MINISTERUL AFACERILOR EXTERNE ŞI INTEGRĂRII EUROPENE AL REPUBLICII MOLDOVA

ORDIN nr. 294-S-07

„21" noiembrie 2022 **mun. Chișinău**

cu privire la Haiti, prin adoptarea Rezoluției Consiliului de Securitate al Organizației Națiunilor Unite S/RES/2653 (2022) din 21 octombrie 2022

În temeiul art. 14 alin. (1) din Legea nr. 25 din 4 martie 2016 privind aplicarea măsurilor restrictive internaționale (Monitorul Oficial al Republicii Moldova, 2016, nr. 140–149, art. 289),

se emite prezentul **ORDIN:**

1. A aduce la cunoștința publică măsurile restrictive reînnoite impuse Haiti, prin rezoluția Consiliului de Securitate al Organizației Națiunilor Unite S/RES/2653 (2022)[1], adoptată la 21 octombrie 2022, prin care:

   - Decide asupra înființării unui Comitet al Consiliului de Securitate format din toți membrii Consiliului, care să îndeplinească sarcinile din prezenta rezoluție;

   - Decide să instituie interdicție de călătorie pe o perioadă inițială de un an pentru persoanele desemnate de Comitetul Consiliului de Securitate;

   - Decide să instituie un embargo pentru furnizarea, vânzarea sau transferul direct sau indirect al armelor, pentru o perioadă inițială de un an;

   - Decide asupra înghețării fondurilor, altor active financiare și resurselor economice care se află pe teritoriile lor, care sunt deținute sau controlate de către persoane fizice sau entitățile desemnate sau enumerate în prezenta rezoluție, pentru o perioadă inițială de un an.

2. A publica prezentul ordin în Monitorul Oficial al Republicii Moldova.

VICEPRIM-MINISTRU, MINISTRU **Nicolae Popescu**

[1] Textul integral al rezoluției poate fi accesat pe pagina ONU - N2264604.pdf (un.org).

МИНИСТЕРСТВО ИНОСТРАННЫХ ДЕЛ И ЕВРОПЕЙСКОЙ ИНТЕГРАЦИИ РЕСПУБЛИКИ МОЛДОВА

ПРИКАЗ № 284-S-07

„____" _____ 2022 **мун. Кишинёв**

По вопросу о Гаити, путем принятия резолюции Совета Безопасности Организации Объединенных Наций S/RES/2653 (2022) от 21 октября 2022 года

В соответствии с ч.(1) ст. 14 Закона о применении международных ограничительных мер № 25 от 4-го марта 2016-го года (Официальный монитор Республики Молдова, 2016 г., № 140-149, ст. 289),

ПРИКАЗЫВАЮ:

1. Довести до сведения общественности новые ограничительные меры, в отношении Гаити введенные посредством резолюции Совета Безопасности Организации Объединенных Наций S/RES/2653 (2022) от 21 октября 2022 года, которая:

   - постановляет учредить Комитет Совета Безопасности в составе всех членов Совета для выполнения задач, изложенных в настоящей резолюции;

   - постановляет ввести запрет на поездки на первоначальный период в один год для лиц, указанных Комитетом Совета Безопасности;

   - постановляет ввести эмбарго на прямую или косвенную поставку, продажу или передачу оружия на первоначальный период в один год;

   - принимает решение о замораживании средств, других финансовых активов и экономических ресурсов, находящихся на их территории, которые принадлежат или контролируются физическими или юридическими лицами, указанными или перечисленными в настоящей резолюции, на первоначальный период в один год.

2. Настоящий приказ опубликовать в Официальном Мониторе Республики Молдова.

ЗАМ. ПРЕМЬЕР-МИНИСТРА, МИНИСТР **Николае Попеску**

United Nations S/RES/2653 (2022)

Security Council

Distr.: General
21 October 2022

Resolution 2653 (2022)

Adopted by the Security Council at its 9159th meeting, on 21 October 2022

The Security Council,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Recalling all its previous resolutions on Haiti, in particular its resolution 2645 (2022), which *inter alia* extended the mandate of the United Nations Integrated Office in Haiti (BINUH) for one year, demanded an immediate cessation of gang violence and criminal activity, and expressed the Council's readiness to take appropriate measures, as necessary, against those engaged in or supporting gang violence, criminal activities or human rights abuses, or who otherwise take action that undermines the peace, stability, and security of Haiti and the region,

