

## **LEGISLATIVE COUNCIL BRIEF**

United Nations Sanctions Ordinance  
(Chapter 537)

### **UNITED NATIONS SANCTIONS (SOUTH SUDAN) REGULATION 2019 (AMENDMENT) REGULATION 2020**

#### **INTRODUCTION**

A At the meeting of the Executive Council on 8 September 2020, the Council ADVISED and the Chief Executive (“the CE”) ORDERED that the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (“the Amendment Regulation”), at Annex A, should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Amendment Regulation was gazetted on 11 September 2020 and came into operation on the same day.

#### **BACKGROUND**

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

B 2. Under section 3(1) of the Ordinance, the CE is required to make regulations to give effect to the instructions of 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”). The MFA issued instructions in June 2020 for the Hong Kong Special Administrative Region (“HKSAR”) to implement UNSC Resolution (“UNSCR”) 2521 (at Annex B) in respect of South Sudan in the HKSAR<sup>1</sup>. The Amendment Regulation was made pursuant to the instructions.

---

<sup>1</sup> [https://www.mfa.gov.cn/web/wjb\\_673085/zfxxgk\\_674865/gknrlb/jytz/t1788269.shtml](https://www.mfa.gov.cn/web/wjb_673085/zfxxgk_674865/gknrlb/jytz/t1788269.shtml)

### **Sanctions against South Sudan**

C  
3. Determining that the situation in South Sudan continued to constitute a threat to international peace and security in the region, the UNSC adopted UNSCR 2206 (at Annex C) on 3 March 2015, imposing sanctions against South Sudan for an initial period of one year. In accordance with UNSCR 2206, all Member States were to impose the following sanction measures –

- (a) **Travel Ban:** to prevent the entry into or transit through their territories of individuals designated by the UNSC Committee established pursuant to paragraph 16 of UNSCR 2206 (“the Committee”), subject to certain exceptions (*paragraphs 9 and 11 of UNSCR 2206 refer*); and
- (b) **Financial Sanctions:** to freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them; 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, subject to certain exceptions (*paragraphs 12 to 15 of UNSCR 2206 refer*).

4. The above sanction measures have been renewed by the UNSC for a few times.

D  
5. In addition, expressing deep concern at the failures of South Sudan’s leaders to bring an end to the hostilities in South Sudan, the UNSC adopted UNSCR 2428 (at Annex D) on 13 July 2018 to impose until 31 May 2019 arms-related sanctions against South Sudan. All Member States were required to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan from or through their territories or by their nationals, 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 assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, subject

to certain exceptions (*paragraphs 4 and 5 of UNSCR 2428 refer*). These arm-related sanctions were renewed in May 2019 for one year until 31 May 2020.

6. Pursuant to the instructions of the MFA, the sanction measures against South Sudan were implemented in the HKSAR by regulations made under the Ordinance, the most recent one being the United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537CK) (“the Regulation”), with provisions implementing time-limited sanction measures and related exemptions having expired at midnight on 31 May 2020.

### **UNSCR 2521**

7. On 29 May 2020, the UNSC, by adopting UNSCR 2521, decided, inter alia, to renew until 31 May 2021 the measures on arms imposed by paragraph 4 of UNSCR 2428 and the travel and financial measures imposed by paragraphs 9 and 12 of UNSCR 2206, and reaffirmed the provisions of paragraphs 10, 11, 13, 14 and 15 of UNSCR 2206 and paragraphs 5, 13, 14, 15 and 16 of UNSCR 2428 (*paragraphs 3 and 11 of UNSCR 2521 refer*).

### **THE AMENDMENT REGULATION**

8. The Amendment Regulation, at Annex A, seeks to implement the sanction measures imposed on South Sudan as renewed by UNSCR 2521. The main provision of the Amendment Regulation is **section 2**, which amends section 2 of the Regulation to provide that the provisions of the Regulation implementing time-limited sanction measures and related exemptions (sections 3, 4, 5, 6, 7, 9, 10 and 11), as amended by the Amendment Regulation, are in force during the period from the commencement of the Amendment Regulation until midnight on 31 May 2021. A marked-up version showing the amendments made to the Regulation is at Annex E for easy reference by Members.

E

## **IMPLICATIONS OF THE PROPOSAL**

9. The Amendment Regulation is in conformity with the Basic Law, including the provisions concerning human rights. It does 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 as amended by the Amendment Regulation, if any, will be absorbed by the relevant departments with existing resources.

## **PUBLICITY**

10. A press release was issued on 11 September 2020 when the Amendment Regulation was published in the Gazette. A spokesperson is available to answer media and public enquiries.

## **INFORMATION ON SOUTH SUDAN AND RELATIONS WITH THE HKSAR**

11. For information on South Sudan, background of the sanctions imposed against the country by the UNSC as well as its bilateral trade relations with the HKSAR, please refer to Annex F.

F

**Commerce and Economic Development Bureau  
September 2020**

United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation  
2020

L.N. 165 of 2020  
B2939

Section 1

L.N. 165 of 2020

**United Nations Sanctions (South Sudan) Regulation  
2019 (Amendment) Regulation 2020**

(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)

1. **United Nations Sanctions (South Sudan) Regulation 2019 amended**  
The United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537 sub. leg. CK) is amended as set out in sections 2 to 9.
2. **Section 2 amended (limited duration of certain provisions)**  
Section 2—  
**Repeal everything after the heading**  
**Substitute**  
“(1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.  
(2) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537 sub. leg. CK) until midnight on 31 May 2020.  
(3) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (South Sudan) Regulation 2019

United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation  
2020

L.N. 165 of 2020  
B2941

Section 3

(Amendment) Regulation 2020 until midnight on 31 May 2021.”.

3. **Section 4 amended (carriage of goods prohibited)**  
Section 4(3)(b), Chinese text—  
**Repeal**  
“有關的”  
**Substitute**  
“該項”.
4. **Section 9 amended (licence for supply or carriage of goods)**
  - (1) Section 9(1), Chinese text—  
**Repeal**  
“批予特許，准許(視”  
**Substitute**  
“(視下述”.
  - (2) Section 9(1)(a), Chinese text, before “下述作為”—  
**Add**  
“批予特許，准許”.
  - (3) Section 9(1)(b), Chinese text, before “屬下述”—  
**Add**  
“批予特許，准許”.
  - (4) Section 9(2)—  
**Repeal paragraph (g)**  
**Substitute**  
“(g) either of the following—

Section 5

- (i) for a licence referred to in subsection (1)(a)—  
the supply of the prohibited goods is approved  
in advance by the Committee;
- (ii) for a licence referred to in subsection (1)(b)—
  - (A) the carriage of the prohibited goods is  
performed in the course of the supply of  
the prohibited goods; and
  - (B) the supply is approved in advance by the  
Committee.”.

(5) Section 9(3), Chinese text—

**Repeal**

“在批予有關特許之前，安排”

**Substitute**

“安排在批予有關特許之前，”。

5. **Section 10 amended (licence for provision of assistance)**

Section 10(3), Chinese text—

**Repeal**

“在批予有關特許之前，安排”

**Substitute**

“安排在批予有關特許之前，”。

6. **Section 11 amended (licence for making available or dealing with  
economic assets)**

(1) Section 11(5), Chinese text—

**Repeal**

“在批予有關特許之前，安排”

**Substitute**

“安排在批予有關特許之前，”。

Section 7

(2) Section 11(6), Chinese text—

**Repeal**

“在批予有關特許至少 10 個工作日之前，安排”

**Substitute**

“安排在批予有關特許的至少 10 個工作日之前，”。

7. **Section 18 amended (provision of false or misleading information  
or documents)**

Section 18(1), Chinese text—

**Repeal**

everything after “要求時”

**Substitute**

“——

- (a) 向獲授權人員提供或交出該負責人知道在要項  
上屬虛假或具誤導性的任何資料或文件；或
- (b) 罔顧實情地向獲授權人員提供或交出在要項上  
屬虛假或具誤導性的任何資料或文件，  
即屬犯罪。”。

8. **Section 23 amended (notice of intended forfeiture)**

Section 23(3)(b), Chinese text—

**Repeal**

“是以”

**Substitute**

“以”。

9. **Section 24 amended (notice of objection to intended forfeiture)**

Section 24(2)(a)(ii), Chinese text—

**Repeal**

“在郵寄當日後第 2 日”

**Substitute**

“自郵寄當日起計的第 3 日”。

Carrie LAM  
Chief Executive

8 September 2020

**Explanatory Note**

This Regulation amends the United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537 sub. leg. CK) (*principal Regulation*) to give effect to certain decisions in Resolution 2521 (2020) adopted by the Security Council of the United Nations on 29 May 2020.

2. Section 2 of this Regulation amends section 2 of the principal Regulation to provide that sections 3, 4, 5, 6, 7, 9 (as amended by this Regulation), 10 and 11 of the principal Regulation (*relevant provisions*) are in force only until midnight on 31 May 2021.
3. The relevant provisions relate to the prohibition against—
  - (a) the supply, sale, transfer or carriage of arms or related materiel to South Sudan;
  - (b) the provision of technical assistance, training or financial or other assistance 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.
4. This Regulation also makes certain minor textual amendments.



