

THE ECONOMIC SANCTIONS ACT

By Her Excellency PAULA MAE WEEKES, O.R.T.T.
President of the Republic of Trinidad and Tobago
and Commander-in-Chief of the Armed Forces.

Paula-Mae Weekes

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 RESOLUTIONS ON THE ISLAMIC REPUBLIC OF IRAN) ORDER 2018 WAS BASED

I, **Paula-Mae Weekes, O.R.T.T, President to the Republic of Trinidad and Tobago**, make this Statement pursuant to Section 4(4) of the Economic Sanctions Act, Chapter 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 Resolutions on the Islamic Republic Of Iran) Order, 2018 so as to implement targeted financial sanctions in accordance with Trinidad and Tobago's international obligations to fully implement the requirements of the Financial Action Task Force (FATF) and our obligations under the various United Nations Sanctions regime United Nations Security Council Resolutions 2231(2015) relative to Iran, United Nations Security Council Resolution 1540 (2004) and its successor resolutions.

Trinidad and Tobago is also required to meet the international obligations of the Financial Action Task Force (FATF) standards to combat money laundering and terrorist financing (AML/CFT), more specifically to ensure compliance to FATF Recommendation 7 which requires that countries should implement targeted financial sanctions to comply with United Nations Security Council Resolutions (UNSCRs) relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. These resolutions require 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 United Nations Security Council under Chapter VII of the Charter of the United Nations. The FATF requires that persons and entities involved in the proliferation of weapons of mass destruction are prevented from raising, moving and using funds, consistent with the relevant UNSCRs. Recommendation 7 contain specific measures that complement the UNSCRs with respect to proliferation financing with:

- (a) a global approach aimed at preventing non-state actors from taking part in proliferation-related activities (United Nations Security Council Resolution 1540 (2004) and its successor resolutions) and
- (b) a country-specific approach against the Islamic Republic of Iran (United Nations Security Council Resolutions 2231 (2015) and its future resolutions).

The Orders seeks to protect the citizens of Trinidad and Tobago from fear, intimidation and physical harm caused by weapons of mass destruction by introducing measures relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing in the global financial system. Furthermore, the Orders will ensure that Trinidad and Tobago, admitted as a member of the United Nations by the General Assembly on September 18, 1962, as advised by UNSCR 175 and the CFATF, fulfils its international obligations in relation to the financing of proliferation of weapons of mass destruction by providing a legislative framework towards ensure compliance.

The aforementioned Order in respect of Iran 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 person unless licensed, authorised or otherwise notified in accordance with the relevant United Nations Security Council Resolutions (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 person 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 UNSCRs 2231 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 2231 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 2231;
 - (ii) it has been determined that the payment is not directly or indirectly received by a person subject to measures in paragraph 6 of Annex B to UNSCR 2231; and
 - (iii) prior notification has been submitted to the Security Council 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 17th day of December, 2018.