Noting with deep concern the protracted and deteriorating political, institutional, economic, security, human rights, humanitarian and food security crises in Haiti and reaffirming the commitment of the international community to continue to support the people of Haiti,

Recognizing that exclusion and inequality have an impact as aggravating factors in the situation concerning Haiti,

Stressing the primary responsibility of the Government of Haiti to address longstanding drivers of instability and inequality,

Reiterating the need to reach an urgent agreement on a sustainable, time-bound and commonly accepted framework for a political process led by Haitians to permit the organization of inclusive, free and fair legislative and presidential elections, carried out in a transparent manner, as soon as security conditions and logistical preparations permit, and with the full, equal and meaningful participation of women and the engagement of youth, civil society, and other relevant stakeholders, and recalling its request to the Government of Haiti to provide an update on the political process,

Expressing grave concern about the extremely high levels of gang violence and other criminal activities, including kidnappings, trafficking in persons and the smuggling of migrants, and homicides, and sexual and gender-based violence including rape and sexual slavery, as well as ongoing impunity for perpetrators, corruption and recruitment of children by gangs and the implications of Haiti's situation for the region,

Concerned that illicit trafficking and diversion of arms and related materiel of all types contributes to undermining the rule of law and respect for human rights, and

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can impede the provision of humanitarian assistance and have wide ranging negative humanitarian and socioeconomic consequences,

Noting the need to prohibit the transfer of small arms, light weapons, and ammunition to non-state actors engaged in or supporting gang violence, criminal activities, or human rights abuses in Haiti, as well as to prevent their illicit trafficking and diversion,

Encouraging cooperation between Member States to prevent illicit arms trafficking and diversion, including through providing and exchanging timely and up to date information in order to identify and combat illicit trafficking sources and supply chains,

Acknowledging the urgent need to address the illicit financial flows to Haiti enabling armed gangs to operate and posing a growing threat to the country's stability, including by prioritizing breaking links between political and economic actors and gangs,

Expressing concerns about the Haitian National Police's lack of access to vital ports which are largely under the control of gangs, and further demanding to stop the illegal occupation of ports and fuel terminals by gangs,

Welcoming the launch of technical programmes by the United Nations Office on Drugs and Crime (UNODC) to assist national authorities to promote border and ports control, trace illicit financial flows, collaborate across borders to combat transnational crime, corruption, and drug and arms trafficking, including through the UNODC-World Customs Organization (WCO) Container Control Programme in Haiti and border management programmes, and further welcoming the Caribbean Community's (CARICOM) regional roadmap to combat the trafficking of firearms,

Recognizing the important role of neighboring countries, regional and subregional organizations such as CARICOM, and other international partners,

Expressing deep concern at the persistent and destabilizing criminal activities perpetrated by armed gangs in Haiti and the unabated transfer of small arms, light weapons, and ammunition to actors engaged in or supporting gang violence,

Condemning attacks and kidnappings of UN personnel, violence against diplomatic premises, and the looting of humanitarian aid, and *recalling* that the primary responsibility for the safety and security of United Nations personnel and assets rests with the host state,

Calling upon all actors in Haiti to issue clear orders prohibiting all human rights violations and abuses, and *underscoring* the necessity for all actors to ensure immediate, safe and unhindered access by humanitarian organizations,

Stressing that the measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population of Haiti,

Recognizing the need to ensure that fair and clear procedures exist for delisting individuals, groups, undertakings, and entities designated pursuant to this resolution and expressing its intent to consider authorizing the Ombudsperson to receive such delisting requests,

Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* an immediate cessation of violence, criminal activities, and human rights abuses which undermine the peace, stability and security of Haiti and the region, including kidnappings, sexual and gender-based violence, trafficking in

persons and the smuggling of migrants, and homicides, extrajudicial killings and recruitment of children by armed groups and criminal networks;

2. Urges all political actors to constructively engage in meaningful negotiations to overcome the current political stalemate in order to allow the holding of inclusive, free and fair legislative and presidential elections, as soon as the local security situation permits;

Travel Ban

3. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the entry into or transit through their territories of any individuals designated by the Committee established pursuant to paragraph 19 below, provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory;

4. *Notes* that designated individuals may have multiple nationalities or passports, *expresses* its concern that travel between the two States of which a designated individual has nationality or a passport may undermine the objectives of the travel ban imposed in paragraph 3, and *requests* that the Panel of Experts established in paragraph 21 of this resolution (the "Panel of Experts") report to the Committee information about such travel;