# Security Council

Distr.: General  
29 May 2020

## Resolution 2521 (2020)

### Adopted by the Security Council on 29 May 2020

*The Security Council,*

*Recalling* its previous resolutions, statements of its President, and press statements on the situation in South Sudan,

*Welcoming* encouraging developments in South Sudan's peace process, including the beginning of the formation of a Revitalized Transitional Government of National Unity (RTGNU), *recognizing* that this represents a significant step towards sustainable peace by the parties to the Revitalized Agreement, and *further welcoming* the spirit of compromise and political will demonstrated by the parties in order to create the conditions necessary to advance the peace process,

*Expressing* appreciation for the leadership of the Intergovernmental Authority on Development (IGAD) in advancing the peace process in South Sudan, *underlining* that the 2018 "Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan" (the Revitalised Agreement) is an important step forward in the peace process that provides a window of opportunity to achieve sustainable peace and stability in South Sudan, *commending* the ongoing mediation by the Community of Sant'Egidio to foster political dialogue between signatories and non-signatories of the Revitalised Agreement, and *calling on* South Sudanese parties to demonstrate the political will to peacefully resolve the conflict,

*Recognizing* the reduction in political violence since the signing of the Revitalised Agreement and that the permanent ceasefire was upheld in most parts of the country, and *further recognizing* the efforts of the RTGNU in addressing the COVID-19 pandemic,

*Reiterating* its concern regarding the political, security, economic, and humanitarian situation in South Sudan, and *emphasizing* that there can be no military solution to the conflict,

*Strongly condemning* past and ongoing human rights violations and abuses and violations of international humanitarian law, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that the RTGNU bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity, and in this regard, *urging* the RTGNU to





expeditiously sign the Memorandum of Understanding with the African Union for the creation of the Hybrid Court for South Sudan,

*Expressing* deep concern at reports of misappropriation of funds that undermine the stability and security of South Sudan, and that these activities can have a devastating impact on society and individuals, weaken democratic institutions, undermine the rule of law, perpetuate violent conflicts, facilitate illegal activities, divert humanitarian assistance or complicate its delivery, and undermine economic markets,

*Taking note* of the Final 2020 report (S/2020/342) of the United Nations Panel of Experts,

*Determining* that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

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

1. *Expresses* deep concern at continued fighting in South Sudan and *condemns* violations of the Revitalised Agreement and the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (ACOH);

2. *Urges* South Sudan's leaders to finalize establishment of the RTGNU and fully implement all provisions of the Revitalised Agreement and allow, in accordance with relevant provisions of international law and in line with United Nations guiding principles of humanitarian assistance, including humanity, impartiality, neutrality, and independence, full, safe and unhindered humanitarian access to help ensure timely delivery of humanitarian assistance to all those in need;

#### **Arms Embargo and Inspections**

3. *Decides* to renew until 31 May 2021 the measures on arms imposed by paragraph 4 of resolution 2428 (2018), and reaffirms the provisions of paragraph 5 of resolution 2428 (2018);

4. *Decides* to review the measures renewed in paragraph 3 in light of progress achieved implementing all provisions of the Revitalized Agreement, and adherence to the ACOH and ceasefire provisions of the Revitalized Agreement, *further decides* to carry out a midterm review of the measures renewed in paragraph 3 no later than 15 December 2020, and *expresses* its readiness to consider adjusting measures renewed in paragraph 3, including through modifying, suspending, lifting or strengthening measures to respond to the situation;

5. *Requests* in this regard the Secretariat to provide to the Security Council, by 31 October 2020, a report assessing the role of the arms embargo in facilitating implementation of the Revitalised Agreement and articulating options for the elaboration of benchmarks, in coordination with the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM), R-JMEC, and in consultation with the RTGNU, to assess the arms embargo measures according to progress on implementation of the Revitalized Agreement, including adherence to the ACOH and ceasefire provisions of the Revitalized Agreement, and *expresses* its intention to review the options provided to the Council by 15 December 2020;

6. *Stresses* the importance that notifications or requests for exemptions pursuant to paragraph 5 of resolution 2428 (2018) should contain all relevant information, including the purpose of the use, the end user, the technical specifications and quantity of the equipment to be shipped and, when applicable, the supplier, the proposed date of delivery, mode of transportation and itinerary of shipments;

7. *Underscores* that arms shipments in violation of this resolution risk fuelling conflict and contributing to further instability, and *strongly urges* all Member States to take urgent action to identify and prevent such shipments within their territory;

8. *Calls upon* all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 4 of resolution 2428 (2018) for the purpose of ensuring strict implementation of these provisions;

9. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 4 of resolution 2428 (2018), seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, and *decides* further that all Member States shall cooperate in such efforts;

10. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 8 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

### **Targeted Sanctions**

11. *Decides* to renew until 31 May 2021 the travel and financial measures imposed by paragraphs 9 and 12 of resolution 2206 (2015), and *reaffirms* the provisions of paragraphs 10, 11, 13, 14 and 15 of resolution 2206 (2015), and paragraphs 13, 14, 15 and 16 of resolution 2428 (2018);

12. *Decides* to review the measures renewed in paragraph 11 above in light of progress achieved implementing all provisions of the R-ARCSS and developments related to human rights violations and abuses, *decides* to carry out a midterm review of the measures renewed in paragraph 11 no later than 15 December 2020, and *expresses* its readiness to consider adjusting measures in paragraph 11, including through modifying, suspending, lifting or strengthening measures to respond to the situation;

13. *Underscores* its willingness to impose targeted sanctions in order to support the search for an inclusive and sustainable peace in South Sudan;

14. *Reaffirms* that the provisions of paragraph 9 of resolution 2206 (2015) apply to individuals, and that the provisions of paragraph 12 of resolution 2206 (2015) apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 16 of resolution 2206 (2015) (“the Committee”), as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, and *further reaffirms* that the provisions of paragraphs 9 and 12 of resolution 2206 (2015) apply to individuals, as designated for such measures by the Committee, who are leaders or members of any entity, including any South Sudanese government, opposition,

militia, or other group, that has, or whose members have, engaged in any of the activities described in this paragraph and paragraph 15;

15. *Underscores* that such actions or policies as described in paragraph 14 above may include, but are not limited to:

(a) Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Revitalized Agreement or ACOH;

(b) Actions or policies that threaten transitional agreements or undermine the political process in South Sudan, including Chapter 4 of the Revitalised Agreement;

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;

(d) The targeting of civilians, including women and children, through the planning, directing, or commission of acts of violence (including killing, maiming, torture, or rape), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through other conduct that would constitute a serious abuse of human rights, a violation of international human rights law or a violation of international humanitarian law;

(e) Planning, directing, or committing acts involving sexual and gender-based violence in South Sudan;

(f) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;

(g) The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance;

(h) Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel;

(i) Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee; or

(j) Engagement by armed groups or criminal networks in activities that destabilize South Sudan through the illicit exploitation or trade of natural resources;

16. *Expresses* concerns at reports of misappropriation and diversion of public resources which pose a risk to the peace, security, and stability of South Sudan, *expresses* serious concern at reports of financial impropriety, lack of transparency, oversight and financial governance, which pose a risk to the peace, stability, and security of South Sudan, and are out of compliance with Chapter IV of the Revitalised Agreement, and in this context, *underscores* that individuals engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan may be listed for travel and financial measures;

#### **Sanctions Committee/Panel of Experts**

17. *Emphasizes* the importance of holding regular consultations with concerned Member States, international and regional and subregional organizations, as well as the United Nations Mission in South Sudan (UNMISS), as may be necessary, in particular neighbouring and regional States, in order to ensure the full implementation of the measures in this resolution, and in that regard encourages the

Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members;

18. *Decides* to extend until 1 July 2021 the mandate of the Panel of Experts as set out in paragraph 19 of resolution 2428 (2018), and *decides* that the Panel of Experts should provide to the Council, after discussion with the Committee, an interim report by 1 December 2020, a final report by 1 May 2021, and except in months when these reports are due, updates each month;

19. *Requests* the Panel of experts to include the necessary gender expertise, in line with paragraph 6 of resolution 2242 (2015), and *encourages* the Panel to integrate gender as a cross-cutting issue across its investigations and reporting;

20. *Calls upon* all parties and all Member States, especially those neighbouring South Sudan, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts, including by providing any information on illicit transfers of wealth from South Sudan into financial, property and business networks and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

21. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to share relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011), and *invites* the High Commissioner for Human Rights to share relevant information with the Committee, as appropriate;

22. *Recalls* the mandate of UNMISS as outlined in resolution 2514 (2020), in particular paragraph 8 (d) regarding monitoring, investigating, verifying and reporting on abuses and violations of human rights and violations of international humanitarian law;

23. *Encourages* timely information exchange between UNMISS and the Panel of Experts, and *requests* UNMISS to assist the Committee and the Panel of Experts, within its mandate and capabilities;

24. *Invites* the Joint Monitoring and Evaluation Commission (JMEC) to share relevant information with the Council, as appropriate, on its assessment of the parties' implementation of the Revitalised Agreement, adherence to the ACOH, and the facilitation of unhindered and secure humanitarian access, also *expresses* its intent to continue to impose any sanctions that may be appropriate to respond to the situation;

25. *Decides* to remain seized of the matter.



