



Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 8 December 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the report of the Government of Guyana submitted pursuant to paragraph 6 of Security Council resolution 1455 (2003) (see annex).

(Signed) George Talbot
Chargé d'affaires a.i.

Annex to the letter dated 8 December 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Guyana to the United Nations addressed to the Chairman of the Committee

REPORT SUBMITTED BY THE GOVERNMENT OF THE COOPERATIVE REPUBLIC OF GUYANA PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

No activity by Usama Bin Ladin, Al-Qaida, the Taliban and their associates has been observed or detected in Guyana. Further, there appears to be no serious or immediate threat to Guyana or the region and as such no likely trends in relation to their activities are readily identifiable.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

The 1267 Committee's list has been circulated among law enforcement agencies, who have been placed on alert for the presence of listed persons and institutions or fund raising activities.

The list is also forwarded to the Bank of Guyana and the Financial Intelligence Unit. The Financial Intelligence Unit is the agency in Guyana with responsibility for the administering and implementing of the Money Laundering (Prevention) Act and has supervisory power for freezing, seizure and forfeiture of property, proceeds or instrumentalities. The Money Laundering (Prevention) Act is the principal legislation used to criminalize any suspicious or illicit financial activity.

The Bank of Guyana as the supervisory authority for the Licensed Financial Institutions (LFIs) under Guyana's Financial Institutions Act of 1955, issues circulars to all LFIs advising them of the names of individuals and terrorists organisations subject to assets freezing and restrictions of transfers pursuant to the United Nations Security Council Resolution (UNSCR).

Further, the Government of Guyana is in the process of drafting model legislation with a view to enacting comprehensive laws dealing with combating and financing of terrorism.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

To date, no problem with implementation has been reported regarding names and identifying information as is currently included on the current List.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

To date, the relevant authorities have not identified any of the designated individuals and entities operating in Guyana.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

Guyana has no additional names that it would wish to submit to the Committee.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

No designated or listed individuals have brought a lawsuit or engaged in legal proceedings against Guyanese authorities for inclusion in the list.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

No designated or listed individuals have been identified as nationals or residents of Guyana. Accordingly, no additional information is available on persons and organisations not already listed.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

The Criminal Law (Offences) Amendment Act 2002 which defines a terrorist act seeks to impose a monetary penalty and acts as a deterrent to persons who commit acts of violence.

III. Financial and Economic Assets Freeze

9. Please describe briefly:

- **the domestic legal basis to implement the asset freeze required by the resolutions above;**
- **any impediments under your domestic law in this context and steps taken to address them.**

There is no legal basis for freezing of assets of listed individuals unless the assets are derived illegally and unlawfully through narco-trafficking. In such instances prosecution is undertaken under the 1988 Psychotropic and Narcotic Substances Act and the Money Laundering Act. Further there are no impediments in the general legal provisions regarding freezing of assets of anyone mentioned in the consolidated list.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

The Bank of Guyana issues circulars to LFIs advising them of the names of individuals and terrorists organisations subject to assets freezing and restriction of transfers pursuant to the UNSCR. In addition, all LFIs are required by the Bank of Guyana to establish "Know your customer" and due diligence procedures/policies. During on-site inspections by the Bank of Guyana, examiners check the LFIs compliance with those policies/procedures.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Please refer to answer to question 10 above. The Due Diligence and Know Your Customer requirements include:

- (a) Financial Institutions developing programmes against money laundering which should include as a minimum:
 - (i) adequate internal policies, procedures and controls, including the designation of compliance officers at management level and adequate

- screening procedures to ensure high standards not only when hiring employees but on an ongoing basis;
- (ii) an ongoing employee training programme;
 - (iii) an audit function to test the above system.
- (b) Financial institutions should not keep anonymous accounts or accounts in obviously fictitious names.
 - (c) Taking reasonable measures to obtain information about the true identity of the persons on whose behalf an account is opened or a transaction is conducted if there are any doubts as to whether these clients or customers are not acting on their own behalf.
 - (d) Maintaining a minimum of five years, all necessary records on transactions, both domestic and international to enable them to comply swiftly with information requests from the competent authorities.
 - (e) Keeping records on customer identification.
 - (f) Reviewing and properly documenting the background and purpose of all complex, unusual large transactions and all unusual patterns of transactions, which have no apparent economic or visible lawful purpose.
 - (g) Reporting and cooperating with law enforcement authorities on all criminal activity or suspicious activities.
 - (h) No warning should be given to customers by employees or their directors when information on suspicious activities relating to them is being reported to the law enforcement authorities.

12. Resolution 1455 (2003) calls on Member States to provide “a comprehensive summary of frozen assets of listed individuals and entities.” Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- identification(s) of the person or entities whose assets have been frozen;
- a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);
- the value of assets frozen.

Guyana has not frozen any assets of listed individuals and entities.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

There has been no unfreezing of any funds, financial assets or economic resources, since there has been no frozen assets reported by the banking and financial system in Guyana of persons or entities alleged to be members of Al-Qaida or the Taliban.

14. Pursuant to resolutions 1455 (2003), 1390 (2002), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**

- **Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as -- or similar to -- "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

Guyana is presently drafting model legislation with a view to enacting measures under the Taliban/Al-Qaida Sanction Regime.

IV. Travel Ban

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

The Travel Ban is implemented administratively by inclusion and circulation of the relevant details in the stop list which is available to all officers at ports of entry.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

The names of listed persons are featured in stop lists updated by Immigration Divisions at the international airports and at international border crossings.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

The List is perused at a central point on a regular basis and if there are changes these are transmitted to the ports of entry.

The entry points in Guyana do not have the capacity of searching the List using electronic means.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No listed person has been stopped at any of our border points while transiting Guyana.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa issuing authorities identified any visa applicant whose name appears on the List?

Currently Guyana's Overseas Missions have a paper based arrangement where the List is filed and the Consular Offices are guided by the Consolidated List. No visa applicant whose name appears on the list has been identified.

V. Arms Embargo

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

The Commissioner of Police must approve all arms imports, exports and transit of arms ammunition and dangerous explosives before they can enter Guyana ports of entry.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

As was indicated earlier the Government of Guyana is in the process of drafting model legislation aimed at dealing with the combating and financing of terrorism.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

Every person or organisation desirous of purchasing a firearm must be licensed by the Commissioner of Police to do so. The process of acquiring a licence includes establishing a lawful and verifiable need to protect the person or property from physical harm. It also requires a thorough check of the applicant's criminal history, his associates and his personal character.

Such close examination of the applicant will reveal the identity of listed persons and organisations and trigger a negative response to their application to acquire licence to import or purchase arms and or ammunition.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them.

Guyana is not a producer nor manufacturer of weapons and ammunition.

VI. Assistance and conclusion

24. Would your state measures contained in the above-mentioned resolutions? If so, please provide additional details be willing or able to provide assistance to other States to help them implement the or proposals.

Guyana is not likely to be able to provide any assistance to other States to aid implementing the measures contained in Security Council Resolution 1267 and 1455.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

A critical area is the lack of electronic capacity at the ports of entry to maintain a perpetually updated list of Taliban/Al-Qaida persons. Assistance which will create an electronic network, including all ports of entry, for transmission and retrieval of information related to the list Taliban/Al-Qaida member and their movement will be most welcomed.