5. *Decides* that the measures imposed by paragraph 3 above shall not apply:

a. Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

b. Where entry or transit is necessary for the fulfillment of a judicial process; and

c. Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and stability in Haiti;

Asset Freeze

6. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by any individuals or entities listed in the Annex to this resolution or designated by the Committee, or by any individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides* further that all Member States shall ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, to or for such individuals' or entities' benefit, by their nationals or by persons within their territory;

7. *Decides* that the measures imposed by paragraph 6 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

a. To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the

relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

b. To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee;

c. To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

8. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 6 above of interests or other earnings due on those accounts or any payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continues to be subject to these provisions and are frozen;

9. *Decides* that the measures in paragraph 6 above shall not prevent a designated individual or entity from making payment due under a contract entered into prior to the listing of such an individual or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by an individual or entity designated pursuant to paragraph 6 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

10. *Decides* that without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 6 of this resolution shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance or to support other activities that support basic human needs in Haiti, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plan for Haiti;

Targeted Arms Embargo

11. *Decides* that, for an initial period of one year from the date of adoption of this resolution, all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to, or for the benefit of, the individuals and entities designated by the Committee from or through their territories or by their nationals, or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories;

12. *Encourages* Member States to ensure adequate marking and recordkeeping measures are in place to trace arms, including small arms and light weapons, in accordance with the international and regional instruments to which they are parties, and to consider how best to assist, where relevant and upon their request, neighboring countries in preventing and detecting illicit trafficking and diversion in violation of measures imposed in paragraph 11 of this resolution;

13. *Calls upon* all States, in particular regional countries, to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to Haiti in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraph 11 of this resolution for the purpose of ensuring strict implementation of those provisions;

14. *Encourages* regional land, air, and maritime cooperation, as applicable, to detect and prevent violations of measures imposed in paragraph 11 of this resolution, as well as to report cases of violations in a timely manner to the Committee established pursuant to paragraph 19 below;

Sanctions Designation Criteria

15. *Decides* that the provisions of paragraph 3 shall apply to individuals, and that the provisions of paragraphs 6 and 11 shall apply to individuals and entities, as designated for such measures by the Committee established pursuant to paragraph 19 of this resolution, as responsible for or complicit in, or having engaged in, directly or indirectly, actions that threaten the peace, security or stability of Haiti;

16. *Decides* that such actions as described in paragraph 15 above include, but are not limited to:

a. Engaging in, directly or indirectly, or supporting criminal activities and violence involving armed groups and criminal networks that promote violence, including forcible recruitment of children by such groups and networks, kidnappings, trafficking in persons and the smuggling of migrants, and homicides and sexual and gender-based violence;

b. Supporting illicit trafficking and diversion of arms and related materiel, or illicit financial flows related thereto;

c. Acting for or on behalf of or at the direction of or otherwise supporting or financing an individual or entity designated in connection with the activity described in subparagraphs (a) and (b) above, including through the direct or indirect use of the proceeds from organized crime, including proceeds from illicit production and trafficking in drugs and their precursors originating in or transiting through Haiti, the trafficking in persons and the smuggling of migrants from Haiti, or the smuggling and trafficking of arms to or from Haiti;

d. Acting in violation of the arms embargo established in paragraph 11 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in Haiti, or as having been the recipient of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in Haiti;

e. Planning, directing, or committing acts that violate international human rights law or acts that constitute human rights abuses,

including those involving extrajudicial killing, including of women and children, and the commission of acts of violence, abduction, enforced disappearances, or kidnappings for ransom in Haiti;

f. Planning, directing or committing acts involving sexual and gender-based violence, including rape and sexual slavery, in Haiti;

g. Obstructing delivery of humanitarian assistance to Haiti or access to, or distribution of, humanitarian assistance in Haiti;

h. Attacking personnel or premises of United Nations missions and operations in Haiti, providing support for such attacks;

17. *Demands* that States ensure that all measures taken by them to implement this resolution comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law, as applicable;

18. *Decides* that the individual listed in the annex of this resolution shall be subject to the measures imposed by paragraphs 3, 6 and 11 above;

