

Haiti Sanctions Guidance

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Isle of Man
Government

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1. Prohibitions and requirements imposed by the Regulations

This guidance is provided in relation to the Haiti (Sanctions) Regulations 2022 (the “Regulations”). These Regulations have effect in the Island by the Sanctions (Implementation of UK Sanctions) Regulations 2024, made under the Sanctions Act 2024.

These Regulations impose financial and trade sanctions for the purpose of giving effect to the obligations under United Nations Security Council Resolution 2653 (2022), resolution 2699 (2023) and resolution 2700 (2023) (‘UNSCR 2700’).

In order to achieve their stated purposes, the Regulations impose a number of prohibitions and requirements. In order to enforce these, the Regulations establish penalties and offences. These are set out in detail in the Annexes.

The sanctions imposed by these Regulations apply within the territory of the Isle of Man (IOM) and in relation to the conducts of all Island persons wherever they are in the world. Island person includes –

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British overseas citizen who is resident in the Isle of Man;
- (b) a person who under the British Nationality Act 1981 (of Parliament)¹ is a British subject who is resident in the Isle of Man;
- (c) a British protected person within the meaning of that Act who is resident in the Isle of Man; or
- (d) a body incorporated under the law of the Isle of Man.

It is prohibited to intentionally participate in any activities if you know that the object or effect of them is to directly or indirectly circumvent the prohibitions imposed by these Regulations or to enable or facilitate the contravention of those prohibitions.

If you are unclear about any aspects of the Regulations, in particular about whether action you are considering taking could contravene these Regulations, you are advised to seek independent legal advice.

Prohibitions and requirements for the financial and trade sanctions contained in the Regulations are set out below.

1.1 Designation of persons

The Regulations provide that each person for the time being named on the 2653 Sanctions List is a designated person for the purposes of the financial and trade sanctions.

The [UK Sanctions List](#) lists the people designated under the Regulations, and details of the sanctions in respect of which they have been designated.

¹ 1981 Chapter 61.

1.2 Financial sanctions

Asset Freeze and making available provisions

The Regulations impose financial sanctions through a targeted asset freeze on designated persons and prohibitions on making funds or economic resources available. This involves the freezing of funds and economic resources (non-monetary assets, such as property or vehicles) of designated persons and ensuring that funds and economic resources are not made available to or for the benefit of designated persons or entities, either directly or indirectly.

1.3 Trade sanctions

The Regulations impose trade prohibitions in relation to Haiti. These include prohibitions relating to:

- the export, supply, delivery or the making available of, small arms, light weapons and ammunition (as specified in Schedule 1A to the Regulations) to, or for use in, Haiti.

Further detail on these trade prohibitions, including key terminology used, is explained below. Please have regard to the relevant legislation which contains full definitions of terms used herein.

Export of military goods

The Regulations impose trade prohibitions relating to:

- “Small arms, light weapons and ammunition”, as defined in Schedule 1A of the Regulations. The latest amendment altered paragraph 6(a) of Schedule 1. Also that “ML4” substitutes “ML4.b” with reference to Schedule 2 to the Export Control Order 2008
- Schedule 1A gives effect to the United Kingdom’s obligation under UNSCR 2699 and UNSCR 2023 and replaces the previous targeted arms embargo imposed in UNSCR 2653 in respect of persons designated under that Resolution.

Further detail on these trade prohibitions, including key terminology used, is explained below. Please have regard to the relevant legislation which contains full definitions of terms used here.

Export of goods

The concept of “export” is set out in customs legislation, but is further detailed in the Regulations, which clarifies that “export” means export from the Isle of Man, but does not capture where goods are removed to the United Kingdom from the Isle of Man.

Regulation 15(1) prohibits the export of small arms, light weapons and ammunition to Haiti.

For general guidance on export controls and trade sanctions, visit the [Export Control Joint Unit](#) website (the Isle of Man imposes the same export and trade controls as the UK).

Supply and delivery of small arms, light weapons and ammunition

Supply and delivery prohibitions in the Regulations prohibit a person from directly or indirectly supplying or delivering goods from a third country to a place in Haiti. Regulation 16(4) specifies that a third country is a country that is not the UK or the Isle of Man.

Making small arms, light weapons and ammunition available

Prohibitions in the Regulations on making small arms, light weapons and ammunition available (e.g. through a sale) includes directly or indirectly making them available to, or for use in, Haiti.

Regulation 17 prohibits directly or indirectly making small arms, light weapons and ammunition available to, or for use in Haiti.

