

# AML/CFT /PF NCC

**UPDATES SINCE THE LAST TERRORISM FINANCING AND PROLIFERATION  
FINANCING RISK ASSESSMENTS WITHIN THE 2021 NATIONAL RISK ASSESSMENT**

July 2023

Working Group on Law Enforcement

Issues

AML/CFT/PF NCC

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## DEFINITIONS

ABIN	-	Brazilian Intelligence Agency
AML	-	Anti-Money Laundering
ARIN-CARIB	-	Asset Recovery Inter Agency Network for the Caribbean
CA	-	Competent Authority
CANU	-	Customs Anti Narcotic Unit
CCDO	-	Chief Cooperative Development Officer
CDD	-	Customer Due Diligence
CFATF	-	Caribbean Financial Action Task Force
CFT	-	Countering the Financing of Terrorism
CID	-	Criminal Investigations Department
CPF	-	Countering Proliferation Financing
DPP	-	Direction of Public Prosecution
FATF	-	Financial Action Task Force
FIU	-	Financial Intelligence Unit
GAFILAT	-	The Financial Action Task Force of Latin America
GPF	-	Guyana Police Force
GRA	-	Guyana Revenue Authority
IMF	-	International Monetary Fund
IMPACS	-	Implementation Agency for Crime & Security
ISIS	-	Islamic State of Iraq and Syria
ISIL	-	Islamic State of Iraq and the Levant
LEA	-	Law Enforcement Agency
LFI	-	Licensed Financial Institution
ML	-	Money Laundering
MOU	-	Memorandum of Understanding
NCB	-	Interpol National Central Bureau
NCC	-	National Coordinating Committee
NPO	-	Non-Profit Organisation
NPS	-	National Policy and Strategy

NRA	-	National Risk Assessment
PF	-	Proliferation Financing
RBAP	-	Risk Based Action Plan
RE	-	Reporting Entity
RSS-ARU	-	Regional Security System Asset Recovery Unit
SA	-	Supervisory Authority
SOCU	-	Special Organized Crime Unit
STR	-	Suspicious Transaction Reporting
TF	-	Terrorist Financing
TFS	-	Targeted Financial Sanction
TPR	-	Terrorist Property Report
UNSC	-	United Nations Security Council
UNSCR	-	United Nations Security Council Resolution
VA	-	Virtual Assets
VASPs	-	Virtual Assets Service Providers

## **FOREWORD**

The Government of Guyana has taken a policy in continuing to assess its risks in its commitment to combat money laundering, terrorist financing, proliferation financing and related predicate offences, as well as ensuring compliance with the best practice standards internationally.

Guyana continues to identify, assess and understand the money laundering, terrorist financing, proliferation financing risks faced and to act to mitigate those risks effectively, in accordance with the Financial Action Task Force Standards and Methodology, in particular, Recommendation 1.

In July 2021, Guyana published its second AML National Risk Assessment, which included a risk assessment of Terrorist Financing (TF), which was rated as Medium, as well as Proliferation Financing (PF), of which a rating was not assigned, as a PF risk assessment is not a mandatory requirement under the FATF best practices.

The 2021 NRA identified primarily the lack of a strategic and operational framework as the main deficiencies which contributed to a rating of medium for TF.

As a result, the risk-based action plan, which was a product of the NRA, sought to address potential risks, reduce the likelihood of these risks occurring and to lessen the impact of these risks if they do occur.

This update risk assessment specific to TF/PF, sets out how the implementation of several measures identified in the 2021 NRA has helped strengthen mitigation actions in multiple areas regarding TF and PF. However, Guyana has taken the position not to amend the TF risk rating at this time, but to strengthen and further implement best practice measures in a manner to adequately and efficiently combat TF and PF.

Based on the data collected for the period 2018-2023, the risk of TF and PF in Guyana is relatively low; however, the nature of the Terrorist Financing risk is constantly evolving, bringing with it new challenges, as well as the need to further educate the public in general with regards to PF.

This TF and PF updated report, therefore, also identifies areas where additional focus and action is required to strengthen further our controls and understanding, in an endeavour to counter potential risks satisfactorily.

This has enabled us to fully design and implement our Counter Terrorism Policy with strategies to combat TF and PF. We thank everyone who has contributed to creating this report, including representatives from the Anti-money Laundering/Countering the Financing of Terrorism/Proliferation Financing (AML/CFT/PF) National Coordination Committee and non-governmental stakeholders such as nonprofit organizations, financial institutions and designated non-financial businesses and professions.

**Rommel JL St. Hill**

**Secretary of the AML/CFT/PF National Coordination Committee**

## **EXECUTIVE SUMMARY**

Guyana, has completed two AML/CFT/PF NRA and has a policy of continuing to assess its risks until the next national risk assessment comes on board, which is tentatively scheduled to start in Q4 2024, to be completed no later than Q4 2025.

In the 2021 NRA, Guyana's TF risk was rated as medium, acknowledging a need for improved legal and institutional frameworks for identifying and combatting TF, particularly more technical and human resources, as well as training for competent authorities and reporting entities.

Similarly, in the 2021 NRA, although a rating was not given for proliferation financing risks, it was clear that the legal architecture was absent, and Guyana needed to be trained and take steps to implement measures to adequately address risks related to PF, as well as to ensure PF related terrorism financing sanctions (TFS) were up to par, having at least tested the regime under UNSCR 1373 in listing persons in 2017.

This updated assessment has found that Guyana has greatly improved its framework with regard to its legislation, institutional framework and capacity to mitigate risks against TF and PF; with continued training, resources, enforceable means and outreaches designed to combat any such risks related to TF/PF.

Guyana has elected, however, to maintain the risk rating of MEDIUM, given the nature of TF and a policy decision to aggressively pursue all actions against TF. This policy has also been taken in relation to PF, and a continued risk-based approach will be taken with regards to implementing the measures provided in legislation which criminalises proliferation of weapons of mass destruction, and the financing of such.

This updated TF/PF Risk Assessment analysis also takes into account issues related to beneficial ownership, virtual assets and NPOs, as these issues may also intersect with TF related activities. ; Further, as TF/PF are cross border issues, the Working Group also examined the terrorism, TF and PF risk context of neighbor jurisdictions, namely Trinidad and Tobago, Venezuela, Brazil and Suriname.

The recommendations of this Report will be taken on board to ensure that operationally, legislatively and institutionally, Guyana honours its international obligations, and protect its citizens and financial sector from the harm associated with TF/PF.



# 1. BACKGROUND TO THE TF/PF RISK ASSESSMENT UPDATE

Guyana published its second National Risk Assessment, which included the Terrorist Financing (TF) and Proliferation Financing (PF) Risk Assessment (NRA) in July 2021 (the 2021 NRA).

The 2021 NRA considered data which was available in respect of the period 2016 to 2020.

There were some instances where insufficient information was available to adequately assess the risks.

## *TF Risk*

The country's TF Risk was rated as **MEDIUM** as its TF Threats, TF vulnerability as well as its terrorism risk were also rated Medium. Factors that contributed to the country's medium TF risk rating include, the absence of a national strategic framework for countering TF, minimum cooperation among the key agencies responsible for analyzing, investigating and prosecuting TF and terrorism matters, and the lack of adequately resourced units to combat TF and terrorism.

## *PF Analysis*

In relation to PF, the NRA found that there was the absence of a legislative mechanism for the criminalization of PF, as well as making it a predicate offence under the AML/CFT/PF regime; however, the AML/CFT Act provide mechanisms for targeted financial sanctions regarding PF and the Anti-Terrorism Act criminalizes the use of weapons of mass destruction . Further, there was no mention of preventive measures or targeted financial sanctions being applied by financial institutions in the fight against proliferation as required by FATF Recommendation 7, which deals with targeted financial sanctions related to proliferation.

However, some of the agencies reported that currently steps are being taken to provide for the criminalisation of proliferation financing. In addition, there is an established mechanism, that

is, the AML/CFT/PF National Coordinating Committee, that addresses issues related to money laundering, terrorist financing and proliferation financing.

Taking into consideration the foregoing, and based on a cautious assessment therefore, Guyana's exposure to PF risk was assessed as Medium.

The focus of this risk assessment has therefore been to bring more clarity on the basis of these areas which Guyana has improved upon since the 2021 NRA in relation to TF and PF.

