



GOVERNMENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO

**FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO**  
**MINISTRY OF FINANCE**



**FIU REFERENCE: GN/001/2024**

**GUIDANCE TO FINANCIAL INSTITUTIONS AND LISTED BUSINESS ON  
TERRORIST FINANCING AND PROCEDURES FOR REPORTING  
TERRORISTS' FUNDS**

*In accordance with the Anti-Terrorism Act, Chap. 12:07*

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## INTRODUCTION

The Anti -Terrorism Act, Chap. 12:07 (“the ATA”) is designed to assist in combating terrorism and the financing of terrorism. It provides for the detection, prevention, prosecution, conviction and punishment of terrorist activities and the confiscation, forfeiture and seizure of terrorists’ assets and the assets of those involved in the financing of terrorism.

In keeping with its purpose, the ATA places obligations on Financial Institutions and Listed Businesses (*as defined in section 2 and the First Schedule of the Proceeds of Crime Act, Chap 11:27*), to ensure that terrorist’s funds are not transferred or hidden with or without intent to do so.

This guidance note is intended to aid Financial Institutions and Listed Businesses (“Reporting Entities”) in the implementation of their obligations, under sections 22AB and 22C of the ATA, to report to the FIUTT if it knows or suspects that funds within the Financial Institutions or Listed Business belong to an individual or legal entity who is a designated entity, a listed entity or who commits or participates in (or has committed or participated in) terrorist acts. This guidance note does not address obligations on Quarterly Terrorists Reports (QTR) under section 33 (3) of the ATA. For information on filing QTRs, please read the FIUTT’s [Guidance to Financial Institutions on the Procedures for Submitting Quarterly Terrorist Report](#).

## DEFINITIONS

In this document the following key terms shall have the following meanings:

- i. **Designated Entity** means an individual or entity and their associates designated as terrorist entities by the United Nations Security Council, the 1267, 1989 and 2253 Committee or the 1988 Committee;
- ii. **List of Designated Entities** means the Lists published by the United Nations Security Council in relation to the 1267, 1989 and 2253 Committee or the 1988 Committee;
- iii. **Listed Entity** means an entity declared to be a listed entity in accordance with section 22B of the ATA;

- iv. **Consolidated List of High Court Orders** means the list of Orders issued by the High Court of Trinidad and Tobago, declaring an entity to be a listed entity pursuant to section 22B(3) of the ATA, as maintained by the FIUTT in accordance with section 22AA(2)(e) of the ATA;
- v. **Property or funds** means assets of any kind, whether tangible or intangible, moveable or immovable, however acquired and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets.

The following are examples of property or funds for the purpose of TFR:

- bank credits;
- payment cards;
- payment instruments;
- travellers cheques;
- bank cheques;
- money orders;
- shares;
- securities;
- bonds;
- drafts;
- letters of credit whether situated in Trinidad and Tobago or elsewhere

Also included are legal or equitable interests in:

- precious metals;
- oil and other natural resources and their refined products;
- modular refineries and related material; and
- other economic resources which may be used to obtain funds, goods or services

***(\*Please note that the above list is not exhaustive).***

- vi. **Terrorist Property** means (a) proceeds from the commission of a terrorist act; (b) property which has been, is being, or is likely to be used to commit a terrorist act; (c) property which has been collected for the purpose of funding a terrorist act or terrorist organisation; or (d) property belonging to a terrorist or terrorist organisation, as defined at section 2(1) of the ATA;
- vii. **Freeze or Freezing** means to prohibit the transfer, conversion, disposition or movement of any funds or other property that is owned or controlled by Designated Entities or Listed Entities on the basis of, and for the duration of the validity of, an applicable United Nations Security Council resolution or in accordance with an applicable order of the High Court of Trinidad and Tobago.
- viii. **De-Listed Entity(ies)** means an individual or entity and their associates who have been removed from the List of Designated Entities or the Consolidated List of High Court Orders

- ix. **Unfreeze** means the removal of the prohibition on the transfer, conversion, disposition or movement of any funds or other property that is owned or controlled by Designated Entities or Listed Entities on the basis of, and for the duration of the validity of, an applicable United Nations Security Council resolution or in accordance with an applicable order of the High Court of Trinidad and Tobago.

