

# AML/CFT/PF - NATIONAL COORDINATION COMMITTEE

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**GUIDANCE AND PROCEDURES OF THE NATIONAL  
COORDINATION COMMITTEE SUBCOMMITTEE ON LAW  
ENFORCEMENT ISSUES RELATED TO TARGETED  
FINANCIAL SANCTIONS – PREVENTION OF TERRORIST  
FINANCING AND FINANCING OF PROLIFERATION OF  
WEAPONS OF MASS DESTRUCTION.**



**AUGUST 2023**

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## Introduction

The Anti-money Laundering/Countering the Financing of Terrorism/Proliferation Financing National Coordination Committee (NCC) is the policy and decision-making mechanism for matters related to AML/CFT/CPF in Guyana, by way of section 7A of the Anti-money Laundering/Countering the Financing of Terrorism (AML/CFT) Act of 2009 (as amended).

The NCC has committed its work through various subcommittees, including a Subcommittee on Law Enforcement Issues (NCC LEI).

The NCC LEI, through the AML/CFT (Miscellaneous) Regulations No 12 of 2023 and the Interagency MOU on Law Enforcement, have codified the already existing mechanism of this subcommittee to act as an identifying mechanism in relation to the United Nations Security Council Resolutions and Sanction Committee decisions, particularly with regard to Financial Action Task Force Recommendations 6 and 7 and the relevant UNSCRs and Sanction Committee decisions hereto.

This Guidance and Procedure relating to the operation of the regime is provided to enhance the work of the NCC LEI, and will be continually updated based on national and international needs, as well as the FATF Recommendations and any decision emanating from the United Nations relevant to the NCC LEI.

## 1. Composition of the NCC LEI

The NCC LEI shall consist of representatives of the following agencies:

- the Attorney General’s Chambers
- the Financial Intelligence Unit;
- the Commissioner of Police;
- the Special Organised Crime Unit;
- the Guyana Revenue Authority;
- the Director of Public Prosecutions;
- the Ministry of Home Affairs and
- any other relevant Government agency or statutory body.

## 2. Responsibility of the NCC LEI

The NCC LEI is responsible for –

- keeping up-to-date with and considering the designation criteria;
- keeping up-to-date with the UN Sanctions Lists;
- identifying persons who satisfy the criteria for designation;
- coordinating and conducting the necessary investigations for the purposes of the identifying persons who satisfy the criteria for designation and
- supporting the Director of the Financial Intelligence Unit by way of providing information or by a Designation Impact Assessment for their recommendation for designation.

## 3. Regulation of Procedures

The NCC LEI may regulate its own procedure.

The validity of any proceedings of the NCC LEI shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

## 4. Supporting the Director of the FIU and the Minister of Finance as Competent Authorities

When the NCC LEI identifies an individual, group, undertaking or entity on a UN Sanctions List or as an individual, group, undertaking or entity that satisfies designation criteria, the NCC LEI shall notify the Director of the FIU.

## 5. Designation Impact Assessment

A notice under Procedure 5 above must be supported by as much information as possible on the person identified, the designation criteria that the person is believed to have satisfied and the grounds for believing that the person has satisfied the designation criteria.

Designation criteria shall include, but is not limited to –

- Regulations 11 (a) and (b) of the AML/CFT Regulations 2015
- Reasonable grounds and reasonable suspicion of terrorist activity
- Matters under section 2 (2) (1) of the AML/CFT Act such as

(a) a person or entity who has knowingly –

- (i) committed;
- (ii) attempted to commit;
- (iii) participated in committing; or
- (iv) facilitated the commission of a terrorist act;

(b) a person or entity who is knowingly acting –

- (i) on behalf of;
- (ii) on the direction of;
- (iii) in association with,

a person or entity referred to in paragraph (a)

(c) a person or entity (hereinafter, a person) carrying out the actual or similar activities referred to in

paragraph (a) or a person owned or controlled directly or indirectly by such person or a person acting on behalf of or at the direction of or in association with such person;

(d) the person is included in a list of individuals and entities designated by, or under the authority of, the United Nations Security Council as terrorists or terrorist organisations;

(e) the person has committed or participated in the commission of an offence referred to in the Anti-Terrorism and Terrorist Related Activities Act or sections 75A or 75B of the AML/CFT Act;  
or

(f) a request to designate a person as a terrorist or terrorist entity is transmitted to Guyana from another country, is supported by reasonable grounds for the designation and is accepted by Guyana.

