

L.N. 137 of 2013

**United Nations Sanctions (Somalia) (Amendment)
Regulation 2013**

(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 (Somalia) Regulation amended

The United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN) is amended as set out in sections 2 to 9.

2. Section 1 amended (interpretation)

(1) Section 1, definition of *designated person*—

Repeal paragraph (a)

Substitute

“(a) as engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or AMISOM by force;”.

(2) Section 1, definition of *designated person*, paragraph (b)—

Repeal

everything after “in violation”

Substitute

“of—

- (i) the arms embargo imposed by paragraph 5 of Resolution 733, as further elaborated upon by paragraphs 1 and 2 of Resolution 1425, and as amended by paragraphs 33 to 38 of Resolution 2093;
 - (ii) the arms resale and transfer restrictions set out in paragraph 34 of Resolution 2093;”.
- (3) Section 1, definition of *designated person*, after paragraph (c)—

Add

- “(d) as being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law; or
- (e) as being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement;”.
- (4) Section 1, definition of *relevant person*, paragraph (b)—

Repeal

“or owned or controlled directly or indirectly by;”.

- (5) Section 1—

Add in alphabetical order

“*AMISOM* (非索特派團) means the African Union Mission in Somalia;

Resolution 733 (《第733號決議》) means Resolution 733 (1992) adopted by the Security Council on 23 January 1992;

Resolution 1425 (《第1425號決議》) means Resolution 1425 (2002) adopted by the Security Council on 22 July 2002;

Resolution 2093 (《第2093號決議》) means Resolution 2093 (2013) adopted by the Security Council on 6 March 2013;”.

3. Section 2 amended (prohibition against supply, sale or transfer of certain goods)

Section 2(5)(b) and (c)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

4. Section 3 amended (prohibition against carriage of certain goods)

(1) Section 3(5)(a), (b), (c), (d) and (e), English text—

Repeal

“in the case of”

Substitute

“for”.

(2) Section 3(7)(b) and (c)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

5. Section 4 amended (prohibition against provision of certain advice, assistance or training)

Section 4(5)(a) and (b)—

Repeal

“if the person is charged with contravening”

Substitute

“for a contravention of”.

6. Section 8 amended (licence for supply, sale, transfer or carriage of certain goods)

(1) Section 8(2)—

Repeal

“referred to in subsection (1)”.

- (2) Section 8(2), Chinese text—

Repeal paragraph (a)

Substitute

- “(a) 有關禁制物品，是由聯合國人員、媒體代表、人道主義或發展工作人員或有關人員暫時出口至索馬里專供其個人使用的防護服用品(包括防彈衣及軍用頭盔)；”。

- (3) Section 8(2)(b), Chinese text, after “禁制物品”—

Add a comma.

- (4) Section 8(2)(d)—

Repeal the full stop

Substitute a semicolon.

- (5) After section 8(2)(d)—

Add

- “(e) the prohibited goods do not include any item covered by the Annex to Resolution 2093, and are intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people;
- (f) the prohibited goods are intended solely for the support of or use by AMISOM’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with AMISOM;
- (g) the prohibited goods are intended solely for the support of or use by the personnel of the United Nations, including the United Nations Political Office for Somalia or its successor mission.”。

7. Section 9 amended (licence for provision of certain advice, assistance or training)

(1) Section 9(2)—

Repeal

“referred to in subsection (1)”.

(2) Section 9(2)(b)—

Repeal the full stop

Substitute a semicolon.

(3) After section 9(2)(b)—

Add

“(c) the advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somalia people;

(d) the assistance is intended solely for the support of or use by AMISOM’s strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with AMISOM;

(e) the assistance is intended solely for the support of or use by the personnel of the United Nations, including the United Nations Political Office for Somalia or its successor mission.”.

8. Section 10 amended (licence for making available funds, etc. to certain persons or entities or dealing with funds, etc. of certain persons or entities)

Section 10(2)—

Repeal

“referred to in subsection (1)”.

9. Section 32 added

After section 31—

Add

“32. Duration

Sections 8(2)(e) and 9(2)(c) expire at midnight on 5 March 2014.”.

C. Y. LEUNG
Chief Executive

23 July 2013

Explanatory Note

The main purpose of this Regulation is to give effect to certain decisions in Resolution 2093 (2013) as adopted by the Security Council of the United Nations (*Security Council*) on 6 March 2013. The Regulation—

- (a) amends the definition of *designated person*;
 - (b) provides for additional exceptions to the prohibition against—
 - (i) the supply, sale, transfer or carriage of weapons or military equipment to certain persons; and
 - (ii) the provision of certain advice, assistance or training to certain persons.
2. This Regulation also makes certain minor amendments.