



**PERMANENT MISSION OF THE REPUBLIC OF TRINIDAD AND TOBAGO  
TO THE OFFICE OF THE UNITED NATIONS, GENEVA**

**Note No. 15/2022**

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva and the Specialized Agencies in Europe presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights and, with reference to AL TTO 1/2020 dated 14 September 2020 on the subject of "Joint Communication from Special Procedures", has the honour to transmit herewith the response of the Government of the Republic of Trinidad and Tobago.

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations Office at Geneva and the Specialized Agencies in Europe avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



**Geneva, 08 June 2022**

**Response of the Government of Trinidad and Tobago to the Joint Communication from  
Special Procedures Mandate Holders of the Human Rights Council**

- I. Please provide any additional information and any comment you may have on the above-mentioned allegations.**

**Vessel #1 - JHONNALY JOSE ARSI-CA-0067**

According to the Trinidad and Tobago Police Service (TTPS), there has been no information or intelligence obtained by the Trinidad and Tobago Bureau of INTERPOL (INTERPOL Trinidad and Tobago) or by the Venezuela Bureau of INTERPOL (INTERPOL Venezuela) on the whereabouts of the alleged missing persons from the vessel JHONNALY JOSE ARSI-CA-0067 in April 2019. The TTPS and Immigration Division are unaware of the entry of any passengers from the vessel. There has been no request from INTERPOL Venezuela to INTERPOL Trinidad and Tobago concerning the whereabouts of the passengers of the vessel.

There are no records of speed boats and jet skis operating in the area, particularly beyond the jurisdiction of Trinidad and Tobago waters. Further, any Venezuelan nationals detained within the dominion of Venezuelan waters are under the jurisdiction of the Venezuelan authorities.

There were coordinated Search and Rescue (SAR) Operations by the Trinidad and Tobago Coast Guard (TTCG). See report below in response to Question II.

**Vessel#2 – ANNA MARIE**

INTERPOL Venezuela made a request to INTERPOL Trinidad and Tobago for information as part of an anti-crime operation called “Operacion Cayena” which was initiated to dismantle organised bands of human traffickers operating between Venezuela and Trinidad and Tobago.

As part of this request, INTERPOL Venezuela also requested information regarding ALBERTO DEL VALLE ABREU CEDEÑO, date of birth March 07, 1994, the captain of a vessel named “ANA MARIA” which was believed to have sank in the Gulf of Paria between Venezuela and Trinidad and Tobago on May 16, 2019 with thirty (30) persons on board. The captain was listed as the sole survivor. Initial information provided by INTERPOL Venezuela was that the vessel captain was rescued and taken to a hospital in Grenada. INTERPOL Trinidad and Tobago engaged the Grenada Bureau of INTERPOL to confirm the information, however no useful information was obtained from the Grenadian authorities. Further inquiries into the whereabouts of Mr. Abreu were unsuccessful. INTERPOL Trinidad and Tobago transmitted the information to the Counter Trafficking Unit (CTU) for checks on their database. On July 16, 2019, INTERPOL Trinidad and Tobago was informed by the CTU that Mr. Abreu has not come to their attention and there was no further investigation.

INTERPOL Venezuela requested the issuance of INTERPOL Yellow Notices for twenty – two (22) persons who were in the ANA MARIA. INTERPOL Trinidad and Tobago was informed by

the Immigration Division of the Ministry of National Security of Trinidad and Tobago that there were no travel records of the persons of interest on or after the alleged sinking of the vessel.

There were coordinated SAR Operations by the TTCG. See report below in response to Question II.

**II. Please provide information regarding any search operation that may have been conducted to find out the whereabouts of the missing persons; and its results.**

**Vessel #1 - JHONNALY JOSE ARSI-CA-0067**

- The TTCG received a report on April 24, 2019 of the sunken Jhonnaly Jose, an open artisanal vessel and not a cargo ship as alleged. This was confirmed by the Venezuelan Military Attaché. The TTS Fortitude, TTS Gaspar Grande and TTS Point Lisas were subsequently deployed and the Trinidad and Tobago Air Guard (TTAG) Operations was also informed in accordance with the Procedures for SAR Operations.
- Maritime and Aerial support were executed by the TTCG and TTAG in conjunction with the Venezuelan Coast Guard for several weeks utilizing all vessels in the TTCG Fleet.
- On April 26, 2019, the TTCG was informed through the Liaison Officer that the body of one (1) female was found within Venezuelan waters. The last report received by the TTCG Operations Centre from the Venezuelan authorities was that there were eleven (11) persons reported to be alive, one (1) drowned and twenty-two (22) persons remained unaccounted for.
- Although all TTCG assets were deployed for the SAR Operation, no one was rescued in the Trinidad and Tobago maritime area of responsibility or sighted by the TTCG, neither were any vessels spotted leaving the area and coming into Trinidad and Tobago waters.

