聯合國制裁：法律機制

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《2001年聯合國法》（United Nations Act 2001）授權部長訂立規例，以實施聯合國安全理事會根據《聯合國憲章》第41條作出的決定。[1] 每個聯合國制裁制度均已訂立規例，包括有關恐怖主義的規例（《2001年聯合國（反恐措施）規例》，實施第1373號決議及伊斯蘭國與基地組織名單），以及有關朝鮮民主主義人民共和國、伊朗、利比亞、索馬里、南蘇丹、也門及其他國家的規例。[2] 這些規例禁止在新加坡的任何人，以及身處新加坡境外的任何新加坡公民，處理被指認人士的資金或經濟資源，亦禁止向他們提供資金或金融服務。違反即屬犯罪，可處罰款及監禁。

金融機構另須受第二層規管。根據《1970年新加坡金融管理局法》第27A條，新加坡金融管理局（MAS）自行訂立規例，指示其監管的機構凍結被指認人士的資產，並不得與他們進行交易。這些規例與聯合國規例相對應，但由MAS作為監管事項執行。[3] 這種雙重規管意味着，數碼支付代幣（DPT）持牌人如為聯合國指認人士執行交易，既觸犯《聯合國法》規例下的刑事罪行，亦違反MAS規例下的監管規定。《2002年恐怖主義（制止資助）法》（TSOFA）就恐怖主義增設第三層：凡處理被指認恐怖分子及恐怖主義實體（列於其附表一或經部長命令指認）的財產，即屬犯罪，並施加第IV章所述的舉報責任。[4]

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實務上的指認及凍結

由於新加坡規例以提述方式納入聯合國名單，聯合國的指認在安全理事會委員會公布時即在新加坡生效。被指認人士並無可轉移資產的空檔。因此，DPT持牌人必須以近乎即時更新的方式，對照聯合國綜合名單進行篩查，商業篩查供應商可提供這項服務。一經確認吻合，持牌人必須凍結資產，不得執行交易，並須立即向警察總監及MAS舉報。[5] 如持牌人持有私鑰，凍結DPT結餘在技術上十分簡單：停用客戶的提款功能，並在公司帳簿中將該結餘分隔處理。凍結一宗已在鏈上結算至公司錢包的轉入交易，意味着不將其記入任何客戶帳戶，並持有以待指示。凍結一宗已廣播的轉出交易則不可能，因此篩查必須在廣播之前進行。

朝鮮民主主義人民共和國的制裁制度，是與DPT行業最直接相關的一個。聯合國專家小組多年來記錄，朝鮮國家行為者，尤其是Lazarus Group，透過從交易所、跨鏈橋及個人盜取加密資產為政權提供資金，所得款項經混幣器、場外經紀及跨鏈轉移清洗。[6] 新加坡DPT持牌人如收到可追溯至Lazarus盜竊案的代幣，即使任何名單上都沒有出現名字，亦屬在處理聯合國指認實體的經濟資源。規例禁止直接及間接向被指認人士提供資源。因此，區塊鏈分析既是打擊洗錢的工具，同樣亦是制裁合規的工具。

註釋

1. United Nations Act 2001（2020年修訂版），第2條（實施安全理事會決定的規例）、第5條（罪行及罰則）；該法於2001年10月為回應安全理事會第1373號決議而制定。 ↩

2. United Nations (Anti-Terrorism Measures) Regulations 2001，第4至6條規例（禁止處理恐怖分子財產及提供金融服務）及第10條規例（舉報責任）；United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2010，經修訂；安全理事會其他各制度的同類規例。 ↩

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3. Monetary Authority of Singapore Act 1970，第27A條（就金融機構訂立規例以實施安全理事會決定的權力）；Monetary Authority of Singapore (Sanctions and Freezing of Assets of Persons – Democratic People's Republic of Korea) Regulations 2016及其他制度的同類規例。 ↩
4. Terrorism (Suppression of Financing) Act 2002，第6條（處理恐怖分子的財產）、附表一（被指認恐怖分子），以及根據第2條作出、指認其他人士的命令。 ↩
5. United Nations (Anti-Terrorism Measures) Regulations 2001，第10條規例；MAS Notice PSN02，第6段（篩查），並與要求金融機構向MAS舉報被凍結資產及企圖進行的交易的MAS第27A條規例一併理解。 ↩
6. United Nations Security Council, Reports of the Panel of Experts established pursuant to Resolution 1874 (2009)，2019至2024年年度報告，有關以網絡手段盜取虛擬資產的章節；專家小組的任期因俄羅斯否決而於2024年4月結束，多邊制裁監察小組自2025年起作出報告。 ↩

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