A.L. 212 ta' l-2002

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

Regolamenti ta' l-2002 li jemendaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tat-Taliban (Emenda Nru. 2)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:-

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2002 li jemendaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tat-Taliban (Emenda Nru. 2), u għandhom jinqraw u jiftiehmu ħaġa waħda mar-Regolamenti ta' l-1999 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tat-Taliban, hawnhekk iżjed 'il quddiem imsejjħa "ir-regolamenti prinċipali".

A.L. 214 ta' l-1999.

Iżid ir-regolament 3B mar-regolamenti prinċipali.

2. Minnufih wara r-regolament 3A tar-regolamenti prinċipali, għandu jiżdied dan ir-regolament ġdid li ġej:-

"Test tar-riżoluzzjoni 1390 (2002).

3B. Għall-fini tas-subartikolu (4) ta' l-artikolu 3 ta' l-Att, ir-Riżoluzzjoni numru 1390 (2002) adottata mill-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti fis-16 ta' Jannar, 2002, qegħda tiġi ppubblikata fl-iskeda indikata bħala "Schedule C" li tinsab ma' dawn ir-regolamenti.".

Jemenda r-regolament 4 tar-regolamenti prinċipali.

3. Ir-regolament 4 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:-

(a) fis-subregolament (4) tiegħu minnufih wara l-kliem "jew kull attiv ieħor" għandhom jiżdiedu l-kliem "jew riżorsi ekonomiċi oħra";

(b) fis-subregolament (5) tiegħu minnufih wara l-kliem "jew riżorsi finanzjarji" għandhom jiżdiedu l-kliem "jew ekonomiċi";

u

(ċ) minnufih wara s-subregolament (5) għandu jiżdied dan is-subregolament ġdid li ġej:-

"(6) Minkejja kull liġi ohra, ebda ċittadin ta' Malta u hadd f'Malta m'għandu:

(a) sew direttament sew indirettament, iforni, jbiegh jew jittrasferixxi lil individwi, gruppi, impriżi jew entitajiet kif imsemmija mill-Kumitat, xi armi jew materjal ta' kull għamla li ghandu x'jaqsam ma' l-armi, inklużi armi tal-gwerra u munizzjon, vetturi u tagħmir militari, tagħmir paramilitari jew *spare parts* għal dak kollu hawn aktar qabel imsemmi, jew juża xi bastiment jew inġenju ta' l-ajru reġistrat f'Malta għall-finijiet imsemmija f'dan il-paragrafu;

(b) sew direttament sew indirettament, sew minn Malta sew minn band'oħra, iforni, jbiegh jew jittrasferixxi lil individwi, gruppi, impriżi jew entitajiet kif imsemmija mill-Kumitat, xi parir tekniku, għajnuna, jew taħriġ li jkollu x'jaqsam ma' attivitajiet militari.".

Iżid ir-regolament 6 ġdid mar-regolamenti prinċipali.

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

"Notifikazzjoni dwar l-iffriżar ta' attiv.

6. (1) Meta xi disposizzjoni ta' xi regolament magħmul taht l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, ikun jeħtieġ lil xi persuna jew lil xi entità ohra, hawnhekk iżjed 'il quddiem "persuna suġġetta", li twettaq l-identifikazzjoni ta' flejjes jew attiv li jappartjenu lil jew li jkunu fil-pussess ta' persuni jew entitajiet li jistghu jiġu identifikati jew li jkunu identifikabbli taħt xi regolamenti magħmulin skond l-Att, jew l-iffriżar jew l-ibblukkar ta' dawk il-flejjes jew attiv, kull persuna suġġetta li l-attivitajiet taghha jkunu jeħtieġu liċenza, kif deskritt fis-subregolament (2) ta' dan ir-regolament, għandha minghajr ebda dewmien tavża bil-miktub kull informazzjoni rilevanti li jista' jkollha dwar persuni, entitajiet, attiv jew flejjes milquta bil-htiġiet ta' identifikazzjoni jew iffriżar u bblukkar ta' flejjes lill-awtorità li tohroġilha l-liċenza fl-ambitu tat-tifsira tas-subregolament (2) ta' dan ir-regolament; u dik l-awtorità li tohroġ il-liċenza għandha tghaddi dik l-informazzjoni rilevanti lill-Bord li Jissorvelja s-Sanzjonijiet imwaqqaf taht l-Att, jew lil dik l-awtorità pubblika oħra li tista' tiġi preskritta, għall-finijiet ta' l-Att.

(2) F'dan ir-regolament –

(a) "liċenza" tfisser liċenza jew xi għamla oħra ta' awtorizzazzjoni meħtieġa li tinħareġ taħt l-Att dwar il-Kummerċ Bankarju, l-Att dwar is-Servizzi ta' Investment, l-Att dwar il-Kummerċ ta' l-Assigurazzjoni, l-Att dwar *Brokers* fl-Assigurazzjoni u Intermedjari Oħra, l-Att dwar is-Swieq Finanzjarji u kull liċenza jew awtorizzazzjoni oħra li jistgħu jiġu preskritti minn żmien għal żmien; u

(b) "awtorità li toħroġ liċenza" tfisser l-awtorità kompetenti jew korp regolatorju ieħor li jkun awtorizzat joħroġ xi liċenza minn dawk imsemmija fil-paragrafu (a) ta' dan is-subregolament.

(3) L-iżvelar ta' kull informazzjoni fl-ambitu tal-pattijiet u tal-ħtiġiet ta' dan ir-regolament ma għandux jikkostitwixxi ksur ta' l-Att dwar Segretezza Professjonali, meta dan ikun japplika, jew ta' kull obbligazzjoni oħra ta' konfidenzjalità li toħroġ minn xi kuntratt jew minn xi liġi oħra.

