

COPY



THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2019-00227

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 ISLAMIC
REPUBLIC OF IRAN) 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 ISLAMIC REPUBLIC OF IRAN) ORDER, 2018

BETWEEN

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Claimant

AND

1. BEHINEH TRADING CO.;
2. DEFENSE TECHNOLOGY AND SCIENCE RESEARCH CENTER (DTSRC);
3. FARASAKHT INDUSTRIES;
4. M. BABAIE INDUSTRIES;
5. MALEK ASHTAR UNIVERSITY;
6. MIZAN MACHINERY MANUFACTURING also known as 3MG;
7. SPECIAL INDUSTRIES GROUP (SIG);
8. YAS AIR

Defendants

ORDER

Before the **Honourable Mr. Justice Rahim**

Dated the 18th day of January, 2019

UPON READING the Fixed Date Claim Form filed on January 18, 2019 and the affidavit of Vyana Sharma sworn and filed on January 18, 2019 together with the exhibits attached thereto;

AND UPON this matter being determined in Chambers without a hearing;

IT IS ORDERED THAT personal service of the Order on the Defendants be dispensed with.

IT IS HEREBY DECLARED that in accordance with Clause 2 of the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic Of Iran) Order, 2018 ("the Iran Order"), each of the Defendants, who is listed on the United Nations Security Council Sanctions List established and maintained pursuant to United Nations Security Council Resolution 2231(2015) concerning the Islamic Republic of Iran dated January 3, 2019,

- i. at page 5, 2nd paragraph under the rubric **IRe. 009 Name: BEHINEH TRADING CO.**, more particularly described therein as A.k.a.: na F.k.a.: na Address: Tavakoli Building, Opposite of 15th Alley, Emam-Jomeh Street, Tehran, Iran (Islamic Republic of) Listed on: 18 Apr. 2012 Other information: An Iranian company that played a key role in Iran's illicit transfer of arms to West Africa and acted on behalf of the IRGC Qods Force, commanded by Major General Qasem Soleimani, designated by the UN Security Council in resolution 1747 (2007), as the shipper of the weapons consignment. (Additional Information: Telephone: 98-919-538-2305; Website: <http://www.behinehco.ir>) [Old Reference # E.AC.50.18.04.12];
- ii. at page 5, 5th paragraph under the rubric **IRe. 012 Name: DEFENSE TECHNOLOGY AND SCIENCE RESEARCH CENTER (DTSRC)**, more particularly described therein as A.k.a.: na F.k.a.: na Address: Pasdaran Av., PO Box 19585/777, Tehran, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 (amended on 17 Dec. 2014) Other information: Owned or controlled by, or acts on behalf of, MODAFL, which oversees Iran's defence research and development, production, maintenance, exports and procurement. [Old Reference # E.29.I.3];
- iii. at page 5, 10th paragraph under the rubric **IRe. 018 Name: FARASAKHT INDUSTRIES**, more particularly described therein as A.k.a.: na F.k.a.: na Address: P.O. Box 83145-311, Kilometer 28, Esfahan-Tehran Freeway, Shahin Shahr, Esfahan, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 Other information: Owned or controlled by, or acts on behalf of, the Iran Aircraft Manufacturing Company, which in turn is owned or controlled by MODAFL. [Old Reference # E.29.I.5];
- iv. at page 7, 1st paragraph under the rubric **IRe. 038 Name: M. BABAIE INDUSTRIES**, more particularly described therein as A.k.a.: na F.k.a.: na Address: P.O. Box 16535-76, Tehran, 16548, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 Other information: Subordinate to Shahid Ahmad Kazemi Industries Group (formally the Air Defense Missile Industries Group) of Iran's Aerospace Industries Organization

(AIO). AIO controls the missile organizations Shahid Hemmat Industrial Group (SHIG) and the Shahid Bakeri Industrial Group (SBIG), both of which were designated in resolution 1737 (2006). [Old Reference # E.29.I.8];

