

REGLUGERÐ

um alþjóðlegar þvingunaraðgerðir varðandi Súdan.

1. gr.

Almenn ákvæði.

Reglugerð þessi er sett til þess að framfylgja ályktunum öryggisráðs Sameinuðu þjóðanna um þvingunaraðgerðir varðandi Súdan nr. 1556 (2004), 1591 (2005) og 1672 (2006) og ákvörðunum framkvæmdanefndarinnar um þvingunaraðgerðir varðandi Súdan, sbr. ályktun nr. 1591 (2005).

Ákvarðanir framkvæmdanefndarinnar, þ.m.t. uppfærðir listar yfir aðila og hluti sem þvingunaraðgerðir beinast að eða varða, eftir því sem við á, eru birtar á vefsetri hennar (<http://www.un.org/sc/committees/1591/index.shtml>).

Ákvæði reglugerðar nr. 119/2009 um framkvæmd alþjóðlegra þvingunaraðgerða skulu gilda um framkvæmd reglugerðar þessarar.

2. gr.

Vopnasölubann.

Vopnasölubann skal gilda gagnvart Súdan, sbr. 7.-9. mgr. ályktunar nr. 1556 (2004) og 7. mgr. ályktunar nr. 1591 (2005).

Ákvæði 1. mgr. eiga ekki við um:

- a) aðstoð og aðföng til stuðnings Heildarfriðarsamkomulaginu (Comprehensive Peace Agreement) eða
- b) hergögn til Darfur-svæðisins sem framkvæmdanefndin hefur samþykkt fyrirfram skv. beiðni ríkisstjórnar Súdans.

3. gr.

Landgöngubann.

Einstaklingum, sem öryggisráðið eða framkvæmdanefndin tilgreinir, sbr. I. viðauka, er óheimilt að koma til landsins eða hafa hér viðkomu, sbr. 3. mgr. ályktunar nr. 1591 (2005).

4. gr.

Frysting fjármuna.

Frysta skal fjármuni og efnahagslegan auð í eigu aðila sem öryggisráðið eða framkvæmdanefndin tilgreinir, sbr. I. viðauka, sbr. 3. mgr. ályktunar nr. 1591 (2005).

5. gr.

Undanþágur frá þvingunaraðgerð.

Ráðherra getur veitt undanþágur frá þvingunaraðgerðum, sem gripið hefur verið til á grundvelli ályktana öryggisráðsins, af mannúðarástæðum eða öðrum ástæðum.

6. gr.

Viðurlög.

Hver sá sem brýtur gegn þvingunaraðgerðum skv. lögum nr. 93/2008 um framkvæmd alþjóðlegra þvingunaraðgerða skal sæta viðurlögum skv. 10. gr. laganna, nema þyngri refsing liggji við samkvæmt öðrum lögum.

7. gr.

Heimild.

Reglugerð þessi er sett með heimild í 12. gr. laga um framkvæmd alþjóðlegra þvingunaraðgerða nr. 93/2008.

Nr. 156

20. janúar 2009

8. gr.
Gildistaka.

Reglugerð þessi öðlast þegar gildi.

Utanríkisráðuneytinu, 20. janúar 2009.

Össur Skarphéðinsson.

Benedikt Jónsson.

I. VIÐAUKI

Listi varðandi landgöngubann og frýstingu fjármuna, sbr. 3.-4. gr.