Emenda r-regolament 5 tar-regolamenti prinċipali.

5. Minnnufih wara l-kliem "ħamsin elf lira Maltija" fir-regolament 5 tar-regolamenti prinċipali, għandhom jidħlu l-kliem "jew priġunerija għal żmien mhux iżjed minn ħames snin, jew għal dik il-multa u priġunerija flimkien".

Iżid Skeda ġdida mar-regolamenti prinċipali.

6. Minnufih wara Schedule B li tinsab mar-regolamenti prinċipali, għandha tiżdied l-iskeda ġdida indikata bħala "Schedule C" li hemm fi tmiem it-test Ingliż ta' dawn ir-regolamenti.

"SCHEDULE C

Regulation 3B

Resolution 1390 (2002)

Adopted by the Security Council at its 4452nd meeting, on 16 January 2002

The Security Council,

Recalling its resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000 and 1363 (2001) of 30 July 2001,

Reaffirming its previous resolutions on Afghanistan, in particular resolutions 1378 (2001) of 14 November 2001 and 1383 (2001) of 6 December 2001,

Reaffirming also its resolutions 1368 (2001) of 12 September 2001 and 1373 (2001) of 28 September 2001, and *reiterating* its support for international efforts to root out terrorism, in accordance with the Charter of the United Nations,

Reaffirming its unequivocal condemnation of the terrorist attacks which took place in New York, Washington and Pennsylvania on 11 September 2001, expressing its determination to prevent all such acts, *noting* the continued activities of Usama bin Laden and the Al-Qaida network in supporting international terrorism, and expressing its determination to root out this network,

Noting the indictments of Usama bin Laden and his associates by the United States of America for, inter alia, the 7 August 1998 bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania,

Determining that the Taliban have failed to respond to the demands in paragraph 13 of resolution 1214 (1998) of 8 December 1998, paragraph 2 of resolution 1267 (1999) and paragraphs 1, 2 and 3 of resolution 1333 (2000),

Condemning the Taliban for allowing Afghanistan to be used as a base for terrorists training and activities, including the export of terrorism by the Al-Qaida network and other terrorist groups as well as for using foreign mercenaries in hostile actions in the territory of Afghanistan,

Condemning the Al-Qaida network and other associated terrorist groups, for the multiple criminal, terrorist acts, aimed at causing the deaths of numerous innocent civilians, and the destruction of property,

Reaffirming further that acts of international terrorism constitute a threat to international peace and security,

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

1. *Decides* to continue the measures imposed by paragraph 8 (c) of resolution 1333 (2000) and takes note of the continued application of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), in accordance with paragraph 2 below, and *decides* to terminate the measures imposed in paragraph 4 (a) of resolution 1267 (1999);

2. *Decides* that all States shall take the following measures with respect to Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) to be updated regularly by the Committee established pursuant to resolution 1267 (1999) hereinafter referred to as "the Committee";

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

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

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

3. *Decides* that the measures referred to in paragraphs 1 and 2 above will be reviewed in 12 months and that at the end of this period the Council will either allow these measures to continue or decide to improve them, in keeping with the principles and purposes of this resolution;

4. *Recalls* the obligation placed upon all Member States to implement in full resolution 1373 (2001), including with regard to any member of the Taliban and the Al-Qaida organization, and any individuals, groups, undertakings and entities associated with the Taliban and the Al-Qaida organization, who have participated in the financing, planning, facilitating and preparation or perpetration of terrorist acts or in supporting terrorist acts;

5. *Requests* the Committee to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) to update regularly the list referred to in paragraph 2 above, on the basis of relevant information provided by Member States and regional organizations;

(b) to seek from all States information regarding the action taken by them to implement effectively the measures referred to in paragraph 2 above, and thereafter to request from them whatever further information the Committee may consider necessary;

(c) to make periodic reports to the Council on information submitted to the Committee regarding the implementation of this resolution;

(d) to promulgate expeditiously such guidelines and criteria as may be necessary to facilitate the implementation of the measures referred to in paragraph 2 above;

(e) to make information it considers relevant, including the list referred to in paragraph 2 above, publicly available through appropriate media;

(f) to cooperate with other relevant Security Council Sanctions Committees and with the Committee established pursuant to paragraph 6 of its resolution 1373 (2001);

6. *Requests* all States to report to the Committee, no later than 90 days from the date of adoption of this resolution and thereafter according to a timetable to be proposed by the Committee, on the steps they have taken to implement the measures referred to in paragraph 2 above;

7. *Urges* all States, relevant United Nations bodies, and, as appropriate, other organizations and interested parties to cooperate fully with the Committee and with the Monitoring Group referred to in paragraph 9 below;

8. *Urges* all States to take immediate steps to enforce and strengthen through legislative enactments or administrative measures, where appropriate, the measures imposed under domestic laws or regulations against their nationals and other individuals or entities operating on their territory, to prevent and punish violations of the measures referred to in paragraph 2 of this resolution, and to inform the Committee of the adoption of such measures, and *invites* States to report the results of all related investigations or enforcement actions to the Committee unless to do so would compromise the investigation or enforcement actions;

9. *Requests* the Secretary-General to assign the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001), whose mandate expires on 19 January 2002, to monitor, for a period of 12 months, the implementation of the measures referred to in paragraph 2 of this resolution;

10. *Requests* the Monitoring Group to report to the Committee by 31 March 2002 and thereafter every 4 months;

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