

A.L. 247 ta' l-2004

**ATT DWAR POTERI LI JSIRU REGOLAMENTI
FL-INTERESS NAZZJONALI
(KAP. 365)**

**Regolamenti ta' l-2004 li jemendaw ir-Regolamenti dwar
Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tal-Liberja**

BIS-SAHHA tas-setghat moghtija bl-artikolu 3(1) ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru u Ministru tal-Finanzi ghamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2004 li jemendaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tal-Liberja, u ghandhom jinqraw u jiftiehmha waħda mar-Regolamenti ta' l-2004 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tal-Liberja, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

A.L. 109 ta' l-2004.

2. Regolament 3 tar-regolamenti prinċipali ghandu jkun enumerat mill-ġdid bħala s-subregolament (1) tar-regolament, u minnufih wara s-subregolament (1) kif enumerat mill-ġdid ghandu jiżdied dan is-subregolament ġdid li ġej:-

Jemenda regolament 3 tar-regolamenti prinċipali.

“(2) Għall-finijiet tas-subartikolu (4) ta' l-artikolu 3 ta' l-Att, ir-Riżoluzzjoni numru 1532 (2004) adottata mill-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti fit-12 ta' Marzu, 2004 qeghda tiġi ppubblikata bl-ilsien Ingliż fl-Iskeda 1532 (2004) li tinsab ma' dawn ir-regolamenti.”.

3. Regolament 7 ghandu jiġi mħassar u r-regolament 6 ghandu jiġi enumerat mill-ġdid bħala r-regolament 7.

Jenumera mill-ġdid regolament 6 u jhassar regolament 7 tar-regolamenti prinċipali.

4. Minnufih wara regolament 5 tar-regolamenti prinċipali ghandu jiżdied dan ir-regolament ġdid li ġej:-

Iżid ir-regolament 6 ġdid mar-regolamenti prinċipali.

“Iffriżar
ta’ attiv.

6. (1) Il-flejjes kollha u kull attiv finanzjarju u riżors ekonomiku iehor li jkunu proprjetà ta’ jew ikkontrollat minn, direttament jew indirettament, Charles Taylor, Jewell Howard Taylor, u Charles Taylor, Jr. u, jew dawk l-individwi l-oħra msemija mill-Kumitat, inklużi flejjes u kull attiv finanzjarju u riżors ekonomiku iehor miżmum minn entitajiet, li jkunu proprjetà ta’, jew ikkontrollati minn, direttament jew indirettament, xi hadd minnhom jew minn persuni li jaġixxu minflokhom jew kif ordnati minnhom, skond ma jiġu msemija mill-Kumitat, għandhom jiġu ffrizati.

(2) Ebda tali flejjes u attiv finanzjarju u riżors ekonomiku iehor bhal dawk imsemmija fis-subregolament (1) ta’ dan ir-regolament ma għandhom jintgħamlu disponibbli minn xi persuna f’Malta jew minn xi ċittadin jew residenti permanenti f’Malta, sew f’Malta sew band’oħra, direttament jew indirettament, lil jew għall-benefiċċju ta’ dawk il-persuni.

(3) Id-disposizzjonijiet ta’ dawn ir-regolamenti ma japplikawx għal flejjes u kull attiv finanzjarju u riżors ekonomiku iehor li jkunu ġew deċiżi minn Malta bħala meħtieġa għal:

(a) spejjeż bażiċi, inkluż il-hlas li jsir għall-ikel, kiri jew *mortgage*, mediċini u kura medika, taxxi, premiums ta’ l-assigurazzjoni, u hlasijiet għall-utilitajiet pubbliċi, jew esklużivament għall-hlas ta’ drittijiet professjonali raġonevoli u r-rimborż ta’ spejjeż li jkunu saru assoċjati ma’ l-ghoti ta’ servizzi legali, jew drittijiet jew hlasijiet għal servizzi talli jinżammu jew jiġu mantnuti flejjes u kull attiv finanzjarju u riżors ekonomiku iehor li jkunu ffrizati, wara li Malta tavża lill-Kumitat bil-hsieb li jkollha li tawtorizza, meta jkun adatt, l-aċċess għal dawk il-flejjes u kull attiv finanzjarju u riżors ekonomiku iehor u kemm-il darba ma jkunx hemm deċiżjoni negattiva mill-Kumitat, fi żmien jumejn tax-xogħol minn meta jinghata dak l-avviż; u

(b) spejjeż straordinarji, sakemm dik id-deċiżjoni tkun giet avżata minn Malta lill-Kumitat u tkun giet approvata mill-Kumitat.”.

5. Minnufih wara Skeda 1521 (2003) li tinsab mar-regolamenti principali ghandha tizzied din l-iskeda ġdida li ġejja:-

Iżid Skeda ġdida mar-regolamenti principali.

“SKEDA 1532 (2004)

(Regolament 3)

Resolution 1532 (2004)

**Adopted by the Security Council at its 4925th meeting,
on 12 March 2004**

The Security Council,

Recalling its resolution 1521 (2003) of 22 December 2003, and its other previous resolutions and statements by its President on the situation in Liberia and West Africa,

Noting with concern that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their depletion of Liberian resources, and their removal from Liberia and secreting of Liberian funds and property from that country, have undermined Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources,

Recognizing the negative impact on Liberia of the transfer abroad of misappropriated funds and assets and the need for the international community to ensure as soon as possible, in accordance with paragraph 6 below, the return of such funds and assets to Liberia,

Also expressing concern that former President Taylor, in collaboration with others still closely associated with him, continues to exercise control over and to have access to such misappropriated funds and property, with which he and his associates are able to engage in activities that undermine peace and stability in Liberia and the region,

Determining that this situation constitutes a threat to international peace and security in West Africa, in particular to the peace process in Liberia,

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

1. *Decides* that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter, “the Committee”) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the sub-region, all States in which there are, at the date of adoption of this resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled

directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

2. *Decides* that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant State(s) 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, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

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

(c) have been determined by relevant State(s) to be the subject of a judicial administrative, or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement: was entered prior to the date of the present resolution; is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee; and has been notified by the relevant State(s) to the Committee;

3. *Decides* that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) interest or other earnings due on those accounts; and

(b) payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above;

provided that any such interest, other earnings and payments continue to be subject to those provisions;

4. *Further decides* that the Committee shall:

(a) identify individuals and entities of the types described in paragraph 1 above, and promptly circulate to all States a list of said individuals and entities, including by posting such a list on the Committee's web site;

(b) maintain and regularly update and review every six months the list of those individuals and entities identified by the Committee as being subject to the measures set forth in paragraph 1 above;

(c) assist States, where necessary, in tracing and freezing the funds, other financial assets and economic resources of such individuals and entities;

(d) seek from all States information regarding the actions taken by them to trace and freeze such funds, other financial assets and economic resources;

5. *Decides* to review the measures imposed in paragraph 1 above at least once a year, the first review taking place by December 22, 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate;

6. *Expresses* its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia;

7. *Decides* to remain actively seized of the matter. "