## OBLIGATIONS OF THE FIUTT

### **1. Maintenance and Circulation of List of Designated Entities**

In accordance with section 22A of the ATA, the FIUTT is responsible for the following:

- (a) maintaining a List of Designated Entities;
- (b) maintaining contact with the United Nations at frequent intervals to ensure that the list of designated entities remains current; and
- (c) circulating the List of Designated Entities to Reporting Entities, requesting information on whether these designated entities have funds in Trinidad and Tobago.

### **2. Maintenance and Circulation of Consolidated List of High Court Orders**

In addition to the list of designated entities, the FIUTT must also maintain a **consolidated list of all Orders issued by the High Court declaring an entity to be a listed entity** (“the Consolidated List of High Court Orders”). This list must also be circulated by the FIUTT to all Reporting Entities immediately upon there being a change to the list and also at intervals of three (3) months, regardless of there being a change.

## HOW IS THE LIST OF DESIGNATED ENTITIES CIRCULATED?

The FIUTT reviews the List of Designated Entities published by the United Nations Security Council multiple times per day. Immediately upon observing a change to the List of Designated Entities, the FIUTT causes a Notice to be circulated to all Reporting Entities via email.

***(A Reporting Entity should immediately notify the FIUTT of a change to the relevant email address to ensure it continues to receive Notices in a timely manner)***

## HOW IS THE CONSOLIDATED LIST OF HIGH COURT ORDERS UPDATED AND CIRCULATED?

The FIUTT is also responsible for furnishing the Attorney General with information required to facilitate an application under section 22B (1A) of the ATA to obtain an Order of the Court declaring an entity to be a listed entity and for the freezing of property related to the listed entity.

Immediately after being furnished with the relevant information by the FIUTT, the Attorney General makes an application to the High Court of Trinidad and Tobago for an Order in accordance with section 22B (1A) of the ATA.

The Court may by Order, under section 22B (3) of the ATA, declare the entity to be a Listed Entity and that the property owned or controlled directly or indirectly by the listed entity, or property derived or generated from funds or other assets owned or controlled directly or indirectly by the listed entity, be frozen.

Immediately after declaring the entity to be a Listed Entity, the Registrar of the High Court will cause the Order to be served on the FIUTT and may serve the order on the listed entity and any relevant Reporting Entity in accordance with section 22B(4D) of the ATA.

The Attorney General will also cause a copy of the Order to be published in the Gazette and in two (2) daily newspapers of general circulation.

Immediately upon receipt of the Order, the FIUTT updates its Consolidated List of High Court Orders. The Consolidated List of High Court Orders is maintained within the FIUTT's Targeted Financial Sanctions Search Tool ("TFS Search Tool"). Once there is an update to the Consolidated List of High Court Orders, the FIUTT circulates a Notice of such change to all Reporting Entities together with a link to access the TFS Search Tool via email. The TFS Search Tool is also accessible on the FIUTT's website. Click here to access: [FIUTT TFS Search Tool](#).

**(A Reporting Entity should immediately notify the FIUTT of a change to the relevant email address to ensure it continues to receive updates on the Consolidated List of High Court Orders in a timely manner)**

## PERSONS AFFECTED BY A COURT ORDER

A person likely to be affected by a Court Order declaring an entity as a Listed Entity shall also be served with a copy of the Order. Such persons may apply to a judge for a review of the Order within 60 days of the date of publication of the Order accordance with section 22B(3A) of the ATA.

***A person likely to be affected by an Order may include a person with the same or similar name to a designated entity and may also apply to a judge for review of the Order notwithstanding that the Order may not have been served on him. Such persons should seek independent legal advice on this issue.***

Where a person affected by the said Court Order makes an application for review, the Attorney General will be served with the said application and be given the opportunity to make representations to the Court in relation to the said application for review.

## OBLIGATIONS OF REPORTING ENTITIES IN RELATION TO THE LIST OF DESIGNATED ENTITIES AND THE CONSOLIDATED LIST OF HIGH COURT ORDERS

Reporting Entities are required to freeze the funds or property of a person or entity listed by the High Court of Trinidad and Tobago, under Section 22B(3) of the ATA, **immediately and without delay**.