The 2021 NRA identified actions in the following broad categories that would enable Guyana to better combat TF/PF:

- *Create a specific unit/designate the Special Organised Crime Unit (SOCU) to investigate and prosecute TF/PF cases.*
- *Make SOCU a semi –autonomous agency.*
- *Improve and develop understanding of risks.*
- *Build countering TF (CTF) capacity, through specialized training, inter agency and external agency cooperation and collaboration, and*
- *Strengthen connections with internal and external stakeholders.*

This Report, therefore, summarises the actions Guyana has taken in respect of these categories and reassesses Guyana's exposure to TF and PF risks, which were informed by additional information that were obtained to address the data gaps and recommended actions identified in the 2021 NRA.

It also identifies opportunities to further strengthen our controls and understanding, in an endeavour to counter potential TF risks satisfactorily.

In addition, data for 2020 - 2023 (July) was compared against the data considered for purposes of the 2021 NRA.

The 2021 NRA, which was based on the World Bank's NRA tool, has been augmented by the guidance referenced in the Financial Action Task Force's (FATF) July 2019 TF Risk Assessment Guidance.

### *Reference to Neighbour Jurisdictions*

For the purposes of this report, “Neighbour Jurisdictions” refers to jurisdictions which border Guyana and -

- there are indications of individuals in, or from, that jurisdiction being at a heightened risk of being involved in financing terrorism;
- there are strong geographical or other links to countries that have an active terrorism or TF threat; and/or
- there is a secondary terrorism or TF threat, i.e., where there may not be an active terrorism or TF threat but where there is a heightened threat of crimes, from which proceeds derived are typically used by organised criminal groups to finance terrorism (e.g., corruption, drug trafficking, hijacking or kidnapping, benefit fraud, environmental crimes such as illegal logging and ivory dealing, human trafficking and modern slavery).

## **2. THREATS AND VULNERABILITIES**

The assessment work supporting this report considered data for 2020 -2023 (July), utilising a methodology similar to that employed for the 2021 NRA.

The data was compared with prior years data for trend analysis purposes.

Our data analysis for this period confirms that there has been no material change to the nature of TF threats and vulnerabilities identified in the 2021 TF NRA.

The Working Group, established under the AML/CFT/PF NCC Subcommittee for Law Enforcement Issues, has considered this updated data, including the 2022 NPO TF Risk Assessment.

In terms of threats and vulnerabilities more generally, they remain the same in Guyana as those outlined in the 2021 TF NRA, based on the same objective threat data used for the 2021 TF NRA. However, it is worth noting that, internationally, the COVID-19 pandemic increased the global risk of terrorists using cryptocurrency (seeking to raise funds via cryptocurrency wallet addresses) and other fraudulent practices including Ponzi schemes and romance scams.

This demonstrates the importance of remaining vigilant, including when it comes to new technologies and what may appear as ordinary products and services.

The Financial Intelligence Unit had published a number of Guidelines in relation to TF and PF as follows –

2016 – Terrorist Property Reporting Guideline

2018 – Detecting or Preventing Terrorism Financing

2021 – High Risk Customers

2022 – Targeted Financial Sanctions related to terrorism, TF and PF, and

2023 – Guideline on the Prevention of TF for NPOs – A risk-based approach

This includes two hypothetical case studies highlighting how TF or PF could occur in Guyana and setting out examples of red flags.

#### *Suspicious Transaction Reports (STRs)*

In the 2021 NRA, in terms of the country’s TF threat level, this was also rated as “medium” as the FIU received only a small number of STRs related to TF between 2016 and 2020.

<b>TF Related STRs received 2016-2020</b>				
<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
0	0	3	7	0

The FIU also forwarded fifteen (15) TF intelligence reports which included follow-up reports to the Special Organised Crime Unit (SOCU) for investigation. SOCU investigated all the TF matters received from the FIU, however none resulted in prosecutions or convictions.

For the same period the GPF-Special Branch Unit conducted 7 investigations into domestic terrorist threats which resulted in only one conviction; this prosecution and conviction was the result of a person issuing threats on social media to burn a building.

### *Updated information*

In keeping with its responsibility, the FIU over the period 2018 to April 2023, received and analysed ten (10) STRs related to TF, and disseminated eight (8) reports including follow ups to SOCU for investigation.

*Table: TF STRs (receipt and referrals)*

<b>Year</b>	<b>No. of STRs received and analysed by FIU</b>	<b>No. of TF Reports disseminated to SOCU</b>
<b>2018</b>	<b>3</b>	<b>1</b>
<b>2019</b>	<b>7</b>	<b>6</b>
<b>2020</b>	<b>0</b>	<b>0</b>
<b>2021</b>	<b>0</b>	<b>0</b>
<b>2022</b>	<b>0</b>	<b>1</b>
<b>2023</b>	<b>0</b>	<b>0</b>

In 2023, nine persons were charged by the GPF for acts of domestic terrorism, contrary to section 309 (A) (1) (b) (ii) of the Criminal Law (Offences) Act. However, investigations found that there was no terrorism financing as the particulars of the offence indicated that the defendants, with the intent to strike terror, used wood and other materials to block, burn and damage a public road.

Between 2021 and April 2023 the FIU received no STRs related to terrorism financing but disseminated one TF follow-up report to SOCU based on new information from its database. The new information was reviewed by SOCU, who decided to close the case as there was no evidence of TF.

The absence of any new TF related STRs, investigations or prosecutions confirms Guyana's medium TF risk as indicated in the 2021 NRA Report.

In terms of terrorism threat, the second NRA report indicated that in 2019, Guyana ranked 131 from 163 countries on the Global Terrorism Index<sup>1</sup> at a score of 0.04. This is down from 0.08 in 2018 and 0.15 in 2017.

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<sup>1</sup> The Global terrorism ranking ranges from 0 – 10 with 0 meaning there is no impact of terrorism, and 10 being the highest impact of terrorism in a jurisdiction.

According to the 2023 Global Terrorism Index (**SD113**), Guyana ranked 93 from 163 countries, at a score of 0 which places the country in the category of *little to no risk of terrorism*.

Based on the findings related to terrorism financing in the second NRA, Guyana took a number of measures in order to address identified issues which included the following:

1. The development of a national counter-terrorism strategy, which include counter terrorism financing and proliferation financing strategies. The design of a counter terrorism strategy was also based on the results of the TF and PF risk assessment component of the 2021 NRA.
2. There is a completed NPO TF Risk Assessment (2022), where the TF risks for NPOs in Guyana was assessed as low.
3. There is improved cooperation and cooperation among agencies in relation to investigations of terrorism financing and terrorism. SOCU, as a semi-autonomous unit of the GPF, works in collaboration with the FIU, the GPF and the DPP office to detect and investigate TF and terrorism cases, .
3. Guyana has a large range of international information sources that can provide assistance in relation to TF matters. There are also mechanisms to cooperate with international and regional counterparts such as Interpol, CARICOM IMPACS, RSS-ARU and ARIN-CARIB. Interpol National Central Bureau (NCB) Georgetown is part of the Guyana Police Force (GPF). It is an operational unit, meaning NCB police staff can exercise police powers across the country on behalf of the national police, including the power to arrest. The Georgetown NCB provides a 24-hour permanent service, working with the global INTERPOL community to help the GPF monitor the wider organized crime picture and reduce its impact on Guyana.

### *Key Agencies*

The key agencies with responsibility for countering terrorism financing in Guyana are the FIU, SOCU and DPP. The Guyana Police Force (GPF)-Special Branch and the GPF Criminal Investigations Department (CID) also play a critical role in countering TF as these departments are also responsible for investigating and prosecuting terrorism matters respectively.

The FIU is responsible for requesting, receiving, analyzing and disseminating STRs and other information relating to ML, TF or proceeds or crime, in accordance with section 9 of the

AMLCFT Act. The FIU identifies TF through various mechanisms, namely STRs which may disclose a connection to TF activity.

The FIU also checks against the UN Consolidated List for TF designations. The FIU system allows the Unit to conduct checks of its database against UN designations to determine whether there are any reports of persons providing assistance to sanctioned organisations and/or entities.

Links to the UN Consolidated List and UN Press Releases are on the FIU's website. Further, the FIU checks the UN Press Releases link daily (weekday) for any updates (additions/deletions/amendments) to the UN Consolidated List, and any such updates are communicated electronically without delay to reporting entities (REs) through their respective supervisory authorities (SAs). The FIU also maintains a record of updates communicated to REs.

The system also allows for generation of alerts which are sent to the analysts, who have specific TF training, for further investigation and analyses. Thus far, there have been no alerts pertaining to designated persons or entities.

#### *Guyana Revenue Authority (GRA)*

The GRA is the tax collection and enforcement authority in Guyana, with a Customs and Law Enforcement Division; these are critical elements in recognizing not only cross border related issues and predicate offences of tax evasion, but the detection of prohibited items entering and leaving Guyana and the countering of such.

#### *Office of the Director of Public Prosecutions (DPP)*

As the constitutional office which is dedicated to the prosecution of all crimes in Guyana, in addition to SOCU, the Office of the DPP will also naturally be tasked with the prosecution of serious offences such as TF/PF. This is being done in a coordinated manner with SOCU, who also has a qualified attorney-at-law as staff, in order to also fulfill its prosecutorial mandate.

#### *Customs Anti-Narcotics Agency (CANU)*

CANU is an established law enforcement agency specifically mandated to deal with seizure of narcotics, in conjunction with the GPF and SOCU in related matters. As a result, CANU engages in information sharing with agencies responsible for AML/CFT.

*International exchange of information relating to terrorism and terrorism financing*

Between 2018 and April 2023 the FIU did not send any international request for information relating to terrorism or terrorism financing but received five (5) requests from other FIUs. Over the same period, the FIU made one (1) spontaneous disclosure and received one (1) spontaneous disclosure related to terrorism financing. The FIU responded to all five (5) requests promptly, taking into account the urgent nature of the requests.

*Statistics on International exchange of information relating to terrorism and TF:*

Years	Request sent		Request received		Spontaneous info shared		Spontaneous info received	
	T	TF	T	TF	T	TF	T	TF
2018	0	0	0	1	0	1	0	1
2019	0	0	0	2	0	0	0	0
2020	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0
2022	0	0	0	2	0	0	0	0
2023	0	0	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>

To date there has been no matches of persons/entities listed by the UNSC conducting transactions locally.

In 2020 the FIU responded to two requests from a regional FIU for information on SUBJECTs believed to be involved in TF. FIU Search results did not indicate any negative information on the SUBJECTs.

In 2022, one STR was received from a local LFI that possibly involved a relative of a sanctioned (not TFS) ex leader, but it was not necessarily TF related.

In 2022 two requests were sent to local law enforcement for updates on previous reports on suspected TF activities based on requests for updated information previously received from foreign FIUs.



*SOCU*

SOCU is responsible for investigating ML, TF and other financial crimes. SOCU, in collaboration with the GPF, are able to investigate terrorist financing and terrorism-based offences. SOCU also maintains statistics on terrorism and TF related matters investigated.

Between 2018 and April 2023, SOCU investigated all the TF matters which were referred to the Unit by the FIU. However, the investigations did not reveal any actual instances of TF and were discontinued accordingly.

The SOCU has implemented a number of measures since the last NRA towards improving its ability to combat matters related to TF and PF, based on the risk -based action plan and input from actions of the National Policy and Strategy. These are documented below as follows –

<b>Required Actions/from action plan</b>	<b>Agency/ies responsible</b>	<b>Status Update/Actions taken to date</b>
Establish a national counter-terrorism department.	GPF Special Branch and SOCU	An amendment to the Anti-Terrorism Act 2015 has formally codified the Special Branch ATU (new section 54A), as well as formally establishing a National Anti -Terrorism Task Force (new section 54B)
Ensure increased cooperation and collaboration among the key agencies responsible for receiving and analyzing STRs related to TF, and those which investigate and prosecute TF and terrorism matters.	GPF Special Branch and SOCU	There have been no TF reports for 2022, however, the MOUs are in place to enable a prompt working relationship between SOCU and other LEAs, such as the FIU. An inter-agency MOU on law enforcement is also being finalized for August 2023.

Provide specialized terrorism and TF training for the agencies that analyse, investigate and prosecute TF and terrorism matters.	GPF Special Branch and SOCU	Training has been received for the period in question, with more sessions scheduled. There is at least one TF/PF related training each year. This is facilitated by well-known international organizations such as the CFATF, IMF and the World Bank, as well as the NCC
Establish designated units or identify specific staff within the key agencies to focus on terrorism and TF.	GPF Special Branch and SOCU	Such persons have been allocated for such functions, with SOCU having received an increase in staff members
Designate or identify a point person with responsibility for maintaining data and statistics related to terrorism and TF.	GPF Special Branch and SOCU	This has already been established in SOCU and the Special branch, with legislation indicating that these agencies collect statistics in relation to terrorism and terrorism financing. This is also done in relation to STRs by the FIU.
Establish measures to enable the relevant agencies to identify, initiate and prioritize TF cases.	GPF Special Branch and SOCU	A number of measures are available, as well as through domestic and international cooperation
Formulate MOUs to allow for sharing of information among critical agencies.	SOCU	Some of these have been signed, with others awaiting execution this year, such as the interagency MOU to be completed in August 2023.

Use standardized format for requesting and sharing of information.	SOCU	This is currently being done by SOCU and other related agencies.
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*Global Terrorism Index*

Guyana has not identified any new instance of terrorism financing since the last NRA and according the 2023 Global Terrorism Index, there is no impact of terrorism in Guyana. Notwithstanding, Guyana has taken a serious approach to any matter that could potentially have a terrorism or TF element.

*Position by the Government of Guyana*

Guyana’s NRA dated July 2021, revealed that the overall TF risk was Medium. As a result of this, the Government completed a National Policy and Strategy for Combatting Money Laundering and Terrorism Financing, and the Financing of Proliferation 2021-2025.

While the Caribbean region is not known for terrorist attacks, it may be possible that corporate vehicles may be used to fund terrorism and terrorist attacks outside of the region.. However, the Anti- Terrorism and Terrorist Related Activities Act 2015 makes provisions for information sharing relating to terrorist financing which allows for disclosure of information with an appropriate authority of a foreign state. This will ensure that Guyana, can work with foreign countries to trace and determine the actions/ movement of persons suspected of involvement in the commission of terrorist acts.

*Policy and Strategy*

Guyana has a National AML/CFT/CPF Policy and Strategy. The Policy and Strategy provides guidance to Guyana to achieve objectives in relation to combatting ML/TF/PF, and will determine that Guyana:

- Provides law enforcement agencies (LEAs) and prosecutors with sufficient legal powers and tools to detect and disrupt criminals and terrorists' activities and to make certain that those who commit such acts against Guyana, its citizens, institutions, economy, or the global community are detained, delivered to the courts and brought to justice, including through proportionate and dissuasive punishments such as imprisonment, and depriving them of their assets through fines, confiscation and asset recovery;
- Ensures preventative measures are taken by financial institutions and Designated Non-Financial Businesses and Professions to prevent ML/TF/PF activities from occurring in those sectors, to detect such activity when they occur, disclose suspicions to the authorities, and to provide LEAs with information and evidence relating to such activities; and
- Ensures that international cooperation and assistance are provided and can be received to support global efforts in fighting ML/TF/PF threats.

### *Proliferation Financing*

The same process utilized for the implementation of TFS related to TF is also utilized for PF. Similarly, TFS related to PF is required to be implemented without delay, of which the procedure is updated in the AML/CFT (Amendment) Act and Regulations 2023.

These measures/procedures which also include procedures for de-listing, unfreezing and providing access to frozen funds or other assets relating to persons or entities designated in accordance with resolution 1718(2006) and its successor resolutions, are publicly known (shared with reporting entities, supervisory authorities and other competent authorities and also placed on the FIU's website).

The above mentioned measures/procedures are shared with REs, SAs and CAs along with Guidelines on TFS related to terrorism, TF and PF which provide general information and guidance on how to comply with the local legislative requirements and the FATF standards relating to TFS, particularly as they relate to the freezing, unfreezing, and access to frozen funds of a person or entity designated by the United Nations Security Council in accordance

with the UNSCRs 1267(1999), 1718(2006), and 2231(2015) and their successor resolutions, or specified in accordance with UNSCR 1373(2001) and its successor resolutions as prescribed under Sections 68 (A-I) and 2(2) of the AMLCFT Act (as amended) respectively.

The FIU has never received a report regarding PF, however, to ensure that REs remain vigilant, the REs are required to submit quarterly reports to the FIU, indicating whether they had dealings with any person or entity listed on the UN Consolidated list which includes PF listings. REs have measures in place to comply with the TFS requirements.

*Procedures in place to ensure the proper implementation of TFS relating to PF without delay, and how obligations are communicated to reporting entities in a timely manner.*

To complement the legislative provisions regarding TFS relating to PF, the FIU checks for updates to the UN Consolidated List daily (weekdays). Updates by the UNSC are done via Press Releases published by the Security Council. For easy access by the FIU, REs and the general public, the Links for the UN Consolidated List [United Nations Security Council Consolidated List | United Nations Security Council](#) and UN Press Releases [Press Release | UN Press](#) are placed on the FIU's website.

Where there are updates/amendments in the form of addition of new names or removal of names from the list, these are communicated to SAs immediately to disseminate to their respective REs.

SAs disseminate the updates/Press Releases to their respective REs immediately upon receipt from the FIU. Information is regularly updated and placed on the FIU's website which is accessible by the general public. There are also:

- Publications in the local newspapers of notices of designation by UNSCR and
- Training with Reporting Entities and Supervisors.

#### *Legislative provisions in relation to PF*

There are legislative provisions allowing for the identification and reporting of funds or other assets of a designated or listed person or entity by a reporting entity. PF is acknowledged in the current AML/CFT legal architecture in Guyana, being defined in section 2 of the AML/CFT Act as amended, as well as indicated in the TFS regime in sections 68e-68i of the AML/CFT

Act as amended and the AML/CFT Regulations 2015; further, the AML/CFT Amendment Bill 2023 criminalises PF by new sections 75a and 75b.

Additionally, the new Bill makes PF a predicate offence under the Second Schedule.

No funds or other assets of a designated/listed person or entity was ever identified and reported by any RE. Further, Guyana has never had cause to investigate, provide assistance or freeze/seize assets of a person or entity relating to PF.

Reporting entities are prohibited from dealing directly or indirectly with any property of a *listed person or entity*<sup>2</sup>; entering into or facilitate, directly or indirectly, any transactions relating to a listed person or entity; providing any financial or other related service in respect of a listed person or entity; making any property or any financial or other related service available directly or indirectly, for the benefit of a listed person or entity.

In order to comply with the prohibition provision, reporting entities screen all their customers against the UN Consolidated List and Updates prior to the establishment of business relationships. Evidence of screening in accordance with TFS procedure is seen by SAs during examinations.

REs have an obligation to identify and verify the identity of all its customers including customers who are legal persons or arrangements and their beneficial owners.

BO information for legal persons and arrangements is maintained by the Commercial Registry. To enable REs to meet their CDD obligations and CAs to carry out timely investigations, BO information is made available to REs and competent authorities upon request to the Commercial Registry without delay. The Commercial Registry currently provides a monthly list of all businesses registered (including BO information), which forms part of the FIU database holdings, allowing access to the BO information from the FIU if needed.

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<sup>2</sup> A listed person or entity means a person or entity published on a list of designated persons or entities by the UNSC pursuant to UNSCR 1718(2006) and its successor resolutions and UNSCR 2231(2015) and its successor resolutions.

*How potential dual use/purpose items are treated.*

GRA-Customs maintains a list of potential dual-purpose items and is vigilant in ensuring that such items are not contained in any vessels passing through its ports. Over the years, the department has never identified any such items being transported and therefore had no cause to take action accordingly.

All reporting entities in the financial sector have policies relating to terrorist financing and proliferation financing which provide for the ‘without delay’ procedure for complying with the AMLCFT Act and Regulations.

All reporting entities are also required to submit Terrorist Property Reports (TPR) to the FIU pursuant to the AMLCFT Regulations 2015. A TPR is a report that a reporting entity must submit to the FIU, whenever it has knowledge that funds or other assets in its possession are for a person or entity that is listed on the United Nations Security Council (UNSC) Consolidated List or listed or specified by order of the Minister of Finance of Guyana in accordance with section 2(2) of the AMLCFT Act 2009.

A TPR must be submitted immediately (without delay) after the person has been identified as having the beforementioned association.

In addition, a reporting entity must submit Terrorist Property Quarterly Reports every quarter indicating whether or not the reporting entity had dealings with a listed person or entity. This is to ensure that reporting entities remain vigilant regarding TF/PF designations. Such reports are due as follows:

- On or before January 7 for the quarter (October – December)
- On or before April 7 for the quarter (January – March)
- On or before July 7 for the quarter (April – June)
- On or before October 7 for the quarter (July – September)

Reporting entities are largely compliant in this regard. The FIU maintains a database of Terrorist Property Quarterly Reports received from reporting entities.

Consistent with their obligations, REs conduct screening for proliferation financing against the UN Consolidated list. This is confirmed during examinations by SAs. REs are informed via email of updates to the UN Consolidated List. The UN Press Release communicating the changes to listings by the UN Security Council are sent to REs to keep them informed of new

listings or removals from the list. The FIU maintains statistics on updates sent to SAs and SAs maintain statistics on updates sent to their respective REs.

To provide general information and guidance to reporting entities on how to comply with the local legislative requirements and the FATF standards relating to TFS, particularly as they relate to the freezing, unfreezing, and access to frozen funds of a person or entity designated by the United Nations Security Council in accordance with the United Nations Security Council Resolutions (UNSCRs) 1267(1999), 1718(2006), and 2231(2015) and their successor resolutions, or specified in accordance with UNSCR 1373(2001) and its successor resolutions as prescribed under Sections 68 (A-I) and 2(2) of the AMLCFT Act (as amended) respectively, the FIU published the following:

- AML/CFT Handbook for Reporting Entities, includes guidance for REs on maintaining sanctions list and conducting screening on customers.
- Guidelines on TFS relating to terrorism, terrorism financing and proliferation financing. These Guidelines include sections on TFS: the basic, Combatting terrorism, TF and PF, Listing, Delisting, Freezing, Unfreezing, Authorizing Access to Frozen Funds, and Penalties.
- Procedure/Measures relating to TF and PF

The CFATF's publication on "What is Proliferation Financing?" was also shared with REs and placed on the FIU's website.

Some SAs also provide guidance to their respective REs on TF and PF. Please refer to the table below on TF and PF Guidance provided by SAs to REs".

Note: Where SAs do not issue guidance related to TF and PF to their respective REs, they share the FIU guidelines as evident from their submissions above.

All AML/CFT training for REs include an element of PF as well. At a minimum, the training includes information on the offence of PF, what is PF, the TFS requirements for PF, and PF red flags/indicators.



*Frequency of engagements (trainings and outreaches) by SAs -*

<b>REs</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Banks	1	-	-	-	1	-
Money Transfer Agencies	-	-	-	-	1	-
Cambios	1	-	-	-	2	-
Insurance Companies	16	-	-	-	-	-
Insurance Brokers	6	-	-	-	-	-
Securities Companies	-	-	-	1	1	-
Lotteries	-	-	-	-	2	-
Betting Shops	-	-	-	-	2	-
Casinos	-	-	-	-	2	-
Dealers in Precious Metals	1	1	1	1	-	-
Dealers in Precious & Semi-Precious Stones	-	-	14	4	5	2
Used Car Dealers	-	-	-	-	1	-
Pawnbrokers	-	-	-	-	1	-
Real Estate Agents	-	-	-	-	-	-
Credit Unions	1	2	-	-	-	-
Cooperative Societies	3	7	-	-	-	-
Friendly Societies	3	7	-	-	-	-
<b>Total</b>	<b>32</b>	<b>17</b>	<b>15</b>	<b>6</b>	<b>18</b>	<b>2</b>

*Engagements - Training and outreach to reporting entities by the FIU*

<b>Years</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Training</b>	13	9	3	6	3
<b>Outreach</b>	3	10	0	2	1
<b>Totals</b>	16	19	3	8	4

### **3 - IMPROVING AND DEVELOPING UNDERSTANDING OF RISKS**

After the 2021 National Risk Assessment, Guyana undertook a risk assessment of non-profit organisations and its terrorist financing risks.

#### *Non-Profit Organisations*

- NPOs in Guyana in accordance with the FATF definition falls under three main classifications: Friendly societies
- Not-for-Profit Companies and
- Arrangements (i.e., the registration of trust deeds) and registered under the relevant statutes.

The NPO risk assessment determined that the total number of NPOs formed as companies was 487. The breakdown of activities carried out by these NPOs include the following: 209 religious, 66 charitable, 40 educational, 112 social or fraternal, 60 for conducting other good works.

It was found that the risk was low, however, Guyana has undertaken an outreach exercise with NPOs in order to provide adequate sensitization, and to further identify FATF recommended NPOs.

#### *Outreach and engagement*

Significant outreach and engagements continued with NPOs, to further increase the understanding of the sector's risk exposure beyond what was known when the 2022 NPO NRA was published, thus reducing the sector's overall risk exposure.

An outreach was recently held in July 2023 in region 4, with sensitization on the 2021 NRA, as well as the 2022 NPO TF Risk Assessment, TF/PF and Targeted Financial Sanctions (TFS), as well as requirements under the legislation,.

Questionnaires were also distributed for further analysis between the FIU, NCC and Registrar of Friendly Societies.

The guidelines for NPOs as well as reporting entity's obligations, within the Guyana Compliance Commission legislation, was communicated to NPOs, as well as the updated provisions with regard to reporting entity obligations under the AML/CFT (Amendment) Act 2023.

#### *Domestic cooperation and coordination*

Legal gateways have been extended for information sharing purposes and a Memorandum of Understanding (MoU) has been signed between competent authorities in general, as well as law enforcement agencies.

The Commercial and Deeds Registry, as well as the Registrar of Friendly Societies, are party to the MOU, thus providing even more clarity on the ability to access accurate and up to date beneficial ownership information for all body corporates, including for NPOs, on a timely basis.

#### *Cross-border physical movement of cash*

The majority of seizures and confiscations have a nexus to ML, drug trafficking, corruption, cash smuggling and fraud, which are identified in the NRA as being the predicate offences that generate criminal proceeds.

Guyana can take expeditious action in relation to coordinating seizure and confiscation actions with other countries/jurisdictions in relation to money laundering or terrorist financing matter.

At the time of writing, SOCU has an application before the court for two properties to be restrained. Two cars and one four-wheel motorcycle was restrained in 2021.

SOCU is also in the process of filing civil forfeiture proceedings against suspected proceeds of crime including vehicles, properties and buildings with regard to ML charges filed in 2023.

All restraining orders are pending civil forfeiture applications.

Cooperation as part of the policy objective is clearly addressed and articulated within both the Risked Based Approach (RBAP) and the National Policy and Strategy (NPS).

The FIU was also involved in 3 asset freezing actions in 2017 & 2023 as indicated in the table below:

Years	Number	Value (GY)	Case Details
<b>2017</b>	2	\$52,372.50	The FIU cooperated and collaborated with the Minister of Finance, Attorney General's Chambers, the Office of the DPP in relation to the freezing properties and assets of 2 persons designated by Guyana under UNSCR 1373 as terrorists. Assets included real property valued GY\$50,100 and cash in bank account valued GY\$2,272.50)
<b>2023</b>	1	\$846,449.00	A freeze instruction was issued to a bank with respect to a STR which indicated that several suspicious deposits were made by 3 <sup>rd</sup> parties; 10 <sup>th</sup> March 2023
<b>Totals</b>	<b>3</b>	<b>\$898,821.50</b>	

## 4. INTERNATIONAL AND REGIONAL CONSIDERATIONS

The Mutual Assistance in Criminal Matters Act makes provision for the procedures and conditions for providing legal assistance which is applicable to terrorist activities. The National Policy and Strategy for Combatting Money Laundering and Terrorism Financing, and the Financing of Proliferation 2021-2025 also provides an action plan on how to address these areas.

### *Consideration of Neighbour Jurisdictions*

#### *Caribbean region*

Although situated in the South America, Guyana is seen as part of the Caribbean region, being part of an economic union known as CARICOM with a common external tariff, and similar policy directions and initiatives, such as CARICOM IMPACS, the CARICOM Arrest Warrant Treaty and the CARICOM Asset Recovery and Asset Sharing Treaty.

. Besides facing the Atlantic Ocean to the north, the country is bordered by Venezuela, Brazil and Suriname. Most of these borders are covered in lush dense forests but there are some access points, particularly through the Takutu river with regards to Brazil, as well as the Corentyne river in relation to Suriname and the Cuyuni river in relation to Venezuela.

The Working Group acknowledged that there were a number of jurisdictions which, because of close proximity, trade and other relations, may be considered in terms of context and in relation to Guyana's risk regarding Terrorism Financing and Proliferation Financing. These jurisdictions are as follows –

#### *Trinidad and Tobago*

One of the members of the Caribbean Community, it has been said that Trinidad and Tobago has the most representation in the Islamic States' (IS) ranks in the Middle East.

The IS is a group with an active foreign policy for the recruitment and the campaign for the caliphate. To satisfy its interests, it has used the massive recruitment of Trinidadian individuals, making this Caribbean country one of the nations with the highest rates of radicalization of

foreign IS fighters in the Western Hemisphere (Cottee, 2019). The recruitment of Trinidadians for the IS has a broad historical explanation related to the Islamic insurgency and the IS' discourse on the constant marginalization of Muslim communities in TT.

In turn, Trinidadian fighters who decide to return to their country from the Middle East do not lose their citizenship rights and maintain the legal conditions to return, despite having belonged to the IS.<sup>3</sup>

More than 130 persons have left the Region to support the Islamic State (IS) as Foreign Terrorist Fighters. This presents an urgent threat that CARICOM governments are continuing to address.<sup>4</sup>

With regard to TF, the 4<sup>th</sup> Round Mutual Evaluation Report of Trinidad and Tobago indicates that the necessary intelligence agencies such as the Special Branch are aware that the jurisdiction is vulnerable to the threat of TF and acts of terrorism as their nationals have been arrested in the past for terrorist related activity in the USA. Furthermore, nationals from the jurisdiction are suspected to be fighting in Syria with the terrorist group ISIS/ISIL.<sup>5</sup>

There was not an adequate legislative framework to combat proliferation financing, although a policy which could be used was developed.

### *Suriname*

Suriname is not known as a safe haven for terrorists, and there are no known terrorist attacks in the country. However, in 2014, Dino Bouterse, who is the son of the former President of Suriname and reportedly served previously as the head of Suriname's Counter-Terrorism Unit, pled guilty in a Manhattan federal court in connection with his attempt to provide material support and resources to Hezbollah, a designated terrorist organization, along with narcotics trafficking and firearms offenses. It is acknowledged that this information is dated, being almost 10 years ago.

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<sup>3</sup> Córdova 2021 - Revista Científica-The Islamic State's terrorist diplomacy in Trinidad and Tobago. A Geometry of Terrorism approach - Volume 19 Number 33 pp. 75-90 January-March 2021 ÿ Bogotá D.C., Colombia pp76-77

<sup>4</sup> <https://today.caricom.org/2019/07/22/caricom-impacs-commonwealth-secretariat-collaborating-to-prevent-counter-violent-extremism-in-region/>

<sup>5</sup> CFATF (2016) – 4<sup>TH</sup> Round Mutual Evaluation Report of Trinidad and Tobago – page 70

Suriname had one prosecution and conviction in 2019 for the offence of Participation in a Terrorist Organisation which resulted in the seizure and confiscation of several objects.<sup>6</sup>

Suriname did not have the legislative or institutional framework to adequately combat proliferation financing.

### *Venezuela*

According to the 2015-2020 NRA findings, the Bolivarian Republic of Venezuela is exposed to foreign terrorist threats and domestic terrorism and its financing, although few of the TF cases registered are prosecuted in practice.<sup>7</sup> Additionally, Venezuela's 2015-2020 NRA indicates that the TF risk of NPOs is high, although the assessment team concludes that the high level of TF risk assigned to this sector cannot be justified.<sup>8</sup>

Venezuela has special courts with exclusive jurisdiction to hear and decide on cases related to terrorism, including TF cases.<sup>9</sup>

### *Brazil*

Brazil, which is a member of both the FATF and GAFILAT, has not yet had a published Mutual Evaluation Report for the 4<sup>th</sup> Round. The country, however, did complete a national risk assessment in 2021.

This risk assessment found that the TF risk in Brazil was low. In regard to terrorism and its financing, Brazil has demonstrated the capacity to detect and identify possible operations related to terrorists or their financing; the legal milestone; and the operational capability to investigate, pursue, and convict for any TF crimes, with specialized units for combating terrorism in several institutions such as the Brazilian Intelligence Agency (ABIN) and the Federal Police (PF), for instance. Using its existing capabilities, Brazil has detected and prosecuted some occasional TF cases.

In general, direct links between the most relevant international terrorist organizations and the country have not been identified even though occasional cases of radicalization have been

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<sup>6</sup> CFATF (2023)– 4<sup>th</sup> Round Mutual Evaluation Report – Suriname – page 13

<sup>7</sup> CFAT (2023) – 4<sup>th</sup> Round Mutual Evaluation Report - Venezuela

<sup>8</sup> Supra, page 75

<sup>9</sup> Supra, page 79

detected, especially during the period of the major sports events which occurred in the country between 2014 (World Cup) and 2016 (Rio de Janeiro Summer Olympic Games).

With the advent of global events, practices of international cooperation on TF activities were incorporated and improved. In brief, no significant local risks were detected, and it can be concluded that the main threats refer to foreign terrorist organizations operating abroad which seek to exploit some of the country's vulnerabilities to carry out TF activities. Despite the national general law to combat TF is closer to international standards, Brazil also has a normative deficit of regulation and effective supervision, especially regarding the Non-Profit Organizations (NPOs), which shall be the subject of coherent and priority work, proportional to the risks.<sup>10</sup>

#### *Approach regarded neighbouring jurisdictions.*

As a result, the threat of terrorism, TF and PF can be considered as low to medium low taking into account the reports and risk assessments of Guyana's closest neighbours; Guyana will however also remain vigilant with regard to its neighbours for any issues that may relate to terrorism, TF or PF.

#### *Virtual Assets and Crypto currencies in relation to TF and PF*

Guyana has undertaken a virtual assets and virtual assets service provider risk assessment, which also includes an assessment of the risks associated with VAs and VASPs in relation to TF and PF.

In 2023, to bring Guyana in line with international standards, amendments were made to the legislative regulatory framework which implement the FATF definition of VAs and VASPs.

Guyana has included actions related to virtual assets and VASPs to fall under the banner of reporting entities under the AML/CFT regime by way of the AML/CFT (Amendment) Act 2023; given the risk associated with virtual assets and Guyana's intention to further monitor the regime. Section 72 of the Guyana Compliance Commission Act has placed a prohibition on the use of virtual assets and the operation of VASPs in Guyana until 2026.

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<sup>10</sup> Brazil (2021) – National Risk Assessment – pp 8-9



Questionnaires in relation to the virtual asset risk assessment determined that due to the risky and anonymous nature of virtual assets, these could provide an avenue of TF/PF; additionally, the country's combatting ability would be low as Guyana is primarily a cash based society with little to no experience in matters related to virtual assets; as a result matters related to search, seizure, confiscation and forfeiture would be difficult without the right tools and training, and consequently very difficult for law enforcement to disrupt.

A policy decision was then taken by the Government of Guyana to prohibit the use of virtual assets (these cannot be used as legal tender in Guyana), or the trade, exchange or use of VAs, or operations of VASPs, until at least 1 January 2026 or whatever date the Minister may proclaim by order.

This provides time for a more granular and analytical-based assessment on the technology Guyana would need to adequately regulate virtual assets and VASPs.

The Working Group for Virtual Assets and VASPs determined that it would be a good step to place an advertisement in two major newspapers informing the public of the prohibition and asking persons to contact the FIU, as such persons will have to cease operations. However, no virtual asset or VASP activity was detected in Guyana.

VAs and VASPs related guidance was also published by the AML/CFT/PF National Coordination Committee, thus informing reporting entities and competent authorities regarding the risks and considerations in relation to Virtual Assets and VASPs.

## 5. TESTING AND STRENGTHENING CONTROLS

Supervision related to targeted financial sanctions (TFS) and compliance with TF/PF preventative measures is focused on the application of systems and controls as required under the AML/CFT Act 2009 and its regulations.

Supervised Persons must have policies and procedures in place that ensure compliance with preventative measures relating to TF/PF and TF/PF-related TFS and include reference to up-to-date and relevant legislation and statutory requirements.

It is important therefore to have screening arrangements in place which are reviewed regularly; identify how and to whom potential TF/PF and TF/PF-related TFS breaches are reported (internal and external).

Additionally, Business Risk Assessments of reporting entities must give consideration and assessment of TF/PF and TF/PF-related TFS risks and:

- any controls put in place to mitigate these;
- training of employees regarding TF/PF and TF/PF-related TFS compliance/adherence is provided to all relevant employees;
- monitoring and testing is carried out to ensure compliance with TF/PF and TF/PF-related TFS measures and
- that results are reported to the Board/ Senior Management team.

### *Designations*

Guyana successfully completed a designation upon a request by Trinidad and Tobago in 2017 with regard to two persons, namely Abdel Nur and Abdul Kadir.

As there are new legislative provisions and regulations, Guyana decided to test the system in relation to these new legislative instruments, which clarified that reporting entities are required to freeze funds and assets if there is a match on the list; this also includes wholly or jointly owned property by associates of the listed person.

Given the maximum based timelines, the exercise was completed in a timely manner.

A comprehensive report has been prepared and can be retrieved from the Financial Intelligence Unit with regard to the results, lessons learnt and recommendations.

## Examinations

It is critical that supervision entails a thematic review of the knowledge and ability of reporting entities to comply with the required of TFS, as these can relate to preventing persons from accessing funds to carry out terrorist related activity, including TF/PF.

The table below presents the examination cycle of the supervisory authorities in Guyana, with regards to their onsite and offsite supervision-

*Frequency of review and monitoring of financial institutions, and DNFBPs compliance with targeted financial sanctions- On-site/off-site Examinations*

REs	2018		2019		2020		2021		2022		2023	
	On	Off	On	Off	On	Off	On	Off	On	Off	On	Off
Banks	3	2	4	3	-	-	-	-	-	-	-	-
Money Transfer Agencies	4	4	3	3	-	-	-	-	-	-	-	-
Cambios	10	10	11	11	-	-	-	-	-	-	-	-
Insurance Companies	-	16	1	16	2 <sup>11</sup>	16	-	17	-	17	-	-
Insurance Brokers	-	6	2	6	-	6	-	7	-	11	-	-
Securities Companies	1	-	-	-	-	6	-	6	6	-	-	-
Lotteries	-	-	-	-	-	-	1	1	1	1	-	-
Betting Shops	-	-	-	-	-	-	8	8	9	8	-	-
Casinos	-	-	-	-	-	-	2	2	2	2	-	-
Dealers in Precious Metals	16	-	11	8	1	1	-	4	-	7	-	-
Dealers in Precious & Semi-Precious Stones	-	-	-	-	-	-	-	-	-	-	-	-
Used Car Dealers	20	2	28	2	1	23	2	65	44	50	14	10 <sup>12</sup>
Pawnbrokers	23	1	19	-	4	11	2	20	12	3	9	-

<sup>11</sup> These were partial examinations.

<sup>12</sup> As of March 2023

Real Estate Agents	5	-	11	-	2	-	3	29	7	3	-	-
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*Statistics on REs compliance with UNSCR Screening requirements*

No.	Type of Reporting Entity	Comply with UNSCR Screening		Type of system RE utilized for screening.
		Yes	No	
1.	Banks	√		Automated
2.	Money Transfer Agencies	√		Automated
3.	Non-Bank Cambios	√		Automated and Manual
4.	Insurance Companies & Brokers	√		OFAC Database Analyzer Software and Manual
5.	Securities Companies	√		Automated and Manual Screening
6.	Used Car Dealers	√		Manual
7.	Real Estate Agents	√		Same
8.	Pawnbrokers	√		Same
9.	Casinos	√		Automated and Manual
10.	Betting Shops	√		Automated
11.	Lottery	√		Automated
12.	Dealers in Precious Metals	√		Manual
13.	Dealers in Precious and Semi-Precious Stones	√		Manual
14.	Credit Unions	√		Manual
15.	Cooperatives	√		Manual
16.	Friendly Societies	√		Manual

All reporting entities are required to comply with legislative provisions on freezing funds or other assets relating to a person or entity published on a list of designated persons or entity by the UNSC pursuant to UNSCRs 1267 and 1373 and their successor resolutions. During examinations, SAs have found that reporting entities do not:

- a) Deal with any property of a listed person or entity;
- b) Enter into or facilitate, any transactions related to a listed person or entity;
- c) Provide any financial or other related services in respect of the property of a listed person or entity; or
- d) Make any property or any financial or other related service available, for the benefit of a listed person or entity.

Reporting entities are aware of the legislative requirements to continuously check to determine whether they are in possession or control of property owned or controlled by a listed person or entity and report immediately to the FIU if they find such property.

Generally, there has been no case of violation or breaches of targeted financial sanctions in relation to terrorist financing in the various sectors. Further, with the ongoing formal and informal communication channels between supervisory authorities and competent authorities, the sharing of intelligence in relation to said violations would be available to all competent authorities in a timely manner.

## **6. BUILDING CFT AND CPF CAPACITY**

### *Legislative framework*

The updated legislative framework ensures that TF and PF are adequately criminalized. These are supported by policy coordination, as well as domestic and international cooperation being further enabled as the fight against TF/PF calls for collaboration.

The updating of the TFS regime with FATF best practice also furthers this possibility; one of the grounds for designation is if the Director of the FIU has reasonable grounds to believe that a person is involved in terrorist activity, whilst the new section 75C allows for designation and freezing orders against a person or a listed state involved in proliferation financing.

By section 75E the Minister of Finance, based on a call by the FATF or CFATF, can make directives to competent authorities, reporting entities or supervisory authorities with regard to dealing with high-risk individuals or entities.

These are some examples of the legislative improvements that will further enable the fight and safeguarding of Guyana from being abused for TF/PF purposes.

## *Training*

Officers of the FIU, DPP and SOCU benefitted from several training sessions on TF, PF, cybercrime, and ML from a number of recognized international agencies, such as the UN, US State Department and the AMLFC institute.

### *Sample of training related to TF/PF for 2018-2023*

There has been TF/PF related training that FIU, SOCU, the office of the DPP and other competent authorities benefitted from between May 2018 and June 2023, are as follows:

<b>DATE</b>	<b>NAME OF TRAINING</b>	<b>PARTICIPANTS</b>
May 3-4 2018	<i>AML/CFT/CPF Workshop for Judges and Prosecutors inclusive of Countering Violent Extremism</i>	DPP, SOCU, AG Chambers
November 19-23 2019	<i>World Bank Counter Terrorism Training</i>	AG Chambers, FIU, DPP, SOCU
<i>March 11-15, 2019</i>	<i>CFATF Financial Analyst Training Course</i>	FIU
<i>March 18-20, 2019</i>	<i>Open-Source Internet Investigations Course</i>	FIU
<i>August 19-23, 2019</i>	<i>DEA/IRS -Inter-Agency Cooperation in Financial Investigations Course</i>	FIU
<i>December 2019</i>	<i>NPO Risk Assessment Module Training from the World Bank</i>	Registrar of Friendly Societies; AG Chambers
<i>December 2019</i>	<i>World Bank National Risk Assessment Sensitisation Exercise</i>	All competent authorities
<i>February 2020</i>	<i>World Bank National Risk Assessment Training</i>	All competent authorities

6/13/2020	<i>Certificate Course: International Legal framework against Chemical Biological, Radiological &amp; Nuclear (CBRN) Terrorism</i>	FIU
April 6-16, 2021	<i>Counter Terrorism Financing Training Module</i>	FIU
2021	<i>Countering the use of social media in Combatting Violent Extremism - UN</i>	SOCU
12/6/2022	<i>The New Face of the fight against financing of terrorism Webinar</i>	FIU
October 2022	<i>CFATF Pre Onsite Training</i>	All competent authorities
February 2023	<i>Training on the FATF Immediate Outcomes by the IMF</i>	All Competent Authorities
February 22- March 15 2023	<i>Use of Financial Intelligence</i>	FIU DPP SOCU GRA
March 2023	<i>Immediate Outcomes Training by the CFATF</i>	All competent authorities
June 26-27 2023	<i>CFT/CPF Training by the World Bank</i>	All Competent Authorities

There was also TF/PF related training on confiscation and trade-based money laundering during this period.

#### *Updating of websites regarding financial crimes*

Competent authorities, especially in light of facing the COVID-19 pandemic, were very efficient in the use of virtual meetings and technology to continue monitoring and supervision, and to attend training.

Much of their materials, such as supervisory guidelines, and guidance by the FIU, were consistently updated and placed on their various websites, making them easily accessible.

*More sensitisation and involvement with the private sector*

All competent authorities for the period assessed in this TF/PF Risk Assessment update conducted more sensitization and involvement with the private sector and their reporting entities. The National Risk Assessment would have been disseminated, as well as various guidances.

Engagements were mainly virtual during the 2020-2022, with in person events vigorously recommencing when it was deemed safe for persons to physically interact again. One example is the Guyana Securities Council which has established its AML/CFT/PF STRATEGIC PLAN 2023-2026 which addresses ML/TF/PF in relation to securities business. Part of this strategy includes publishing in print and online media to raise awareness in relation to ML/TF/PF.

Results indicated fair participation and willingness to learn from reporting entities, which fosters a positive and collaborative relationship for the AML/CFT/CPF regime in Guyana.

*SOCU, Counter Terrorism Unit and the Anti-terrorism Task Force.*

The NRA recognized the need for a policy level body, in addition to a counter terrorism department or agency. These functions were being performed, but not mandated within legislation. As a result, terrorism and TF/PF investigations fell under SOCU, whilst the GPF - Special Branch would do the necessary intelligence.

These bodies met as necessary, including with the Director of the FIU, the DPP and the Attorney General, particularly for matters that may involve interception of communications, briefings and discussion of actions to be taken in terms of intelligence or requests from other countries with regard to possible terrorism related activity.

Section 54A ensures that the Special Branch is recognized in terms of its intelligence services in relation to terrorism, and its cooperation with SOCU in terms of investigations is also illustrated by that section. SOCU, being the arm for investigating and prosecuting terrorism, TF and PF, was clearly made a semi-autonomous Unit by section 108A of the AML/CFT (Amendment) Act 2023 and can perform international and domestic cooperation on such matters as per sections 76 and 108A respectively.

Section 54B of the Anti-Terrorism and Terrorist Related Activities Act 2015, provides that there will be an Anti-Terrorism Task Force that will include the Attorney General, the DPP,



the Minister of Home Affairs (National Security), the Head of the National Security and Intelligence Agency, the Head of the Special Branch Anti-Terrorism Unit and the Director of the FIU.

This indicates that an institutional and policy structure has been established that can further enable Guyana to effectively battle terrorism, TF and PF.

#### *NCC Working Group on Law Enforcement Issues*

As the policy and decision-making body in relation to AML/CFT/CPF in Guyana, the NCC has the ability to create thematic working groups for related areas. As mandated by the Hon Attorney General as Chairman of the NCC, the Working Group on Law Enforcement Issues were directed, in light of the significant work done by Guyana in relation to TF/PF and TFS related issues, to update the TF Risk Assessment with qualitative and quantitative information that brings a clearer picture to what pertains for Guyana, and re-rate the risk if necessary.

This Working Group primarily consists of the Attorney General's Chambers and the Bank of Guyana, as well as the law enforcement based competent authorities of the NCC such as the GRA, SOCU and the FIU.

Other agencies can be invited based on the relevant thematic work being done, such as fighting illegal wildlife trafficking, combatting gold smuggling, preventing human trafficking and migrant smuggling and continuing the war on drugs and illicit firearms.

Whilst the use of the World Bank Tool indicated, due to having no known terrorist groups, low incidence of STR reporting, comprehensiveness of a legal framework and resources to effect actions pointed to a possible reduction of the risk to medium low, the Working Group decided that due to the policy directive and the clandestine nature of TF and especially PF, to remain vigilant with the relevant actions taken to detect and ultimately prevent these type of crimes from occurring in Guyana.

The Working Group also opined that the close proximity to the next NRA, scheduled to begin in December 2024, would also further justify the decision not to tamper with the ratings at this time, given that there were still no prosecutions or convictions related to TF/PF in Guyana.

## **7. STRENGTHENING CAPACITY WITH INTERNAL AND EXTERNAL STAKEHOLDERS**

As discussed previously, Guyana already has a National Policy and Strategy 2021-2025 with regarding to, inter alia, combatting TF/PF.

### *Counter Terrorism and TF/PF Strategies*

There is a Draft Counter Terrorism Strategy, which also supported by TF and PF Strategies to ensure close collaborations, coordination and information sharing domestically and internationally.

Given that the TF/PF Risk Assessment is being updated by this Report, this Strategy will be also updated to reflect these findings, thus synergizing it with the most recent findings, and ensuring that actions are targeted and reflect, in the CTF and CPF aspects, the recommendations of this Report.

### *Political commitments on the fight against TF/PF*

Based on the questionnaires in the updating of this risk assessment, stakeholders found that the political commitment is very high given the continuous amendments of relevant legislations and strengthening of various institutions involved in the AML/TF/PF regime , with the AML/CFT/PF National Coordination Committee being the mechanism to direct national efforts in the fight against TF and PF and is chaired by the Hon. Attorney General of Guyana.

## **8. BENEFICIAL OWNERSHIP**

It was recognised that charities and non-profit organisations could possibly be used as vehicles for terrorism financing. Generally, this information is obtained, retained and updated for trusts, NPOs and cooperatives by the relevant competent authority (Registrar of Deeds, CCDO). BO information is also maintained and updated by the Registrar of Commerce for incorporated and unincorporated businesses. Information is made available to the FIU on request.

There are guidelines for NPOs in the Second Schedule of the Guyana Compliance Commission Act. This is also supported by the requirement for the Registrar of Companies to keep a beneficial ownership register, with the ability to issue beneficial ownership guidelines.

For the period 2021- 2023, the Deeds and Commercial Registries Authority has provided beneficial ownership information in a timely manner. In some cases, within 1-2 days. For larger documentation, within 4 days. The process is simplified as an email is sent to the Authority requesting the document and the process is started to gather the required files.

There is room for improvement and enhancement but there are mechanisms for legal arrangements and legislative mechanisms which regulate the entities/ individuals who may be permitted or authorised to create legal arrangements specifically NPOs, and societies. Under these legislative mechanisms, it is a requirement for due diligence to be conducted on each member of the society which is conducted by a third party (the Guyana Police Force).

The requirement on the Registrar to have a register, and the power to issue beneficial ownership guidelines are key elements that will assist with regard to beneficial ownership and issues that may be related to financial crime, including terrorism and proliferation financing.

However, it was recognized that there are some Legal Arrangements which do not fall under the legislation which requires registration, in some cases, legal arrangements are done privately without scrutiny of a designated public authority and will be addressed by the AML/CFT (Amendment) Act 2023 and its regulations.

*Neighbour jurisdictions and issues related to beneficial ownership.*

Whilst no disaggregated data or information was available with regard to companies with principals and directors from neighbor jurisdictions for legal persons, legal arrangements and NPOs, there are a number of reasons why it is likely that Guyana has legal persons and legal arrangements that may contain directors and beneficial owners from neighbor jurisdictions –

- Persons from neighbor jurisdictions historically do business in Guyana;
- Guyana’s oil and gas boom since 2020 has encouraged persons from neighbor jurisdictions, particularly Trinidad and Tobago, to seek opportunities in the oil and gas industry, although this is buttressed with local content legislation by Guyana, requiring companies to have at least 51% ownership by a national of Guyana and
- The historical context of gold mining and the experience of persons in Brazil and Venezuela in the mining industry. This is also likely for the oil and gas sector, although not to the extent of Trinidad and Tobago.

As a result, cross border information sharing will be key in relation to beneficial ownership issues. Legal requirements for companies to provide adequate, accurate and up to date beneficial ownership information to Registrars of legal persons and legal arrangements will also provide a key mitigation measure for reporting entities that may be onboarding or doing business with persons.

## 9. OVERALL RISK RATINGS AND PROPOSED ACTIONS

### *Terrorism Financing*

It is evident that significant progress has been made in understanding the risks associated with TF and PF since the conclusions of the 2021 NRA was published. The implementation of several measures identified in the 2021 NRA has helped strengthen mitigations in multiple areas.

However, it is important to note that Guyana will not elect at this time to have a reduction of risk overall and will continue to implement measures as necessary until it undertakes its 2024-2025 National Risk Assessment. As such, the overall risk of Guyana being used as a conduit for TF remains medium and policy actions and resources will continue to be used accordingly in relation to such.

### *Proliferation Financing*

Although not rated in the previous NRA, based on the responses in the questionnaire, it is clear that Guyana has greatly improved its framework with regard to PF, both policy wise, institutionally and legislatively.

The legislative improvements also ensure that designations can occur not only for persons recognised as terrorists, but also persons involved in any type of matter related to proliferation of weapons of mass destruction.

Given the nature of PF and the aim of such persons to avoid detection and sanctions, Guyana will continue to seek training and to implement measures against PF.

In order to ensure that Guyana is not abused for PF, Guyana will also implement the recommendations of this Report, towards further strengthening its framework and solidifying its current preventative measures.

### *Recommendations/Priority Actions – TF*

- There is a need to advance technologically to detect ML/TF/PF. The Government of Guyana should ensure that adequate resources are available to keep up with the changing methods used by money launderers and terrorists. Such an investment would enable Guyana to match international standards.
- It is also advised that Guyana further formalise counter terrorism/TF arrangements between other countries, such as done with FIU Guyana and FIU Belize in May 2023 by way of MOU;
- Although substantial outreach and engagement has been extended, it is acknowledged that CFT skills and CFT capacity must continually be evolving to effectively meet with the threat. Therefore, continued training and outreach will continue across the public and private sectors.
- Adequate monitoring and supervision for legal arrangements that fall within the definition of FATF Recommendation 8 that may be potentially abused;
- It is also important to have continuous public awareness campaigns, as well as targeted sessions with important stakeholder entities (private and public sector).  
and
- Take into account the detailed results of the Legal Persons and Arrangements, Virtual Assets and VASPs, NPO TF and Extractive Industries Risk Assessment with regard to TF and implement related recommendations.

Guyana will also be vigilant and continue to ask itself the question, what further mechanisms can be used to improve the national efforts to combat TF?

### *Recommendations/Priority Actions - PF*

- Given that this is still a developing area, there should be continued outreach and training including on PF criminalisation, obligations by reporting entities and the public, as well as to how to implement actions related to PF when there is a call by the FATF or CFATF, particularly in relation to states on a sanctions list related to PF.
- Guyana on a whole, and through its competent authorities, must ensure that guidance is provided for all persons regarding CPF implementation;
- Thematic reviews regarding the current mechanisms in place regarding CPF, also considering the effectiveness of national coordination efforts.

- Have the NCC Working Group on Law Enforcement Issues perform typologies in relation to PF;
- Provide, in addition to typologies, further guidance on PF specific identification and
- Take into account the detailed results of the Legal Persons and Arrangements, Virtual Assets and VASPs, NPO TF and Extractive Industries Risk Assessment with regard to PF and implement related recommendations.

## 10. CONCLUSION

In Guyana, there is a low number of STRs related to Terrorism, and no STRs in relation to proliferation of weapons of mass destruction. This is in keeping with the analysis that there are no domestic terrorist groups or known ‘standalone/lone wolf’ terrorists in Guyana.

However, as part of the Guyana’s AML/CFT/PF National Policy and Strategy, Guyana is committed to developing a risk-based framework consistent with FATF recommendations and Standards effective in the prevention, detection and response to Money Laundering, Terrorist Financing and Proliferation Financing Activities.

Guyana also recognizes that ML/TF/PF are not only domestic threats but an international problem which requires consistent sharing of information and cooperation among supervisory and competent authorities across the globe.

The Amendments have improved the AML/CFT/ PF regime, however, there is room for improvement as more cases arise. Further, the Amendment inserting new provisions which criminalise proliferation financing is a significant move in addressing PF Threats.

The amendment also gives the Special Organised Crime Unit (SOCU) specific powers to investigate TF/PF and to collaborate with key agencies such as the Guyana Police Force, the Guyana Defence Force, Customs Anti-Narcotics Unit or any agency with regards to the investigation and prosecution of unlawful conduct under the Anti-Terrorism and Terrorist Related Activities Act.

Whilst there is increased confidence in the ability of the law enforcement agencies in Guyana to combat and counter TF/PF, the substance of the Force must be supported with adequate resources and continue to have specialized staff trained in the area of TF and PF. The Guyana Police Force, Prosecutors and the Judiciary must be continuously trained to impact the conviction rate.

While the FIU is currently staffed with qualified and skilled staff, the number is not proportionate to the work of the FIU. Government should spare no cost to ensure that all supervisory authorities are sufficiently funded and possess the necessary working environment and staffing to ensure Guyana’s financial sector is protected.



However, as we move forward, the ongoing improvements are expected to contribute to a continued reduction in risks. The detailed findings of this update should be carefully considered to inform further mitigations.

Guyana, therefore, must remain vigilant, although there is a relatively low perceived risk of TF or PF occurring in the jurisdiction, whether primarily, cross border or on a transit basis.

It is imperative that we continue to monitor and assess the TF and PF risks in order to identify and address any potential areas of concern.

As a result, competent authorities are encouraged to continue to strengthen connections with internal and external stakeholders and supervisors and reporting entities are encouraged to consult the FIU's Guidelines related to TF and PF regularly, especially when considering new business relationships, in order to understand the risks better.

By doing so, we can work towards mitigating the risks identified and promoting a safer and more secure regulatory environment.

## APPENDIX I

### WORKING GROUP MEMBERS OF THE NCC Working Group on Law Enforcement Issues and for this TF/PF Update Exercise.

Name	Agency	Position
Rommel St. Hill	Attorney General's Chambers and Ministry of Legal Affairs	Coordinator; Officer in Charge of AML/CFT Implementation
Vickram Lall	Financial Intelligence Unit	Snr. Financial Analyst, FIU
Tevera Franklin	Guyana Securities Council	Corporate Secretary
ACP Fazil Karimbaksh	Special Organised Crime Unit (SOCU)	Assistant Commissioner of Police and Head of SOCU
Kecia Carrington	Guyana Revenue Authority	Revenue Officer
Natasha Backer	Officer of the Director of Public Prosecutions	Assistant DPP
Victor Herbert	Gaming Authority	Asst. Coordinator, Compliance Officer
Niranjanie Ramprashad	Bank of Guyana	Asst Director of Bank Supervision