Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,088, 17 ta' Marzu, 1995
Taqsima B

A.L. 33 ta' l-1995

ATT TA' L-1993 DWAR SANZJONIJIET TAL-KUNSILL TAS-SIGUREZZA TAN-NAZZJONIJIET UNITI (ATT NRU. XX TA' L-1993)

Regolamenti ta' l-1995 li jemendaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro)

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 ta' l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:—

Titolu.

1. Dawn ir-regolamenti jistgħu jissejħu r-Regolamenti ta' l-1995 li jemendaw ir-Regolamenti dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro), u għandhom jinqraw u jiftehmu ħaġa waħda mar-Regolamenti ta' l-1994 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro), hawnhekk iżjed 'il quddiem imsejħa "ir-regolamenti prinċipali".

A.L. 88 ta' l-1994

Jemenda r-regolament 3 tar-regolamenti prinċipali.

2. Fir-regolament 3 tar-regolamenti prinċipali, minflok il-kliem "fl-Iskedi I u II li jinsabu ma' dawn ir-regolamenti" għandhom jidħlu l-kliem "fl-Iskedi I, II u III li jinsabu ma' dawn ir-regolamenti".

Żieda ta' l-artikoli 12 sa 21 mar-regolamenti prinċipali.

3. Minnufih wara r-regolament 11 tar-regolamenti prinċipali, għandhom jidħlu dawn ir-regolamenti li ġejjin:—

"Jipprojbixxi l-esportazzjoni, l-importazzjoni jew trasbord ta' provvisti.

12. (1) Minkejja kull liġi oħra, bla ħsara għad-dispożizzjonijiet tal-paragrafu (2) ta' dan ir-regolament, kull min, f'xi vapur, bastiment jew ajruplan ta' sidien f'Malta, jimporta lejn, jesporta minn jew jagħmel trasbord minn ġewwa ż-Żoni Protetti tan-Nazzjonijiet Uniti fir-Repubblika tal-Kroazja u minn ġewwa dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, xi provvisti, bl-eċċezzjoni ta' provvisti umanitarji, ikun ħati ta' reat taħt dawn ir-regolamenti.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ta' dan ir-regolament ma jkunux japplikaw għal provvisti debitament awtorizzati mill-Gvern tar-Repubblika tal-Kroazja jew mill-Gvern tar-Repubblika ta' Bosnia u Herzegovina.

Jipprojbixxi d-devjazzjoni ta' komoditajiet lejn it-territorju tar-Repubblika Federali tal-Jugoslavja

13. Minkejja kull liġi oħra, kull min, f'xi vapur, bastiment jew ajruplan ta' sidien f'Malta, jiddevja lejn it-territorju tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) komoditajiet u prodotti intiżi li jintbagħtu f'pajjiżi oħra, ikun ħati ta' reat taħt dawn ir-regolamenti.

Jipprojbixxi t-trasbord ta' oġġetti fuq id-Danubju lejn ir-Repubblika Federali tal-Jugoslavja.

14. (1) Bla ħsara għad-dispożizzjonijiet tal-paragrafu (2) ta' dan ir-regolament, kull min, f'xi vapur jew bastiment ta' sidien f'Malta, jittrasborda komoditajiet jew prodotti minn ġewwa r-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) fid-Danubju jkun ħati ta' reat taħt dawn ir-regolamenti.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ta' dan ir-regolament ma jkunux japplikaw għal trasbord awtorizzat mill-Kumitat.

Konġelar ta' proprjetà

15. (1) Minkejja kull liġi oħra, flejjes miksubin minn proprjetà,

(a) ta' l-awtoritajiet fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro), jew

(b) ta' impriżi kummerċjali, industrijali jew ta' utilità pubblika fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro), jew

(ċ) li hi direttament jew indirettament kontrollata minn dawk l-awtoritajiet jew minn entijiet, li jkunu jinsabu jew li jkunu organizzati fejn ikun, li dawk l-awtoritajiet jew impriżi jippossjedu jew jikkontrollaw,

għandhom ikunu konġelati.

(2) Kull min jiddisponi li dawk il-flejjes isiru disponibbli sew direttament jew indirettament lil jew għal benefiċċju ta' l-awtoritajiet fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) jew għal xi impriża kummerċjali, industrijali jew ta' utilità pubblika fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) jew

lil xi awtorità li direttament jew indirettament tkun tikkontrolla dawk il-flejjes jew lil xi enti, tkun fejn tkun tinsab jew organizzata, li tkun posseduta minn dik l-awtorità jew impriża, ikun ħati ta' reat taħt dawn ir-regolamenti.