---

**Resolution 2206 (2015)****Adopted by the Security Council at its 7396th meeting, on  
3 March 2015**

*The Security Council,*

*Recalling* its previous resolutions and statements on South Sudan, in particular resolutions 2057 (2012), 2109 (2013), 2132 (2013), 2155 (2014) and 2187 (2014),

*Expressing* grave alarm and concern regarding the conflict between the Government of the Republic of South Sudan and opposition forces since December 2013 which emanated from internal political disputes among the country's political and military leaders,

*Deeply concerned* that the conflict has resulted in great human suffering, including significant loss of life, displacement of two million people, and the loss of property, further impoverishing and disadvantaging the people of South Sudan,

*Strongly condemning* past and ongoing human rights violations and abuses and violations of international humanitarian law, including those involving targeted killings of civilians, ethnically-targeted violence, extrajudicial killings, rape, and other forms of sexual and gender-based violence, recruitment and use of children in armed conflict, abductions, enforced disappearances, arbitrary arrests and detention, violence aimed at spreading terror among the civilian population, and attacks on schools, places of worship and hospitals, as well as United Nations and associated peacekeeping personnel and objects, by all parties, including armed groups and national security forces, as well as the incitement to commit such abuses and violations, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, and *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that the Government of South Sudan bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity,

*Expressing* deep concern over the large-scale displacement of persons and deepening humanitarian crisis, *stressing* the responsibility borne by all parties to the conflict for the suffering of the people of South Sudan, and the necessity of ensuring that the basic needs of the population are met, *commending* United Nations humanitarian agencies and partners for their efforts to provide urgent and coordinated support to the population, *calling upon* all parties to the conflict to



allow and facilitate, in accordance with relevant provisions of international law and United Nations guiding principles of humanitarian assistance, the full, safe, and unhindered access of relief personnel, equipment and supplies to all those in need and the timely delivery of humanitarian assistance, in particular to internally displaced persons and refugees, *condemning* all attacks against humanitarian personnel and facilities and *recalling* that attacks against humanitarian personnel and depriving civilians of objects indispensable to their survival may amount to violations of international humanitarian law,

*Commending* the Intergovernmental Authority on Development (IGAD) Ministerial Group's initiative, as supported by the United Nations and African Union, in establishing a forum for political and security dialogue, and *expecting* all parties to participate in this process and respect the decisions reached by IGAD Assembly of Heads of State and Government on 13 March 2014,

*Welcoming* the IGAD-mediated commitments made to resolve the crisis in South Sudan, namely the 23 January 2014 Cessation of Hostilities Agreement; 9 May 2014 Agreement to Resolve the Crisis in South Sudan; and the 1 February 2015 Areas of Agreement of the Establishment of the Transitional Government of National Unity (TGoNU) in the Republic of South Sudan,

*Welcoming* the resolve indicated in the IGAD Assembly of Heads of State and Government Communiqué of 10 June 2014 and 25 August 2014 that IGAD Member States will take further collective action, including through the imposition of punitive measures, to pressure any party that fails to honour its commitments to date or acts contrary to the Communiqué of that Assembly,

*Welcoming* the Communiqué of the African Union Peace and Security Council (AU PSC) of 12 June 2014, which, inter alia, reiterated the readiness of that Council, upon recommendation by IGAD, to immediately pursue targeted sanctions and other measures against any party that continues to undermine the search for a solution to the conflict and fails to honour its commitments,

*Welcoming* further the Communiqué of the AU PSC of 17 September 2014 which, inter alia, reiterated its determination, in coordination with IGAD, to take the necessary measures against any party that fails to honour its commitments and continues to undermine the search for a negotiated solution to the current crisis,

*Strongly condemning* the Government of the Republic of South Sudan and the Sudan People's Liberation Movement (SPLM) — in Opposition for failing to reach agreement to form a transitional government within the 60-day period outlined in the 26th Communiqué of 10 June 2014,

*Taking note* of the Communiqué of the 27th Extraordinary Session of the IGAD Assembly of Heads of State and Government in Addis Ababa on 25 August 2014, which inter alia: deplored the numerous violations of the agreements signed by the Parties to date, reiterated the need for an inclusive and broad-based approach to negotiations; expressed serious concerns over the worsening humanitarian situation in South Sudan; and called upon the stakeholders to negotiate and complete the agreement on a Transitional Government of National Unity within 45 days,

*Taking note* of the Communiqué of the 28th Extraordinary Session of the IGAD Assembly of Heads of State and Government in Addis Ababa on 7 November

2014, which inter alia: resolved that the Government of South Sudan and opposition forces commit to an unconditional, complete and immediate end to all hostilities; invited collective action by the States of the IGAD region to enact asset freezes and travel bans within the region, and denied the supply of arms and ammunition and any other materiel that could be used in war if the Government of South Sudan and opposition forces commit any violation of the cessation of hostilities; and called on the AU PSC, the United Nations Security Council, and the international community to render all possible assistance in the implementation of these measures, should it be necessary to implement these measures,

*Taking note* of the 21 January 2015 Agreement on the Reunification of the SPLM, agreed under the aegis of the Government of the United Republic of Tanzania, and 16 February 2015 Communiqué of the Meeting of the SPLM Tripartite Committee on the Implementation of Phase I of the Arusha SPLM Reunification Agreement,

*Taking note* of the AU PSC Communiqués dated 5 December 2014 and 29 January 2015 which, inter alia, stressed that sanctions will be imposed against all parties that continue to obstruct the political process and undermine the Cessation of Hostilities Agreement of 23 January 2014,

*Welcoming* the China-mediated “Five-Point Plan” agreed upon by the representatives of the GRSS and the SPLM/A- in Opposition during the Special Consultation in Support of IGAD-led South Sudan Peace Process convened on 12 January in Khartoum, namely: (i) earnestly commit to the full implementation of all signed agreements; (ii) speed up the pace of negotiations towards the formation of a transitional government at an early date; (iii) take concrete steps to relieve the humanitarian situation in conflict-affected areas, and facilitate access of international humanitarian assistance; (iv) ensure the safety of all personnel and assets of all countries and international entities operating in South Sudan; and (v) provide strong support for and take active part in the IGAD-led mediation efforts, and, in this regard, *strongly urging* both parties to immediately implement the Five-Point Plan,

*Expressing* its deep appreciation for the actions taken by the United Nations Mission in South Sudan (UNMISS) peacekeepers and troop- and police-contributing countries to protect civilians, including foreign nationals, under threat of physical violence and to stabilize the security situation,

*Recognizing* the importance of independent and public human rights monitoring, investigation and reporting for its useful role in laying the groundwork for justice, accountability, reconciliation and healing among all South Sudanese communities,

*Taking note with interest* of the 21 February 2014 UNMISS Interim Human Rights report, and 8 May 2014 UNMISS “Conflict in South Sudan: A Human Rights Report,” and the 19 December 2014 UNMISS “Special Report: Attack on Bentiu, Unity State, 29 October 2014,” 29 October 2014 UNMISS “Special Report: Attack on Bentiu, Unity State” and the 9 January 2015 UNMISS Report on “Attacks on Civilians in Bentiu & Bor”,

*Expressing* grave concern that, according to the UNMISS 8 May 2014 “Conflict in South Sudan: A Human Rights Report” there are reasonable grounds to believe that crimes against humanity, including extrajudicial killings, rape and other

acts of sexual violence, enforced disappearances, and arbitrary detention have been committed by both government and opposition forces, and that war crimes have been committed, and, stressing the urgent and imperative need to end impunity in South Sudan and to bring to justice perpetrators of such crimes,

*Stressing* the importance of accountability, reconciliation, and healing as prominent elements of a transitional agenda while taking note of the important role international investigations, and where appropriate, prosecutions can play with respect to holding those responsible for war crimes and crimes against humanity,

*Recognizing* the work of the African Union Commission of Inquiry (AU COI) in investigating and documenting violations as well as abuses of international human rights law and international humanitarian law in South Sudan, *anticipating with interest* its findings and recommendations, *encouraging* the public release of its final report as soon as possible, and *welcoming* the further engagement of the African Union to ensure justice and accountability, as well as healing and reconciliation for South Sudan,

*Strongly condemning* the use of media to broadcast hate speech and transmit messages instigating sexual violence against a particular ethnic group, which has the potential to play a significant role in promoting mass violence and exacerbating conflict, and *calling on* the Government of the Republic of South Sudan to take appropriate measures to address such activity, and further *urging* all parties to desist from these actions and instead contribute to promoting peace and reconciliation among the communities,

*Recognizing* the important role played by civil society organizations, faith leaders, women, and youth in South Sudan, *underscoring* the importance of their participation — along with the former SPLM detainees and other political parties — to finding a sustainable solution to the crisis in the country, and *concerned* by efforts by the government to limit such participation including by preventing individuals from travelling to join the talks and by increased restrictions of freedom of expression,

*Reaffirming* all its relevant resolutions on women, peace, and security, on children and armed conflict, and the protection of civilians in armed conflict, as well as resolutions 1502 (2003) on the protection of humanitarian and United Nations personnel, resolution 2150 (2014) on the Prevention and Fight against Genocide, and resolution 2151 (2014) on security sector reform,

*Recalling* resolutions 1209 (1998) and 2117 (2013) and *expressing grave concern* at the threat to peace and security in South Sudan arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons and *emphasizing* the importance of strengthening efforts to combat the illicit circulation of such weapons,

*Expressing deep concern* at persistent restrictions placed upon the movement and operations of UNMISS, *strongly condemning* the attacks by government and opposition forces and other groups on United Nations and IGAD personnel and facilities, the detentions and kidnappings of United Nations and associated personnel and *calling upon* the Government of South Sudan to complete its investigations of these attacks in a swift and thorough manner and to hold those responsible to account,



