

中華民國證券投資信託暨顧問商業同業公會 函

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受文者：

發文日期：中華民國107年12月11日

發文字號：中信顧字第1070053088號

速別：普通件

密等及解密條件或保密期限：

附件：如文

主旨：函轉金融監督管理委員會檢送有關美國財政部107年11月27日公告新增2位個人於制裁名單(SDN list)一案，如發現疑似洗錢或資恐交易，請向法務部調查局申報，並注意該等交易風險，請查照。

說明：依金融監督管理委員會107年12月6日金管證券字第10703457591號函辦理。

正本：本公會各投信會員公司、本公會各投顧會員公司

副本：

理事長 張錫

裝

訂

線

檔 號：

保存年限：

金融監督管理委員會 函

機關地址：新北市板橋區縣民大道二段7號
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受文者：中華民國證券投資信託暨顧問商業同業公會

發文日期：中華民國107年12月6日

發文字號：金管證券字第10703457591號

速別：普通件

密等及解密條件或保密期限：

附件：如主旨(第一件 A45020000DORGUNIT107120603457591A2B345759.PDF)

主旨：有關美國財政部107年11月27日公告新增2位個人於制裁名單(SDN list)一案，請轉知所屬會員，如發現疑似洗錢或資恐交易，請向法務部調查局申報，並注意該等交易風險，請查照。

說明：

- 一、依據駐美國代表處經濟組107年11月27日經美字第1070001425號函副本辦理。
- 二、檢附駐美國代表處經濟組函文及美國財政部107年11月27日公告影本各一份。

正本：中華民國證券商業同業公會、中華民國期貨業商業同業公會、中華民國證券投資信託暨顧問商業同業公會、中華民國會計師公會全國聯合會(均含附件)

副本：臺灣證券交易所股份有限公司、財團法人中華民國證券櫃檯買賣中心、臺灣期貨交易所股份有限公司、臺灣集中保管結算所股份有限公司、金融監督管理委員會證券期貨局(證券發行組、投信投顧組、會計審計組、期貨管理組)

107/12/06
11:15:04

授權單位主管決行並鈐印



檔 號：
保存年限：

駐美國代表處經濟組 函

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受文者：金融監督管理委員會

發文日期：中華民國107年11月27日

發文字號：經美字第1070001425號

速別：普通件

密等及解密條件或保密期限：

附件：如文(1070001425_Attach1.pdf、1070001425_Attach2.docx、1070001425_Attach3.pdf)

主旨：陳報川普總統簽署「凍結惡化尼加拉瓜情勢特定人士之資產」(Executive Order on Blocking Property of Certain Persons Contributing to the Situation in Nicaragua)行政命令及美國財政部公告新增2名個人於制裁名單(SDN list)等事，敬請查照。

說明：

一、川普總統基於國際緊急經濟權力法(IEEPA)、國家緊急危難法(NEA)、移民與國籍法(INA)等法律，於本(11)月27日簽署旨述行政命令，認定尼國奧蒂嘉政府破壞民主體制與法治、迫害尼國人民及貪汙腐敗所致之經濟不穩情勢等，威脅美國家安全。該行政命令內容要以：

(一)財政部長經與國務卿諮商後，凍結下列個人與實體於美國境內之資產與利益，並限制移轉或交易：

1、直接或間接從事或負責迫害尼國之人權、民主法治與安全穩定等、或為尼國政府或官員從事相關交易之人

- 2、擔任上述1所提行為之實體之領導人或成員，或為受制裁實體之領導人或成員。
- 3、於2007年1月10日起擔任或曾任尼國政府官員。
- 4、提供實質協助予受制裁對象之人。
- 5、縱相關契約或許可於本行政命令簽署即前生效或核發，除法規另有規定或另依本行政命令核發許可外，上述制裁仍應適用之。

(二)對受本行政命令制裁者，暫停核發未受限制之移民與非移民入境許可(unrestricted immigrant and nonimmigrant entry)，但經國務卿認定特定人士之入境符合美國利益者，不在此限。

(三)上述(一)禁止事項包括提供資金、產品或服務予受制裁對象，或為受制裁對象提供及收受資金、產品或服務。

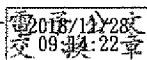
(四)禁止任何規避或違反本行政命令之交易，另亦禁止任何意圖違反本行政命令之行為。

