriate explanation, for his or her consideration.

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant United Nations bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant United Nations bodies to provide, within four months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) These States' opinions on whether the delisting request should be granted; and

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. Where all designating States consulted by the Ombudsperson do not object to the petitioner's delisting, the Ombudsperson may shorten the information gathering period, as appropriate.

4. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within four months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

5. At the end of this four-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information, and any significant challenges encountered therein. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

*Dialogue (two months)*

6. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 8 below. The Ombudsperson may shorten this time period if he or she assesses less time is required.

7. During this period of engagement, the Ombudsperson:

(a) May submit questions, either orally or in writing, to the petitioner, or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Should request from the petitioner a signed statement in which the petitioner declares that they have no ongoing association with Al-Qaida, ISIL, or any cell, affiliate, splinter group, or derivative thereof, and undertakes not to associate with Al-Qaida or ISIL in the future;

(c) Should meet with the petitioner, to the extent possible;

(d) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner;

(e) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

(f) During the information gathering or dialogue phase, the Ombudsperson may share with relevant States information provided by a State, including that State's position on the delisting request, if the State which provided the information consents;

(g) In the course of the information gathering and dialogue phases and in the preparation of the report, the Ombudsperson shall not disclose any information shared by a state on a confidential basis, without the express written consent of that state; and

(h) During the dialogue phase, the Ombudsperson shall give serious consideration to the opinions of designating States, as well as other Member States that come forward with relevant information, in particular those Member States most affected by acts or associations that led to the original listing.

8. Upon completion of the period of engagement described above, the Ombudsperson, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and

(c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's recommendation, lay out for the Committee the principal arguments concerning the delisting request. The recommendation should state the Ombudsperson's views with respect to the listing as of the time of the examination of the delisting request.

*Committee discussion*

9. After the Committee has had fifteen days to review the Comprehensive Report in all official languages of the United Nations, the Chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

10. When the Committee considers the delisting request, the Ombudsperson, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

11. Committee consideration of the Comprehensive Report shall be completed no later than thirty days from the date the Comprehensive Report is submitted to the Committee for its review.

12. After the Committee has completed its consideration of the Comprehensive Report, the Ombudsperson may notify all relevant States of the recommendation.

13. Upon the request of a designating State, State of nationality, residence, or incorporation, and with the approval of the Committee, the Ombudsperson may provide a copy of the Comprehensive Report, with any redactions deemed necessary by the Committee, to such States, along with a notification to such States confirming that:

(a) All decisions to release information from the Ombudsperson's Comprehensive Reports, including the scope of information, are made by the Committee at its discretion and on a case-by-case basis;

(b) The Comprehensive Report reflects the basis for the Ombudsperson's recommendation and is not attributable to any individual Committee member; and

(c) The Comprehensive Report, and any information contained therein, should be treated as strictly confidential and not shared with the petitioner or any other Member State without the approval of the Committee.

14. In cases where the Ombudsperson recommends retaining the listing, the requirement for States to take the measures in paragraph 2 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, unless a Committee member submits a delisting request, which the Committee shall consider under its normal consensus procedures.

15. In cases where the Ombudsperson recommends that the Committee consider delisting, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with this annex II, including paragraph 7 (h), unless the Committee decides by consensus before the end of that 60-day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; provided that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of

whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of 60 days; and provided further that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council.

16. Following the conclusion of the process described in paragraphs 61 and 62 of this resolution, the Committee shall convey, within 60 days, to the Ombudsperson, whether the measures described in paragraph 1 are to be retained or terminated, and approve an updated narrative summary of reasons for listing, where appropriate. In cases where the Committee informs the Ombudsperson that it has followed his or her recommendation, the Ombudsperson immediately informs the Petitioner of the Committee's decision and submits to the Committee, for its review, a summary of the analysis contained in the Comprehensive Report. The Committee reviews the summary within 30 days of the decision to retain or terminate the listing, and communicates its views on the summary to the Ombudsperson. The purpose of the Committee's review is to address any security concerns, including to review if any information confidential to the Committee is inadvertently included in the summary. Following the Committee's review, the Ombudsperson transmits the summary to the Petitioner. The summary shall accurately describe the principal reasons for the recommendation of the Ombudsperson, as reflected in the analysis of the Ombudsperson. In his or her communication with the Petitioner, the Ombudsperson will specify that the summary of the analysis does not reflect the views of the Committee or of any of its members. In cases where the listing is retained, the summary of the analysis shall cover all the arguments for delisting by the Petitioner to which the Ombudsperson responded. In cases of delisting, the summary shall include the key points of the analysis of the Ombudsperson. In cases where the Committee informs the Ombudsperson that it has not followed his or her recommendation or that the Chair has submitted the question to the Security Council under paragraph 15 of this Annex, the Committee communicates to the Ombudsperson, within 30 days of its decision or the Council's decision, the reasons for this decision for transmission to the Petitioner. These reasons shall respond to the principal arguments of the Petitioner.

17. After the Ombudsperson receives the communication from the committee under paragraph 28, if the measures in paragraph 2 are to be retained, the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, a letter that:

- (a) Communicates the outcome of the petition;
- (b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and
- (c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 28 above.

18. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

19. The Ombudsperson may notify the petitioner, as well as those States relevant to a case but which are not members of the Committee, of the stage at which the process has reached.