*Determining* that the situation in South Sudan continues to constitute a threat to international peace and security in the region,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Endorses* the Cessation of Hostilities Agreements (“CoH Agreements”) accepted and signed by the Government of the Republic of South Sudan and SPLM — in Opposition on 23 January 2014, 6 May 2014 and 9 May 2014;

2. *Expresses deep concern* at the failures of both parties to honour their commitments to date, to engage the peace process meaningfully toward political resolution of the crisis and to bring an end to the violence and, in particular, *condemns* the continued and flagrant violations of the CoH Agreements as documented by the IGAD Monitoring and Verification Mechanism;

3. *Demands* that the parties respect all aspects of the CoH Agreements and immediately implement the necessary modalities in accordance with the 9 May 2014 Agreement and other relevant Agreements, including the progressive withdrawal of foreign forces deployed in South Sudan since 15 December 2013, *calls upon* all parties to armed conflict in South Sudan to issue clear orders prohibiting all violations of international humanitarian law and human rights violations and abuses, and *underscores* the necessity for all parties to ensure immediate access to humanitarian agencies and further *demands* that the parties commit to finding a comprehensive agreement without further delay;

4. *Reiterates* that there is no military solution to the conflict;

#### **Sanctions Designation Criteria**

5. *Underscores* its willingness to impose targeted sanctions in order to support the search for an inclusive and sustainable peace in South Sudan;

6. *Decides* that the provisions of paragraph 9 shall apply to individuals, and that the provisions of paragraph 12 shall apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 16 of this resolution (“the Committee”) pursuant to paragraphs 16 (c) and 16 (d), respectively, as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan;

7. *Underscores* that such actions or policies as described in paragraph 6 above may include, but are not limited to:

(a) Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement;

(b) Actions or policies that threaten transitional agreements or undermine the political process in South Sudan;

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;

(d) The targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other

sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(e) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;

(f) The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including IGAD's Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance;

(g) Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel; or

(h) Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee;

8. *Decides* that the provisions of paragraphs 9 and 12 shall apply to individuals, as designated for such measures by the Committee who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7 above;

#### **Travel Ban**

9. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of any individuals who may be designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

10. *Notes* that designated individuals may have multiple nationalities or passports, *expresses* its concern that travel between the two States of which a designated individual has nationality or a passport may undermine the objectives of the travel ban imposed in paragraph 9, and *requests* that the Panel of Experts established in paragraph 18 of this resolution (the "Panel of Experts") report to the Committee information about such travel;

11. *Decides* that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in South Sudan and stability in the region;

#### **Asset Freeze**

12. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall freeze without delay all funds, other

financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities that may be designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides* further that all Member States shall for this initial period 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;

13. *Decides* that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be 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 in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

14. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

15. *Decides* that the measures in paragraph 12 above shall not prevent a designated person from making payment due under a contract entered into prior to the listing of such a person, provided that the relevant States have determined that the payment is not directly or indirectly received by a person designated pursuant to paragraph 12 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization;

### **Sanctions Committee/Panel of Experts**

16. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein “the Committee”), to undertake the following tasks:

(a) To monitor implementation of the measures imposed by paragraphs 9 and 12 of this resolution with a view to strengthening, facilitating and improving implementation of these measures by Member States;

(b) To seek and review information regarding those individuals and entities who may be engaging in the acts described in paragraph 6 and 7 above;

(c) To designate individuals subject to the measures imposed by paragraph 9 above and to consider requests for exemptions in accordance with paragraph 11 above;

(d) To designate individuals and entities subject to the measures imposed by paragraph 12 above, and to consider requests for exemptions in paragraph 13 above;

(e) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(f) To report within 60 days to the Security Council on its work and thereafter to report as deemed necessary by the Committee;

(g) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(h) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed; and,

(i) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

17. *Calls upon* all Member States to report to the Committee ninety days from the adoption of this resolution on the steps they have taken to implement effectively paragraphs 9 and 12 of this resolution;

18. *Requests* the Secretary-General to create for an initial period, thirteen months from the adoption of this resolution, in consultation with the Committee, a group of up to five experts (“Panel of Experts”), under the direction of the Committee, and to make the necessary financial and security arrangements to support the work of the Panel, *expresses* its intent to consider the renewal of this mandate no later than March 2, 2016, and *decides* that the Panel shall carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraphs 6 and 7 above;

(b) Gather, examine and analyse information regarding the implementation of the measures decided in this resolution, in particular incidents of

non-compliance, with particular focus on the benchmarks outlined in paragraphs 21 and 22 below;

(c) Gather, examine and analyse information regarding the supply, sale or transfer of arms and related materiel and related military or other assistance, including through illicit trafficking networks, to individuals and entities undermining political processes to reach a final peace agreement or participating in acts that violate international human rights law or international humanitarian law, as applicable;

(d) Provide to the Council, after discussion with the Committee, an interim report by September 1, 2015, a final report by February 1, 2016, and except in the months when these reports are due, updates each month; and,

(e) Assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

19. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

20. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to share relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

## **Review**

21. *Expresses* its intent to review the situation after the IGAD-agreed deadline of March 5, 2015, and again after the envisioned start of the Pre-Transition Period on April 1, 2015, and at 60-day intervals thereafter or more frequently, as needed, and also expresses its intent to impose any sanctions that may then be appropriate to respond to the situation, which may include an arms embargo and the designation of senior individuals responsible for actions or policies that threaten the peace, security or stability of South Sudan, so as to encourage the Government of South Sudan and opposition forces to form a transitional government of national unity, take effective and comprehensive steps to cause forces under direct or indirect control to cease military operations, acts of violence, as well as violations of human rights, and enable full access for humanitarian assistance;

22. *Affirms* also that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, as well as modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the peace, accountability, and reconciliation process, and in light of the implementation of the parties' commitments, including the Cessation of Hostilities Agreement and other commitments specified in the preamble of this resolution, and compliance with this resolution;

23. *Decides* to remain seized of the matter.



# Security Council

Distr.: General  
13 July 2018

## Resolution 2428 (2018)

**Adopted by the Security Council at its 8310th meeting, on  
13 July 2018**

*The Security Council,*

*Recalling* its previous resolutions and statements on South Sudan, in particular resolutions [2057 \(2012\)](#), [2109 \(2013\)](#), [2132 \(2013\)](#), [2155 \(2014\)](#), [2187 \(2014\)](#), [2206 \(2015\)](#), [2241 \(2015\)](#), [2252 \(2015\)](#), [2271 \(2016\)](#), [2280 \(2016\)](#), [2290 \(2016\)](#), [2302 \(2016\)](#), [2304 \(2016\)](#), [2327 \(2016\)](#), [2353 \(2017\)](#), [2392 \(2017\)](#), [2406 \(2018\)](#), and [2418 \(2018\)](#),

*Expressing* grave alarm and concern regarding the conflict between the Transitional Government of National Unity (TGNU) and opposition forces which emanated from internal political disputes among the country's political and military leaders that has resulted in great human suffering, including significant loss of life, conflict-induced food insecurity and threat of famine, displacement of more than four million people, and the loss of property, further impoverishing and disadvantaging the people of South Sudan,

*Commending* the continued efforts of the Intergovernmental Authority on Development (IGAD)-led High Level Revitalization Forum to facilitate the peace process in South Sudan, *takes note* of the Khartoum Declaration and the intention of the parties to continue negotiations, and *urges* all parties to engage to reach agreement on outstanding issues,

*Strongly condemning* past and ongoing human rights violations and abuses and violations of international humanitarian law, *further condemning* harassment and targeting of civil society, humanitarian personnel and journalists, *emphasizing* that those responsible for violations of international humanitarian law and violations and abuses of human rights must be held accountable, and that the TGNU bears the primary responsibility to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity, and in this regard, *urging* the Government of South Sudan to expeditiously sign the Memorandum of Understanding with the African Union for the creation of the Hybrid Court for South Sudan,

*Expressing* deep concern at reports of misappropriation of funds that undermine the stability and security of South Sudan, and that these activities can have a devastating impact on society and individuals, weaken democratic institutions, undermine the rule of law, perpetuate violent conflicts, facilitate illegal activities, divert humanitarian assistance or complicate its delivery, and undermine economic markets,



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

1. *Expresses deep concern* at the failures of South Sudan's leaders to bring an end to the hostilities and *condemns* the continued and flagrant violations of the 17 August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), the 21 December 2017 Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (ACOH), and the 27 June 2018 Khartoum Declaration;

2. *Demands* that South Sudan's leaders fully and immediately adhere to the ARCSS, ACOH, and 27 June 2018 Khartoum Declaration and allow, in accordance with relevant provisions of international law and the UN guiding principles of humanitarian assistance, full, safe and unhindered humanitarian access to help ensure timely delivery of humanitarian assistance to all those in need;

3. *Reiterates* that there is no military solution to the conflict;

### **Arms Embargo**

4. *Decides* that, until 31 May 2019, all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan from or through their territories or by their nationals, 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 assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories;

5. *Decides* that the measure imposed in paragraph 4 of this resolution shall not apply to the supply, sale or transfer of:

(a) Arms and related materiel, as well as training and assistance, intended solely for support of or use by UN personnel, including the United Nations Mission in the Republic of South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei (UNISFA);

