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UNITED NATIONS ACT 2001

UNITED NATIONS (SANCTIONS — HAITI) REGULATIONS 2023

ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred by section 2(1) of the United Nations Act 2001, the Minister for Law makes the following Regulations:

Citation and commencement

1. These Regulations are the United Nations (Sanctions — Haiti) Regulations 2023 and come into operation on 15 September 2023.

Object

2. The object of these Regulations is to assist in giving effect to Resolution 2653 (2022).

Application

3.—(1) These Regulations do not apply to —

- (a) any financial institution or class of financial institutions to the extent that the financial institution or class of financial institutions is or may be subject to directions issued or treated as issued by the Monetary Authority of Singapore under section 15 of the Financial Services and Markets Act 2022, or regulations made or treated as made by the Monetary Authority of Singapore under section 192 of the Financial Services and Markets Act 2022 for the purposes of section 15 of that Act; and
- (b) any VCC or class of VCCs to the extent that the VCC or class of VCCs is or may be subject to directions issued or regulations made by the Monetary Authority of Singapore under section 83 of the Variable Capital Companies Act 2018.

(2) In paragraph (1)(b), “VCC” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

Definitions

4.—(1) In these Regulations —

“arms and related matériel” includes any of the following items:

- (a) weapons;
- (b) ammunition;
- (c) military vehicles and equipment;
- (d) paramilitary equipment;
- (e) spare parts of any item referred to in paragraphs (a) to (d);

“Committee” means the Committee of the Security Council of the United Nations established under paragraph 19 of Resolution 2653 (2022);

“designated person” means any individual or entity set out in the UN List subject to the conditions set out in paragraph (2);

“funds” includes cheques, bank deposits and other financial resources;

“property” means real or personal property, movable or immovable, and includes a lease of immovable property as well as a right or an interest in that property;

“Resolution” means a Resolution of the Security Council of the United Nations;

“specified person” means —

(a) a designated person; or

(b) an individual or entity listed in the annex of Resolution 2653 (2022);

“UN List” means collectively the lists of individuals or entities identified by the Security Council of the United Nations or the Committee as individuals or entities to whom or to which the measures specified in paragraphs 6 and 11 of Resolution 2653 (2022) apply, and includes any such list as updated from time to time by the Security Council of the United Nations or the Committee, and made available on the Internet through the official United Nations website at <http://www.un.org/>.

(2) The conditions mentioned in the definition of “designated person” in paragraph (1) are —

(a) where any individual or entity is added to the UN List on or after 15 September 2023, the individual or entity is taken to be a designated person with effect from the date immediately following the date of addition to the UN List;

(b) where any individual or entity is removed from the UN List, the individual or entity ceases to be a designated

person with effect from the date of removal from the UN List; and

- (c) where the particulars of any individual or entity in the UN List are modified on or after 15 September 2023, the particulars of the individual or entity are taken to be modified for the purposes of these Regulations with effect from the date immediately following the date of modification of the UN List.

Prohibition against dealing with funds, etc., of designated person, etc.

5. A person in Singapore or a citizen of Singapore outside Singapore must not deal, directly or indirectly, with any funds or other financial assets or economic resources that are owned or controlled, directly or indirectly, by or on behalf of —

- (a) a specified person;
- (b) an individual or entity that acts on behalf of or under the direction of a specified person; or
- (c) an entity owned or controlled by a specified person.

Prohibition against making available funds, etc., to or for benefit of designated person, etc.

6. A person in Singapore or a citizen of Singapore outside Singapore must not make available any funds or other financial assets or economic resources, directly or indirectly, to or for the benefit of —

- (a) a specified person;
- (b) an individual or entity that acts on behalf of or under the direction of a specified person; or
- (c) an entity owned or controlled by a specified person.

Prohibition against supplying arms and related matériel

7. A person in Singapore or a citizen of Singapore outside Singapore must not, directly or indirectly, supply, sell or transfer arms and related matériel to or for the benefit of a designated person.

Prohibition against using Singapore ship or aircraft to supply arms and related matériel

8. An owner or a master of a ship registered as a Singapore ship under the Merchant Shipping Act 1995, or an owner or operator of an aircraft registered in Singapore under the Air Navigation Act 1966, must not carry, or cause or permit to be carried, on board or on or in any part of the ship or aircraft, any arms and related matériel for supply, sale or transfer to or for the benefit of any designated person.

Prohibition against provision of technical assistance, training, etc.

9. A person in Singapore or a citizen of Singapore outside Singapore must not provide —

- (a) any technical assistance, training or financial or other assistance related to —
 - (i) military activities; or
 - (ii) the provision, maintenance or use of any arms and related matériel; or
- (b) any armed mercenary personnel, whether or not originating in Singapore,

to or for the benefit of a designated person.