*Other Office of the Ombudsperson Tasks*

20. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents;

(b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 79 of this resolution; and

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

**Annex III**

**1. Muhammad Bahrum Naim Anggih Tamtomo**

Muhammad Bahrum Naim Anggih Tamtomo is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “recruiting for,” and “otherwise supporting acts or activities of” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**2. Hanifa Money Exchange Office (branch located in Albu Kamal, Syrian Arab Republic)**

Hanifa Money Exchange Office (branch located in Albu Kamal, Syrian Arab Republic) is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “supplying, selling or transferring arms and related materiel to,” “otherwise supporting acts or activities of,” and being “either owned or controlled, directly or indirectly by, or otherwise supporting” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**3. Selselat al-Thabab**

Selselat al-Thabab is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” and “otherwise supporting acts or activities of” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**4. Jaysh Khalid Ibn al Waleed**

Jaysh Khalid Ibn al Waleed is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “supplying, selling or transferring arms and related materiel to,” “otherwise supporting acts or activities of,” and being “either owned or controlled, directly or

indirectly by, or otherwise supporting” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**5. Malik Ruslanovich Barkhanoev**

Malik Ruslanovich Barkhanoev is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “recruiting for,” and “otherwise supporting acts or activities of” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**6. Murad Iraklievich Margoshvili**

Murad Iraklievich Margoshvili is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “recruiting for,” and “otherwise supporting acts or activities of” Jabhat Fatah al-Sham, listed as Al-Nusrah Front for the People of the Levant (QDe.137).

**7. Oman Rochman**

Oman Rochman is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “recruiting for,” and “otherwise supporting acts or activities of” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

**8. Jund al Aqsa**

Jund al Aqsa is associated with ISIL or Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of,” “supplying, selling or transferring arms and related materiel to,” “otherwise supporting acts or activities of,” and being “either owned or controlled, directly or indirectly by, or otherwise supporting” Islamic State in Iraq and the Levant, listed as Al-Qaida in Iraq (QDe.115).

## United Nations Sanctions (ISIL and Al-Qaida) Regulation

Part 1

Section 1

1

## United Nations Sanctions (ISIL and Al-Qaida) Regulation

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

### Part 1

#### Preliminary

#### ~~1. Commencement~~

~~This Regulation comes into operation on 23 March 2012.~~

#### 12. Interpretation

In this Regulation—

*Al-Qaida* (基地組織) means the entity listed under permanent reference number QDe.004 in the ISIL (Da'esh) and Al-Qaida Sanctions List;

*arms or related materiel* (軍火或相關的物資) includes—

- (a) any weapon, ammunition, military vehicle, military equipment or paramilitary equipment; and
- (b) any spare part for any item specified in paragraph (a);

*assistance* (協助) means technical advice, assistance or training;

*authorized officer* (獲授權人員) means—

- (a) a police officer;

- (b) a member of the Customs and Excise Service holding an office specified in Schedule 1 to the Customs and Excise Service Ordinance (Cap. 342); or
- (c) a public officer employed in the Customs and Excise Department in the Trade Controls Officer Grade;

**Commissioner** (關長) means the Commissioner of Customs and Excise, any Deputy Commissioner of Customs and Excise or any Assistant Commissioner of Customs and Excise;

**Committee** (委員會) means the Committee of the Security Council established under paragraph 30 of Resolution 1988, Resolution 1267, Resolution 1989 and Resolution 2253 concerning ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

**economic assets** (經濟資產) means any funds or other financial assets or economic resources;

**economic resources** (經濟資源) means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

**funds** (資金) includes—

- (a) gold coin, gold bullion, cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
- (c) securities and debt instruments (including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, debenture stock and derivatives contracts);
- (d) interest, dividends or other income on or value accruing from or generated by property;



- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading and bills of sale; ~~and~~
- (g) documents evidencing an interest in funds or financial resources; ~~and~~
- (h) any other instrument of export financing;

**Hong Kong person** (香港人) means—

- (a) a person who is both a Hong Kong permanent resident and a Chinese national; or
- (b) a body incorporated or constituted under the law of the HKSAR;

**ISIL** (伊黎伊斯蘭國) means Islamic State in Iraq and the Levant, also known as Da'esh, being the entity listed under permanent reference number QDe.115 in the ISIL (Da'esh) and Al-Qaida Sanctions List;

**ISIL (Da'esh) and Al-Qaida Sanctions List** (《伊黎伊斯蘭國(達伊沙)和基地組織制裁名單》) means the list maintained by the Committee under Resolution 1267, Resolution 1989 and Resolution 2253 concerning ISIL, Al-Qaida and associated individuals, groups, undertakings and entities;

**licence** (特許) means a licence granted under ~~section 9(1);~~ Part 3;

**master** (船長), in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

**mode of transport** (運輸工具) means a ship, aircraft or vehicle;

**operator** (營運人), in relation to a ~~ship, aircraft or vehicle~~ mode of transport, means the person for the time being having the management of the ~~ship, aircraft or vehicle~~ mode of transport;

**pilot in command** (機長), in relation to an aircraft, means the pilot designated by the operator or ~~the~~ owner, as appropriate, as being—

(a) in charge of the aircraft (without being under the direction of any other pilot in the aircraft); and—

(b) charged with the safe conduct of a flight;

***prohibited goods*** (禁制物品) means any arms or related materiel;

***relevant entity*** (有關實體) means ~~a group, undertaking or entity specified by the Chief Executive as a relevant entity in accordance with section 29(b);—~~

(a) a group, undertaking or entity named in the list published under section 25(1); or

(b) a group, undertaking or entity—

(i) acting on behalf of; or

(ii) acting at the direction of,

an individual, group, undertaking or entity named in that list;