The term **“without delay”** means, ideally, within a matter of hours of designation by the United Nations Security Council or its relevant Sanctions Committees (e.g. the 1267 Committee and the 1988 Committee). The FIUTT works with other competent authorities in Trinidad and Tobago to ensure that Orders of the High Court of Trinidad and Tobago, made pursuant to Section 22B(3) of the ATA, are issued within a matter of hours of the designation by the United Nations and its relevant Sanctions Committees. It is, therefore, incumbent upon Reporting Entities to freeze the funds or property of a person or entity listed by the High Court of Trinidad and Tobago immediately after receiving notification from the FIUTT that the Consolidated List of High Court Orders has been updated with an **addition**.

*(For information on the actions Reporting Entities are required to take immediately after receiving notification from the FIUTT that the Consolidated List of High Court Orders has been updated with a **removal**, please consult the [“Removal of Listed Entities”](#) section in this document.)*

Freezing such funds or property *without delay* is necessary to prevent the flight or dissipation of any funds or property 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 flow.

In order to effectively freeze without delay, Reporting Entities are required to undertake [Screening](#) of customers/clients at key intervals; [Reporting to the FIUTT](#) upon identifying a match; and [Freezing Actions](#) in accordance with this Guidance Note.

## SCREENING

A Reporting Entity is required to verify its customers against the following lists:

- (a) [United Nations Security Council Resolution \(UNSCR\) 1267/1989/2253 Sanctions List](#) and [United Nations 1988 Sanctions Committee List](#) (together referred to as the “List of Designated Entities” in accordance with section 2(1) of the ATA<sup>1</sup>); and
- (b) [Trinidad and Tobago Consolidated List of Court Orders](#);

This process involves “screening” the names of the Designated Entities and Listed Entities against the Reporting Entity’s list of customers/clients or *vice versa*.

**Screening must be conducted at three (3) key points:**

**1. At the on-boarding stage.** Where a Reporting Entity is in the process of entering into a business relationship with, or conducting a one-off transaction for, a customer, the Reporting Entity should take measures to ensure that the customer is not a Designated or Listed Entity;

**2. Immediately and without delay upon receipt of a notification from the FIUTT that the List of Designated Entities and/or Consolidated List of High Court Orders has been updated.** Upon receipt of these notifications, the Reporting Entity should take measures to ensure that none of its customers is a Designated or Listed Entity, and that it is not in possession of funds or other property which belongs to a Designated or Listed Entity; and

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<sup>1</sup> Please note that both the ISIL (Da'esh) & Al-Qaida Sanctions Committee List - UNSCR 1267/1989/2253, and the UN Security Council Sanctions Committee Established Pursuant to Resolution 1988 (Taliban) List are contained in the [United Nations Security Council Consolidated List](#). If you have consulted the United Nations Security Council Consolidated List, you would have consulted both the ISIL (Da'esh) & Al-Qaida Sanctions Committee List - UNSCR 1267/1989/2253, and the UN Security Council Sanctions Committee Established Pursuant to Resolution 1988 (Taliban) Lists, together with all other lists maintained by the UN Security Council.

**3. At intervals of every three months.** Financial Institutions are required to file Quarterly Terrorist Property Reports (QTRs) with the FIUTT pursuant to section 33(3) of the ATA. In order to ensure accurate filing, the Reporting Entity should screen its customer/client list against the most recent updated List of Designated Entities and Consolidated List of High Court Orders on a quarterly basis, prior to filing the QTR. For more information on filing QTRs, please see the FIUTT's [Guidance to Financial Institutions on the Procedures for Submitting Quarterly Terrorist Report](#).

*Reporting Entities are advised that screening at the aforementioned key points is mandatory. Failure to screen the List of Designated Entities and Consolidated List of High Court Orders at the aforementioned key points can result in the breach of a Court Order and the Reporting Entity being found in contempt of court.*

#### THE FIUTT TARGETED FINANCIAL SANCTIONS SEARCH TOOL

The Targeted Financial Sanctions Search Tool (TFS Search Tool) is managed by the FIUTT and provides Reporting Entities with an online tool to conduct searches of the known names and aliases of individuals and entities. This online tool replaces the previously used PDF format Consolidated List of High Court Orders for the maintenance and circulation of the lists of designated and listed entities as required by section 22AA(2)(a), (b), (c), and (e) of the Anti-Terrorism Act, Chap. 12:07 (ATA).