Projbizzjoni ta' trasport ta' komoditajiet u prodotti minn fruntieri jew lejn portijiet tar-Repubblika Federali tal-Jugoslavja.

16. (1) Minkejja kull liġi oħra, bla ħsara għad-dispożizzjonijiet tal-paragrafu (2) ta' dan ir-regolament, kull persuna, ċittadin ta' Malta, jew residenti permanenti f'Malta li jittrasporta xi komodità jew prodott minn fruntieri jew lejn jew minn portijiet tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) ikun ħati ta' reat taħt dawn ir-regolamenti.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ta' dan ir-regolament ma jkunux japplikaw għal:

(a) l-importazzjoni ta' provvisti mediċi u ikel ġewwa r-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) kif jiġi awtorizzat mill-Kumitat;

(b) l-importazzjoni ta' provvisti umanitarji essenzjali ġewwa r-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) kif jiġi approvat mill-Kumitat;

(ċ) trasbordi minn fuq it-territorju tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) kif jiġi approvat mill-Kumitat.

Sekwestru ta' bastimenti, eċċ.

17. (1) Dawk il-bastimenti, vetturi tal-ġarr tal-merkanzija, *rolling stock* u ajruplani li dwarhom tinżamm parteċipazzjoni maġġoritarja jew ta' kontroll minn persuna jew minn impriża li jkunu fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) jew li joperaw minn dik ir-Repubblika u li jinstabu fi ħdan it-territorju ta' Malta huma sekwestrati.

(2) Kull nefqa li ssir fis-sekwestru ta' bastiment, vettura tal-ġarr tal-merkanzija, *rolling stock* u ajruplan tkun trid titħallas mis-sid.

(3) Bastiment, vettura tal-ġarr tal-merkanzija, *rolling stock* u ajruplan li b'xi mod ikun involut f'kontravvenzjoni ta' dawn ir-regolamenti għandu jiġi konfiskat favur il-Gvern ta' Malta:

Iżda ebda konfiska bħal dik ma għandha tibda sseħħ kemm-il darba din ma tiġix speċifikament konfermata mill-Ministru responsabbli għall-affarijiet barranin.

Detenzjoni filwaqt li jsiru l-investigazzjonijiet

18. Bastimenti, vetturi tal-ġarr tal-merkanzija, *rolling stock*, ajruplani jew tagħbija li jinstabu fi ħdan it-territorju ta' Malta, għandhom, fuq kull suspett raġonevoli ta' xi kontravvenzjoni tar-Riżoluzzjonijiet li hemm fl-Iskedi I, II u III, jinżammu u jkunu japplikaw id-dispożizzjonijiet tar-regolament 17.

Projbizzjoni ta' għoti ta' servizzi.

19. (1) Minkejja kull liġi oħra, u bla ħsara għall-paragrafu (2) ta' dan ir-regolament, ħadd f'Malta ma għandu jipprovdi servizzi, finanzjarji jew ta' xort'oħra, lil xi persuna jew korp għall-għanijiet ta' xi negozju magħmul fir-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro).

(2) Id-dispożizzjonijiet tal-paragrafu (1) ma jkunux japplikaw għal —

(a) telekomunikazzjonijiet, servizzi postali, jew servizzi legali kemm-il darba dawn is-servizzi jkunu konsistenti mar-Riżoluzzjoni 757 (1992); jew

(b) servizzi kif meħtieġa għal għanijiet umanitarji jew għanijiet eċċezzjonali oħra u li huma approvati mill-Kumitat.

Projbizzjoni ta' traffiku marittimu milli jidħol fil-baħar territorjali tar-Repubblika Federali tal-Jugoslavja.

20. Id-dħul ta' bastiment ta' sidien f'Malta fil-baħar territorjali tar-Repubblika Federali tal-Jugoslavja (Serbja u Montenegro) huwa projbit ħlief meta dan ikun awtorizzat mill-Kumitat jew fil-każ ta' forza maġġuri.

Il-Ministru jista' jissospendi r-regolamenti.

21. Il-Ministru responsabbli għall-affarijiet barranin jista' b'avviż fil-Gazzetta jiddikjara li xi dispożizzjonijiet ta' dawn ir-regolamenti għandhom jiġu sospiżi għal dak iż-żmien li jista' jiġi dikjarat f'dak l-avviż, u kull dispożizzjoni li tiġi ħekk sospiża għandha tul il-perijodu ta' dik is-sospensjoni titqies bħala li ma jkollha ebda effett.".

Żieda ta' l-Iskeda III ġdida mar-regolamenti prinċipali.