(b) Non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as notified in advance to the Committee;

(c) Protective clothing, including flak jackets and military helmets, temporarily exported to South Sudan by UN personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(d) Arms and related materiel temporarily exported to South Sudan by the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the protection or evacuation of its nationals and those for whom it has consular responsibility in South Sudan, as notified to the Committee;

(e) Arms and related materiel, as well as technical training and assistance, to or in support of the African Union Regional Task Force intended solely for regional operations to counter the Lord's Resistance Army, as notified in advance to the Committee;

(f) Arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement, as approved in advance by the Committee;

(g) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

6. *Stresses* the importance that notifications or requests for exemptions pursuant to paragraph 5 above contain all relevant information, including the purpose of the use, the end user, the technical specifications and quantity of the equipment to be shipped and, when applicable, the supplier, the proposed date of delivery, mode of transportation and itinerary of shipments;

### **Inspections**

7. *Underscores* that arms shipments in violation of this resolution risk fuelling conflict and contributing to further instability, and *strongly urges* all Member States to take urgent action to identify and prevent such shipments within their territory;

8. *Calls upon* all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, or transfer of which is prohibited by paragraph 4 of this resolution for the purpose of ensuring strict implementation of these provisions;

9. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items the supply, sale, or transfer of which is prohibited by paragraph 4 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items, and *decides* further that all Member States shall cooperate in such efforts;

10. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 8 of this resolution, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for supply, sale, or transfer are found, further *requires* such Member States to submit to the Committee within 30 days a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

### **Targeted Sanctions**

11. *Underscores* its willingness to impose targeted sanctions in order to support the search for an inclusive and sustainable peace in South Sudan;

12. *Decides* to renew until 31 May 2019 the travel and financial measures imposed by paragraphs 9 and 12 of resolution [2206 \(2015\)](#), and *reaffirms* the provisions of paragraphs 10, 11, 13, 14 and 15 of resolution [2206 \(2015\)](#);

13. *Reaffirms* that the provisions of paragraph 9 of resolution [2206 \(2015\)](#) apply to individuals, and that the provisions of paragraph 12 of resolution [2206 \(2015\)](#) apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 16 of resolution [2206 \(2015\)](#) (“the Committee”), as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan;



14. *Underscores* that such actions or policies as described in paragraph 13 above may include, but are not limited to:

(a) Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (“the Agreement”);

(b) Actions or policies that threaten transitional agreements or undermine the political process in South Sudan, including Chapter 4 of the Agreement;

(c) Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan;

(d) The targeting of civilians, including women and children, through the planning, directing, or commission of acts of violence (including killing, maiming, or torture), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(e) Planning, directing, or committing acts involving sexual and gender-based violence in South Sudan;

(f) The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan;

(g) The obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including the Ceasefire and Transitional Security Arrangements Monitoring Mechanism or of the delivery or distribution of, or access to, humanitarian assistance;

(h) Attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel;

(i) Acting for or on behalf of, directly or indirectly, an individual or entity designated by the Committee; or

(j) Engagement by armed groups or criminal networks in activities that destabilize South Sudan through the illicit exploitation or trade of natural resources;

15. *Expresses* concerns at reports of misappropriation and diversion of public resources which pose a risk to the peace, security, and stability of South Sudan, *expresses* serious concern at the reports of financial impropriety involving the TGNU, which pose a risk to the peace, stability, and security of South Sudan, and in this context, *underscores* that individuals engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan may be listed for travel and financial measures;

16. *Reaffirms* that the provisions of paragraphs 9 and 12 of resolution [2206 \(2015\)](#) apply to individuals, as designated for such measures by the Committee, who are leaders of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 13 and 14 above;

17. *Decides* that the measures specified in paragraphs 9 and 12 of resolution [2206 \(2015\)](#) shall apply to the individuals identified in Annex 1 to this resolution;

### Sanctions Committee/Panel of Experts

18. *Emphasizes* the importance of holding regular consultations with concerned Member States, international and regional and subregional organizations, as well as UNMISS, as may be necessary, in particular neighbouring and regional States, in order to ensure the full implementation of the measures in this resolution, and in that regard encourages the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members;

19. *Decides* to extend until 1 July 2019 the mandate of the Panel of Experts as set out in paragraph 18 of resolution 2206 (2015) and this paragraph, *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 31 May 2019, and *decides* that the Panel should carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraphs 13, 14 and 15 above;

(b) Gather, examine and analyse information regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance, with particular focus on the benchmarks outlined in paragraph 26 below;

(c) Gather, examine and analyse information regarding the supply, sale or transfer of arms and related materiel and related military or other assistance, including the financing modalities of such activities as well as procurement of these items through illicit trafficking networks, to individuals and entities undermining implementation of the Agreement or participating in acts that violate international human rights law or international humanitarian law, as applicable;

(d) Gather, examine and analyse information on armed groups or criminal networks engaging in the illicit exploitation or trade of natural resources in South Sudan;

(e) Provide to the Council, after discussion with the Committee, an interim report by 1 December 2018, a final report by 1 May 2019, and except in the months when these reports are due, updates each month;

(f) Assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly available narrative summary of reasons for listing;

20. *Requests* the Panel of experts to include the necessary gender expertise, in line with paragraph 6 of resolution 2242 (2015), and *encourages* the Panel to integrate gender as a cross-cutting issue across its investigations and reporting;

21. *Calls upon* all parties and all Member States, especially those neighboring South Sudan, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts, including by providing any information on illicit transfers of wealth from South Sudan into financial, property and business networks and *further urges* all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

22. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to share relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011), and *invites* the

High Commissioner for Human Rights to share relevant information with the Committee, as appropriate;

### **Role of UNMISS**

23. *Recalls* the mandate of the United Nations Mission in the Republic of South Sudan (UNMISS) as outlined in resolution 2406 (2018), in particular paragraph 7 (c) regarding monitoring, investigating, verifying and reporting on abuses and violations of human rights and violations of international humanitarian law;

24. *Encourages* timely information exchange between UNMISS and the Panel of Experts, and *requests* UNMISS to assist the Committee and the Panel of Experts, within its mandate and capabilities;

### **Review**

25. *Expresses* its intent to monitor and review the situation at 90-day intervals from the adoption of this resolution or more frequently, as needed, and *invites* the Joint Monitoring and Evaluation Commission (JMEC) to share relevant information with the Council, as appropriate, on its assessment of the parties' implementation of the Agreement, adherence to the ARCSS, ACOH and 27 June 2018 Khartoum Declaration, and the facilitation of unhindered and secure humanitarian access, also *expresses* its intent to continue to impose any sanctions that may be appropriate to respond to the situation, which may include the designation of senior individuals responsible for actions or policies that threaten the peace, security or stability of South Sudan;

26. *Affirms* also that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, as well as modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the peace, accountability, and reconciliation process, and in light of the implementation of the parties' commitments, including the ceasefire, and compliance with this and other applicable resolutions;

27. *Decides* to remain seized of the matter.

## Annex 1

**Travel Ban/Asset Freeze (Individuals)**

1. **Name:** 1: MALEK 2: REUBEN 3: RIAK 4: RENGU

**Title:** Lieutenant General **Designation:** a) Deputy Chief of General Staff for Logistics b) Deputy Chief of Defence Staff and Inspector General of the Army **DOB:** 1 Jan. 1960 **POB:** Yei, South Sudan **Good quality a.k.a.:** Malek Ruben **Low quality a.k.a.:** na **Nationality:** South Sudan **Passport no:** na **National identification no:** na **Address:** na **Other information:** As SPLA Deputy Chief of Staff for Logistics, Riak was one of the senior officials of the Government of South Sudan who planned and oversaw an offensive in Unity state in 2015 that resulted in widespread destruction and large population displacement.

*Reason for listing:*

Malek Ruben Riak is being listed pursuant to paragraphs 6, 7 (a), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), for “actions or policies that threaten the peace, security or stability of South Sudan”; “Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan ...,” and as a leader “of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7,” and pursuant to paragraph 14 (e) of this resolution for “planning, directing, or committing acts involving sexual and gender-based violence in South Sudan”.

*Additional information:*

According to the report by the Panel of Experts on South Sudan in January 2016 (S/2016/70), Riak was one of a group of senior security officials who planned a Unity state offensive against the SPLM-IO beginning in January 2015, and subsequently oversaw its execution from late April 2015 onwards. The Government of South Sudan began arming Bul Nuer youth in early 2015 to facilitate their participation in the offensive. Most Bul Nuer youth already had access to AK-pattern automatic rifles, but ammunition was critical to sustaining their operations. The Panel of Experts reported evidence, including testimony from military sources, that ammunition was supplied to youth groups by SPLA headquarters specifically for the offensive. Riak was the SPLA Deputy Chief of Staff for Logistics at the time. The offensive resulted in systematic destruction of villages and infrastructure, the forced displacement of the local population, the indiscriminate killing and torturing of civilians, the widespread use of sexual violence, including against the elderly and children, the abduction and recruitment of children as soldiers, and large population displacement. Following the destruction of much of the southern and central parts of the state, numerous media and humanitarian organizations, as well as the United Nations Mission in South Sudan (UNMISS) published reports about the scale of the abuses that were perpetrated.”

