

BEST PRACTICES

1. Institution: Ministry of the Attorney General and Legal Affairs
2. Title: Comprehensive framework to protect against laundering of proceeds of crime. This best practice relates to Article VI and VII.
3. Description: The Ministry of the Attorney and Legal Affairs has set out to develop a comprehensive legal framework and “all crimes approach” to anti-money-laundering and counter-terrorist financing in accordance with **Article VI** and **VII** by adding the following three new pieces of legislation:
 - a. **The Civil Asset Recovery and Management and Unexplained Wealth Act, 2019** which establishes the Civil Asset Recovery and Management Agency for the recovery of criminal property terrorist property or any property that was used as an instrumentality of crime whether committed inside or outside of Trinidad and Tobago, including acts of corruption, through the use of the remedies of restriction in dealings with civil assets such as, Property Restriction Orders, Civil Asset Forfeiture Orders and Unexplained Wealth orders. The Act also facilitates reciprocal sharing agreements between the Attorney General of Trinidad and Tobago and a foreign State for the recovery or disposition of property forfeited or disposed of under this Act.
 - b. **The Non-Profit Organization Act, 2019** provides for the registration of non-profit organisations (NPOs), the establishment and maintenance of a register of non-profit organisations, and sets out the administrative obligations of non-profit organisations in order to bring the operations of NPOs under the regulation of the Financial Intelligence Unit (FIU) under the purview of the Ministry of Finance. This is to prohibit the solicitation of public funds whether locally or internationally by NPOs that are not registered.

- c. **The Companies (Amendment) Act, No 6. Of 2019**, makes it mandatory for both natural individuals and companies to declare their beneficial ownership to all shares and interests it holds.
4. Reasons/Importance: By enacting the **Civil Asset Recovery and Management and Unexplained Wealth Act, 2019, Non-Profit Organisation Act, 2019 and the Companies (Amendment) Act, No. 6 of 2019**, the Government of Trinidad and Tobago has made it possible to utilize all three pieces of legislation in tandem with the **Anti-Terrorism (Amendment) Act, 2018** to not only find the source of terrorist funds and criminal property whether inside or outside of Trinidad, but to confiscate such funds and prevent and ultimately eliminate corruption on all fronts.
5. Approach: These pieces of legislation were presented in Parliament by the Honourable Attorney General to be debated upon by members of both the House of Representatives and the Senate before being assented to.
6. Implementation: These pieces of legislation came into full effect upon Proclamation by her Excellency, the President.
7. Outcome: The expected outcome is for each piece of legislation to be used to ensure compliance with Anti-Money Laundering and Counter-Terrorist Financing laws in Trinidad and Tobago.
8. Potential for technical cooperation: Yes, this best practice can be utilized by other countries.
9. Follow-up:
10. Lessons:
11. Documents:
 - a. Civil Asset Recovery and Management and Unexplained Wealth Act No 8 of 2019 – 13 June 2019 <http://www.ttparliament.org/legislations/a2019-08.pdf>
 - b. The Non-Profit Organization Act, 2019 – 11 June 2019

<http://www.ttparliament.org/legislations/a2019-07.pdf>

- c. The Companies (Amendment) Act, No 6. Of 2019 – 29 May 2019

<http://www.ttparliament.org/legislations/a2019-06g.pdf>

12. Contact:

Ministry of the Attorney General and Legal Affairs

Corner of London and Richmond Streets

Port-of-Spain

Tel: 1-868-223-2452

1. Institution: Ministry of the Attorney General and Legal Affairs
2. Title: Establishment of an Agency that governs the freezing, seizure and confiscation of illicit enrichment. This best practice relates to Article IX of the Convention.
3. Description: **The Civil Asset Recovery and Management and Unexplained Wealth Act, 2019** is legislation that provides for the confiscation, including value-based confiscation, of proceeds of crime derived from a wide range of offences including but not limited to terrorist financing, corruption and bribery. The Civil Asset Recovery and Management Agency is a specialized authority dedicated to the administration of seized and confiscated assets.
4. Reasons/Importance: The development of the Civil Asset Recovery and Management Agency will foster institutional arrangements, including coordination and the exchange of information among authorities, leading to successful confiscation cases, as it is a specialized authority dedicated to the administration of seized and confiscated assets.
5. Approach: This piece of legislation was presented in Parliament by the Honourable Attorney General and debated upon by members of both the House of Representatives and the Senate before being assented to.
6. Implementation: This piece of legislation came into full effect upon Proclamation by her Excellency, the President. Issues relating to structure and staffing of the Civil Asset Recovery and Management Agency has to be provided for in subsequent regulations to the Act.
7. Outcome: The expected outcome is for The Civil Asset Recovery and Management Agency to be used to ensure compliance with Anti-Money Laundering and Counter-Terrorist Financing laws in Trinidad and Tobago.
8. Potential for technical cooperation: Yes, this best practice can be utilized by other countries.
9. Follow-up:

10. Lessons:

11. Documents: **Civil Asset Recovery and Management and Unexplained Wealth Act
No 8 of 2019 – 13 June 2019** <http://www.ttparliament.org/legislations/a2019-08.pdf>

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Ministry of the Attorney General and Legal Affairs