### *Additional Important Considerations*

The following considerations are also important in terms of reasonable grounds or reasonable suspicion based on designation criteria -

- (i) any person or entity participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of, supplying, selling or transferring arms and related material to; recruiting for, or otherwise supporting acts or activities of Al-Qaida, or any cell, affiliate, splinter group or derivative thereof; or
- (ii) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under paragraph (i) above, or by persons acting on their behalf or at their direction.
- (iii) any person or entity participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related material to; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan; or
- (iv) any undertaking owned or controlled, directly or indirectly, by any person or entity, designated under paragraph (iii) above, or by persons acting on their behalf or at their direction.

## 6. Collecting or Soliciting of Information

The Director of the FIU shall employ procedures and mechanisms to collect or solicit as much information as possible to identify persons that would meet the relevant criteria for designation to the relevant UNSCR Committee. This can include requesting investigations or further information from any authority in the Law Enforcement Inter-Agency MOU, such as the GDF Coast Guard, SOCU or the Commissioner of Police.

This can be done by way of section 9 (4) (k) where the FIU shall have the authority to request and receive information from any reporting entity, any supervisory agency and any law enforcement agency, any telecommunication provider and any other competent authority in Guyana or elsewhere for purposes of this Act.

Information may also be collected and solicited by competent authorities as follows: -

Under sections 24,26 and 28 of the AML/CFT Act of 2009

Under sections 31 and 31 of the AML/CFT Act of 2009

Under the Anti-Terrorism and Terrorist Related Activities Act.

## 7. Implementation of requests received from foreign countries under United Nations Security Council Resolution 1373 of 2001

To give effect to the requests of foreign countries under the UNSCR 1373 of 2001, the NCC LEI shall examine the request made by a foreign country.

Designation is not automatic upon receipt of a request. The requesting country would have to complete a Designations Impact Assessment Form (DIA), which will record the reasons for proposing financial sanctions against the person as well as the evidence to support the designation. The completed form should be sent to the FIU. The FIU vets the DIA Form to ensure it is complete and provides the completed package to the NCC LEI to progress.

The Minister of Finance and the Director of the FIU will liaise with the NCC LEI as needed during this process. The NCC LEI team will assess the DIA information from both a legal and policy standpoint in deciding whether to pursue the proposed measures.

When completing the DIA form, requesting countries are strongly advised to provide as much **open-source information** as possible in the DIA form.

Applicants should consider the relevant legislation in its entirety when making an application to ensure the statutory test in the AML/CFT Act and its regulations is met.

(2) The NCC LEI shall cause the request to be examined, within three working days, so as to satisfy itself that on the basis of applicable legal principles, the requested designation is supported by reasonable grounds, to suspect or believe that the proposed designee is a terrorist one who finances for terrorism or a terrorist organization, and being satisfied, shall submit a Designation Impact Assessment to the Director of the FIU. This information can be supported by further investigations by law enforcement authorities.

These legal principles for designation are based on section 2 (2) of the AML/CFT Act and its amendments in relation to UNSCR 1373, and include-

- (i) any person or entity who commits or attempts to commit terrorist acts, or who participates in or facilitates the commission of terrorist acts;
- (ii) any entity owned or controlled, directly or indirectly, by any person or entity designated under paragraph (i) above; or
- (iii) any person or entity acting on behalf of, or at the direction of, any person or entity designated under paragraph (i) above.

The Director of the FIU shall make a recommendation, without delay and without notice to the Minister of Finance, copied to the NCC LEI.

These procedures shall be applicable for the listed individuals and entities, as well as for the proposed designee.

(3) Upon receipt of the recommendation by the Director of the FIU, the Minister of Finance shall make a prompt determination, which shall be as soon as possible but no later than twenty four hours. Once satisfied, the Minister of Finance shall make an order designating the person(s) or entity (ies) without delay and without notice.

(4) The freezing orders shall take place without prior notice to the listed individuals or entities involved.