***relevant person*** (有關人士) means ~~a person specified by the Chief Executive as a relevant person in accordance with section 29(a);—~~

(a) an individual named in the list published under section 25(1); or

(b) an individual—

(i) acting on behalf of; or

(ii) acting at the direction of,

an individual, group, undertaking or entity named in that list;

***Resolution 19881267*** (《第 19881267 號決議》) means Resolution 19881267 (1999) adopted by the Security Council on 15 October 1999;

***Resolution 1989*** (《第 1989 號決議》) means Resolution 1989 (2011) adopted by the Security Council on 17 June 2011;

**Resolution 2253** (《第 2253 號決議》) means Resolution 2253 (2015) adopted by the Security Council on 17 December 2015;

**responsible person** (負責人) means—

(a) for a ship—the charterer, operator or master of the ship;

(b) for an aircraft—the charterer, operator or pilot in command of the aircraft; or

(c) for a vehicle—the operator or driver of the vehicle;

**Secretary** (局長) means the Secretary for Commerce and Economic Development;

**Security Council** (安全理事會) means the Security Council of the United Nations;

**supply** (供應) means supply, sale or transfer.

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## Part 2

### Prohibitions

#### **23. ~~Prohibition against supply, sale or transfer~~ Supply of certain goods prohibited**

- (1) This section applies to—
  - (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR ~~who is—~~:
    - ~~(i) both a Hong Kong permanent resident and a Chinese national; or~~
    - ~~(ii) a body incorporated or constituted under the law of the HKSAR.~~
- (2) A person must not supply, ~~sell or transfer~~, or agree to supply, ~~sell or transfer~~, directly or indirectly, or do any act likely to promote the supply, ~~sale or transfer~~ of, any prohibited goods—
  - (a) to, or to the order of, a relevant person or a relevant entity; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
  - ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
  - ~~(ab)~~ on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or
  - ~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~

- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the goods concerned were prohibited goods; or
  - (b) that the goods concerned were<sub>2</sub> or were to be<sub>2</sub> supplied, ~~sold or transferred~~—
    - (i) to, or to the order of, a relevant person or a relevant entity; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

### **34. Prohibition against carriage Carriage of certain goods prohibited**

- (1) This section applies to—
- (a) a ship that is registered in the HKSAR~~;~~ or is in the HKSAR;
  - (b) an aircraft that is registered in the HKSAR, or is in the HKSAR;
  - (c) any other ship or aircraft that is for the time being chartered to a person who is—
    - (i) ~~in the HKSAR;~~
    - ~~(ii) both a Hong Kong permanent resident and a Chinese national person;~~ or
    - ~~(iii) a body incorporated or constituted under the law of~~ (ii) in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section ~~32~~, a ~~ship, aircraft or vehicle~~ mode of transport must not be used for the carriage of any prohibited goods if the carriage is, or forms part of, a carriage—

- (a) to, or to the order of, a relevant person or a relevant entity;  
or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.
- (3) If a ~~ship, aircraft or vehicle~~mode of transport is used in contravention of subsection (2), each of the following persons commits an offence—
- (a) ~~in the case of~~for a ship registered in the HKSAR,~~the charterer, the operator and the master~~all of the responsible persons for the ship;
  - (b) ~~in the case of~~for any other ship—
    - (i) the charterer of the ship, if the charterer is ~~in the HKSAR, or is both~~ a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of person, or is in the HKSAR;
    - (ii) the operator of the ship, if the operator is a Hong Kong person, or is in the HKSAR,~~or is both a Hong Kong permanent resident and a Chinese national, or is a body incorporated or constituted under the law of the HKSAR; and; and~~
    - (iii) the master of the ship, if the master is ~~in the HKSAR or is~~ both a Hong Kong permanent resident and a Chinese national, or is in the HKSAR;
  - (c) ~~in the case of~~for an aircraft registered in the HKSAR,~~the charterer, the operator and the pilot in command of~~all of the responsible persons for the aircraft;
  - (d) ~~in the case of~~for any other aircraft—
    - (i) the charterer of the aircraft, if the charterer is ~~in the HKSAR, or is both a~~ a Hong Kong permanent

~~resident and a Chinese national, or is a body incorporated or constituted under the law of person, or is in~~ the HKSAR;

(ii) the operator of the aircraft, if the operator is ~~in the HKSAR, or is both~~ a Hong Kong permanent resident and a Chinese national, ~~or is a body incorporated or constituted under the law of person, or is in~~ the HKSAR; and

(iii) the pilot in command of the aircraft, if the pilot in command is ~~in the HKSAR or is~~ both a Hong Kong permanent resident and a Chinese national, ~~or is in~~ the HKSAR;

(e) ~~in the case of for~~ a vehicle, ~~all of the operator and the driver of~~ responsible persons for the vehicle.

(4) A person who commits an offence under subsection (3) is liable—

~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~

~~(ab)~~ on summary conviction—~~to a fine at level 6 and to imprisonment for 6 months;~~ or

~~(b) on conviction on indictment to a fine and to imprisonment for 7 years.~~

(5) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—

(a) that the goods concerned were prohibited goods; or

(b) that the carriage of the goods concerned was, or formed part of, a carriage—

(i) to, or to the order of, a relevant person or a relevant entity; or

- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to, or to the order of, a relevant person or a relevant entity.