2. **Name:** 1: PAUL 2: MALONG 3: AWAN 4: na

**Title:** General **Designation:** a) Former Chief of Staff of the Sudan People’s Liberation Army (SPLA) b) Former Governor, Northern Bahr el-Ghazal State **DOB:** a) 1962 b) 4 Dec. 1960 c) 12 Apr. 1960 **POB:** Maluakon, South Sudan **Good quality a.k.a.:** a) Paul Malong Awan Anei b) Paul Malong c) Bol Malong **Low quality a.k.a.:** na **Nationality:** a) South Sudan b) Uganda **Passport no:** a) South Sudan number S00004370 b) South Sudan number D00001369 c) Sudan number 003606 d) Sudan number 00606 e) Sudan number B002606 **National identification no:** na **Address:** na **Other information:** As Chief of General Staff of the SPLA, Malong expanded or

extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement and breaches of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). He reportedly directed efforts to kill opposition leader Riek Machar. He ordered SPLA units to prevent the transport of humanitarian supplies. Under Malong's leadership, the SPLA attacked civilians, schools and hospitals; forced the displacement of civilians; carried out enforced disappearances; arbitrarily detained civilians; and conducted acts of torture, and rape. He mobilized the Mathiang Anyoor Dinka tribal militia, which uses child soldiers. Under his leadership, the SPLA restricted UNMISS, the Joint Monitoring and Evaluation Commission (JMEC), and CTSAMM access to sites to investigate and document abuses.

*Reason for listing:*

Paul Malong Awan is being listed pursuant to paragraphs 6, 7 (a), 7 (b), 7 (c), 7 (d), 7 (f), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), for "actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan or obstructing reconciliation or peace talks or processes, including breaches of the Cessation of Hostilities Agreement"; "actions or policies that threaten transitional agreements or undermine the political process in South Sudan"; "the targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, enforced disappearance, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law"; "planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in South Sudan"; "The use or recruitment of children by armed groups or armed forces in the context of the armed conflict in South Sudan; "the obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan, including IGAD's Monitoring and Verification Mechanism or of the delivery or distribution of, or access to, humanitarian assistance; and as a leader "of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7".

*Additional information:*

Malong served as Chief of General Staff of the SPLA from April 23, 2014, to May 2017. In his former position as the Chief of General Staff, he expanded or extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement and breaches of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). As of early August 2016, Malong reportedly directed efforts to kill South Sudanese opposition leader Riek Machar. Malong, knowingly countermanding President Salva Kiir's orders, ordered the 10 July 2016 tank, helicopter gunship, and infantry assaults on Machar's residence and the Sudan Peoples' Liberation Movement in Opposition (SPLM-IO)'s "Jebel" base. Malong personally oversaw efforts from SPLA headquarters to intercept Machar. As of early August 2016, Malong wanted the SPLA to attack Machar's suspected position immediately and informed SPLA commanders that Machar was not to be taken alive. In addition, in early 2016 information indicates that Malong ordered SPLA units to prevent the transport of humanitarian supplies across the Nile River, where tens of thousands of civilians were facing hunger, claiming that food aid would be diverted from civilians to militia groups. As a result of Malong's orders, food supplies were blocked from crossing the Nile for at least two weeks.

Throughout his tenure as Chief of General Staff of the SPLA, Malong has been responsible for the SPLA and its allied forces' perpetration of serious abuses including attacks on civilians, forced displacement, enforced disappearances, arbitrary detentions, torture, and rape. Under Malong's leadership, the SPLA launched attacks directed against the civilian population and intentionally killed unarmed and fleeing civilians. In the Yei area alone, the UN documented 114 killings of civilians by the SPLA and its allied forces between July 2016 and January 2017. The SPLA intentionally attacked schools and hospitals. In April 2017, Malong allegedly ordered the SPLA to clear all people, including civilians from the area around Wau. Malong reportedly did not discourage the killing of civilians by the SPLA troops, and persons suspected of hiding rebels were considered legitimate targets.

According to a 15 October 2014 African Union Commission of Inquiry on South Sudan report, Malong was responsible for the mass mobilization of Mathiang Anyoor Dinka tribal militia, which Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) documented use child soldiers.

Under Malong's leadership of the SPLA, the government forces regularly restricted United Nations Mission in South Sudan (UNMISS), Joint Monitoring and Evaluation Commission (JMEC), and CTSAMM's access when they tried to investigate and document abuses. For example, on April 5, 2017, a joint UN and CTSAMM patrol tried to access Pajok but was turned back by SPLA soldiers.

---

# United Nations Sanctions (South Sudan) Regulation 2019

## Contents

| Section  | Page |
|--|------|
| <b>Part 1</b>  |      |
| <b>Preliminary</b>   |      |
| 1. Interpretation .....  | 1    |
| 2. Limited duration of certain provisions .....  | 4    |
| <b>Part 2</b>  |      |
| <b>Prohibitions</b>  |      |
| 3. Supply of goods prohibited .....  | 6    |
| 4. Carriage of goods prohibited .....  | 7    |
| 5. Provision of assistance prohibited .....  | 9    |
| 6. Making available or dealing with economic assets prohibited .....                     | 10   |
| 7. Entry or transit of persons prohibited .....  | 11   |
| 8. Acts done outside HKSAR with permission granted outside<br>HKSAR not prohibited ..... | 12   |
| <b>Part 3</b>  |      |
| <b>Licences</b>  |      |
| 9. Licence for supply or carriage of goods .....   | 14   |
| 10. Licence for provision of assistance .....  | 16   |

| Section  | Page |
|--|------|
| 11. Licence for making available or dealing with economic assets<br>.....                                | 17   |
| 12. Provision of false or misleading information or documents for<br>purpose of obtaining licences ..... | 19   |

**Part 4**

**Enforcement**

|   |    |
|---|----|
| 13. Application of Part 4 .....   | 20 |
| 14. Power to board and search modes of transport.....                                 | 20 |
| 15. Power to require information and production of document,<br>cargo or article..... | 20 |
| 16. Power to direct movement.....   | 21 |
| 17. Failure to comply with direction or requirement.....                              | 22 |
| 18. Provision of false or misleading information or documents.....                    | 23 |
| 19. Power to enter and detain modes of transport .....                                | 23 |
| 20. Production of proof of identity .....   | 24 |

**Part 5**

**Evidence**

|   |    |
|---|----|
| 21. Interpretation of Part 5 .....                      | 25 |
| 22. Power of magistrate or judge to grant warrant ..... | 25 |
| 23. Notice of intended forfeiture .....                 | 26 |
| 24. Notice of objection to intended forfeiture .....    | 27 |



---

| Section | Page   |
|---------|--|
| 25.     | Application for order for forfeiture ..... 28                                  |
| 26.     | Power of magistrate or judge to make order for forfeiture and disposal..... 28 |
| 27.     | Detention of seized property ..... 29  |

**Part 6**

**Disclosure of Information or Documents**

|     |   |
|-----|---|
| 28. | Disclosure of information or documents ..... 30 |
|-----|---|

**Part 7**

**Other Offences and Miscellaneous Matters**

|     |  |
|-----|--|
| 29. | Liability of persons other than principal offenders..... 32            |
| 30. | Offences in relation to obstruction of authorized persons etc. .... 32 |
| 31. | Offences in relation to evasion of this Regulation..... 33             |
| 32. | Consent and deadline for prosecution ..... 33                          |
| 33. | Publication of list of individuals and entities by Secretary ..... 33  |
| 34. | Exercise of powers of Chief Executive ..... 34                         |
| 35. | Exercise of powers of Secretary ..... 35                               |

# United Nations Sanctions (South Sudan) Regulation 2019

(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—

***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 assistance, training or financial or other assistance;

***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 16 of Resolution 2206;

**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;

- 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;
- prohibited goods** (禁制物品) means any arms or related materiel;
- relevant entity** (有關實體) means—
- (a) an entity named in the list published under section 33(1);
  - (b) an entity—
    - (i) acting on behalf of;
    - (ii) acting at the direction of; or
    - (iii) owned or controlled by, an individual or entity named in that list; or
  - (c) an entity owned or controlled by an individual or entity—
    - (i) acting on behalf of; or
    - (ii) acting at the direction of, an individual or entity named in that list;
- relevant person** (有關人士) means—
- (a) an individual named in the list published under section 33(1); or

- (b) an individual—
  - (i) acting on behalf of; or
  - (ii) acting at the direction of,  
an individual or entity named in that list;

**Resolution 2206** (《第 2206 號決議》) means Resolution 2206 (2015) adopted by the Security Council on 3 March 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** (安理會) means the Security Council of the United Nations;

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

## 2. Limited duration of certain provisions

- (1) A reference to a provision in a subsection of this section is a reference to the provision as in force from time to time during the period mentioned in the subsection.
- (2) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (South Sudan) Regulation 2019 (Cap. 537 sub. leg. CK) until midnight on 31 May 2020.
- (3) Sections 3, 4, 5, 6, 7, 9, 10 and 11 are in force during the period from the commencement of the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 until midnight on 31 May 2021.

---

## Part 2

### Prohibitions

#### 3. 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) Except under the authority of a licence granted under section 9(1)(a), 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 South Sudan; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan.
- (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 South Sudan; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan.