(5) The Director of Public Prosecutions shall also simultaneously apply for a freezing order.

(6) Notice of the designation is to be published electronically immediately once the order is granted, as well as in the Gazette and two daily newspapers in circulation.

(7) The Minister of Finance is required under the AML/CFT Regulations to notify the person or entity as soon as possible.

Based on AML/CFT Regulation 11 (c ) (2015), the Director shall also be responsible for requesting another country to give effect to any action initiated under the freezing mechanisms that have been implemented pursuant to UNSCR 1373 (2001).

A copy of the DIA is attached as Appendix I.



## APPENDIX I

### Designation Impact Assessment Form (DIA)

#### DESIGNATION IMPACT ASSESSMENT (DIA)

This form must be completed for all listing proposals of individuals or entities, under existing sanctions regimes (also use for listing requests from other countries. For guidance on completing this form, please liaise with the AML/CFT/PF National Coordination Committee ([asg.sthill@mola.gov.gy](mailto:asg.sthill@mola.gov.gy)). The form should be signed off by the Director of the Financial Intelligence Unit.

#### **Proposal**

The answers given to the five questions below should be used as the basis for formally proposing designations to the UN.

**Any information given in the below five questions could be disclosed to other UN Security Council Member States.**

<b>Name of sanctions regime</b>
<b>Full name of the individual or entity to be listed (including aliases) and any identifying information</b>
<b>First Name:</b> _____ <b>Last</b>
<b>Name:</b> _____
<b>Entity:</b> _____
<i>Enter as much accurate identifying (biometric or otherwise) information as possible to ensure effective implementation of the measures. Policy officers should be aware that incorrect information may lead to unintended consequences and an increase in the legal risk. Example: Commercial Bank, also known as NBC Ltd. – Registered in Country X , Last known address: Town, ABC Street, CountryX</i>

**Place the relevant listing criteria from UN Secretary Council Resolution here.**

1

*This should be the criteria that you are using to capture this proposed individual or entity named above.*

**Links/ references to evidence (including data of information collected, do not use hyperlink, copy and paste the URL)**

*Provide the evidence that substantiates the reasons for listing. It is important that policy officers keep a record of evidence, including screenshots of websites in case they are removed. A newspaper article from a reputable outlet will be seen as more robust than one from an unfamiliar website. Evidence that is in a different language must be translated. A machine translation is sufficient to inform the decision-making but in the event of a legal challenge a translation from a reputable source would be required.*

*If the evidence is classified, you will need to provide adequate unclassified evidence to support the classified evidence and this proposal.*

*Example: Guardian article on Russian aggression, invasion in Ukraine – 11/05/2014*  
<http://www.guardian.co.uk/articleonukraine>

**Date document cleared and approved**

dd/mm/yyyy

### **Impact Assessment**

Any information given below will not be shared with UN Councils.

<p><b>1</b></p>	<p><b>How will this listing contribute to the Guyana’s overall country (or Terrorist) strategy?</b></p> <p><i>Describe how this listing ties with Guyana’s overarching objectives for the country in question. You may want to mention some of the non-sanction, diplomatic measures that compliment this listing.</i></p>
<p><b>2</b></p> <p><b>2A</b></p>	<p><b>How will you measure the listings effectiveness at meeting the objectives of the sanctions regime?</b></p> <p><b>When and how should these individuals/entities be delisted</b></p> <p><i>Describe the indicators that you will monitor and your delisting criteria.</i></p> <p>The NCC LEI must review all proposals as stipulated in the UNSCR/Council Decision – this is typically an annual process, but can be triggered should there be adequate evidence to suggest the individual/entity should no longer be listed.</p>

**3 What consultation have you undertaken in relation to this proposal?**

*Stakeholder consultation is crucial. Consider all the teams, posts, departments across the Guyanese Government that may be affected as a result of this listing.*

*The Ministry of Finance should be consulted on proposed financial sanctions.*

*The Minister with responsibility for foreign trade for proposed trade sanctions.*

Information from NGOs can also help but be careful to avoid disclosing sensitive information about possible sanctions targets while negotiations are still ongoing

**4 Briefly describe how you can confirm that there is sufficient information to provide a reasonable and credible basis for the listing?**

The standard of proof applied is whether there is “reasonable suspicion” that the individual or group meets the criteria for designation at this present time.