**45. Prohibition against provision of certain advice, assistance or training prohibited**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR ~~who is—~~:
    - ~~(i) both a Hong Kong permanent resident and a Chinese national; or~~
    - ~~(ii) a body incorporated or constituted under the law of the HKSAR.~~
- (2) A person must not ~~provide~~, directly or indirectly, provide to a relevant person or a relevant entity any ~~technical advice, assistance or training~~ related to military activities.
- (3) A person who contravenes subsection (2) commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~
  - (a) on summary conviction— to a fine at level 6 and to imprisonment for 6 months; or
  - (b) on conviction on indictment— to a fine and to imprisonment for 7 years.
- (4) It is a defence for a person charged with an offence under subsection (3) to prove that the person did not know and had no reason to believe—
- (a) that the ~~advice, assistance or training concerned~~ was, or was to be, provided to a relevant person or a relevant entity; or



- (b) that the ~~advice,~~ assistance ~~or training concerned~~ related to military activities.

**56. Prohibition against making available funds, etc. or dealing with funds, etc. economic assets prohibited**

- (1) This section applies to—
- (a) a person acting in the HKSAR; and
  - (b) a Hong Kong person acting outside the HKSAR ~~who is—~~:
    - ~~(i) both a Hong Kong permanent resident and a Chinese national; or~~
    - ~~(ii) a body incorporated or constituted under the law of the HKSAR.~~
- (2) Except under the authority of a licence granted under section ~~97~~(1)—
- (a) a person must not ~~make available,~~ directly or indirectly, make available any ~~funds or other financial assets or~~ economic ~~resources~~assets to, or for the benefit of, a relevant person or a relevant entity; and
  - (b) a person (~~first-mentioned person~~) must not ~~deal with,~~ directly or indirectly, deal with any ~~funds or other financial assets or economic resources owned by or otherwise economic assets~~ belonging to, or ~~held downed or controlled directly or indirectly~~ by, a relevant person or a relevant entity, ~~and (including, if the first-mentioned person is a relevant person or a relevant entity, including any funds and other financial assets or economic resources owned by or otherwise the economic assets belonging to, or held downed or controlled directly or indirectly by, the first-mentioned person-).~~
- (3) However, subsection (2) does not apply if the person does the act in a place outside the HKSAR under the authority of a

permission granted in accordance with a law in force in the place (being a law substantially corresponding to section 7).

~~(43)~~ A person who contravenes subsection (2) commits an offence and is liable—

~~—(a) on conviction on indictment to a fine and to imprisonment for 7 years; or~~

~~(ab)~~ on summary conviction to a fine at level 6 and to imprisonment for 6 months; or

~~(b) on conviction on indictment—to a fine and to imprisonment for 7 years.~~

~~(54)~~ It is a defence for a person charged with an offence under subsection ~~(34)~~ to prove that the person did not know and had no reason to believe—

(a) for a contravention of subsection (2)(a)—that the ~~funds or other financial assets or economic resources concerned assets~~ were, or were to be, made available to, or for the benefit of, a relevant person or a relevant entity; or

(b) for a contravention of subsection (2)(b)—that the person was dealing with ~~funds or other financial assets or economic resources owned by or otherwise~~economic assets belonging to, or ~~held~~owned or controlled directly or indirectly by, a relevant person or a relevant entity.

~~(65)~~ A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account ~~owned by or otherwise~~ belonging to, or ~~held~~owned or controlled directly or indirectly by, a relevant person or a relevant entity with—

(a) interest or other earnings due on that account; or

(b) payment due under contracts, agreements or obligations that arose before the date on which the person or entity became a relevant person or a relevant entity; ~~or~~.

~~— (c) — payment in favour of the person or entity.~~

~~(76)~~ In this section—

*deal with* (處理) means—

- (a) in respect of funds—
  - (i) use, alter, move, allow access to or transfer;
  - (ii) deal with in any other way that would result in any change in volume, amount, location, ownership, possession, character or destination; or
  - (iii) make any other change that would enable use, including portfolio management; and
- (b) in respect of other financial assets or economic resources; ~~—~~ use to obtain funds, goods or services in any way, including by selling, hiring or mortgaging the assets or resources.

**67. ~~Prohibition against entry~~ Entry or transit by certain of persons prohibited**

(1) ~~Subject to section 8, a~~ A relevant person must not enter or transit through the HKSAR.

(2) ~~However, subsection (1) does not apply to a case in respect of which—~~

~~(a) the relevant entry or transit is necessary for the fulfilment of a judicial process; or~~

~~(b) the Committee has determined that the relevant entry or transit is justified.~~

~~(3)~~ A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 years.

~~(43)~~ This section does not apply to a person having the right of abode or the right to land in the HKSAR.

~~8. Exception to prohibition against entry or transit by certain persons~~

~~Section 7 does not apply to a case in respect of which—~~

- ~~— (a) the relevant entry or transit is necessary for the fulfillment of a judicial process; or~~
  - ~~— (b) the Committee has determined that the relevant entry into or transit through the HKSAR is justified, including an entry or transit that directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation.~~
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## Part 3

### Licences

**79. Licence for making available ~~funds, etc. to certain persons or entities~~ or dealing with ~~funds, etc. of certain persons or entities~~ economic assets**

- (1) If, on application, the Chief Executive determines that anyone or more of the requirements in subsection (2) is~~are~~ met, the Chief Executive must, ~~subject to subsection (3),~~ grant, as appropriate, a licence for—
- (a) making available ~~funds or other financial assets or~~ economic ~~resources~~assets to, or for the benefit of, a relevant person or a relevant entity; or
  - (b) dealing with ~~funds or other financial assets or economic resources owned by or otherwise~~ economic assets belonging to, or ~~held~~owned or controlled directly or indirectly by, a relevant person or a relevant entity.
- (2) The requirements ~~referred to in subsection (1)~~ are as follows—
- (a) the ~~funds or other financial assets or~~ economic ~~resources~~assets are—
    - (i) necessary for basic expenses, including payment for foodstuffs, rents, mortgages, medicines, medical treatments, taxes, insurance premiums and public utility charges;
    - (ii) exclusively for the payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services; or