1.4 Immigration sanctions

Persons named on the UN 2653 Sanctions List are already excluded persons for the purposes of Section 8B of the Immigration Act 1971 (as that Act has effect in the Isle of Man).

This means that those designated individuals will be refused leave to enter or remain in the UK/IOM. Any applications they make for a visa to travel to the UK/IOM, including for transit purposes, will be refused. Any foreign national who is subject to a travel ban under [UNSCR 2653](#), and who is currently in the UK/IOM, will have their permission to stay in the UK/IOM cancelled and steps will be taken to remove them.

This means that those individuals will be refused leave to enter or remain in the UK/IOM. Any applications they make for a visa to travel to the UK/IOM, including for transit purposes, will be refused. A foreign national who is subject to a travel ban under the Regulations, and is currently in the UK/IOM, will have their permission to stay in the UK/IOM cancelled and steps will be taken to remove them.

If you are the subject of an immigration sanction and try to travel to the UK/IOM, carriers are required to deny you boarding.

2. Information and record keeping

Part 6 of the Regulations places obligations on relevant firms to report information to the Treasury about known or suspected designated persons or about persons who may have committed an offence under specified provisions of these Regulations.

Reports must be made to the Financial Intelligence Unit (FIU), via THEMIS.

It also grants powers to the Treasury to request information from, amongst others, a designated person, including powers to request the production of documents. It also establishes offences for failing to comply with these requests (including providing false information in respect of licences).

Part 6 also establishes information powers and record-keeping responsibilities in relation to the trade sanctions contained in the Regulations. It provides for offences for failing to comply with any of those requirements or intentionally obstructing an official in the exercise of those powers.

If you have obligations or responsibilities under Part 6 of these Regulations, it is important that you familiarise yourself with them. If you are unclear of your obligations or responsibilities, you are advised to seek independent legal advice.

3. How will these sanctions measures be enforced?

The Regulations make it a criminal offence to contravene the financial and trade sanctions, as well as to enable or facilitate a contravention of, or to circumvent any of the prohibitions in the Regulations. They also prescribe the mode of trial and penalties that apply to such offences. In some cases, offences related to contraventions of prohibitions in the Regulations are contained within other legislation, such as the Customs and Excise Management Act 1986.

In addition to the below, further details on offences and penalties can be found in the Annexes.

3.1. Financial sanctions

Breaches of financial sanctions are a serious criminal offence. Any breach of the main financial prohibitions in the Regulations is an offence that is triable either way and carries a maximum sentence of 7 years' custody or a fine (or both).

Committing an offence under regulations 31(6) or 35 (information offences in connection with financial sanctions under the Regulations) is summary only and carries a maximum sentence of 6 months' custody or a fine or both.

The Treasury is responsible for monitoring compliance with financial sanctions and investigating suspected breaches.

The Treasury works with other parts of government, supervisory bodies and regulators to consider all cases reported to it, sharing relevant information accordingly.

If you find out that a person or organisation you are dealing with is subject to the financial sanctions detailed in the Regulations –

1. you must freeze the assets **immediately** upon identification
2. you must review the information you hold for that person against the UK Sanctions List to ensure you do not have a false positive identification
3. do not deal with those assets or make them available to, or for the benefit of the designated person unless –
 - o you have a legal exemption
 - o you have a licence
4. you must report the frozen assets to the Financial Intelligence Unit ("FIU").

3.2. Trade sanctions

Any breach of the prohibitions relating to the trade sanctions contained in the Regulations is triable either way and carries a maximum sentence of 10 years' custody or a fine (or both).

The Treasury is responsible for enforcing the trade prohibitions and investigating suspected offences.

If you discover that you have breached any of the trade prohibitions, you should report the irregularity to the FIU as soon as possible.

You should provide –

- details of the export or transaction, including dates
- any relevant documents, such as export documentation and commercial invoices
- details of how the breach was discovered, why it occurred and what steps you have put in place to ensure it does not happen again.

4. Are there circumstances when I can get an authorisation or licence for a sanctioned activity?

Licensing and exception provisions are contained in Part 5 of the Regulations.

4.1 Exceptions

The Regulations set out exceptions to some of the sanctions prohibitions which apply within certain defined circumstances. An exception applies automatically, and does not require you to obtain a licence issued in accordance with the Regulations.

Regulation 25 establishes exceptions relating to financial sanctions including for the crediting of a frozen account by a relevant institution (any such interest and other earnings will be frozen in accordance with the relevant legislation underpinning the asset freeze). An exception also exists from the prohibition on making funds available to a designated person, when funds are transferred to a frozen account in discharge (or partial discharge) of an obligation which arose before the recipient became a designated person.

