

## Linette A. Gibs

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**Subject:** FW: UPDATE 2 QUESTIONS : Changes to the National Ordinance on Sanctions

**Importance:** High

**From:** Nancy R. Guishard-Joubert  
**Sent:** Tuesday, March 21, 2017 9:45 AM

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**Sent:** Tuesday, March 21, 2017 9:19 AM  
**To:** Nancy R. Guishard-Joubert

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**Subject:** FW: UPDATE 2 QUESTIONS : Changes to the National Ordinance on Sanctions  
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## QUESTIONS

### 1. MP Perry Geerlings

*The Netherlands are better equipped to implementing these laws*

- Is sxm equipped to enforce the implementation of these sanctions?
- How are we going to give arms and legs to these laws/ordinance?
- How are we going to execute the EU/UN Sanctions?

### 2. MP George Pantophlet

*Foreign Affairs is the responsibility of the Kingdom*

- Who are the ones going to bare the financial consequences?
- Did Curacao also adopt/makes changes in order to sign or comply to the sanctions ?

### 3. MP Frans Richardson

*Consequences if not adopted. Members of Parliament need to be properly advised what sxm is approving and provide the consequences.*

- If not approved; then what?
- How will the cost be dealt with if certain issues arrive; Do we have special funding for this?

### 4. MP Claret Connor

*Listed series of changes/ Process already in place. Freezing bank accounts/assets. Expedite process*

- How will this new procedure improve the implementation on these measure to be taken?
- Why are amending a system that has never been used? Why are we changing something that was never used ?

## 5. MP Tamara Leonard

### *Freezing of Funds*

- How many in the past had assets been frozen and where is the funds transferred to?
- What happens to funds/assets of a person once proven guilty and money was gain through illegality?

## 6. MP Franklyn Meyers

### *Persons proven guilty*

- What happens to persons' accounts / assets if found guilty and remains guilty ?

## 7. MP Chanel Brownbill

- If funds are frozen how are funds divided. If a person is convicted are the funds frozen forever?

## PM Marlin Responses:

- There is no major changes. What is changing is the manner in which it was done. There is nothing new in term of the legislation. It just to speed up the process
- New sanctions law funds will be made available; this is not the case.
- **MP Perry Geerlings:**
  - Page 4 - Explanatory notes; No changes will be made. The Mot and Central Bank are the main supervisors and have necessary personnel and equipment to carry out their tasks. Will publish all sanctions on their website and inform all institutions like banks and notaries on the new sanctions
  - Everything is detailed in the manual on sanctions
- **MP George Pantophlet :**
  - Mot and Central Bank are main supervisors they will inform institution san d make sure the law will be implemented. They are responsible if they would do something wrong
  - There is no need for any special funds. If funds are frozen by the bank the funds remains at the bank during the entire process form the person or intuition. There is no new keg and no cost.
  - Curacao didn't put legislation in place like sxm has They have to abide with the new regulations that have been put in place
- **MP Frans Richardson :**
  - That's not a good thing to do. You do not have to adopt but sxm can become an international outcast; which will have major consequences and if we don't make changes to existing implementation then the Kingdom law can be



enforced on sxm; so it's best to go along and cooperate. There is no special fund needed.

➤ **MP Claret Connor:**

- It is not something complicated and the Mot and Central Bank they are both equipped to execute the tasks. No special funds is needed. No funds will be going to the island coffers are crime funding.
- Changing the regulations to make it easier; to respond much faster
- The system as is now if it stays in place of the old system it would take too long. We are putting in quicker respond system but not making any changes to the legislation
- Sxm is slow in adopting and responding. There is a new instruction in place so these are changes we making just to respond faster
- These EU and UN Sanctions are not based on a local level. It is not our local Prosecutor arresting a local citizen and assets. These are International Laws based upon if terrorists accounts have been spotted in sxm then these can be asked to be seized.

➤ **MP Tamara:**

- No funds frozen and no funds going to the local criminaliteit fonds
- If funds are frozen the funds will remain frozen until sanctions are lifted. The funds are not going to sxm treasury nor to a criminal funding.

➤ **MP Franklyn Meyers:**

- If at the end of the day if funds have been determined to fund terrorist activities then the funds remain frozen

➤ **MP Chanel Brownbill:**

- Funding can be confiscated by the Prosecutor and then assets can become property of the state