**4. 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 Hong Kong person or a person who is in the HKSAR; and
  - (d) a vehicle in the HKSAR.
- (2) Without limiting section 3, except under the authority of a licence granted under section 9(1)(b), 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) from a place outside South Sudan to a place in South Sudan; or
  - (b) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan.
- (3) Subsection (2) does not apply if—
  - (a) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and
  - (b) the supply is authorized by a licence granted under section 9(1)(a).
- (4) 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—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—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—the responsible persons for the vehicle.
- (5) A person who commits an offence under subsection (4) 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.
- (6) 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) that the goods concerned were prohibited goods; or
  - (b) that the carriage of the goods concerned was, or formed part of, a carriage—

- (i) from a place outside South Sudan to a place in South Sudan; or
- (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan.

## **5. 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) Except under the authority of a licence granted under section 10(1), a person must not directly or indirectly provide to a person in South Sudan any assistance (including the provision of armed mercenary personnel) related to—
  - (a) military activities; or
  - (b) the provision, maintenance or use of any prohibited goods.
- (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 person in South Sudan; or
  - (b) that the assistance related to—
    - (i) military activities; or

- (ii) the provision, maintenance or use of any prohibited goods.

## **6. 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 11(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 directly or indirectly owned or controlled 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 directly or indirectly owned or controlled by, the person).
- (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) 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 directly or indirectly owned or controlled by, a relevant person or a relevant entity.
- (5) A person is not to be regarded as having contravened subsection (2) by reason only of having credited an account belonging to, or directly or indirectly owned or controlled 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.

(6) 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.

## 7. Entry or transit of persons prohibited

- (1) A specified 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;
  - (b) the Committee has determined that the relevant entry or transit is justified on the ground of humanitarian need, including religious obligation; or
  - (c) the Committee has determined that the relevant entry or transit would further the objectives of peace and national reconciliation in South Sudan and stability in the region.
- (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.
- (5) In this section—

*specified person* (指明人士) means an individual designated by the Committee for the purposes of paragraph 9 of Resolution 2206.

## 8. **Acts done outside HKSAR with permission granted outside HKSAR not prohibited**

This Part does not apply if—

- (a) it otherwise prohibits a person from doing an act in a place outside the HKSAR except under the authority of a licence; and
- (b) the person does the act in the place with permission granted in accordance with a law in force in the place (being a law substantially corresponding to the relevant provisions of this Regulation).



## Part 3

### Licences

#### 9. Licence for supply or carriage of goods

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant, as appropriate—
  - (a) a licence for the supply of, or the doing of an act likely to promote the supply of, prohibited goods—
    - (i) to South Sudan; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan; or
  - (b) a licence for the carriage of prohibited goods that is, or forms part of, a carriage—
    - (i) from a place outside South Sudan to a place in South Sudan; or
    - (ii) to a destination for the purpose of delivery or transfer, directly or indirectly, to South Sudan.
- (2) The requirements are as follows—
  - (a) the prohibited goods are intended solely for the support of or use by United Nations personnel, including the United Nations Mission in the Republic of South Sudan and the United Nations Interim Security Force for Abyei;
  - (b) the prohibited goods are non-lethal military equipment intended solely for humanitarian or protective use;
  - (c) the prohibited goods are protective clothing (including flak jackets and military helmets) to be temporarily exported to South Sudan by United Nations personnel, representatives of the media, humanitarian or

development workers or associated personnel, for their personal use only;

- (d) the prohibited goods are to be temporarily exported to South Sudan by the forces of a state which is taking action, in accordance with international law, solely and directly to facilitate the protection or evacuation of its nationals and those for whom it has consular responsibility in South Sudan, as notified to the Committee;
- (e) the prohibited goods are to be supplied to or in support of the African Union Regional Task Force intended solely for regional operations to counter the Lord's Resistance Army;
- (f) the prohibited goods are to be supplied solely in support of the implementation of the terms of the peace agreement, as approved in advance by the Committee;

~~(g) the supply of the prohibited goods is approved in advance by the Committee.~~

~~(g) either of the following—~~

~~(i) for a licence referred to in subsection (1)(a)—the supply of the prohibited goods is approved in advance by the Committee;~~

~~(ii) for a licence referred to in subsection (1)(b)—~~

~~(A) the carriage of the prohibited goods is performed in the course of the supply of the prohibited goods; and~~

~~(B) the supply is approved in advance by the Committee.~~

- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(b) or (e) is met, before granting the licence, the Chief Executive must cause the Committee to



be notified of the proposed supply or carriage of the prohibited goods to which the application for the licence relates.

## **10. Licence for provision of assistance**

- (1) If, on application, the Chief Executive is satisfied that one or more of the requirements in subsection (2) are met, the Chief Executive must grant a licence for the provision, to a person in South Sudan, of assistance (including the provision of armed mercenary personnel) related to—
  - (a) military activities; or
  - (b) the provision, maintenance or use of any prohibited goods.
- (2) The requirements are as follows—
  - (a) the assistance is intended solely for the support of or use by United Nations personnel, including the United Nations Mission in the Republic of South Sudan and the United Nations Interim Security Force for Abyei;
  - (b) the assistance is technical assistance or training related to non-lethal military equipment intended solely for humanitarian or protective use;
  - (c) the assistance is technical assistance, technical training, financial assistance or other assistance to be provided to or in support of the African Union Regional Task Force intended solely for regional operations to counter the Lord's Resistance Army;
  - (d) the assistance is technical assistance, technical training, financial assistance or other assistance to be provided solely in support of the implementation of the terms of the peace agreement, as approved in advance by the Committee;

- (e) the provision of assistance or personnel is approved in advance by the Committee.
- (3) However, if the Chief Executive is satisfied that the requirement in subsection (2)(b) or (c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the proposed provision of the assistance to which the application for the licence relates.

### **11. Licence for making available or dealing with economic assets**

- (1) If, on application, the Chief Executive is satisfied 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 directly or indirectly owned or controlled 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 under the law of the HKSAR; or
    - (iii) fees or service charges, under the law of the HKSAR, for the routine holding or maintenance of economic assets belonging to, or directly or

- indirectly owned or controlled by, a relevant person or a relevant entity;
- (b) the economic assets are necessary for extraordinary expenses;
  - (c) the economic assets are—
    - (i) the subject of a judicial, administrative or arbitral lien or judgment that was entered before 3 March 2015 and is not for the benefit of a relevant person or a relevant entity; and
    - (ii) to be used to satisfy the lien or judgment;
  - (d) the economic assets are to be used for making payment due under a contract entered into by an individual or entity before the date on which the individual or entity became a relevant person or a relevant entity, and the payment is not received, directly or indirectly, by a relevant person or a relevant entity.
- (3) However, if the Chief Executive is satisfied 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 the licence; and
  - (b) must grant the licence in the absence of a negative decision by the Committee within 5 working days of the notification.
- (4) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(b) is met, the Chief Executive—
- (a) must cause the Committee to be notified of the intention to grant the licence; and
  - (b) must not, unless the Committee approves, grant the licence.

- (5) Also, if the Chief Executive is satisfied that the requirement in subsection (2)(c) is met, before granting the licence, the Chief Executive must cause the Committee to be notified of the intention to grant the licence.
- (6) Further, if the Chief Executive is satisfied that the requirement in subsection (2)(d) is met, the Chief Executive must cause the Committee to be notified of the intention to grant the licence not less than 10 working days before granting it.

**12. 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**

#### **13. Application of Part 4**

This Part applies if an authorized officer has reason to suspect that a mode of transport to which section 4 applies has been, is being or is about to be used in contravention of section 4(2).

#### **14. 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.

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

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

- (d) produce for inspection 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 document, cargo or article should be produced for inspection.

## **16. 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 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.

## **17. 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 16(1)(a); or
  - (b) refuses or fails to comply with a requirement made under section 15(1) or 16(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.

### **18. 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 15(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.

### **19. Power to enter and detain modes of transport**

- (1) Without limiting sections 17 and 18, this section applies if an authorized officer has reason to suspect that a requirement made under section 16(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 aircraft) any of its cargo or (for a vehicle) any article 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.

**20. 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.

---

## Part 5

### Evidence

#### 21. 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 22(3).

#### 22. 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.

### **23. Notice of intended forfeiture**

- (1) This section applies if an authorized officer intends to apply to a magistrate or judge under section 25 for an order for forfeiture of any seized property.
- (2) The officer must, within 30 days from the date of the seizure, serve notice of the intention to apply for an order for forfeiture under section 25 on every person who was, to the knowledge of the officer at the time of, or immediately after, the seizure, an owner of the seized property.
- (3) A notice under subsection (2) is to be regarded as having been duly served on a person if—
  - (a) it is delivered personally to the person;

- (b) it is sent by registered post addressed to the person at any place of residence or business of the person known to the authorized officer; or
- (c) for a notice that cannot be served in accordance with paragraph (a) or (b)—it is exhibited at the offices of the Customs and Excise Department, in a place to which the public have access, for a period of not less than 7 days commencing within 30 days from the date of the seizure of the seized property.

#### **24. Notice of objection to intended forfeiture**

- (1) The following persons may, by serving a notice in writing on the Commissioner, object to a proposed forfeiture of any seized property—
  - (a) an owner, or the authorized agent of an owner, of the seized property referred to in a notice served under section 23(2);
  - (b) a person who was in possession of the seized property at the time of seizure;
  - (c) a person who has a legal or equitable interest in the seized property.
- (2) A notice under subsection (1)—
  - (a) must be served on the Commissioner by a person referred to in subsection (1)(a), (b) or (c) (*claimant*) within 30 days from—
    - (i) if the notice under section 23(2) is delivered personally to the person named in the notice—the date of delivery;
    - (ii) if the notice is sent by registered post—2 days after the date of posting; or

- (iii) if the notice is exhibited as described in section 23(3)(c)—the first day it is so exhibited;
- (b) must state the claimant’s full name and address for service in Hong Kong; and
- (c) if the claimant does not have a permanent address in Hong Kong—must state the name and address of a solicitor who is—
  - (i) qualified to practise under the Legal Practitioners Ordinance (Cap. 159); and
  - (ii) authorized to accept service on behalf of the claimant in relation to any forfeiture proceedings.