- (iii) fees or service charges for the routine holding or maintenance of ~~funds or other financial assets or~~ economic ~~resources owned by or otherwise assets~~ belonging to, or ~~held~~owned or controlled directly or indirectly by, a relevant person or a relevant entity;
  - (b) the ~~funds or other financial assets or~~ economic ~~resources~~assets are necessary for extraordinary expenses.
- (3) However, if~~if~~ the Chief Executive determines that—
- ~~(a)~~ the requirement in subsection (2)(a) is met, the Chief Executive—
    - (~~a~~) must cause the Committee to be notified of the intention to grant a licence under subsection (1); and
    - (~~b~~) must grant the licence in the absence of a negative decision by the Committee within 3 working days of the notification~~;~~.
  - (~~4b~~) Also, if the Chief Executive determines that the requirement in subsection (2)(b) is met, the Chief Executive—
    - (~~a~~) must cause the Committee to be notified of the determination; and
    - (~~b~~) must not grant the licence unless the Committee approves the determination.

**810. Provision of false or misleading information or documents for purpose of obtaining licences**

- (1) A person who, for the purpose of obtaining a licence, makes any statement or provides or produces any information or document that the person knows to be false or misleading in a material particular commits an offence and is liable—
- ~~(a) on conviction on indictment to a fine and to imprisonment for 2 years; or~~

~~(a)~~ on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 2 years.

(2) A person who, for the purpose of obtaining a licence, recklessly makes any statement or provides or produces any information or document that is false or misleading in a material particular commits an offence and is liable—

~~(a) on conviction on indictment to a fine and to imprisonment for 2 years; or~~

~~(a)~~ on summary conviction—to a fine at level 6 and to imprisonment for 6 months; or

(b) on conviction on indictment—to a fine and to imprisonment for 2 years.

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## **Part 4**

### **~~Things Done outside HKSAR~~**

#### **~~11. Licence or permission granted by authorities of places outside HKSAR~~**

- ~~(1) If the circumstances described in subsection (2) apply, a provision of this Regulation that prohibits the doing of a thing by a person except under the authority of a licence does not have effect in relation to any such thing done in a place outside the HKSAR by the person.~~
- ~~(2) For the purposes of subsection (1), the circumstances are that the thing is done by the person under the authority of a licence or with permission granted, in accordance with any law in force in that place outside the HKSAR (being a law substantially corresponding to the relevant provision of this Regulation), by the authority competent in that behalf under that law.~~
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**Part ~~4~~5****Enforcement ~~of Regulation~~****~~Division 1—Investigation, etc. of Suspected Ships~~****9. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 3 applies has been, is being or is about to be used in contravention of section 3(2).

**1012. Investigation of suspected ships**  
**Power to board and search modes of transport**

~~(1) If an authorized officer has reason to suspect that a ship to which section 4 applies has been, is being or is about to be used in contravention of section 4(2), the officer may—~~

The authorized officer may—

(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the ~~ship~~mode of transport and search it; and,

~~(b) for that the purposes, of paragraph (a), use or authorize the use of reasonable force; and—~~

**11. Power to require information and production of cargo, article or document—**

~~(1) The authorized officer may require a responsible person for the mode of transport (b) request the charterer, operator or master of the ship to —~~

~~(a) provide any information relating to the ship or its cargo, or mode of transport, or to (for a ship or an aircraft) its~~

cargo or (for a vehicle) any article carried on it, that the officer may specify; or

(b) produce for inspection any of its cargo or articles, or any document relating to the ship mode of transport or to any of its cargo or articles, that the officer may specify.

(2) The power under subsection (1) includes a power to—

(a) specify whether the information should be provided orally or in writing and in what form; and

(b2) If an authorized officer has reason to suspect that a ship to specify the time by which section 4 applies is being or is about to be used in contravention of section 4(2), the officer may, for the purpose of stopping or preventing, and the place at which, the use of the ship in contravention of section 4(2) or to pursue enquiries, either there and then or on consideration of any information should be provided or the cargo, article or document should be produced in response to a request made under subsection (1)(b), for inspection.

## 12. Power to direct movement

(1) If the mode of transport is a ship, the authorized officer may do one or more of the following—

(a) direct ~~the charterer, operator or master of a~~ responsible person for the ship to refrain, except with the consent of an authorized officer, from landing, at any port specified by the authorized officer, any part of the ship's cargo that is ~~so~~ specified;

(b) ~~request the charterer, operator or master of~~ require a responsible person for the ship to take any of the following steps—

(i) to cause the ship and any of its cargo not to proceed with the voyage on which the ship is then engaged

or about to be engaged until the ~~charterer, operator or master~~responsible person is notified by an authorized officer that the ship and its cargo may ~~so~~ proceed;

(ii) if the ship is in the HKSAR, ~~to~~ cause the ship and any of its cargo to remain in the HKSAR until the ~~charterer, operator or master~~responsible person is notified by an authorized officer that the ship and its cargo may depart;

(iii) if the ship is in ~~any other~~another place, ~~to~~  
~~(A)~~ (A) to take the ship and any of its cargo to a port specified by an authorized officer;<sup>5</sup> and—  
~~(B)~~ (B) to cause the ship and its cargo to remain in that place until the ~~charterer, operator or master~~responsible person is notified by an authorized officer that the ship and its cargo may depart;

(iv) to take the ship and any of its cargo to another destination specified by an authorized officer ~~in~~by agreement with the ~~charterer, operator or master~~responsible person.