Corner of London and Richmond Streets

Port-of-Spain

Tel: 1-868-223-2452

1. Institution: Ministry of the Attorney General and Legal Affairs
2. Title: Establishment of the Anti-Terrorism Unit in the Ministry of the Attorney General and Legal Affairs. This best practice relates to anti-money laundering and terrorist financing under Article VI and VII.
3. Description: The Anti-Terrorism Unit is the specialized authority within the Ministry of the Attorney General and Legal Affairs tasked with the responsibility of implementing the powers of the Attorney General under the **Anti-Terrorism Act, Chap. 12:07** concerning prosecution of terrorist and terrorist financing related activities. The mandate of the unit includes obtaining Orders of the High Court declaring individuals and entities as listed entities and freezing their funds, forfeiture of terrorist property and legal action in respect of suspected international terrorists found in Trinidad and Tobago. The Desk also provides policy advice to the Honourable Attorney General and other Government Departments regarding terrorism and related matters, including on the development and revision of laws in this area. The Anti-Terrorism Unit has thus far obtained a total of 98 Orders listing 508 individuals and entities as listed entities in accordance with **section 22 Anti-Terrorism (Amendment) Act, 2018**. In addition, 12 Orders delisting 19 of the aforesaid individuals were also obtained.
4. Reasons/Importance: The establishment of the Anti-Terrorism Unit as a specialized unit reiterates the Government commitment in prioritizing the fight against corruption, terrorism and terrorist financing activities.
5. Approach: The Minister of Public Administration, the Public Management Consulting Division and Chief Personnel Officer were consulted by the Attorney General and the Permanent Secretary of the Ministry of the Attorney General and Legal Affairs to develop the organizational structure of the Anti-Terrorism Unit. Necessary approvals were then obtained from the Cabinet before an advertisement for vacancies in the unit were advertised.
6. Implementation: The Anti-Terrorism Unit was established in October 2019. The Anti-Terrorism Unit has been staffed and given resources to carry out its mandate. Officers

of the unit have also received practical training locally, regionally and internationally. Further, the Anti-Terrorism Unit has adopted operational measures to enhance its effectiveness such as information-sharing, inter-agency coordination, collection and use of relevant data, clear policy guidance in interagency task forces to address corruption in both the public and private sectors leading to increased investigations and prosecutions.

7. Outcome: The expected outcome is for the Anti-Terrorism Unit of the Ministry of the Attorney General and Legal Affairs to continue to execute prosecution of terrorist and terrorist financing related activities in compliance with **Anti-Terrorism Act, Chap. 12:07**.
8. Potential for technical cooperation: Yes, this best practice can be utilized by other countries.
9. Follow-up:
10. Lessons:
11. Documents:
12. Contact:
The Anti-Terrorism Unit,
Ministry of the Attorney General and Legal Affairs,
Level 21 AGLA Tower,
Cor. London & Richmond Streets,
Port of Spain
Tel: (868) 223-AGLA (2452) ext. 3772 or 3800
Fax: (868) 226-5145
E-mail: antiterrorismunit@ag.gov.tt

1. Institution: Ministry of Finance

2. Title: **Financial Obligations (Amendment) Regulations 2019**
3. Description: **Legal Notice No. 73 of 2019** amended Regulation 7 of the Financial Obligations Regulations by inserting after sub-regulation (4) the new sub regulations (4A) and (4B). In essence, these two new sub-regulations extends the scope of the offence of tipping-off to cover the instance where a suspicious transaction (STR) or suspicious activity (SAR) is filed directly to the Financial Intelligence Unit (FIU) and customer due diligence is foregone in accordance with regulation 8.
4. Reasons/Importance: In the 4th round of the Mutual Evaluation Report (MER) conducted by the Financial Action Task Force (FATF), it was noted that Trinidad and Tobago had a technical deficiency in that the offence of tipping off was only applicable when a STR/SAR had been reported to the Compliance Officer and not when a STR/SAR had been filed with the FIU. This deficiency was addressed by virtue of the **Section 2(b) of the Miscellaneous Provisions (Proceeds of Crime, Anti-Terrorism and Financial Intelligence Unit of Trinidad and Tobago) Act, No. 20 of 2018** which amended **section 51 of the POCA** to include a new subsection (1A), which provides for tipping off to be applicable when an STR/SAR has been filed and **Legal Notice No. 73 of 2019** as it amends Regulation 7 of the Financial Obligations Regulations by inserting after sub regulation (4) the new sub-regulations (4A) and (4B) as aforementioned.
5. Approach: This amendment regulation was made by the Honourable Minister of Finance in accordance with section 56 of the Proceeds of Crime Act and subject to negative resolution.
6. Implementation: This amendment regulation was made by the Honourable Minister of Finance in accordance with section 56 of the Proceeds of Crime Act and subject to negative resolution.
7. Outcome: The expected outcome is for this piece of regulation to be used to ensure compliance with Anti-Money Laundering and Counter-Terrorist Financing laws in Trinidad and Tobago.
8. Potential for technical cooperation: Yes, this best practice can be utilized by other countries.
9. Follow-up:

10. Lessons:

11. Documents: **Financial Obligations (Amendment) Regulations 2019**

<https://www.fiu.gov.tt/wp-content/uploads/Legal-Notice-No-73-Financial-Obligations-Amendment-Regulations-2019.pdf>

12. Contact:

Financial Intelligence Unit of Trinidad and Tobago

Level 25, Tower D

International Waterfront Complex

1A Wrightson Road

Port of Spain

Trinidad, West Indies

Tel: 1(868) 625-8351

Fax: 1(868) 627-7018

Email: fiutt@gov.tt

FIUTT Compliance and Outreach: fiucompliance@gov.tt

FIUTT Feedback: fiufeedback@gov.tt