



GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO



FINANCIAL INTELLIGENCE UNIT

MINISTRY OF FINANCE

FIU Reference: GN/001/2016

GUIDANCE TO FINANCIAL INSTITUTIONS FOR QUARTERLY REPORTING OF TERRORIST PROPERTY

Introduction

The *Anti-Terrorism Act Chap 12:07* (the ATA) is designed to assist in combating terrorism and the financing of terrorism. To achieve these aims the ATA mandates every person to disclose to the Financial Intelligence Unit of Trinidad and Tobago (“the FIU”) information relating to property used for the commission of offences under the ATA.

This guidance note is intended to provide assistance to Financial Institutions (FIs) regarding their obligations under section 33 (3) of the ATA to report Quarterly Terrorist Property to the Financial Intelligence Unit (the FIU).

Legal Obligations

The FATF’s recommendations require each country to adopt and implement measures which will enable competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in the financing of terrorism, terrorist acts or by terrorist organisations.

In this regard, section 33 (3) of the ATA requires every FI to report quarterly to the FIU:

- a) if it is not in possession or control of terrorist property, that it is not in possession or control of such property; or
- b) If it is in possession or control of terrorist property, that it is in possession or control of such property, and the particulars relating to the persons, accounts and transactions involved and the total value of the property.

This reporting obligation applies to you if you are a FI as defined in section 2 of the Proceeds of Crime Act Chap 11:27 (the POCA).

This guidance note outlines the procedures all FIs must follow regarding the submission of Quarterly Terrorist Property Reports (QTRs) to the FIU.

Step 1

FINANCIAL INSTITUTION'S OBLIGATION

When the FI has conducted the required customer verification against the United Nations Security Council List (UN 1267 List) **and** the Trinidad and Tobago Consolidated List of Court Orders (s. 22B(3) of ATA) or any other Lists of terrorists:

- i. The **QTR 1** form will only be completed if no customer is named or is linked to any person or organisation listed; or
- ii. The **QTR 2** form will only be completed if the customer is named or is affiliated to any person or organisation on such lists.

The following should be noted when completing the QTR form(s):

- a) The QTR must be completed fully and accurately in **BLOCK LETTERS**;
- b) The QTR 1 must be dated from date after the end of the reporting quarter; and
- c) All fields **MUST** be completed for the submission to be accepted, processed and recorded.

- Example 1: Parts II and III of the QTR 1 Form

| PART II PRELIMINARY INFORMATION | |
|--|---|
| REPORTING INFORMATION | |
| Name of Reporting Entity | |
| To which year does this report relate? | 20 |
| <p><i>*Quarters: 1 = (Jan-Mar) 2 = (Apr-Jun) 3 = (Jul-Sept) 4 = (Oct-Dec)</i></p> | |
| *For which quarter are you reporting? | <input style="width: 50px; height: 20px;" type="text"/> |
| <p>**Is your institution in possession of any terrorist property? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><small>**Please Note: If "No", please complete and submit THIS form. If "Yes", please complete and submit FIU Form QTR2</small></p> | |
| <p>Please state name of terrorist list or database checked: <i>The United Nations Security Council List (UN 1267) MUST be checked.</i> Include any other authorised lists checked: eg. OFAC, World-Check etc.</p> <ul style="list-style-type: none"> ▪ <i>United Nations Security Council List (UN1267)</i> <input type="checkbox"/> ▪ <i>Office of Foreign Assets Control (OFAC)</i> <input type="checkbox"/> | |
| PART III SUBMITTED BY | |
| Print Name:..... | Position:..... |
| Signature:..... | Date:..... / / |
| | DD MM YYYY |

Insert the registered name of the financial institution here

Insert the last 2 digits of the reporting year (i.e. 16)

Insert the quarter or reporting period of the report. Note quarter 1 (Q1) is for the period January – March.

A report cannot be submitted for more than one reporting period.

Tick the appropriate box

Tick the appropriate box or boxes. You can include additional terrorist database(s) you would have also checked.

This should state COMPLIANCE OFFICER

Only the QTR 1 and QTR 2 forms published by the FIU and available on the website (www.fiu.gov.tt) must be used. These forms **cannot** be altered.

Step 2

SUBMISSION TO THE FIU

After completion of the QTR form, the FI is required to submit the report IMMEDIATELY to the FIU.

It should be noted that the QTR 1 becomes due from the date following the end of the quarter i.e. the QTR 1 for quarter 1 becomes due on April 1 of the year. Therefore FIs are advised to submit QTR 1 for each period **without delay**. The QTR 2 must be submitted IMMEDIATELY WITHOUT DELAY.

QTR 1 forms may be submitted to the FIU by registered mail, regular post or hand delivered. However, QTR 2 forms must be hand delivered. All QTRs must be addressed to:

*The Director
Financial Intelligence Unit of Trinidad and Tobago
Level 25, Tower D
International Waterfront Complex
1A Wrightson Road
PORT OF SPAIN*

Further, enforcement action may be taken against a FI for failure to comply with the above provisions.
IN ACCORDANCE WITH SECTION 33 (6) OF THE ATA: FAILURE TO COMPLY CONSTITUTES AN OFFENCE AND SHALL, ON CONVICTION OR INDICTMENT, BE LIABLE TO IMPRISONMENT FOR FIVE (5) YEARS.

Step 3

FIUTT ACTION

- i. The FIU will acknowledge receipt of your report within thirty (30) days after the information has been processed.
- ii. The FIU will immediately and without delay verify the name submitted on the QTR 2 form is recorded on the UN 1267 and the Trinidad and Tobago Consolidated List of Court Orders (s. 22B(3) of ATA) of designated entities and communicate findings to the FI.
- iii. The FIU shall disclose to the appropriate authority any information in its possession relating to any terrorist property.

Questions or queries should be directed to the Compliance and Outreach Division of the FIU at 625-8351 or fiucompliance@gov.tt.

Dated this 30th day of June, 2016

Susan S. Francois
Director
Financial Intelligence Unit of Trinidad and Tobago