Last updated on 7 August 2007

LAST NAME	FIRST NAME	ALIAS	DATE OF BIRTH/ PLACE OF BIRTH/ NATIONALITY	PASSPORT/ IDENTIFYING INFORMATION	DESIGNATION/ JUSTIFICATION
ELHASSAN	Gaffar Mohammed	Gaffar Mohmed Elhassan	24 June 1953		<p>Major-General and Commander of the Western Military Region for the Sudanese Armed Forces (SAF).</p> <p>The Panel of Experts report that Major-General Gaffar Mohammed Elhassan stated to them that he had direct operational command (primarily tactical command) of all elements of the SAF in Darfur while he was in command of the Western Military Region. Elhassan held this position as Western Military Area Commander from November 2004 (approx.) – early 2006. The Panel's information is that Elhassan was responsible for violations of paragraph 7 of SCR 1591 as by virtue of this position he requested (from Khartoum) and authorized (since 29 March 2005) the transfer of military equipment into Darfur without the prior approval of the 1591 Committee. Elhassan himself admitted to the Panel of Experts that aircraft, aircraft engines and other military equipment had been brought into Darfur from other parts of Sudan between 29 March 2005 and December 2005. For example he informed the Panel that 2 Mi-24 attack helicopters were brought unauthorized into Darfur between 18 and 21 September 2005. There are also reasonable grounds to believe that Elhassan was directly responsible, as Western Military Area Commander, for authorizing offensive military flights in the area around Abu Hamra, 23-24 July 2005 and in the Jebel Moon area of Western Darfur, on 19 November 2005. Mi-24 attack</p>

					<p>helicopters were involved in both operations and reportedly opened fire on both occasions. The Panel of Experts report that Elhassan indicated to the Panel that he himself approved requests for air support and other air operations in his capacity as Western Military Area Commander. (See Panel of Experts report, S/2006/65, paragraphs 266-269.) Through such actions Major-General Gaffar Mohammed Elhassan has breached relevant provisions of SCR 1591 and therefore meets the criteria to be designated by the Committee to be subjected to sanctions.</p>
HILAL	(Sheikh) Musa				<p>Paramount Chief of the Jalul Tribe in North Darfur.</p> <p>Report from Human Rights Watch states they have a memo dated 13 February 2004 from a local government office in North Darfur ordering "security units in the locality" to "allow the activities of the mujahideen and the volunteers under the command of the Sheikh Musa Hilal to proceed in the areas of [North Darfur] and to secure their vital needs". On 28 September 2005, 400 Arab militia attacked the villages of Aro Sharrow (including its IDP camp), Acho, and Gozmena in West Darfur. We also believe that Musa Hilal was present during the attack on Aro Sharrow IDP camp: his son had been killed during the SLA attack on Shareia, so he was now involved in a personal blood feud. There are reasonable grounds to believe that as the Paramount Chief he had direct responsibility for these actions and is responsible for violations of international humanitarian and human rights law and other atrocities.</p>

SHANT	Adam Yacub	Adam Yacub Sharif, Adam Yacoub	Circa 1976		<p>Sudanese Liberation Army (SLA) Commander.</p> <p>SLA soldiers under the command of Adam Yacub Shant violated the cease-fire agreement by attacking a Government of Sudan military contingent that was escorting a convoy of trucks near Abu Hamra, Northern Darfur on July 23, 2005, killing three soldiers. After the attack Government military weapons and ammunition were looted. The Panel of Experts has information establishing that the attack by SLA soldiers took place and was clearly organized; consequently it was well planned. It is therefore reasonable to assume, as the Panel concluded, that Shant, as the confirmed SLA Commander in the area, must have had knowledge of and approved / or ordered the attack. He therefore bears direct responsibility for the attack and meets the criteria for being listed.</p>
BADRI	Gabril Abdul Kareem	General Gibril Abdul Kareem Barey			<p>National Movement for Reform and Development (NMRD) Field Commander.</p> <p>Badri is responsible for the kidnapping of African Union Mission in Sudan (AMIS) personnel in Darfur during October 2005. Badri openly attempts to thwart the AMIS mission through intimidation; for example he threatened to shoot down African Union (AU) helicopters in the Jebel Moon area in November 2005. Through such actions Badri has clearly violated SCR 1591 in constituting a threat to stability in Darfur and meets the criteria to be designated by the Committee to be subjected to sanctions.</p>