Reporting entities are required to utilise this Tool when screening clients at the abovementioned intervals. The TFS Search Tool can be accessed on the FIUTT's website and Reporting entities are advised to read the [TFS User Guide](#) to ensure accurate usage of the TFS Search Tool. Click here: [TFS Search Tool](#)

#### REPORTING

If this screening process results in a **positive match**, the following actions must be taken in respect of the circumstances under which the match was made:

**Circumstance 1:** After consulting the said Lists, if the Reporting Entity identifies **that a designated entity or listed entity has funds with it**.

The Reporting Entity **MUST IMMEDIATELY and WITHOUT DELAY** take the following actions:



- a. Verbally, via telephone, inform the FIUTT, that they have funds belonging to a designated or listed entity; and
- b. Complete the **TERRORIST FUNDS REPORT (the “[FIUTT TFR form](#)”)**; and
- c. Submit the completed **FIUTT TFR form** electronically; or
- d. Submit the completed **FIUTT TFR form** in hard copy by hand in a sealed envelope.

**Circumstance 2:** After consulting the said Lists, if the Reporting Entity **has reasonable grounds to believe that a designated entity or listed entity has funds in Trinidad and Tobago.**

The Reporting Entity **MUST IMMEDIATELY and WITHOUT DELAY** take the following action:

- a. Verbally, via telephone, inform the FIUTT, that they have funds belonging to a designated or listed entity; and
- b. Complete the **TERRORIST FUNDS REPORT (the “[FIUTT TFR form](#)”)**; and
- c. Submit the completed **FIUTT TFR form** electronically; or
- d. Submit the completed **FIUTT TFR form** in hard copy by hand in a sealed envelope.

**Circumstance 3:** If a **Designated Entity or Listed Entity attempts to enter into a transaction or continue the business relationship.**

The Reporting Entity:

- a. **MUST NOT** enter into or continue the business transaction or the business relationship; **and**
- b. **MUST** submit a **SUSPICIOUS TRANSACTION/ACTIVITY REPORT (STR/SAR)** to the FIUTT. Please read the FIUTT’s [Guidance note on Reporting STR/SAR Reporting Standards](#) for more information.

## **FREEZING ACTION**

The Reporting Entity shall take the following actions in compliance with the Order of the High Court to freeze the property of the designated or listed entity immediately and without delay:

1. If the Reporting Entity has funds or property belonging to a Designated Entity or Listed Entity, the Reporting Entity must **Freeze the said funds or property**. The **Freezing** action shall apply to:
  - a. all funds or property that are owned or controlled by the designated or listed entity;
  - b. the funds or property that are wholly or jointly owned or controlled, directly or indirectly, by designated or listed entities;
  - c. the funds or property derived or generated from funds or property owned or controlled directly or indirectly by designated or listed entities; and
  - d. the funds or property of persons and entities acting on behalf of, or at the direction of, designated or listed entities.
2. Reporting Entities **SHALL NOT** make any funds, property or financial or other related services, available, directly or indirectly, wholly or jointly, for the benefit of:
  1. Designated or Listed Entities;
  2. Entities owned or controlled, directly or indirectly, by Designated or Listed Entities; and
  3. Persons and entities acting on behalf of, or at the direction of, Designated or Listed Entities,unless authorised through Court Order.

*In circumstances where a customer may claim that a false positive match has been made, please see the section on **PERSONS AFFECTED BY A COURT ORDER** in this document.*

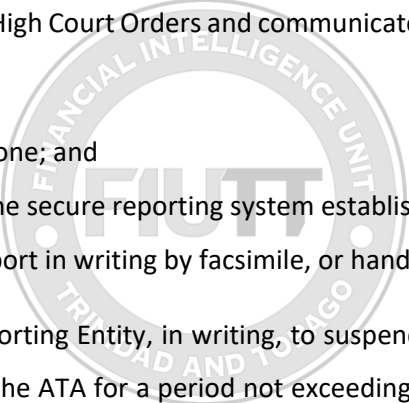
**UNDER NO CIRCUMSTANCES SHOULD A REPORTING ENTITY ENTER INTO OR CONTINUE A BUSINESS TRANSACTION OR BUSINESS RELATIONSHIP WITH A DESIGNATED OR LISTED ENTITY.**