Sanctions Committee

19. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

a. To monitor implementation of the measures imposed in paragraphs 3, 6, and 11 above with a view to strengthening, facilitating and improving implementation of these measures by Member States, and to consider and decide upon requests for exemptions set out in paragraph 5 and 7 of this resolution;

b. To seek and review information regarding those individuals and entities who may be engaging in the acts described in paragraph 15 and 16 above;

c. To designate individuals and entities to be subject to the measures imposed in paragraphs 3, 6, and 11 above;

d. To establish and promulgate such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

e. To report within 60 days to the Security Council on its work with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 3, 6, and 11 of this resolution and thereafter to report on an annual basis;

f. To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

g. To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed;

h. To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in paragraphs 3, 6, and 11;

20. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees;

Reporting

21. *Requests* the Secretary-General to create for an initial period of 13 months, in consultation with the Committee, a group of 4 experts ("Panel of Experts"), under the direction of the Committee and to make the necessary financial and security arrangements to support the work of the Panel, and *decides* that the Panel shall carry out the following tasks:

a. Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee at any time with information relevant to the potential designation at a later stage of individuals and entities who may be engaging in the activities described in paragraphs 15 and 16 above;

b. Gather, examine and analyze information from States, relevant UN bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents regarding the source and routes of arms trafficking to Haiti and incidents of undermining the political transition;

c. Provide to the Council, after discussion with the Committee, an interim report by 15 March 2023, a final report no later than 15 September 2023, and periodic updates in between;

d. To assist the Committee in refining and updating information on the list of individuals and entities subject to measures imposed pursuant to paragraphs 3, 6, and 11 of this resolution, including through the provision of identifying information and additional information for the publicly available narrative summary of reasons for listing;

22. *Directs* the Panel to cooperate with BINUH, the UNODC, CARICOM and relevant expert groups established by the Security Council to support the work of its Sanctions Committees, as appropriate;

23. *Urges* all parties and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and further urges all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites in order for the Panel to execute its mandate;

24. *Notes* that the selection process of the experts composing the Panel should prioritize appointing individuals with the strongest qualifications to fulfil the duties described above while paying due regard to the importance of regional and gender representation in the recruitment process;

Review

25. *Affirms* that it shall keep the situation in Haiti under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of progress achieved on the following key benchmarks:

a. When the Government of Haiti has developed adequate judicial and rule of law capacity to handle armed groups and criminal-related activities;

b. Progressive reduction in the amount of violence committed by armed groups and criminal networks, including the number of intentional homicides, kidnappings and incidents of sexual and gender-based

violence, as measured on an annual basis, beginning over the initial period of twelve months from adoption of this resolution;

c. Progress on benchmarks 2, 3, 4, and related targets as outlined in the Secretary-General's report of 13 June 2022 (S/2022/481);

d. Progressive decrease in the number of incidents of illicit trafficking and diversion of arms, as well as illicit financial flows there from, including by increasing the number and volume of arms seizures, as measured on an annual basis, beginning over the initial period of twelve months from adoption of this resolution;

26. *Requests* in this regard the Secretary-General, in close coordination with the Panel of Experts, to conduct, no later than 15 September 2023, an assessment of progress achieved on the key benchmarks established in the paragraph above;

27. *Invites* the UNODC to work with BINUH and the Panel of Experts, as appropriate, and to report to the Committee on recommendations to stem illicit financial flows and trafficking and diversion of arms related materiel in Haiti;

28. *Decides* to remain actively seized of the matter.

Annex

Jimmy Cherizier (AKA "Barbeque") has engaged in acts that threaten the peace, security, and stability of Haiti and has planned, directed, or committed acts that constitute serious human rights abuses.

Jimmy Cherizier is one of Haiti's most influential gang leaders and leads an alliance of Haitian gangs known as the "G9 Family and Allies."

While serving as an officer in the Haitian National Police (HNP), Cherizier planned and participated in the November 2018 deadly attack against civilians in a Port-au-Prince neighborhood known as La Saline. During this attack, at least 71 people were killed, over 400 houses were destroyed, and at least seven women were raped by armed gangs. Throughout 2018 and 2019, Cherizier led armed groups in coordinated, brutal attacks in Port-au-Prince neighborhoods. In May 2020, Cherizier led armed gangs in a five-day attack in multiple Port-au-Prince neighborhoods in which civilians were killed and houses were set on fire. As of October 11, 2022, Cherizier and his G9 gang confederation are actively blocking the free movement of fuel from the Varreux fuel terminal – the largest in Haiti. His actions have directly contributed to the economic paralysis and humanitarian crisis in Haiti.