联合国制裁：法律机制

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《2001年联合国法》授权部长制定条例，以落实联合国安全理事会根据《联合国宪章》第41条作出的决定。[1] 新加坡已就每一项联合国制裁制度制定了条例，包括关于恐怖主义的条例（《2001年联合国（反恐措施）条例》，落实第1373号决议及"伊黎伊斯兰国"和基地组织名单），以及关于朝鲜民主主义人民共和国、伊朗、利比亚、索马里、南苏丹、也门等的条例。[2] 这些条例禁止新加坡境内的任何人以及身处新加坡境外的任何新加坡公民处置被指定人员的资金或经济资源，也禁止向其提供资金或金融服务。违反者构成犯罪，可处罚款及监禁。

对于金融机构，还适用第二层规定。根据《1970年新加坡金融管理局法》第27A条，MAS自行发布条例，指示其监管的机构冻结被指定人员的资产，并不得与其进行交易。这些条例与联合国条例相对应，但由MAS作为监管事项执行。[3] 这种双重规定意味着，为联合国指定人员执行交易的DPT持牌机构，既触犯了《联合国法》条例下的刑事罪行，也违反了MAS条例下的监管规定。就恐怖主义而言，TSOFA增加了第三层规定：它将处置被指定恐怖分子和恐怖组织财产的行为入罪，这些恐怖分子和组织列于该法附表一或由部长命令指定；该法还规定了第IV章讨论的报告义务。[4]

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指定与冻结的实务

由于新加坡条例以援引方式纳入联合国名单，联合国的指定一经安理会委员会公布，即在新加坡生效。被指定人员没有可乘之机转移资产。因此，DPT持牌机构必须以近乎实时更新的方式，对照联合国综合名单进行筛查，商业筛查供应商可提供此类服务。一旦确认匹配，持牌机构必须冻结资产，不得执行交易，并须立即向警察总监和MAS报告。[5] 在持牌机构持有私钥的情况下，冻结DPT余额在技术上很简单：停用客户的提币功能，并在机构账簿中隔离该余额。对于已在链上结算至机构钱包的转入款项，冻结意味着不将其记入任何客户账户，并在等候指示期间予以持有。对于已经广播的转出交易，则不可能冻结，这正是筛查必须先于广播进行的原因。

与DPT行业关系最直接的是朝鲜民主主义人民共和国制裁制度。联合国专家小组多年来记录显示，朝鲜国家行为者，尤其是Lazarus集团，通过从交易所、跨链桥和个人处窃取加密资产为该政权筹资，所得款项经由混币器、场外经纪商和跨链跳转进行清洗。[6] 新加坡DPT持牌机构如收到可追溯至Lazarus盗窃案的代币，即使任何名单上都没有出现相关名称，也是在处置联合国指定实体的经济资源。条例既禁止直接、也禁止间接向被指定人员提供资源。因此，区块链分析既是反洗钱工具，也同样是制裁合规工具。

注释

1. United Nations Act 2001（2020年修订版），第2条（为落实安理会决定而制定条例），第5条（罪行及罚则）；该法于2001年10月为回应安理会第1373号决议而制定。 ↩
2. United Nations (Anti-Terrorism Measures) Regulations 2001，第4–6条（禁止处置恐怖分子财产及提供金融服务）及第10条（报告义务）；United Nations (Sanctions – Democratic People's Republic of Korea) Regulations 2010（经修订）；安理会其他每一项制裁制度均有相应条例。 ↩

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3. Monetary Authority of Singapore Act 1970，第27A条（就金融机构制定条例以落实安理会决定的权力）；Monetary Authority of Singapore (Sanctions and Freezing of Assets of Persons – Democratic People's Republic of Korea) Regulations 2016，以及其他制度的相应条例。 ↩
4. Terrorism (Suppression of Financing) Act 2002，第6条（处置恐怖分子财产），附表一（被指定恐怖分子），以及根据第2条作出、指定其他人员的命令。 ↩
5. United Nations (Anti-Terrorism Measures) Regulations 2001，第10条；MAS Notice PSN02，第6段（筛查），并结合MAS根据第27A条制定、要求金融机构向MAS报告被冻结资产及企图进行的交易的条例。 ↩
6. United Nations Security Council, Reports of the Panel of Experts established pursuant to Resolution 1874 (2009)，2019–2024年年度报告，关于借助网络窃取虚拟资产的章节；该专家小组的任期因俄罗斯否决而于2024年4月终止，自2025年起由多边制裁监测小组发布报告。 ↩

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