What other evidence in addition to that stated in the above Proposed section (but that which you may not wish to share with the UN Council), is available to support the reasons you have outlined for this listing.

## GLOSSARY

<b>Designated person</b>	<p>A person subject to financial sanctions. Specifically, the term designated person or entity refers to:</p> <ul style="list-style-type: none"><li>(i) individual, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to resolution 1267 (1999) (the 1267 Committee), as being individuals associated with Al-Qaida, or entities and other groups and undertakings associated with Al-Qaida;</li><li>(ii) individuals, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to resolution 1988 (2011) (the 1988 Committee), as being associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, or entities and other groups and undertakings associated with the Taliban; any natural or legal person or entity designated by jurisdictions or a supranational jurisdiction pursuant to Security Council resolution 1373 (2001);</li><li>(iv) any individual, natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council resolution 1718 (2006) and any future successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established pursuant to resolution 1718 (2006) (the 1718 Sanctions Committee) pursuant to Security Council resolution 1718 (2006); and</li><li>(v) any natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council resolution 2231</li></ul>
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	<p>(2015) and any future successor resolutions by the Security Council.</p> <p>This also includes any person or entity designated under UNSCR.</p>
<b>Designation</b>	<p>The term designation refers to the identification of a person individual or entity that is subject to financial sanctions pursuant to:</p> <ul style="list-style-type: none"> <li>- United Nations Security Council resolution 1267 (1999) and its successor resolutions;</li> <li>- Security Council resolution 1373 (2001), including the determination that the relevant sanctions will be applied to the person or entity and the public communication of that determination;</li> <li>- Security Council resolution 1718 (2006) and any future successor resolutions;</li> <li>- Security Council resolution 2231 (2015) and any future successor resolutions; and</li> <li>- any future Security Council resolutions which impose financial sanctions in the context of the financing of proliferation of weapons of mass destruction.</li> </ul> <p>As far as Security Council resolution 2231 (2015) and any future successor resolutions are concerned, references to “designations” apply equally to “listing”.</p> <p>This also includes any person or entity designated under any UNSCR.</p>
<b>Terrorist</b>	<p>The term terrorist refers to any natural person who: (i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; (ii) participates as an accomplice in terrorist acts ; (iii) organises or directs others to commit terrorist acts ; or (iv) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where</p>



	<p>the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act</p>
<p><b>Terrorist Act</b></p>	<p>(a) an act which constitutes an offence within the scope of, and as defined in one of the following treaties: (i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970); (ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); (iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); (iv) International Convention against the Taking of Hostages (1979); (v) Convention on the Physical Protection of Nuclear Material (1980); (vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); (vii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); (viii) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005); (ix) International Convention for the Suppression of Terrorist Bombings (1997); and (x) International Convention for the Suppression of the Financing of Terrorism (1999).</p> <p>(b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act.</p>
<p><b>Without delay</b></p>	<p>The phrase without delay means, ideally, within a matter of hours of a designation by the United Nations Security Council or its relevant</p>

	<p>Sanctions Committee (e.g. the 1267 Committee, the 1988 Committee, the 1718 Sanctions Committee or the 1737 Sanctions Committee). For the purposes of S/RES/1373(2001), the phrase without delay means upon having reasonable grounds, or a reasonable basis, to suspect or believe that a person or entity is a terrorist, one who finances terrorism or a terrorist organisation. In both cases, the phrase without delay should be interpreted in the context of the need to prevent the flight or dissipation of funds or other assets which are linked to terrorists, terrorist organisations, those who finance terrorism, and to the financing of proliferation of weapons of mass destruction, and the need for global, concerted action to interdict and disrupt their flows swiftly.</p>
<p><b>Virtual Assets</b></p>	<p>This term refers to any digital representation of value that can be digitally traded, transferred or used for payment. Statutory definitions of ‘property’ which includes “funds” and “economic resources” are wide. Virtual assets are considered to be covered by these definitions and are therefore caught by the financial sanctions restrictions. (AKA crypto currency, crypto assets)</p>