

**THE INTERNATIONAL OBLIGATIONS
(ECONOMIC AND ANCILLARY MEASURES) ACT
(CHAPTER 16)**

**THE INTERNATIONAL OBLIGATIONS
(ECONOMIC AND ANCILLARY MEASURES)
(SOMALIA) ORDER, 2008**

The Governor-General, in exercise of the powers conferred by section 3 of the International Obligations (Economic and Ancillary Measures) Act, makes the following Order –

Citation.

1. This Order may be cited as the International Obligations (Economic and Ancillary Measures) (Somalia) Order, 2008.

**Prohibition on
supply or sale
of military
equipment.**

2. Subject to paragraph 3, no person in The Bahamas and no Bahamian outside The Bahamas shall directly or indirectly –

- (a) supply or sell to Somalia, by way of a Bahamian registered vessel or aircraft, weapons and military equipment pursuant to paragraph 5 of resolution 733 (1992), paragraph 1 of resolution 1587 (2005) and paragraph 1 of resolution 1676 (2006); and
- (b) provide technical advice, financial and other assistance and training relating to

military activities to any person in Somalia pursuant to paragraph 2 of resolution 1425 (2002).

Exemption.

3. This Order does not prohibit --
 - (a) supplies of protective clothing, including flak jackets and military helmets temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;
 - (b) supplies of non-lethal military equipment intended solely for humanitarian or protective use as approved in advance by the Committee established pursuant to paragraph 11 of resolution 751 (1992) ("the Committee");
 - (c) supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the mission of the member States of the African Union referred to in paragraph 9 of resolution 1772 (2007);

(d) supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions, consistent with the political process set out in paragraphs 1 to 5 of resolution 1772 (2007) and in the absence of a negative decision by the Committee, within five working days of receiving the notification described in paragraph 12 of resolution 1772 (2007).

Made this 31st day of March, 2008.

Signed
ARTHUR D. HANNA
Governor-General

**THE INTERNATIONAL OBLIGATIONS
(ECONOMIC AND ANCILLARY MEASURES) ACT
(CHAPTER 16)**

**THE INTERNATIONAL OBLIGATIONS
(ECONOMIC AND ANCILLARY MEASURES)
(SUDAN) ORDER, 2008**

The Governor-General, in exercise of the powers conferred by section 3 of the International Obligations (Economic and Ancillary Measures) Act, makes the following Order –

Citation. 1. This Order may be cited as the International Obligations (Economic and Ancillary Measures) (Sudan) Order, 2008.

Prohibition on supply or sale of military equipment. 2. Subject to paragraph 4, no person in The Bahamas and no Bahamian outside The Bahamas shall directly or indirectly –

- (a) supply or sell to non-governmental entities and individuals including the Janjaweed, all parties to the N'djamena Ceasefire Agreement and any other belligerents operating in the States of North Darfur, South Darfur and West Darfur, by way of a Bahamian registered vessel or aircraft, arms and related matériel of all types, including

weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts pursuant to paragraph 7 of resolution 1556 (2004); and

- (b) provide technical training or assistance relating to provision, manufacture, maintenance or use of arms and related matériel of all types to non-governmental entities and individuals identified in subparagraph (a), pursuant to paragraph 8 of resolution 1556 (2004).

Freezing of funds, other financial assets and economic resources. Schedule.

3. No funds, other financial assets and economic resources held in banks or financial institutions licensed in The Bahamas –

- (a) that are owned or controlled directly or indirectly by the persons or entities listed in the Schedule or any additional person or entity designated by the Committee pursuant to paragraph 3(c) of resolution 1591 (2005), or any person or acting on their behalf or at their direction, shall be made available to such persons or entities on the commencement of this Order;
- (b) shall be available to any person or entity within The Bahamas, to or for the

benefit of, any person or entity mentioned in subparagraph (a).

Exemption.

4. This Order does not prohibit –
 - (a) supplies and related technical training and assistance to monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
 - (b) supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance;
 - (c) supplies of protective clothing, including flak jackets and military helmets for the personal use of United Nations personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel;
 - (d) supplies and assistance provided in support of implementation of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan Peoples' Liberation Movement/Army (2005);

- (e) movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee established pursuant to paragraph 3 (a) of resolution 1591 (2005) (“the Committee”) upon a request by the Government of Sudan;
- (f) funds, other financial assets and economic resources that have been determined by the Minister of Finance (“the Minister”) –
 - (i) 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 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 Minister 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;

- (ii) to be necessary for extraordinary expenses, provided that such determination has been notified by the Minister to the Committee and has been approved by the Committee;
- (iii) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets or economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of resolution 1591 (2005), is not for the benefit of a person or entity designated by the Committee, and has been notified by the Minister to the Committee.

SCHEDULE

(section 3)

NAME	ALIAS	DATE OF BIRTH/PLACE OF BIRTH NATIONALITY	PASSPORT/ IDENTIFICATION INFORMATION	DESIGNATION/JUSTIFICATION
ELHASSAN, Gaffar Mohammed	Gaffar Mohmed Elhassan	24 June, 1953		Major-General and Commander of the Western Military Region for the Sudanese Armed Forces (SAF). 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

SCHEDULE

(section 3)

NAME	ALIAS	DATE OF BIRTH/PLACE OF BIRTH NATIONALITY	PASSPORT/ IDENTIFICATION INFORMATION	DESIGNATION/JUSTIFICATION
				<p>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 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>
<p>HILAL, (Sheikh) Musa</p>				<p>Paramount Chief of the Jalul Tribe in North Darfur. 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</p>

SCHEDULE

(section 3)

NAME	ALIAS	DATE OF BIRTH/PLACE OF BIRTH NATIONALITY	PASSPORT/IDENTIFICATION INFORMATION	DESIGNATION/JUSTIFICATION
				<p>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>
<p>SHANT, Adam Yacub</p>	<p>Adam Yacub Sharif, Adam Yacoub</p>	<p>Circa 1976</p>		<p>Shant was Commander of the Sudanese Liberation Army (SLA). There are reasonable grounds to believe that the 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 23 July, 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</p>

SCHEDULE

(section 3)

NAME	ALIAS	DATE OF BIRTH/PLACE OF BIRTH NATIONALITY	PASSPORT/ IDENTIFICATION INFORMATION	DESIGNATION/JUSTIFICATION
				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</p>	<p>General Gibril Abdul Kareem Barey</p>			<p>National Movement for Reform and Development (NMRD) Field Commander. 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>

Made this 31st day of March, 2008.

Signed
ARTHUR D. HANNA
Governor-General