## **25. Application for order for forfeiture**

An authorized officer may apply to a magistrate or judge for an order for forfeiture of any seized property in respect of which a notice has been served under section 23(2) after the expiration of the appropriate period of time specified in section 24(2)(a) for the serving of a notice of objection.

## **26. Power of magistrate or judge to make order for forfeiture and disposal**

- (1) This section applies if an application is made to a magistrate or judge for an order for forfeiture of any seized property.
- (2) If satisfied that—
  - (a) the seized property is a document relating to the provision, maintenance or use of any prohibited goods; or
  - (b) the seized property is prohibited goods,the magistrate or judge may make the order that the magistrate or judge considers appropriate for the forfeiture of the seized property and its subsequent destruction or disposal.

- (3) An order under subsection (2) may be made in respect of any seized property whether or not any person has been convicted of any offence in connection with the seized property.
- (4) Before making an order for forfeiture of any seized property, the magistrate or judge must issue a summons to any person who serves a notice under section 24(1) to appear on a day specified in the summons to show cause why the seized property should not be forfeited.
- (5) If any summons issued under subsection (4) has not for any reason been served and the magistrate or judge is satisfied that all reasonable efforts have been made to serve the summons on the person named in the summons, the magistrate or judge may make an order for forfeiture under subsection (2) despite the fact that the summons has not been served on the person.

## **27. Detention of seized property**

- (1) Subject to any order made under section 26, seized property may not be detained for more than 3 months.
  - (2) However, if 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

#### 28. 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 South Sudan 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.
- \_\_\_\_\_



## **Part 7**

### **Other Offences and Miscellaneous Matters**

#### **29. 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.

#### **30. 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.

**31. 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.

**32. Consent and deadline for prosecution**

- (1) A prosecution for an offence under this Regulation may only be started by or with the consent of the Secretary for Justice.
- (2) A prosecution for a summary offence under this Regulation that is alleged to have been committed by a person outside the HKSAR may only be started before the end of 12 months beginning on the date on which the person first enters the HKSAR after the alleged commission of the offence.

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

- (3) In this section—

*summary offence* (簡易程序罪行) means an offence triable summarily only.

**33. Publication of list of individuals and entities by Secretary**

- (1) The Secretary may publish on the website of the Commerce and Economic Development Bureau (*CEDB*) a list of individuals 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 or entity designated by the Committee for the purposes of paragraph 12 of Resolution 2206.
- (3) The list may also contain other information that the Secretary considers appropriate.
- (4) The Secretary may remove the name of an individual or entity from the list if the individual or entity is no longer designated by the Committee for the purposes of paragraph 12 of Resolution 2206.
- (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.

#### **34. 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 subdelegate 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.

**35. 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.
- \_\_\_\_\_

## United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020

### Information on South Sudan

#### Country Background

South Sudan is a country in East-Central Africa, situated south of Sudan, north of Uganda and Kenya, and west of Ethiopia<sup>Note 1</sup>. It has a total area of 644,329 sq. km. and an estimated population of around 10.6 million. With its capital in Juba, South Sudan attained independence in July 2011 following a referendum held in January 2011. It is an oil-dependent economy and had an estimated GDP of US\$3.06 billion (or HK\$23.85 billion) in 2017<sup>Note 2</sup>.

#### Sanctions imposed by the United Nations Security Council

2. Modern Sudan emerged during the Anglo-Egyptian Condominium (1898-1955). During this time, Britain and Egypt occupied Sudan, with separate administrative arrangements for the north and south. Sudan became independent at the beginning of 1956 and faced long civil wars in the decades that followed. Between 1955 and 2005, north and south Sudan experienced prolonged period of conflict and war.

3. On 9 January 2005, the Comprehensive Peace Agreement was signed by the leaders of the north and south. It granted partial-autonomy to Southerners, and a new Interim Constitution. On 9 January 2011, Southerners voted on whether to become an independent nation or to remain part of greater Sudan. This referendum was provided for by the peace agreement, and Southerners opted to separate from the north by more than 98 percent of the vote. The Republic of South Sudan was then established on 9 July 2011<sup>Note 3</sup>.

4. The security situation in South Sudan has deteriorated steadily since December 2013. The conflict between the Government of the Republic of South Sudan and opposition forces which emanated from internal political disputes among the country's political and military leaders has resulted in great human suffering, including significant loss of life, displacement of more than two million people, and the loss of property, further impoverishing and disadvantaging the people of South Sudan.

---

Note 1 At present, there is not a definite list of Belt and Road countries. South Sudan is usually regarded as one of the countries along the Belt and Road.

Note 2 Source: CIA World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/od.html>

Note 3 Source of information in paragraph 3: United Nations in South Sudan at <http://ss.one.un.org/country-context>

5. Determining that the situation in South Sudan continued to constitute a threat to international peace and security in the region, the Security Council of the United Nations (“UNSC”) adopted Resolution 2206 on 3 March 2015, imposing travel ban and financial sanctions against individuals or entities engaging in or providing support for acts that threaten the peace, security and stability of South Sudan<sup>Note 4</sup>. The above sanction measures have been renewed by the UNSC for a few times since then. Expressing deep concern at the failures of South Sudan’s leaders to bring an end to the hostilities in South Sudan, the UNSC adopted Resolution 2428 on 13 July 2018 to further impose time-limited arms-related sanctions against South Sudan. On 29 May 2020, the UNSC adopted Resolution 2521 to renew the financial sanctions, travel ban and arms embargo imposed on South Sudan until 31 May 2021.

### **Trade Relation between Hong Kong and South Sudan**

6. In 2019, South Sudan ranked 169<sup>th</sup> among Hong Kong’s trading partners in the world, with a total trade of HK\$17.5 million. Of these, HK\$17.1 million worth of trade were exports to South Sudan while HK\$0.4 million were imports from South Sudan. Hong Kong’s trade with South Sudan are summarised as follows –

| <b>Hong Kong’s Trade with South Sudan [Value in HK\$ (in million)]<sup>Note 5</sup></b> |                        |                                  |
|---|------------------------|----------------------------------|
| <b>Item</b>   | <b>2019</b>            | <b>2020<br/>(January – June)</b> |
| (a) Total Exports to South Sudan  | 17.1                   | 29.5                             |
| (i) Domestic exports  | 0.03 <sup>Note 6</sup> | - <sup>Note 7</sup>              |
| (ii) Re-exports   | 17.1 <sup>Note 8</sup> | 29.5 <sup>Note 9</sup>           |
| (b) Imports from South Sudan  | 0.4 <sup>Note 10</sup> | 0.003 <sup>Note 11</sup>         |
| <b>Total Trade [(a) + (b)]</b>  | <b>17.5</b>            | <b>29.5</b>                      |

<sup>Note 4</sup> Source of information: Webpage of the UNSC Committee established pursuant to Resolution 2206 at [https://www.undocs.org/S/RES/2206\(2015\)](https://www.undocs.org/S/RES/2206(2015))

<sup>Note 5</sup> Due to rounding of figures, the sub-items may not add up to the total.

<sup>Note 6</sup> In 2019, Hong Kong’s major domestic export items to South Sudan were special transactions and commodities not classified according to kind (100%).

<sup>Note 7</sup> In the first six months of 2020, there was no domestic export to South Sudan.

<sup>Note 8</sup> In 2019, Hong Kong’s major re-export items to South Sudan were telecommunications and sound recording and reproducing apparatus and equipment (88.6%).

<sup>Note 9</sup> In the first six months of 2020, Hong Kong’s major re-export item to South Sudan were telecommunications and sound recording and reproducing apparatus and equipment (96.7%).

<sup>Note 10</sup> In 2019, Hong Kong’s major import items from South Sudan were articles of apparel and clothing accessories (43.1%); and baby carriages, toys, games and sporting goods (34.1%).

<sup>Note 11</sup> In the first six months of 2020, Hong Kong’s major import items from South Sudan were special transactions and commodities not classified according to kind (100%).

In 2019, HK\$0.4 million worth of goods were re-exports of South Sudan origin to the Mainland via Hong Kong, and HK\$16.6 million were re-exports of Mainland origin to South Sudan via Hong Kong. The total of HK\$17.0 million worth of goods, were equivalent to 0.1%<sup>Note 12</sup> of the total trade between South Sudan and the Mainland.

7. The sanctions against South Sudan imposed by the UNSC would unlikely affect the trade between Hong Kong and South Sudan notably, as the major categories of commodities traded are not related to arms or related items. In addition, given the extremely small trade volume between the two places, the sanctions against South Sudan imposed by the UNSC would unlikely have any significant effect on the Hong Kong economy.

**Commerce and Economic Development Bureau  
September 2020**

---

<sup>Note 12</sup> The percentage is an estimate with reference to China's Customs Statistics and Hong Kong Trade Statistics. Since two different sets of data are involved, the calculated percentage is solely indicative.