**Vessel#2 – ANNA MARIE:**

- The TTCG received information on May 17, 2019 from Mr. Phillip Kemp, a pleasure craft operator, who was en route to Grenada indicating that he had rescued a man named Mr. Alberto Abreu, approximately eighteen (18) nautical miles North of Chacachacare Island, 1.5 nautical miles west of the Delimitation Line. Mr. Kemp also stated that Mr. Abreu revealed that he had boarded a vessel named "ANNA MARIE" along with several other persons and the vessel had sunk in an unknown location.
- On May 19, 2019, the Venezuelan Coast Guard assumed the responsibility of Search and Rescue Mission Coordinator (SMC). It should be noted that the TTCG was informed by the Commanding Officer of the Venezuelan Coast Guard that Mr. Abreu was charged in 2017 for human trafficking, but was subsequently released. Reports from the Grenada Coast Guard also indicated that Mr. Abreu had escaped whilst at a hospital in Grenada. All assets deployed yielded negative sightings of persons in water.

The Trinidad and Tobago Defence Force (TTDF) highlighted the following points in relation to the aforementioned vessels:

- i) Both cases occurred in Venezuelan waters where the TTCG does not have jurisdiction;

- ii) The predominant currents in these areas flow westward so that drift of persons and debris in the water is back towards Venezuela; and
- iii) It should be noted that the Bolivarian Republic of Venezuela has worked in tandem with Trinidad and Tobago on similar SAR Operations in the past and this is expected to continue.

**III. Please indicate what measures are being taken by your Government to combat trafficking in persons and to regulate and monitor private recruitment agencies.**

The Government of Trinidad and Tobago signed the United Nations Convention against Transnational Organised Crime on the 26 September 2001 and ratified same on 6 November 2007. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and also the Protocol against Smuggling of Migrants by Land, Sea and Air were signed and ratified on the same aforementioned dates. Trinidad and Tobago acceded to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition on 6 November 2007.

Trinidad and Tobago, being a dualist State, incorporated the principles of this international Convention and its Protocols thereto in various pieces of legislation which cover the issue of human trafficking, across different groups.

The Government has implemented the following domestic legislative and policy frameworks to combat trafficking in persons:

- i) Proclamation of the Trafficking in Persons Act Chapter 12:10 and other support legislation such as Children Act and Sexual Offences Act ;
- ii) Establishment of an Inter-Ministerial National Task Force against Trafficking in Persons;
- iii) Establishment of a Counter-Trafficking Unit;
- iv) Establishment of key partnerships – State to state partnerships, international organisations and non-governmental organisations;
- v) Implementation of a National Plan of Action Against Trafficking in Persons for the period 2016-2020; and
- vi) Development of a new national Plan of Action Against Trafficking in Persons involving consultation with key stakeholders including victims, shelters, NGOs and international organizations

The Government of Trinidad and Tobago continues to review and make considerations for amendments to strengthen the Trafficking in Persons Act in order to further align its legislative framework with international standards.

With regard to monitoring of private recruitment agencies, the CTU with the support of the TTPS, TTDF, Strategic Services Agency (SSA) and the Labour Inspectorate gather information and intelligence on potential recruitment agencies. The Port of Spain INTERPOL Bureau within TTPS maintains communication with counterpart Bureaus in other jurisdictions and maintains a registry of persons of interest.

**IV. Please provide information on measures to strengthen cooperation between Venezuelan judicial authorities and your Government in cross-border trafficking cases.**

The Central Authority Unit in the Office of the Attorney General and Ministry of Legal Affairs is responsible for cross-border exchanges on criminal matters, as governed by the Mutual Assistance on Criminal Matters Act. The Central Authority Unit will engage with the relevant judicial authorities in Venezuela in cross-border criminal matters.

Additionally, the INTERPOL Port of Spain Bureau within the Trinidad and Tobago Police Service exchanges intelligence and information with the INTERPOL Caracas Bureau on cross-border criminal matters, including all forms of trafficking.

The CTU through the Ministry of Foreign and CARICOM Affairs cooperates with the Venezuelan authorities involving the rehabilitation, repatriation and reintegration of Venezuelan nationals identified as victims of trafficking.

In an effort to address the influx of Venezuelan nationals, and mindful of the various challenges it has posed to Trinidad and Tobago as a small country, the Government executed a registration exercise for Venezuelan nationals, which took place in Trinidad and Tobago from 31 May to 14 June 2019.

It should be noted that the Migration Registration Framework (MRF) is a migration management tool, meant to safeguard the human rights and humanitarian needs of Venezuelan nationals, while demonstrating the Government of Trinidad and Tobago's commitment to peace and security as a whole. This registration process has afforded the approved Venezuelan nationals the opportunity to be self-funded during their stay in Trinidad and Tobago.