In regulation 26, there is also an exception to regulations 8 to 12 in respect of “relevant activities” (being any activity which would otherwise be prohibited by regulations 8 to 12) which are necessary to ensure the timely delivery of humanitarian assistance in Haiti, or to carry out other activities that support basic human needs in Haiti.

Regulation 27 establishes an exception to regulations 8 to 12 which provides that prohibitions are not contravened if conduct is authorised by a licence which is issued under the law of the United Kingdom, the Channel Islands or any British Overseas Territory for the purpose of disapplying a prohibition in that jurisdiction which corresponds to the relevant prohibition.

Regulation 28 also includes an exception in relation to any prohibition or requirement imposed by the Regulations for actions determined by a responsible officer to be in the interests of national security, or the prevention or detection of serious crime in the Isle of Man or elsewhere.

If you are unsure whether an exception applies in your circumstances, you are advised to seek independent legal advice.

4.2 Licensing for financial sanctions

Where a person is designated for the purposes of the financial sanctions (asset freeze and making available provisions) contained in the Regulations, the designated person or a representative (on their behalf) may apply for a licence from the Treasury to use their funds or economic resources (including non-monetary assets, such as property or vehicles). Schedule 2 to the Regulations sets out the purposes pursuant to which, or for which activities, the Treasury may grant an individual licence. In summary these are –

- basic needs
- reasonable professional fees or reasonable expenses associated with the provision of legal services
- reasonable fees for the routine holding or maintenance of frozen funds and economic resources
- extraordinary expenses
- pre-existing judicial decisions etc
- prior obligations

4.3 Licensing for trade sanctions

Licences may also be issued for certain trade activities that would otherwise be prohibited by the Regulations.

The Treasury is responsible for administering the licensing provisions for all trade sanctions. In exercising these powers, the Treasury seeks and considers advice from other Isle of Man and United Kingdom government departments.

In making decisions on whether to grant a licence to permit something which would otherwise be prohibited under Part 5 of the Regulations, the Treasury will consider each application on a case-by-case basis to determine whether granting a licence would be consistent with the stated purposes of the sanctions regime and any UN or other relevant international law obligations.

Paragraph 14 of UNSCR 2699, which paragraph 6 of UNSCR 2700 repeats, suggests two circumstances in which licence should be granted –

- Ground A: where the supply, sale or transfer of small arms, light weapons or ammunition is to –
 - the UN or an UN-authorized mission, or
 - a security unit what operates under the command of the Government of Haiti, and is intended to be used by or in coordination with those entities and is intended solely to further the objectives of peace and stability in Haiti.
- Ground B: any other supplies, sales or transfers of small arms, light weapons and ammunition which the 2653 Committee permits. The Committee will grant permission only where the supply, sale or transfer furthers the objectives of peace and stability in Haiti.

You should not assume that a licence will be granted or engage in any activities prohibited by trade sanctions until your licence has been granted.

When you export goods, you may need to submit an electronic export declaration via the National Export System (NES), part of the Customs Handling of Import and Export Freight (CHIEF) system. Guidance is available on [how to make an export declaration](#)

4.4 Overlap with strategic export licensing

Transit control

Certain goods transiting the IOM/UK are still regarded as being exported when they leave the country and are therefore subject to control. Article 17 of the Export Control Order 2008 includes a transit and transshipment exception meaning that in many situations a licence is not required. This exception does not apply to goods destined for Haiti, meaning that a licence is required to transit goods through the IOM/UK or to transship them in the IOM with a view to re-exportation to Haiti.

4.5 Immigration sanctions

UNSCR 2653 provides that a travel ban does not apply where entry or transit is necessary for the fulfilment of a judicial process. The 2653 Sanctions Committee may also determine on a case-by-case basis that entry or transit is justified on the grounds of humanitarian need, including religious obligation, or that an exception would further the objectives of peace and stability in Haiti.

<https://www.un.org/securitycouncil/sanctions/testing/exemption-measures/travel-ban>

If the Committee approves the request for an exemption, individuals must apply for a visa to travel to the UK. You can check how to [apply for a UK visa](#), and find further information about [travelling to the UK](#) on GOV.UK.

5. Further Information

Sign up to receive [Notices to Exporters](#) for updates on trade sanctions.

To receive an email alerting you to any changes to the UK Sanctions List, you can subscribe to the Sanctions and Export Control news feed. Visit the Sanctions and Export Control website for more information on how to do this.