二、美財政部於同日發布新聞稿略以，該部外國資產管制局(OFAC)據旨述行政命令，以破壞民主體制與法治、迫害尼國人民等由，將尼國第一夫人兼副總統Rosario Maria Muriillo De Ortega與國安顧問Nestor Moncada Lau等納入制裁清單，凍結渠於美國境內之資產與交易。

三、檢附上述行政命令及財政部新聞稿等如附件，併請卓參。

正本：經濟部國際貿易局

副本：金融監督管理委員會



EXECUTIVE ORDERS

Executive Order on Blocking Property of Certain Persons Contributing to the Situation in Nicaragua

— FOREIGN POLICY

Issued on: November 27, 2018



By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), section 212(f) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(f)), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that the situation in Nicaragua, including the violent response by the Government of Nicaragua to the protests that began on April 18, 2018, and the Ortega regime's systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua's economy, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and I hereby declare a national emergency to deal with that threat. I hereby determine and order:

Section 1. (a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:



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(i) to be responsible for or complicit in, or to have directly or indirectly engaged or attempted to engage in, any of the following:

(A) serious human rights abuse in Nicaragua;

(B) actions or policies that undermine democratic processes or institutions in Nicaragua;

(C) actions or policies that threaten the peace, security, or stability of Nicaragua;

(D) any transaction or series of transactions involving deceptive practices or corruption by, on behalf of, or otherwise related to the Government of Nicaragua or a current or former official of the Government of Nicaragua, such as the misappropriation of public assets or expropriation of private assets for personal gain or political purposes, corruption related to government contracts, or bribery;

(ii) to be a leader or official of an entity that has, or whose members have, engaged in any activity described in subsection (a)(i) of this section or of an entity whose property and interests in property are blocked pursuant to this order;

(iii) to be an official of the Government of Nicaragua or to have served as an official of the Government of Nicaragua at any time on or after January 10, 2007;

(iv) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of:

or

in property are blocked pursuant to this order; or

of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.


(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and

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notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

Sec. 2. The unrestricted immigrant and nonimmigrant entry into the United States of aliens determined to meet one or more of the criteria in section 1 of this order would be detrimental to the interests of the United States, and the entry of such persons into the United States, as immigrants or nonimmigrants, is hereby suspended, except where the Secretary of State determines that the person's entry is in the national interest of the United States. Such persons shall be treated as persons covered by section 1 of Proclamation 8693 of July 24, 2011 (Suspension of Entry of Aliens Subject to United Nations Security Council Travel Bans and International Emergency Economic Powers Act Sanctions).



Sec. 3. I hereby determine that the making of donations of the type of articles specified in section 103(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 4. The prohibitions in section 1 of this order include:

- (a) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order; and
- (b) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 5. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 6. For the purposes of this order:

- (a) the term "person" means an individual or entity;

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(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

(d) the term “Government of Nicaragua” means the Government of Nicaragua, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Nicaragua, and any person owned or controlled by, or acting for or on behalf of, the Government of Nicaragua.

Sec. 7. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions within the Department of the Treasury. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 9. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 10. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

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(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
November 27, 2018.





PRESS RELEASES

Treasury Targets Nicaraguan Vice President and Key Advisor over Violent Response to Protests

November 27, 2018

Designations Represent U.S. Commitment to Address the Ortega Regime's Violence and Corruption

WASHINGTON – Today, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) took action pursuant to a new Executive Order (E.O.) targeting the Ortega regime and its supporters, who continue to engage in rampant corruption, dismantling of democratic institutions, serious human rights abuse, and exploitation of the people and public resources of Nicaragua for private gain. Under the newly issued E.O., OFAC imposed sanctions on two of Nicaraguan President Daniel Ortega's closest associates: the Vice President of Nicaragua and First Lady, Rosario Maria Murillo De Ortega (Murillo), and Nestor Moncada Lau (Moncada), who has acted as a national security advisor to the President and Vice President.