Venezuelan nationals who successfully registered (i.e. passed the requisite vetting) through the MRF were granted the equivalent of a 'Work Permit Exemption' for the period of up to one (1) year and would subsequently receive a registration card with their photo identification. Approximately 16,000 Venezuelan nationals benefitted from the registration process. Venezuelan nationals registered under the MRF are subject to, and protected by, the material laws of Trinidad and Tobago, including labour rights which protect persons from labour exploitation and mistreatment. The Cabinet of the Government of Trinidad and Tobago has approved an extension to the MRF, allowing Venezuelan migrants whose time had expired under the original registration policy to re-register for an additional six (6) months, beginning March 2021.

**V. Please specify what measures are being taken by your Government to establish safe and legal migration channels and ensure that migrants have access to the regular labour market.**

All immigration matters are governed by the Immigration Act of Trinidad and Tobago. The Immigration Act allows for non-nationals to apply for visas for entry into Trinidad and Tobago and for non-nationals to apply for work permits for permission to work.

Notwithstanding the ongoing COVID-19 pandemic, Trinidad and Tobago like other countries throughout the world has taken measures to limit the spread of COVID-19 and thus safeguard its population. One such measure is the closure of borders in accordance with its Public Health Ordinance. At this time, only nationals and residents are being permitted entry and only where an exemption for entry is agreed to by the Minister of National Security. Exceptions for entry outside this group are limited to certain instances and are also subject to an exemption granted by the Minister of National Security. Persons can also depart the jurisdiction once the Minister of National Security grants an exemption to allow departure.

**VI. Please provide information on the number of people prosecuted under the 2011 Trafficking of Persons Act.**

Since the proclamation of the Trafficking in Persons Act Chapter 12:10, forty-four (44) persons have been prosecuted for human trafficking and related offences and are awaiting trial.

**VII. Please provide information on the identification procedures of victims of trafficking, as well as procedures to ensure non-punishment of victims of trafficking, access to justice, redress, reintegration and long-term social inclusion measures for victims of trafficking.**

Part IV of the Trafficking in Persons Act Chapter 12:10 guides the assistance and protection of victims of trafficking and ensures that:

- i) Victims of trafficking shall be given reasonable protection to prevent recapture and to secure them from threats, reprisals and intimidation by traffickers and their associates.
- ii) Victims shall have an opportunity to consult with an attorney-at-law or other appropriate persons or agency with respect to their rights, safety and welfare.
- iii) Victims of trafficking who are witnesses or potential witnesses shall be eligible for applicable witness relocation and protection programmes for victims of organised criminal activity or other serious offences. The programmes may include:
  - a) Relocation;
  - b) New identity and documents establishing identity;
  - c) New residence;
  - d) Work permits; or
  - e) Protection of confidentiality of identity and location.
- iv) Victims of trafficking may receive for the duration of their stay in Trinidad and Tobago, social benefits as may be determined by the Minister to whom the responsibility for social development has been assigned, including:
  - a) Appropriate housing, education and training opportunities;
  - b) Psychological counselling;
  - c) Legal assistance and legal information;
  - d) Medical assistance.

Part V, Section 31 also states:

*“Where a victim has been compelled to engage in unlawful activities as a direct result of being trafficked and he has committed any immigration-related offence, or any other criminal offence for which he is being prosecuted, he may offer as a defence, evidence of having been compelled as a victim of trafficking to engage in such unlawful activities.”*

### **Concluding Remarks**

The Government of the Republic of Trinidad and Tobago (GORTT) continues to maintain its commitment to observing international human rights law as guided by the Office of the High Commissioner for Human Rights (OHCHR) and the recommended Principles of and Guidelines on Rights and Human Trafficking, as well as all other related Conventions and Protocols acceded to and ratified by the GORTT.

It is important to highlight that under the United Nations Convention against Transnational Organised Crime and the Protocols Thereto, there is a clear distinction between the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air. This critical distinction of victimisation has posed significant juridical and border security challenges for law enforcement across the globe from interception to investigation and evidence gathering to witness protection/testimony and prosecution of traffickers.

Trinidad and Tobago continues to enforce and enhance its existing legislation in keeping with international best practice and as guided by international human rights law. A key example of this is the formulation of the Trafficking in Persons Act of 2011 which is the primary legislation for addressing the threat of human trafficking. This Act also grants the authority for the establishment of the National Taskforce Against Trafficking in Persons (NTATP) and the CTU. The NTATP is an Inter-Ministerial Taskforce which is responsible for the national counter trafficking strategy and policy. The CTU is an Inter-Agency operational unit which is responsible for managing the operations of the national counter trafficking response. With respect to protection and social support of victims of trafficking, the Government’s response is supplemented by international partners such as the United Nations High Commission for Refugees (UNHCR) and the International Organisation for Migration (IOM) through capacity building programmes and social support programmes.

In light of the allegations raised, the Government of the Republic of Trinidad and Tobago would be grateful to receive any information or intelligence that may be used to further assist in ongoing or potential investigations to bring criminals to justice.

**19 May 2022**