4. Minnufih wara l-Iskeda II li tinsab mar-regolamenti prinċipali għandha tiżdied l-Iskeda III ġdida.

SCHEDULE III

(Regulation 4)

RESOLUTION 820(1993)
ADOPTED BY THE SECURITY COUNCIL AT ITS 3200TH MEETING
ON 17 APRIL 1993

The Security Council,

Reaffirming all its earlier relevant resolutions,

Having considered the reports of the Secretary-General on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/25221, S/25248, S/25403 and S/25479),

Reaffirming the need for a lasting peace settlement to be signed by all of the Bosnian parties,

Reaffirming the sovereignity, territorial integrity and political independemce of the Republic of Bosnia and Herzegovina,

Reaffirming once again that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable, and **insisting** that all displaced persons be enabled to return in peace to their former homes,

Reaffirming in this regard its resolution 808 (1993) in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to submit a report at the earliest possible date,

Deeply alarmed and concerned about the magnitude of the plight of innocent victims of the conflict in the Republic of Bosnia and Herzegovina,

Expressing its condemnation of all the activities carried out in violation of resolutions 757 (1992) and 787 (1992) between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serb-controlled areas in the Republic of Croatia and the Republic of Bosnia and Herzegovina,

Deeply concerned by the position of the Bosnian Serb party as reported in paragraphs 17, 18 and 19 of the report of the Secretary-General of 26 March 1993 (S/25479),

Recalling the provisions of Chapter VIII of the Charter of the United Nations,

A

1. **Commends** the peace plan for Bosnia and Herzegovina in the form agreed to by two of the Bosnian parties and set out in the report of the Secretary-General of 26 March 1993 (S/25479), namely the Agreement on Interim Arrangements (annex I), the nine Constitutional Principles (annex II), the provisional map (annex III) and the Agreement for Peace in Bosnia and Herzegovina (annex IV);

2. **Welcomes** the fact that this plan has now been accepted in full by two of the Bosnian parties;

3. **Expresses** its grave concern at the refusal so far of the Bosnian Serb party to accept the Agreement on Interim Arrangements and the provisional provincial map, and **calls on** that party to accept the peace plan in full;

4. **Demands** that all parties and others concerned continue to observe the cease-fire and refrain from any further hostilities;

5. **Demands** full respect for the right of the United Nations Protection Force (UNPROFOR) and the international humanitarian agencies to free and unimpeded access to all areas in the Republic of Bosnia and Hezegovina, and that all parties, in particular the Bosnian Serb party and others concerned, cooperate fully with them and take all necessary steps to ensure the safety of their personnel;

6. **Condemns once again** all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and **reaffirms** that those who commit or have committed or order or have ordered the commission of such acts will be held individually responsible in respect of such acts,

7. **Reaffirms** its endorsement of the principles that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void and that all displaced persons have the right to return in peace to their former homes and should be assisted to do so;

8. **Declares** its readiness to take all the necessary measures to assist the parties in the effective implementation of the peace plan once it has been agreed in full by all the parties, and **requests** the Secretary-General to submit to the Council at the earliest possible date, and if possible not later than nine days after the adoption of the present resolution, a report containing an account of the preparatory work for the implementation of the proposals referred to in paragraph 28 of the Secretary-General's report of 26 March 1993 (S/25479) and detailed proposals for the implementation of the peace plan, including arrangements for the effective international control of heavy weapons, based *inter alia* on consultations with Member States, acting nationally or through regional organizations or arrangements;

9. **Encourages** Member States, acting nationally or through regional organizations or arrangements, to cooperate effectively with the Secretary-General in his efforts to assist the parties in implementing the peace plan in accordance with paragraph 8 above;

B

Determined to strengthen the implementation of the measures imposed by its earlier relevant resolutions,

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

10. **Decides** that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks;

11. **Decides further** that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that the Bosnian Serbs have renewed their military attacks or failed to comply with the peace plan, the provisions set forth in paragraphs 12 to 30 below shall come into force immediately;

12. **Decides** that import to, export from and transshipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively;

13. **Decides** that all States, in implementing the measures imposed by resolutions 757 (1992), 760 (1992), 787 (1992)and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

14. **Demands** that all parties and others concerned cooperate fully with UNPROFOR in the fulfilment of its immigration and customs control functions deriving from resolution 769 (1992);

15. **Decides** that transshipment of commodities and products through the Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube shall be permitted

only if specifically authorized by the Committee established by resolution 724 (1991) and that each vessel so authorized must be subject to effective monitoring while passing along the Danube between Vidin/Calafat and Mohacs;