~~(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—~~

~~(a) specify whether the information should be provided orally or in writing and in what form; and~~

~~(b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.~~

**13. — Offences by charterer, operator or master of ship**

- ~~(1) A charterer, operator or master of a ship who disobeys any direction given under section 12(2)(a), or, without reasonable excuse, refuses or fails to comply with a request made under section 12(1)(b) or (2)(b) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~
- ~~(2) A charterer, operator or master of a ship who, in response to a request made under section 12(1)(b) or (2)(b), provides or produces to an authorized officer any information or document that the charterer, operator or master knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

**14. — Power of authorized officers to enter and detain ships**

- ~~(1) Without limiting section 13, if an authorized officer has reason to suspect that a request that has been made under section 12(2)(b) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—~~
- ~~(a) enter or authorize the entry on any land or the ship concerned;~~
- ~~(b) detain or authorize the detention of that ship or any of its cargo;~~
- ~~(c) use or authorize the use of reasonable force.~~
- ~~(2) Subject to subsection (3), subsection (1) does not authorize the detention of a ship for more than 12 hours.~~

- ~~(3) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, and the order must state the time from which, and period for which, the order is effective.~~

## ~~Division 2—Investigation, etc. of Suspected Aircraft~~

### ~~15.—Investigation of suspected aircraft~~

- ~~(1) If an authorized officer has reason to suspect that an aircraft to which section 4 applies has been, is being or is about to be used in contravention of section 4(2), the officer may—~~
- ~~(a) either alone or accompanied and assisted by any person acting under the officer's authority, board the aircraft and search it and, for that purpose, use or authorize the use of reasonable force; and~~
  - ~~(b) request the charterer, operator or pilot in command of the aircraft to provide any information relating to the aircraft or its cargo, or produce for inspection any of its cargo or any document relating to the aircraft or its cargo, that the officer may specify.~~
- (2) If the mode of transport is an aircraft and the aircraft referred to in ~~subsection (1)~~ is in the HKSAR, ~~the~~an authorized officer may require a responsible person for, ~~either there and then or on~~ consideration of any information provided or cargo or document produced in response to a request made under ~~subsection (1)(b)~~, further request the charterer, operator or pilot in command of the aircraft to cause the aircraft and any of its cargo to remain in the HKSAR until the responsible person ~~charterer, operator or pilot in command~~ is notified by an authorized officer that the aircraft and its cargo may depart.

- ~~(3) A power conferred by this section to request a person to provide any information or produce any cargo or document for inspection includes a power to—~~
- ~~(a) specify whether the information should be provided orally or in writing and in what form; and~~
  - ~~(b) specify the time by which, and the place in which, the information should be provided or the cargo or document should be produced for inspection.~~

#### ~~16. Offences by charterer, operator or pilot in command of aircraft~~

- ~~(1) A charterer, operator or pilot in command of an aircraft who, without reasonable excuse, refuses or fails to comply with a request made under section 15(1)(b) or (2) within the time specified by an authorized officer or, if no time is specified, within a reasonable time, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~
- ~~(2) A charterer, operator or pilot in command of an aircraft who, in response to a request made under section 15(1)(b) or (2), provides or produces to an authorized officer any information or document that the charterer, operator or pilot in command knows to be false in a material particular, or recklessly provides or produces to an authorized officer any information or document that is false in a material particular, commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.~~

#### ~~17. Power of authorized officers to enter and detain aircraft~~

- ~~(1) Without limiting section 16, if an authorized officer has reason to suspect that a request that has been made under section 15(2) may not be complied with, the officer may take any steps that appear to the officer to be necessary to secure compliance with that request including, in particular, any of the following steps—~~

- ~~— (a) enter or authorize the entry on any land or the aircraft concerned;~~
- ~~— (b) detain or authorize the detention of that aircraft or any of its cargo;~~
- ~~— (c) use or authorize the use of reasonable force.~~
- ~~— (2) Subject to subsection (3), subsection (1) does not authorize the detention of an aircraft for more than 6 hours.~~
- ~~— (3) The Chief Secretary for Administration may, by order in writing, authorize the detention of an aircraft for further periods of not more than 6 hours each, and the order must state the time from which, and period for which, the order is effective.~~

### ~~Division 3 — Investigation, etc. of Suspected Vehicles~~

#### ~~18. — Investigation of suspected vehicles~~

- ~~— (1) If an authorized officer has reason to suspect that a vehicle in the HKSAR has been, is being or is about to be used in contravention of section 4(2), the officer may —~~
  - ~~— (a) either alone or accompanied and assisted by any person acting under the officer's authority, board the vehicle and search it and, for that purpose, use or authorize the use of reasonable force;~~
  - ~~— (b) request the operator or driver of the vehicle to provide any information relating to the vehicle or any article carried on it, or produce for inspection any article carried on it or any document relating to the vehicle or any article carried on it, that the officer may specify; and~~
- ~~(3e) If the mode of transport is a vehicle, the authorized officer may require a responsible person for the vehicle to — further request, either there and then or on consideration of any information~~

~~provided or article or document produced in response to a request made under paragraph (b), the operator or driver to—~~

~~(a) take the vehicle and any article carried on it to a place specified by an authorized officer;~~ and ~~to—~~

