

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2019-00343



**IN THE MATTER OF THE ECONOMIC SANCTIONS ACT, CHAPTER
81:05**

AND

**IN THE MATTER OF THE ECONOMIC SANCTIONS
(IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS ON THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) ORDER, 2018**

AND

**IN THE MATTER OF AN APPLICATION BY THE ATTORNEY
GENERAL OF TRINIDAD AND TOBAGO FOR A PROHIBITORY
ORDER UNDER CLAUSE 4 OF THE ECONOMIC SANCTIONS
(IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS ON THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) ORDER, 2018**

BETWEEN

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Claimant

AND

- 1. KOREA KUMRYONG TRADING CORPORATION;**
- 2. PRO-GAIN GROUP CORPORATION.**

Defendants

ORDER

Before the **Honourable Mr. Justice Kevin Ramcharan**

Dated the 13th day of March 2019

UPON READING the Application filed on 13th March, 2019 and the affidavit of Principal Deponent sworn and filed on 13th March, 2019 together with the exhibits attached thereto;

AND UPON this application being determined without a hearing;

IT IS ORDERED THAT personal service on the Defendant be dispensed with.

IT IS ORDERED THAT the Order granted by the Honourable **Mr. Justice Kevin Ramcharan** dated **January 25, 2019**, ~~CV2019-00352~~ is hereby varied by deleting the paragraphs numbered 2 and 3 respectively in the Order and replacing same with the following:

“2) pursuant to Clause 4(1)(a) of the DPRK Order that, subject to Clause 4(3) of the DPRK Order, the property including:

- (a) funds or assets of any kind, whether tangible or intangible, moveable or immovable, however acquired;
- (b) legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to-
 - i) bank credits;
 - ii) payment cards;
 - iii) payment instruments;
 - iv) travellers' cheques;
 - v) bank cheques;
 - vi) money orders;
 - vii) shares;
 - viii) securities;
 - ix) bonds;
 - x) drafts; or
 - xi) letters of credit;
- (c) precious stones, including diamonds, rubies, sapphires, or emeralds, whether in a treated or untreated state;
- (d) precious metals, including gold, silver or platinum, whether in a manufactured or unmanufactured state;
- (e) oil and other natural resources, and their refined products, modular refineries and related material; and
- (f) other economic resources which may be used to obtain property, goods or services,

and including a legal or equitable interest, whether full or partial, in any such property that is

- i) owned or controlled by each Defendant;

- ii) wholly or jointly owned or controlled, directly or indirectly, by each Defendant; and
- iii) derived or generated from funds or other assets owned or controlled directly or indirectly by each Defendant,

be frozen as and when they arise;

3) pursuant to Clause 4(1)(b) of the DPRK Order, subject to Clause 4(3) of the DPRK Order, each Defendant is prohibited from possessing, controlling or having access to any property, whether owned or controlled, directly or indirectly by:

(1) the Worker's Party of Korea; or

(2) an individual or entity owned or controlled by the Government of the DPRK or the Worker's Party of Korea,

which is associated with the nuclear or ballistic missile programme of the DPRK, as and when they arise, and including a legal or equitable interest, whether full or partial, in any such property;"

IT IS FURTHER ORDERED that:

1. Pursuant to Clause 4(4)(b) of the DPRK Order, the Registrar of the Supreme Court do serve an Office Copy of the Order on the Financial Intelligence Unit immediately in accordance with the Civil Proceedings Rules 1998 (as amended);
2. Pursuant to Clause 8(1) of the DPRK Order, the Claimant do immediately update the consolidated list maintained by the Claimant pursuant to Clause 8(1)(d) and circulate that updated list to all financial institutions and listed businesses;
3. Pursuant to Clause 4(7) of the DPRK Order, the Claimant do cause a copy of the Order to be published in the Trinidad and Tobago Gazette and in two (2) daily newspapers of general circulation in Trinidad and Tobago; and
4. Costs to be costs in the cause.



.....
Assistant Registrar
Supreme Court
Assistant Registrar and Deputy Marshal
Supreme Court of Trinidad and Tobago

TO:

Vyana Sharma

Attorney-at-Law for the Claimant

AGLA Tower, Level 21

Government Campus Plaza

Corner London and Richmond Streets

Port-of-Spain