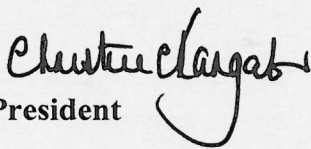


THE ECONOMIC SANCTIONS ACT, CHAP. 81:05

**By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T.,
President of the Republic of Trinidad and Tobago
and Commander-in-Chief of the Armed Forces.**


President

**STATEMENT OF THE PRESIDENT PURSUANT TO SECTION 4(4) OF
THE ECONOMIC SANCTIONS ACT, CHAP. 81:05, SETTING OUT THE
SPECIFIC GROUNDS ON WHICH THE DECISION TO MAKE THE
ECONOMIC SANCTIONS (IMPLEMENTATION OF UNITED NATIONS
SECURITY COUNCIL RESOLUTION 2653 (2022) ON THE REPUBLIC OF
HAITI) ORDER, 2023 WAS BASED**

I, **Christine Carla Kangaloo, O.R.T.T., President of the Republic of Trinidad and Tobago**, make this Statement pursuant to section 4(4) of the Economic Sanctions Act, Chap. 81:05, which provides that the President can impose economic sanctions to restrict and prohibit any specified activity by Orders, namely the Economic Sanctions (Implementation of United Nations Security Council Resolution 2653 (2022) on the Republic of Haiti) Order, 2023. This Order is made to ensure compliance with Trinidad and Tobago's obligations under Articles 2 and 25 of the United Nations (UN) Charter, which respectively mandates each Member State to fulfil in good faith

the obligations assumed and agree to accept and carry out the decisions of the United Nations Security Council (UNSC) in accordance with the present Charter. Moreover, this Order seeks to ensure that Trinidad and Tobago fulfil its obligations under international law including international humanitarian law, international human rights law and international refugee law, as applicable and fully implement the requirements under the UN Sanctions regime in respect of United Nations Security Council Resolution (UNSCR) 2653 (2022) on the Republic of Haiti.

The UNSCR 2653 (2022) requires countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the UNSC under Chapter VII of the UN Charter in the 2653 Sanctions List concerning the Republic of Haiti. UNSCR 2653 (2022) establishes a travel ban, asset freeze and an arms embargo on individuals and entities responsible for threatening the peace, stability and security of the Republic of Haiti. Pursuant to the aforementioned Charter, the UNSC can take action to maintain or restore international peace and security and impose prohibitory measures under Article 41 which encapsulate a broad range of enforcement options that do not involve the use of armed forces.

The designation criteria pursuant to UNSCR 2653 (2022) includes:

- (a) engaging in, directly or indirectly, or supporting criminal activities and violence involving armed groups and criminal networks that promote violence, including forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence - Paragraph 16(a) of UNSCR 2653 (2022);
- (b) supporting illicit trafficking and diversion of arms and related materiel, or illicit financial flows related thereto - Paragraph 16(b) of UNSCR 2653 (2022);
- (c) acting for or on behalf of or at the direction of or otherwise supporting or financing an individual or entity designated in connection with the activity described in subparagraphs (a) and (b) above, including through the direct or indirect use of the proceeds from organized crime, including proceeds from illicit production and trafficking in drugs and their precursors originating in or transiting through Haiti, the trafficking in persons and the smuggling of migrants from Haiti, or the smuggling and trafficking of arms to or from Haiti - Paragraph 16(c) of UNSCR 2653 (2022);

- (d) acting in violation of the arms embargo established in paragraph 11 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in Haiti, or as having been the recipient of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in Haiti - Paragraph 16(d) of UNSCR 2653 (2022);
- (e) planning, directing, or committing acts that violate international human rights law or acts that constitute human rights abuses, including those involving extrajudicial killing, including of women and children, and the commission of acts of violence, abduction, enforced disappearances, or kidnappings for ransom in Haiti - Paragraph 16(e) of UNSCR 2653 (2022);
- (f) planning, directing or committing acts involving sexual and gender-based violence, including rape and sexual slavery, in Haiti - Paragraph 16(f) of UNSCR 2653 (2022);
- (g) obstructing delivery of humanitarian assistance to Haiti or access to, or distribution of, humanitarian assistance in Haiti - Paragraph 16(g) of UNSCR 2653 (2022); and
- (h) attacking personnel or premises of United Nations missions and operations in Haiti, providing support for such attacks - Paragraph 16(h) of UNSCR 2653 (2022).

The Order seeks to enforce the mandates of UNSCR 2653 (2022) which obligates all Member States, for an initial period of one (1) year, to freeze without delay all funds, other financial assets and economic resources within their territories, which are owned or controlled, directly or indirectly, by any individuals or entities listed in the Annex thereto or designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and further shall ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, to or for such individuals' or entities' benefit, by their nationals or by persons within its territory.

In this regard, the Order will ensure that Trinidad and Tobago, admitted as a member of the United Nations by the General Assembly on September 18, 1962, as provided by UNSCR 175 (1962), fulfils its international obligations by establishing a legislative framework towards ensuring compliance with its obligations pursuant to UNSCR 2653 (2022).

The aforementioned Order in respect of the Republic of Haiti provides, *inter alia*, as follows:

- (a) judicial oversight through the Attorney General applying to a Judge of the High Court for a Freezing Order to enforce the targeted financial sanctions that would require all natural and legal persons within the country to freeze, without delay and without prior notice, the funds or other assets of designated persons or entities;
- (b) that funds or assets are prevented from being made available by nationals to or for the benefit of designated entities or persons unless licensed, authorised or otherwise notified in accordance with the relevant UNSCRs;
- (c) mechanisms for communicating designations to financial institutions (FIs) and designated non-financial businesses and persons (DNFBPs) immediately and their obligation to take action under the freezing mechanism where the FI or DNFBP may be holding targeted funds or assets;
- (d) that FIs and DNFBPs report to competent authorities any action taken in compliance with the freezing obligation;
- (e) measures to protect *bona fide* third (3rd) parties acting in good faith when implementing the obligations;
- (f) that failure to comply with the freezing obligation would be subject to civil, administrative or criminal sanctions;
- (g) measures that enable designated entities or persons to petition the Attorney General to make a request for de-listing to the Focal Point for de-listing established or informing designated persons or entities to petition the Focal Point directly;
- (h) procedures to unfreeze funds or assets of persons or entities with the same or similar names, upon verification;
- (i) procedures for the authorising of access to funds or assets where it can be determined that the exemption conditions in UNSCR 2653 (2022) are met;
- (j) procedures for the permitting of the addition to the accounts frozen of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which the accounts become a subject to the provisions of the resolutions, provided that any such

interest, other earnings and payments continue to be subject to these provisions and are frozen; and

- (k) that freezing action taken pursuant to UNSCR 2653 (2022) should not prevent a designated person or entity from making any payment due under a contract entered into prior to the listing, provided that:
- (i) it has been determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or service referred to in UNSCR 2653 (2022);
 - (ii) it has been determined that the payment is not directly or indirectly received by a person subject to measures in paragraph 6 of UNSCR 2653 (2022); and
 - (iii) prior notification has been submitted to the UNSC of its intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorisation.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and Tobago,
at the Office of the President, St. Ann's,
this *6th* day of *June*, 2023.