~~(b) cause the vehicle and the article to remain in that place until the responsible person ~~operator or driver~~ is notified by an authorized officer that the vehicle and the article may depart.~~

~~(2) A power conferred by this section to request a person to provide any information or produce any article or document for inspection includes a power to—~~

~~(a) specify whether the information should be provided orally or in writing and in what form; and~~

~~(b) specify the time by which, and the place in which, the information should be provided or the article or document should be produced for inspection.~~

**1319. Failure to comply with direction or requirement**~~Offences by operator or driver of vehicle~~

(1) ~~A responsible person for a mode of transport commits an offence if, An operator or driver of a vehicle who, without reasonable excuse, the person—~~

~~(a) disobeys a direction given under section 12(1)(a); or~~

~~(b) refuses or fails to comply with a requirement~~request~~ made under section 11(1) or 12(1)(b), (2) or (3) ~~—18(1)(b) or (c)~~~~

~~(i) within the time specified by an authorized officer,~~  
or,

~~(ii) if no time is specified—, within a reasonable time;~~



(2) A person who commits an offence under subsection (1) and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

#### **14. Provision of false or misleading information or documents**

(12) A responsible person for a mode of transport commits an offence if the person~~An operator or driver of a vehicle who~~, in response to a requirement ~~request~~ made under section 11(1)~~—18(1)(b) or (c),~~

(a) provides or produces to an authorized officer any information or document that the person~~operator or driver~~ knows to be false or misleading in a material particular;; or

(b) recklessly provides or produces to an authorized officer any information or document that is false or misleading in a material particular.;

(2) A person who commits an offence under subsection (1) and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

#### **1520. Power of authorized officers to enter and detain modes of transport**~~vehicles~~

(1) Without limiting sections 13 and 14~~19~~, this section applies if an authorized officer has reason to suspect that a requirement~~request that has been~~ made under section 12(1)(b), (2) or (3)~~18(1)(e)~~ may not be complied with.;

(2) ~~T~~he officer may take any steps that appear to the officer to be necessary, to secure compliance with that request requirement including, in particular, any of the following steps to—

(a) enter or authorize the entry on any land or the mode of transport ~~enter or authorize the entry into the vehicle~~ concerned;

- (b) detain or authorize the detention of the mode of transport, or of (for a ship or an aircraft) any of its cargo or (for a ~~that~~ vehicle) or any article carried on it; or
- (c) use or authorize the use of reasonable force.
- ~~(32)~~ Subject to subsections ~~(43)~~ and (5), subsection ~~(24)~~ does not authorize the detention of a ship or vehicle for more than 12 hours, or of an aircraft for more than 6 hours.
- (4) The Chief Secretary for Administration may, by order in writing, authorize the detention of a ship for further periods of not more than 12 hours each, or of an aircraft for further periods of not more than 6 hours each.
- ~~(53)~~ The Commissioner may, by order in writing, authorize the detention of a vehicle for further periods of not more than 12 hours each, ~~and the~~
- (6) An order under subsection (4) or (5) must state the time from which, and period for which, the order is effective.

### ~~Division 4—Proof of Identity~~

#### 1624. Production of proof of identity

Before or on exercising a power conferred by ~~this Partsection 12, 14, 15, 17, 18 or 20~~, an authorized officer must, if requested by any person ~~so to do~~, produce proof of the officer's identity to the person for inspection.

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## Part 56

### Evidence

#### 17. Interpretation of Part 5

In this Part—

*premises* (處所) includes any place and, in particular, includes—

(a) any mode of transport or offshore structure; and

(b) any tent or movable structure;

*seized property* (被檢取財產) means anything seized under section 18(3).

#### 1822. Power of magistrate or judge to grant warrant

(1) A magistrate or judge may grant a warrant if satisfied by information on oath given by an authorized officer that there are reasonable grounds for suspecting that—

(a) an offence under this Regulation has been committed or is being committed; and

(b) there is, on any premises specified in the information, ~~or on any ship, aircraft or vehicle so specified~~, evidence in relation to the commission of the offence.

(2) A warrant granted under subsection (1) may authorize ~~any~~ any authorized officer, together with any other person named in the warrant, ~~to enter the premises, ship, aircraft or vehicle specified in the information or any premises on which the ship, aircraft or vehicle so specified may be,~~ at any time within ~~one~~ 1 month from the date of the warrant, ~~to—~~

(a) enter the premises specified in the information; and to—

(b) search the premises, ~~ship, aircraft or vehicle.~~

- (3) A person authorized by a warrant to search any premises, ~~ship, aircraft or vehicle~~ may exercise any or all of the following powers—
- (a) the power to search any person who is found on, or whom the authorized person has reasonable grounds to believe to have recently left or to be about to enter, the premises; ~~ship, aircraft or vehicle~~;
- (b) the power to seize and detain ~~any document, cargo or article~~anything found—
- (i) on the premises, ~~ship, aircraft or vehicle or~~; or
- (ii) on any person referred to in paragraph (a),
- that the authorized person has reasonable grounds to believe to be evidence in relation to the commission of an offence under this Regulation;
- (c) the power to take in relation to ~~any document, cargo or article~~anything seized under paragraph (b) any other steps that may appear necessary for preserving the ~~document, cargo or article~~thing and preventing interference with it.
- (4) A person may only be searched under this section by a person who is of the same sex.
- (5) If a person is empowered under this section to enter any premises, ~~ship, aircraft or vehicle~~, the person may use any force that is reasonably necessary for ~~that~~the purpose.

