

Unofficial and not binding translation

2014 No. 47

**OFFICIAL BULLETIN
OF
ARUBA**

STATE DECREE containing General Administrative Orders of August 29, 2014 for the implementation of Articles 2 and 2a of the Sanctions Ordinance 2006 (“AB” [*Official Bulletin*] 2007 No. 24) (Sanctions Decree South Sudan)

Issued on September 24, 2014

The Minister of Justice,

A.L. Dowers

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

that, having regard to Council Regulation 748/2014 of the European Union of July 10, 2014, it is desirable to take restrictive measures against certain natural persons, legal persons, entities or bodies in view of the situation in South Sudan;

Having regard to:

Articles 2 and 2a of the Sanctions Ordinance 2006 (AB 2007 No. 24);

Has decided:

§1. General provisions

Article 1

In this State Decree, the following terms shall mean:

Regulation	:	Regulation (EU) No. 748/2014 of the Council No. 748/2014 of the European Union concerning restrictive measures in view of the situation in Sudan;
freezing	:	a prohibition to transfer, convert, relocate or make available;
funds or other assets	:	property, acquired in any way, as referred to in Article 1 of Book 3 of the Civil Code of Aruba, all documents and data carriers in any form or capacity whatsoever, showing full or shared ownership or title to any property, and products or increases in value of property;
service	:	an activity in connection with a fund or other asset;
service provider	:	anyone providing a service in a professional or commercial capacity;
Minister	:	the Minister charged with financial matters;
Bank	:	the Central Bank of Aruba;
Reporting Center	:	the Reporting Center Unusual Transactions referred to in Article 20, first paragraph, of the State Ordinance for the Prevention and Suppression of Money Laundering and Terrorist Financing (AB 2011 No. 28);
South Sudan	:	the Republic of South Sudan.

§2. The freezing of funds and other assets

Article 2

1. All funds or other assets in Aruba, which directly or indirectly belong to, are owned by, are in possession of or are controlled by a natural person, legal person, entity or body listed in Annex I to Regulation 748/2014 shall be frozen.

2. The freezing, referred to in the first paragraph, shall equally apply to representatives of the natural person, legal person, entity or body referred to in that paragraph.

3. Notwithstanding the first paragraph, a designated person may be granted access to his frozen funds or assets for credit balances, financial assets or economic resources that:

- a. are necessary to cover expenses for the basic needs of the natural persons or legal persons, entities or bodies listed in Annex I to Regulation 748/2014, and the family members dependent on these natural persons, such as payments for food, rent or mortgage charges, medicines or medical treatments, taxes, insurance premiums and mains services;
- b. are exclusively intended for the payment of reasonable fees or the payment of costs incurred in connection with the provision of legal services;
- c. are exclusively intended for the payment of reasonable fees or costs for only maintaining or managing frozen credit balances or economic resources;
- d. are necessary for the payment of extraordinary charges, provided the Minister has been given notice at least two weeks in advance of the reasons why he feels that specific permission should be granted.

4. Access to frozen funds or assets shall only be granted with the permission of the Minister.

Article 3

The Bank and the Reporting Center are charged with the digital publication of the prevailing text of Annex I to Regulation No. 748/2014.

Article 4

1. It is prohibited for each and anyone to provide services or to perform acts that lead to it or can reasonably lead to it that a natural person, legal person, entity or body listed in Annex I to Regulation No. 748/2014 gains access in any way to funds or other assets.

2. It is prohibited to participate intentionally and deliberately in activities of which the purpose or consequence is that the measures referred to in the first paragraph are directly or indirectly circumvented.

Article 5

1. Anyone having funds or other assets in his custody of a natural person, legal person, entity or body listed in Annex I to Regulation 748/2014 shall take such measures that these funds and assets cannot be used, or that these funds and other assets cannot be transferred, converted, relocated or be made available.

2. If it concerns a service provider supervised by the Bank pursuant to a state ordinance, it shall immediately inform the Bank or the Reporting Center of the funds or other assets it has in its custody.

3. Service providers shall immediately inform the Reporting Center of all transactions intended or carried out by or on behalf of natural persons, legal persons, entities or bodies listed in Annex I to Regulation 748/2014.

Article 6

If the freezing concerns property subject to registration as referred to in Article 10 of Book 3 of the Civil Code of Aruba, the keeper of the public register in question shall ensure that same be recorded in this public register.

§3. Final provision

Article 7

1. This State Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.

2. It may be cited as Sanctions Decree South Sudan.

Given in Oranjestad, August 29, 2014
F.J. Refunjol

The Minister of Finance and Government Organization,
A.R. Bermudez

The Minister of Justice,
A.L. Dowers

The acting Minister of General Affairs, Science,
Innovation and Sustainable Development,
O.B. Sevinger