

Unofficial and not binding translation
2011 No. 25

STATUTE PUBLICATION GAZETTE
OF
ARUBA

STATE DECREE containing General Administrative Orders of April 15, 2011, for the implementation of Article 2, second paragraph, of the Sanction Ordinance 2006 ('AB' [*Statute Publication Gazette*] 2007 No. 24) (Sanctions State Decree Libya 2011).

Issued on April 18, 2011

The Minister of Justice and Education,

A.L. Dowers

IN THE NAME OF THE QUEEN!

THE GOVERNOR of Aruba,

Having taken into consideration:

that Aruba is obligated to comply with Resolutions Nos. 1970(2011) and 1973(2011) of the Security Council of the United Nations, in which a number of measures to be taken promptly by the Member States are prescribed, including the freezing of funds and other assets, aimed against certain Libyan natural persons, legal – entities and other entities because of their involvement in serious violations of human rights in Libya and the use of force against the Libyan population;

Having regards to:

Article 2, first paragraph, of the Sanction Ordinance 2006 (AB 2007 No. 24);

Has decided:

§1. General provisions

Article 1

1. In this State Decree, the following terms shall mean:

Freeze	:	a prohibition to use, transfer, convert, relocate, or make available;
Resolution 1970(2011)	:	Resolution No. 1970(2011) adopted by the Security Council of the United Nations on February 26, 2011 in connection with the situation in Libya;
Resolution 1973(2011)	:	Resolution No. 1973(2011) adopted by the Security Council of the United Nations on March 17, 2011 in connection with the situation in Libya;
Funds or Other Assets	:	goods, acquired in any way, as meant in Article 1 of Book 3 of the Civil Code of Aruba, all documents and information carriers in whatever form or nature , which demonstrate whole or partial ownership of or entitlement to a good , and products and value accruals of a good;
Service	:	an activity related to a fund or other asset;

Service Provider : anyone who renders a service by virtue of his profession or business;
Minister : the Minister charged with financial matters;
Bank : the Central Bank of Aruba.

§2. The freezing of funds and other assets

Article 2

1. All funds or other assets present in Aruba, that belong directly or indirectly to, are owned by, are in possession of, or are under the control of a natural person, legal entity, or other entity listed in Annex II of Resolution 1970(2011) respectively Resolution 1973(2011), are frozen.

2. The freezing referred to in the first paragraph shall apply by analogy to:

- a. funds or other assets, which directly or indirectly, and entirely or shared with others, belong to or are controlled by a natural person, legal entity, or other entity listed in Annex II of Resolution 1970(2011) respectively Resolution 1973(2011);
- b. funds or other assets, which proceed from or are produced by funds or other assets belonging to a person listed in Annex II of Resolution 1970(2011) respectively Resolution 1973(2011).

Article 3

1. Each and anyone is prohibited from providing services or carrying out actions that can lead to or can reasonably lead to a person, listed in Annex II of Resolution 1970(2011), respectively Resolution 1973(2011), gaining any kind of access to his funds or other assets frozen pursuant to Article 2.

2. Each and anyone who has frozen funds or other assets in his custody shall take such measures, so that these funds and other assets cannot be used, or that these funds and other assets cannot be transferred, converted, moved, or made available. If it concerns a service provider supervised by the Bank pursuant to a state ordinance, it shall inform the Bank of the funds or other assets it has in its custody.

Article 4

1. Service providers shall take such measures that enable them to keep abreast at all times of the content of Annex II of Resolution 1970(2011), respectively, Resolution 1973(2011), and all the subsequent amendments made to these lists.

2. If a service provider is an enterprise or institution placed under the supervision of the Bank pursuant to a state ordinance, the Bank shall be charged with supervising the compliance by these service providers with the obligations of this State Decree applicable to them.

Article 5

If the freezing concerns a registered property 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 an entry hereof is made in the public register.

Article 6

Article 12 of the Sanction Decree Combat Terrorism and Terrorist Financing (AB 2010 No. 27) shall apply by analogy, on the understanding that, in the second paragraph, instead of the "Sanction Committee", it shall read: the Committee, referred to under point 24 of Resolution 1970(2011).

§3. Final provision

Article 7

1. This State Decree shall become effective as of the day after the day of its publication in the Statute Publication Gazette of Aruba.
2. It may be cited as Sanctions State Decree Libya 2011.

Given in Oranjestad, April 15, 2011
F.J. Refunjol

The Minister of Finance, Communication,
Public Utilities and Energy,
M.E. de Meza

The Minister of Justice and Education,
A.L. Dowers