## OBLIGATIONS OF REPORTING ENTITIES IN RELATION TO REPORTING SUSPICIONS OF TERRORISM AND TERRORIST FINANCING

Where a reporting entity knows or has reasonable grounds to suspect that funds within it belong to an individual or legal entity who commits terrorist acts or participates in or facilitates the commission of terrorist acts or the financing of terrorism, Section 22(C)(1)(a) requires that the reporting entity **MUST** report the existence of such funds to the FIUTT by filing a Suspicious Transactions Report utilising [FIUConnect](#) or a [Trinidad and Tobago Suspicious Report Form](#).

### ACTION TAKEN AFTER FILING an STR/SAR WITH THE FIUTT

After receiving a TFR or an STR/SAR from a Reporting Entity, the FIUTT will immediately and without delay verify that the name submitted by the Reporting Entity is currently recorded on the List of Designated Entities or the Consolidated List of High Court Orders and communicate its findings to the Reporting Entity in the following manner:

- 
- a. Verbally via telephone; and
  - b. electronically, by the secure reporting system established by the FIUTT; or  
by submitting a report in writing by facsimile, or hand delivery.

The FIUTT **MAY INSTRUCT** the Reporting Entity, in writing, to suspend the processing of the transaction in accordance with section 22E of the ATA for a period not exceeding five (5) working days, pending the completion of an evaluation and analysis of a STR/SAR.

The Reporting Entity may apply to the Court to discharge the FIUTT's instructions, however the FIUTT's instructions remain in force until the Court makes an order otherwise.

## REMOVAL OF LISTED ENTITIES FROM THE CONSOLIDATED LIST OF HIGH COURT ORDERS (DE-LISTING)

### DE-LISTING PURSUANT TO AN APPLICATION BY A LISTED ENTITY:

An individual or entity affected by an Order made under section 22B (3) of the ATA may apply for a review of the Order, pursuant to section 22B(6) of the ATA, within sixty (60) days after the date of publication of the Order and shall also notify the Attorney General of the application.

The affected individual or entity will be provided with a reasonable opportunity to be heard and the Court will determine on the basis of the information available, and evidence presented, whether or not the Order should be revoked, and may make an Order for such revocation.

Further information on Applications for De-Listing can be found on the website of the [Anti-Terrorism Unit of Trinidad and Tobago](#).

## DE-LISTING FOLLOWING THE ATTORNEY GENERAL'S REVIEW OF ALL ORDERS:

In accordance with section 22B(9), every six months the Attorney General shall review all Orders made under section 22B(3) of the ATA and apply to the Court for the revocation of the Order if he determines that the circumstances under which the Order was made no longer exists.

If the Judge is satisfied that the circumstances under which the Order was made no longer exists, he shall make an Order for the revocation of the initial Order.

The Order for revocation shall be published in the Gazette and in two (2) daily newspapers; and shall be served on the FIUTT.

## COMMUNICATION OF DE-LISTINGS AND UNFREEZINGS TO REPORTING ENTITIES

Upon receipt of the Order for revocation, the FIUTT will remove or ***“de-list”*** the individual or entity from the Consolidated List of High Court Orders in accordance with section 22B(11) of the ATA. A Notice indicating which entities have been de-listed, together with a link to access the [TFS Search Tool](#) will be **immediately** circulated to all Reporting Entities via email.

## OBLIGATIONS OF REPORTING ENTITIES WHERE AN ENTITY HAS BEEN DE-LISTED

Upon receipt of the updated Consolidated List of High Court Orders, and the Notice indicating which entities have been de-listed, from the FIUTT, Reporting Entities shall take the following action:

1. Immediately verify whether the Reporting Entity has funds or property related to the De-listed Entity which were frozen pursuant to the initial Court Order; and  
Unfreeze the said funds or property.

## USEFUL LINKS

For further information, please visit the following websites:

[The Anti-Terrorism Unit of Trinidad and Tobago](#)

[FATF GUIDANCE on TERRORIST FINANCING](#)

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