5.1 Contact details for enquiries

Enquiries concerning this Notice may be made by –

- Email sanctions@gov.im
- Telephone 01624 648109

5.2 Privacy Notice

The Treasury collects information about you in order to administer taxation and carry out other functions for which it is responsible (e.g. National Insurance, customs and excise duties, property rates, social security benefits, state pensions and legal aid etc.), and for the detection and prevention of crime.

Whilst that information will primarily be provided by you, where the law allows we may also get information about you from other organisations, or give information about you to them. This may be to check the accuracy of the information provided, prevent or detect crime or protect public funds in other ways. These organisations may include other government departments, the police and other agencies.

To find out more about how we collect and use personal information, contact any of our offices or visit our website at:

<https://www.gov.im/about-the-government/departments/the-treasury/privacy-notice/>

Annex A

Table of financial sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of sanctions	<ol style="list-style-type: none"> 1. Dealing with funds or economic resources owned, held or controlled by a designated person 2. Making funds available directly or indirectly to a designated person 3. Making funds available for the benefit of a designated person 4. Making economic resources available directly or indirectly to a designated person 5. Making economic resources available for benefit of a designated person 	<ol style="list-style-type: none"> 1. reg. 8 2. reg. 9 3. reg. 10 4. reg. 11 5. reg. 12 	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both. <p>Liable on conviction on information -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 7 years or to a fine, or to both.
Circumvention etc. of prohibitions	Circumventing directly or indirectly the prohibitions of regs. 8-12 (Part 3 Finance) or enabling the contravention of prohibitions.	reg. 13	
Breach of requirements under Treasury licences	<ol style="list-style-type: none"> 1. Knowingly or recklessly providing false information or providing a document that is not what it purports to be for the purpose of obtaining a Treasury licence 2. Failing to comply with the conditions of a Treasury licence 	<ol style="list-style-type: none"> 1. reg. 30 2. reg. 30 	
Breach of reporting obligations	<ol style="list-style-type: none"> 1. Failure to inform the Treasury about knowledge or reasonable cause to suspect that a person is a designated person or has committed an offence under Part 3 of the Regulations or regulation 30 (finance: licensing offences). 2. Failure to provide the Treasury with information on which the knowledge or suspicion is based or information by which the person can be identified. 	<ol style="list-style-type: none"> 1. reg. 31 2. reg. 31 3. reg. 31 	<p>Liable on summary conviction -</p> <ul style="list-style-type: none"> • to custody for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.

	3. Failure to provide the Treasury with information about any funds or economic resources it holds for a designated person at the time when it first had knowledge or suspicion.		
Failure to comply with requests for information	<ol style="list-style-type: none"> 1. Failure to provide information in the time and manner requested under reg. 33 2. Knowingly and recklessly providing false information in respect of information requested under reg. 33 3. Evasion of requests made under reg. 33 or reg. 34. 4. Obstruction of Treasury requests for information made under reg. 33 or reg. 34 	<ol style="list-style-type: none"> 1. reg. 35 2. reg. 35 3. reg. 35 	

Annex B

Table of trade sanctions offences

Type of Sanctions offences	Specific offence	Relevant prohibition or requirement	Maximum penalty
Breach of controls on exporting small arms, light weapons and ammunition	Exporting small arms, light weapons and ammunition	Reg. 15. Offence contained within Customs and Excise Management Act 1986 s 69(1)	Liable on summary conviction - <ul style="list-style-type: none"> • to a penalty of £5,000 or of three times the value of the goods whichever is the greater, or to custody for a term not exceeding 6 months, or to both. Liable on conviction on information - <ul style="list-style-type: none"> • to a penalty of any amount, or to custody for a term not exceeding 10 years (this a modification to the 7 year maximum set out in the Customs and Excise Management Act 1986)
Breach of controls on small arms, light weapons and ammunition	1. Supplying or delivering small arms, light weapons and ammunition. 2. Making small arms, light weapons and ammunition available.	1. Reg.16 2. Reg.17	Liable on summary conviction - <ul style="list-style-type: none"> • to custody to a term not exceeding 12 months or a fine (or both).
Circumvention etc. of prohibitions	Intentionally participate in activities knowing that the object or effect of them is, whether directly or indirectly, to circumvent any of the prohibitions in Part 4 (Trade) or to enable or facilitate the contravention of any such prohibition.	Reg. 23	Liable on conviction on information - <ul style="list-style-type: none"> • to custody for a term not exceeding 10 years or a fine (or both).