16. **Confirms** that no vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) or (c) suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution shall be permitted to pass through installations, including river locks or canals within the territory of Member States, and **calls upon** the riparian States to ensure that adequate monitoring is provided to all cabotage traffic involving points that are situated betweenVidin/Calafat and Mohacs;

17. **Reaffirms** the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution, including any measures under the authority of the Security Council to halt or otherwise control all shipping in order to inspect and verify their cargoes and destinations, to ensure effective monitoring and to ensure strict implementation of the relevant resolutions, and **reiterates** its request in resolution 787 (1992) to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as may be required by the riparian States, notwithstanding the restrictions on navigation set out in the international agreements which apply to the Danube;

18. **Requests** the Committee established by resolution 724 (1991) to make periodic reports to the Security Council on information submitted to the Committee regarding alleged violations of the relevant resolutions, identifying where possible persons or entities, including vessels, reported to engaged in such violations;

19. **Reminds** States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and **calls upon** them to bring proceedings against persons and entities violating the measures imposed by resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and to impose appropriate penalties;

20. **Welcomes** the role of the international Sanctions Assistance Missions in support of the implementation of the measures imposed under resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and the appointment of the Sanctions Coordinator by the Conference on Security and Cooperation in Europe and **invites** the Sanctions Coordinator and the Sanctions Assistance Missions to work in close cooperation with the Committee established by resolution 724 (1991);

21. **Decides** that States in which there are funds, including any funds derived from property, (a) of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (b) of commercial, industrial or public utility undertakings in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (c) controlled directly or

indirectly by such authorities or undertakings or by entities, wherever located or organized, owned or controlled by such authorities or undertakings, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), and **calls on** all States to report to the Committee established by resolution 724 (1991) on actions taken pursuant to this paragraph;

22. **Decides** to prohibit the transport of all commodities and products across the land borders or to or from the ports of the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being;

(a) The importation of medical supplies and foodstuffs into the Federal Republic of Yugoslavia (Serbia and Montenegro) as provided for in resolution 757 (1992), in which connection the Committee established by resolution 724 (1991) will draw up rules for monitoring to ensure full compliance with this and other relevant resolutions;

(b) The importation of other essential humanitarian supplies into the Federal Republic of Yugoslavia (Serbia and Montenegro) approved on a case-by-case basis under the no-objection procedure by the Committee established by resolution 724 (1991);

(c) Strictly limited transshipments through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee established by resolution 724 (1991), provided that nothing in this paragraph shall affect transshipment on the Danube in accordance with paragraph 15 above;

23. **Decides** that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock into or out of the Federal Republic of Yugoslavia (Serbia and Montenegro), except at a strictly limited number of road and rail border crossing points, the location of which shall be notified by each neighbouring State to the Committee established by resolution 724 (1991) and approved by the Committee;

24. **Decides** that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;

25. **Decides** that all States shall detain pending investigation all vessels, freight vehicles, rolling stock, aircraft and cargoes found in their territories and suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution, and that, upon a determination that they have been in violation,

such vessels, freight vehicles, rolling stock and aircraft shall be impounded and, where appropriate, they and their cargoes may be forfeit to the detaining State;

26. **Confirms** that States may charge the expense of impounding vessels, freight vehicles, rolling stock and aircraft to their owners;

27. **Decides** to prohibit the provision of services, both financial and non-financial, to any person or body for purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro) tthe only exceptions being telecommunications, postal services, legal services consistent with 757 (1992) and, as approved, on a case-by case basis by the Committee established by resolution 724 (1991), services whose supply may be necessary for humanitarian or other exceptional purposes;

28. **Decides** to prohibit all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro) except when authorized on a case-by-case basis by the Committee established by resolution 724 (1991) or in case of *force majeure;*

29. **Reaffirms** the authority of States acting under paragraph 12 of resolution 787 (1992) to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to enforce the present resolution and its other relevant resolutions, including in the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro);

30. **Confirms** that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to UNPROFOR, the International Conference on the Former Yugoslavia or the European Community Monitor Mission;

C

Desirous of achieving the full readmittance of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the international community once it has fully implemented the relevant resolutions of the Council,

31. **Expresses its readiness**, after all three Bosnian parties have accepted the peace plan and on the basis of verified evidence, provided by the Secretary-General, that the Bosnian Serb party is cooperating in good faith in effective implementation of the plan, to review all the measures in the present resolution and its other relevant resolutions with a view to gradually lifting them;

32. **Invites** all States to consider what contribution they can make to the reconstruction of the Republic of Bosnia and Herzegovina;

33. **Decides** to remain activly seized of the matter.".

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