**1923. Detention of ~~documents, cargoes or articles~~ seized property**

- (1) ~~Subject to subsection (2), any document, cargo or article~~A seized ~~under section 22(3)~~property may not be detained for more than 3 months.
- (2) However, if the ~~document, cargo or article~~seized property is relevant to an offence under this Regulation, and proceedings

for the offence have begun, ~~the document, cargo or article~~it may be detained until the completion of those proceedings.

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## Part ~~6~~7

### Disclosure of Information or Documents

#### 2024. Disclosure of information or documents

- (1) Any information or document provided, produced or seized under this Regulation may be disclosed only if—
  - (a) the person who provided or produced the information or document or from whom the document was seized has given consent to the disclosure;
  - (b) the information or document is disclosed to a person who would have been empowered under this Regulation to requestrequire that it be provided or produced;
  - (c) the information or document is disclosed on the authority of the Chief Executive, subject to the information or document being transmitted through and with the approval of the instructing authority, to—
    - (i) any organ of the United Nations;
    - (ii) any person in the service of the United Nations; or
    - (iii) the Government of any place outside the People's Republic of China,  
for the purpose of assisting the United Nations or that Government in securing compliance with, or detecting evasion of, measures in relation to AfghanistanISIL, Al-Qaida and associated individuals, groups, undertakings and entities decided on by the Security Council; or
  - (d) the information or document is disclosed with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence under this Regulation.
- (2) For the purposes of subsection (1)(a)—

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- (a) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right; and
- (ba) a person may not give consent to the disclosure if the person has obtained the information or possessed the document only in the person's capacity as servant or agent of another person;~~and.~~
- ~~(b) a person may give consent to the disclosure if the person is entitled to the information or to the possession of the document in the person's own right.~~
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## Part 78

### Other Offences and Miscellaneous Matters

#### 2125. Liability of persons other than principal offenders

(1) If ~~\_\_\_~~

~~\_\_\_~~ (a) the person convicted of an offence under this Regulation is a body corporate; and~~—~~

~~\_\_\_~~ (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate,

the director, manager, secretary or other similar officer is also guilty of the ~~like~~-offence.

(2) If ~~\_\_\_~~

~~\_\_\_~~ (a) the person convicted of an offence under this Regulation is a firm; and~~—~~

~~\_\_\_~~ (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of, any partner in the firm or any other person concerned in the management of the firm,

the partner or ~~the other~~ person ~~concerned in the management of the firm~~ is also guilty of the ~~like~~-offence.

#### 2226. Offences in relation to obstruction of authorized persons, etc.

A person who obstructs another person (including a person acting under the authority of an authorized officer) in the exercise of the powers of that other person under this Regulation commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.



**2327. Offences in relation to evasion of this Regulation**

A person who destroys, mutilates, defaces, secretes or removes ~~any document, cargo or article~~anything with intent to evade any of the provisions of this Regulation commits an offence and is liable—

- ~~(a) on conviction on indictment to a fine and to imprisonment for 2 years; or~~
- (~~a~~b) on summary conviction—~~to a fine at level 6 and to imprisonment for 6 months; or~~
- ~~(b) on conviction on indictment to a fine and to imprisonment for 2 years.~~

**2428. Consent and time limit for proceedings**

- (1) Proceedings for an offence under this Regulation may only be instituted by or with the consent of the Secretary for Justice.
- (2) Summary proceedings against a person for an offence under this Regulation that is alleged to have been committed outside the HKSAR ~~may~~must be commenced ~~at any time not later than~~within 12 months from the date on which the person ~~charged~~ first enters the HKSAR after the alleged commission of the offence.

**2529. Publication of list of individuals, groups, undertakings and entities by Secretary~~Specification of relevant person or relevant entity by Chief Executive~~**

- ~~(1) The Secretary~~Chief Executive may publish on the website of the Commerce and Economic Development Bureau (CEDB) a list of individuals, groups, undertakings and entities for the purposes of the definitions of *relevant person* and *relevant entity* in section 1, ~~by notice published in the Gazette,~~ specify—

- ~~(a) as a relevant person, a person referred to in the list maintained by the Committee for the purposes of paragraph 1 of Resolution 1988; and~~
- ~~(b) as a relevant entity, a group, undertaking or entity~~
- (2) The Secretary may include in the list the name of an individual, group, undertaking or entity included in the ISIL (Da'esh) and Al-Qaida Sanctions List.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual, group, undertaking or entity from the list if the individual, group, undertaking or entity no longer meets the description under subsection (2).
- (5) If a list is published under subsection (1), the Secretary is to make a copy of the list available for inspection by the public free of charge at the office of the Secretary during normal office hours.
- (6) In any legal proceedings, a document purporting to be a copy of a list referred to in that list subsection (1) printed from the website of the CEDB—
  - (a) is admissible in evidence on production without further proof; and
  - (b) unless the contrary is proved, is evidence of the information contained in the list.

**2630. Exercise of powers of Chief Executive**

- (1) The Chief Executive may delegate any of the Chief Executive's powers or functions under this Regulation to any person or class or description of person.

- (2) The Chief Executive may authorize a person to whom a power or function is delegated to sub-delegate it to ~~any other~~another person or class or description of person.
- (3) A delegation or authorization under subsection (1) or (2) may be subject to any restrictions or conditions ~~that~~ the Chief Executive ~~thinks fit~~considers appropriate.

**27. Exercise of powers of Secretary**

- (1) The Secretary may delegate any of the Secretary's powers or functions under this Regulation to any person or class or description of person.
- (2) A delegation under subsection (1) may be subject to any restriction or condition the Secretary considers appropriate.

Chief Executive