General prohibition

10. A person in Singapore or a citizen of Singapore outside Singapore must not knowingly do anything that —

- (a) causes, assists or promotes; or
- (b) is intended to cause, assist or promote,

any act or thing prohibited by regulation 5, 6, 7, 8 or 9.

Duty to provide information

11.—(1) Any person in Singapore or any citizen of Singapore outside Singapore who —

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- (a) has possession, custody or control of any property belonging to —
- (i) a designated person;
 - (ii) any individual or entity which acts on behalf of or under the direction of a designated person; or
 - (iii) any entity owned or controlled by a designated person;
- (b) has information about any transaction or proposed transaction in respect of any property belonging to any designated person, individual or entity mentioned in sub-paragraph (a); or
- (c) has information about any act or thing prohibited by regulation 5, 6, 7, 8, 9 or 10,
- must —
- (d) immediately inform the Commissioner of Police or any authorised person of that fact or information; and
 - (e) provide any further information relating to the property, transaction or proposed transaction, act or thing that the Commissioner of Police or authorised person may require.
- (2) No criminal or civil proceedings shall lie against a person for any disclosure made in good faith under paragraph (1).
- (3) In this regulation —
- “authorised person” means any person designated by the Minister for the purposes of this regulation;
- “Commissioner of Police” includes —
- (a) any police officer; and
 - (b) any person authorised by the Commissioner of Police to act for him or her for the purposes of this regulation.

Power to inspect and seize certain items

12.—(1) An authorised officer may inspect any cargo that is bound for Haiti and within Singapore if the authorised officer has reasonable grounds to believe that the cargo contains any item the supply, sale or transfer of which is prohibited by regulation 7 or 8.

(2) An authorised officer —

(a) may seize any item for which the authorised officer has reasonable grounds to believe —

(i) the supply, sale or transfer of which is prohibited by regulation 7; or

(ii) the carriage of which on board or on or in any part of the ship or aircraft is prohibited by regulation 8; and

(b) must, as soon as reasonably practicable after any such seizure, hand over the item to a police officer.

(3) Sections 370, 371 and 372 of the Criminal Procedure Code 2010 relating to the handling of property seized by a police officer apply, with the necessary modifications, to any item handed over to a police officer by an authorised officer under paragraph (2)(b) as if the item were seized by the police officer instead of the authorised officer.

(4) In this regulation —

“authorised officer” means any of the following persons:

(a) the Director-General of Customs appointed under section 4(1) of the Customs Act 1960;

(b) a Deputy Director-General of Customs or an Assistant Director-General of Customs appointed under section 4(2) of the Customs Act 1960;

(c) a senior officer of customs appointed under section 4(4) of the Customs Act 1960;

(d) an officer of customs appointed under section 5(2) of the Customs Act 1960;

“police officer” includes a Commercial Affairs Officer appointed under section 64 of the Police Force Act 2004.

Offences

13.—(1) A person who contravenes regulation 5, 6, 7, 8, 9, 10 or 11(1) shall be guilty of an offence.

(2) It is a defence for a person charged with an offence for contravening regulation 11(1) to prove that the person had a reasonable excuse for the contravention.

Forfeiture

14.—(1) A court may, on the application of the Attorney-General, order that anything which has been proven to the court's satisfaction on a balance of probabilities to be an item —

- (a) that is the subject of a contravention of regulation 7; or
- (b) that is carried on board or on or in any ship or aircraft in contravention of regulation 8,

is to be forfeited to the Government, and either destroyed or otherwise dealt with in any manner that the court may order.

(2) In particular, the court may order that the item be dealt with as the Commissioner of Police thinks fit, and in such a case, the Commissioner of Police may direct that the item be destroyed or otherwise dealt with.

(3) The court may require notice to be given to any person who, in the opinion of the court, appears to have an interest in the item to be forfeited.

(4) Where —

- (a) the court proposes to order any item to be forfeited under this regulation; and
- (b) a person claiming to have an interest in the item has applied to be heard by the court,

the court is not to order the item to be forfeited unless that person has been given an opportunity to show cause why the order should not be made.

(5) The court may make an order of forfeiture even though no person has been charged with or convicted of an offence of contravening regulation 7 or 8 in relation to the item to be forfeited.

Exemption

15. The Minister or a person designated by the Minister may, if he or she considers that it is appropriate to do so in the circumstances of the case and that it is consistent with the intention of the United Nations Security Council under paragraph 7, 8, 9 or 10 of Resolution 2653 (2022), by written notice exempt, subject to any conditions that he or she may specify —

(a) any person or class of persons; or

(b) any activity or class of activities,

from regulation 5 or 6.

Made on 8 September 2023.

LUKE GOH
*Permanent Secretary,
Ministry of Law,
Singapore.*

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(To be presented to Parliament under section 2(6) of the United Nations Act 2001).