“Vice President Murillo and her political operators have systematically sought to dismantle democratic institutions and loot the wealth of Nicaragua to consolidate their grip on power. This Administration is committed to holding the Ortega regime accountable for the violent protests and widespread corruption that have led to the deaths of hundreds of innocent Nicaraguans and destroyed their economy,” said Treasury Secretary Steven Mnuchin. “Treasury is intent on ensuring that Ortega Regime insiders are not able to access the U.S. financial system to profit at the expense of the Nicaraguan people.”

Today, President Donald J. Trump signed an E.O. declaring a national emergency with respect to the Government of Nicaragua's violent response to protests that began on April 18, 2018 and the Ortega regime's systematic dismantling and undermining of democratic institutions and the rule of law, its use of indiscriminate violence and repressive tactics against civilians, as well as its corruption leading to the destabilization of Nicaragua's economy. The E.O. provides for the imposition of sanctions on actors engaged in these malign activities.

As a result of today's actions, any property or interests in property of those designated by OFAC, within or transiting U.S. jurisdiction or the possession or control of a U.S. person must be blocked

and reported to OFAC. OFAC's regulations generally prohibit all transactions by U.S. persons within (or transiting) the United States that involve any property or interests in property of the designated persons, including entities 50 percent or more owned by designated persons. Further details on these designations are included below.

Rosario Maria Murillo De Ortega

Murillo is being designated for being an official of the Government of Nicaragua on or after January 10, 2007. Elected as Vice President in 2016 and inaugurated in 2017, Murillo has been the de facto co-president of Nicaragua since 2007, when President Daniel Ortega proclaimed he would share "50 percent of power" with her.

Murillo is also a leader with access and influence over the Sandinista National Liberation Front (FSLN)'s youth organization, known as the Sandinista Youth, and the Nicaraguan National Police (NNP). The Sandinista Youth and the NNP are entities that have, or whose members have, engaged in serious human rights abuse in Nicaragua. According to public reports, the NNP have been part of "Death Squads" that have engaged in extrajudicial killings, torture, and kidnapping, while Sandinista Youth paramilitaries, armed and paid by the FSLN, have been implicated in serious human rights abuses related to the ongoing protests against the Nicaraguan government, including attacks on protesters. Further, in June 2018, masked gunmen, accompanied by individuals identified by witnesses as Nicaraguan police, reportedly set fire to a family home in Managua, killing six, including two young children. Finally, Murillo has a long history of engaging in acts of corruption related to Nicaragua.

Nestor Moncada Lau

Moncada is being designated for acting for or on behalf of Vice President Murillo. Moncada has been described as a national security advisor to President Ortega and Vice President Murillo, and has been relied upon to carry out their orders. In addition, Moncada is an experienced former official of the State Security of the Ministry of Interior, with strong ties of loyalty to Ortega and Murillo. Following Ortega's return to power in 2007, Moncada reportedly assumed a prominent role as Ortega and Murillo's liaison and FSLN Secretariat power operator over multiple Nicaraguan government entities. Moncada disbursed payments to counter protesters on behalf of Ortega and Murillo and, through his various intelligence roles, worked to bribe and blackmail individuals to obtain their support or prevent them from voicing opposition to Ortega's government. In addition, Moncada has engaged in acts of corruption on behalf of Ortega and Murillo. In at least one case, Moncada worked with President Ortega to cover up Ortega's sexual conduct with a minor.

For identifying information on the entities designated today.

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Issuance of a new Nicaragua-related Executive Order; Nicaragua-related Designations

U.S. DEPARTMENT OF THE TREASURY

Resource Center

Issuance of a new Nicaragua-related Executive Order; Nicaragua-related Designations

11/27/2018

Today, the President signed an Executive Order Blocking Property of Certain Persons Contributing to the Situation in Nicaragua.

In addition, the following changes to the Specially Designated Nationals List occurred today.

The following individuals have been added to OFAC's SDN List:

MONCADA LAU, Nestor (a.k.a. "CHEMA"); DOB 02 Mar 1954; POB Managua, Nicaragua; nationality Nicaragua; Gender Male (individual) [NICARAGUA].

MURILLO DE ORTEGA, Rosario María, Managua, Nicaragua; DOB 22 Jun 1951; nationality Nicaragua; Gender Female; Passport A00000106 (Nicaragua) (individual) [NICARAGUA].