- v. at page 7, 3rd paragraph under the rubric **IRE. 040 Name: MALEK ASHTAR UNIVERSITY**, more particularly described therein as A.k.a.: na F.k.a.: na Address: Corner of Imam Ali Highway and Babaei Highway, Tehran, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 Other information: Subordinate of the DTRSC within MODAFL. This includes research groups previously falling under the Physics Research Center (PHRC). IAEA inspectors have not been allowed to interview staff or see documents under the control of this organization to resolve the outstanding issue of the possible military dimension to Iran's nuclear programme. [Old Reference # E.29.I.9];
- vi. at page 7, 5th paragraph under the rubric **IRE. 043 Name: MIZAN MACHINERY MANUFACTURING** also known as **3MG** more particularly described therein as A.k.a.: 3MG F.k.a.: na Address: P.O. Box 16595-365, Tehran, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 Other information: Owned or controlled by, or acts on behalf of, SHIG. [Old Reference # E.29.I.11];
- vii. at page 9, 4th paragraph under the rubric **IRE. 073 Name: SPECIAL INDUSTRIES GROUP (SIG)**, more particularly described therein as at page 9, 4th paragraph under the rubric **IRE. 073 Name: SPECIAL INDUSTRIES GROUP (SIG)**, more particularly described therein as A.k.a.: na F.k.a.: na Address: Pasdaran Avenue, PO Box 19585/777, Tehran, Iran (Islamic Republic of) Listed on: 9 Jun. 2010 Other information: Subordinate of DIO. [Old Reference # E.29.I.20]; and
- viii. at page 9, 7th paragraph under the rubric **IRE. 077 Name: YAS AIR**, more particularly described therein as A.k.a.: na F.k.a.: na Address: Mehrabad International Airport, Next to Terminal No. 6, Tehran, Iran (Islamic Republic of) Listed on: 20 Dec. 2012 Other information: Yas Air is the new name for Pars Air, a company that was owned by Pars Aviation Services Company, which in turn was designated by the United Nations Security Council in resolution 1747 (2007). Yas Air has assisted Pars Aviation Services Company, a United Nations designated entity, in violating paragraph 5 of resolution 1747 (2007). [Old Reference # I.AC.50.20.12. 12.(1)],

are listed entities for the purposes of the Iran Order.

IT IS FURTHER ORDERED that:

- 1) This matter be deemed fit for hearing as a matter of urgency;
- 2) Pursuant to Clause 4(1)(a) of the Iran Order that 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 for a period lasting until midnight on the 13th day of March, 2019 unless further extended by the Honourable Court;

- 3) Pursuant to Clause 4(1)(b) of the Iran Order each Defendant is prohibited from possessing, controlling or having access to any 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,

as and when they arise, and including a legal or equitable interest, whether full or partial, in any such property for a period lasting until midnight on the 13th day of March, 2019 unless further extended by the Honourable Court;

- 4) Pursuant to Clause 4(1)(b) of the Iran Order each Defendant is prohibited from possessing, controlling or having access to any economic resources including assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain property, goods, or services, such as vessels, including maritime vessels as and when they arise for a period lasting until midnight on the 13th day of March, 2019 unless further extended by the Honourable Court;
- 5) Pursuant to Clause 4(3)(b) of the Iran 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);
- 6) Pursuant to Clause 4(6) of the Iran Order, the Attorney General shall within seven (7) days after the date of the Order, cause a copy of the Order and a statement that the matter will be reviewed every six (6) months, to be published in the Trinidad and Tobago Gazette and in two (2) daily newspapers of general circulation in Trinidad and Tobago;
- 7) Costs to be costs in the cause; and
- 8) Liberty to apply.


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Assistant Registrar
Supreme Court
RISHMA RAMRATTAN
Assistant Registrar and Deputy Marshal
Supreme Court of Trinidad and Tobago

TO: **Nairob Smart**
Attorney-at-Law for the Claimant
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STATE OF INDIANA
DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES