

FINANCIAL INTELLIGENCE CENTRE (FIC)

Circular No. 01 of 2016

Additional obligations for Accountable Institutions (AIs) and Reporting Institutions (RIs) to report Suspicious Transactions (STRs) and Suspicious Activities (SARs) relating to Financing of Terrorism (FT) and Proliferation (PF), section 33 of the Financial Intelligence Act 2012, Act 13 of 2012, as amended (herein referred to as the FIA).

Introduction

This circular is issued in terms of Section 9(1) (h) of The FIA and bears reference to the issued Financial Intelligence Centre (FIC) Circular 1 of 2013.

The FIC, as part of its continued efforts to assist the Government of the Republic of Namibia to reduce the National Money Laundering (ML), Terrorist Financing (TF) and Proliferation Financing (PF) risks will be circulating lists derived from the United Nations Security Council of designated individuals, entities and other groups¹. These lists will be communicated via circulars to AIs and RIs whenever updates are made on the said lists.

The United Nations Security Council Resolution lists (1267/1989/2253, 1988, 1718, &1737)

Attached hereto find the following UN Security Council lists on which Accountable Institutions (AIs) and Reporting Institutions (RIs) are required to take relevant action as per the FIA:

- 1. Annexure "A"** The List established and maintained by the 1267/1989/2253 Committee with respect to individuals, Entities and other groups associated with Al-Qaida and ISIL (Da-esh) updated on **11 January 2016**.

The Al-Qaida Sanctions List consists of two sections, specified below:

- Individuals associated with Al-Qaida and ISIL (Da-esh): and
- Entities and other groups associated with Al-Qaida and ISIL (Da-esh).

¹ As mandated by the Prevention and Combatting of Terrorist and Proliferation Activities Act, 2014 (Act No. 4 of 2014) (PACOTPA) and its complementing regulations

The said list and updates thereto, can be accessed at:

<https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/1267.pdf>

2. **Annexure “B”** The List of individuals and entities established pursuant to Security Council Resolution 1988 (2011) as updated on **02 November 2015**.

The 1988 list consists of the following two sections as specified below:

- a) Individuals associated with the Taliban; and
- b) Entities and other groups and undertakings associated with the Taliban

The said list and updates thereto, can also be accessed at:

<http://www.un.org/sc/committees/1988/list.shtml>

3. **Annexure “C”** The consolidated list contains the entities and individuals subject to assets freeze and/or travel ban as decided by the Security Council and the Sanctions Committee established pursuant to resolution 1718 (2006) as updated on **10 December 2014**.

The said list and updates thereto, can also be accessed at:

<http://www.un.org/sc/committees/1718/>

In addition, an informal compilation of the names of the entities and individuals in the Korean language are available on the Committee’s website at:

http://www.un.org/sc/committees/1718/pdf/List_Entities_and_Individuals_Korean.pdf.

4. **Annexure “D”** The updated list established and maintained by the 1737 Committee with respect to individuals, groups, undertakings and other entities directly associated with or:

- a. providing support for the designated country’s proliferation sensitive nuclear activities or;
- b. for the development of nuclear weapon delivery systems;
- c. including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology.

The said list with its accompanying attachments was last as updated on **30 January 2015**, and updates thereto, can also be accessed at:

<http://www.un.org/sc/committees/1737/>

- 4.1 **Additional attachments to UNSCR 1737:** The following attachments provide context to items prohibited for export to and import from the designated country:

- 4.1.1 **Attachment D1:** List of items related to nuclear programmes referred to in resolution 1929 (2010) for the export of nuclear material, equipment and technology (dated 12 November 2012)

<http://www.un.org/sc/committees/1737/pdf/INFCIRC254Rev.11Part1.pdf>

- 4.1.2 **Attachment D2:** List of items related to nuclear programmes referred to in resolution 1929 (2010) for transfers of nuclear-related dual-use equipment, material, software and related technology (dated 30 June 2010)

<http://www.un.org/sc/committees/1737/pdf/INFCIRC254Rev.8Part2.pdf>

- 4.1.3 **Attachment D3:** List of items, materials, equipment, goods and technology related to ballistic missile programmes related to nuclear programmes referred to in resolution 1929 (2010) (dated 20 December 2012)

http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/947

- 4.1.4 **Attachment D4:** Guidelines for sensitive missile-relevant transfers referred to in resolution 1737 (2006) (dated 07 December 2006)

http://www.un.org/ga/search/view_doc.asp?symbol=S/2006/985

Als and RIs are directly, in terms of the FIA, and indirectly in terms of the PACOTPA, mandated to screen names of all their new and existing clients, as well as all transactions processed by the institution, against the names of the individuals and organisations on all the above sanctions lists (including the relevant attachments) and the updates thereto.

Whilst the FIC will at all times circulate the updates to the above identified lists to Als and RIs, as per applicable legislative provisions contained in the PACOTPA and its complementing Regulations, both Als and RIs have the responsibility to continuously and timeously familiarize themselves with updates made by the United Nations Security Council to the above lists.

Potential matches resulting from such screening must be subjected to enhanced customer due diligence measures as required by sections 23 and 24 of the FIA. In the event that a positive match is determined and enhanced customer due diligence is performed, Als and RIs should report this, as well as any details of any funds held on behalf of the listed party, immediately to the FIC as required by section 33 of the FIA.

Further, it should be noted that, it is an offence in terms of sections 2, 3 and 23 of the PACOTPA to deal with, enter into or facilitate any transaction or perform any other act in connection with funds connected with or owned by individuals, entities and

other groups associated with listed individuals or entities. The prohibitions contained in the above sections further establishes an effective freeze over the funds connected with or owned by the said individuals, entities and other groups as contained in the lists to ensure no transaction or any other act is performed in connection with such funds.

An AI or RI which provides products or services to these individuals, entities and other groups as per the said lists, as a result of failing to implement adequate screening measures, commits an offence and in addition exposes itself to an extremely high risk of Terrorist Financing or/and advancing weapons proliferation objectives.

Methods of reporting Suspicious Transaction Reports or Suspicious Activity Reports relating to Financing of Terrorism to the FIC

Als and RIs can report Suspicious Transaction Reports or Suspicious Activity Reports relating to Financing of Terrorism to the FIC through:

- a) Electronic submission(online/web based or xml by clicking on <https://www.fic.na/goaml/>); or
- b) Completion of manual STR/SAR form (form can be send to helpdesk@fic.na)

Non-compliance with the provisions of this Circular

Any non-compliance with the directions and specifications contained in this Circular is an offence in terms of section 63 of the FIA.

Further information

Enquiries can be directed to the FIC Help Desk by:

Email to helpdesk@fic.na

Tel: + 264 - 61-2835100

Fax: +264 - 61-2835259

The information contained in this document is intended only to provide a summary and a general overview on these matters and is not intended to be comprehensive. This document may contain statements of policy which reflect FIC's administration of the legislation in carrying out its statutory functions.

The guidance provided by the Centre in this circular, even though authoritative, is not intended to replace the FIA or PACOTPA including Regulations issued thereunder.

The information contained herein is current as at the date of this document.

Date issued: **13 January 2016**

Director: Financial Intelligence Centre