

FINANCIAL INTELLIGENCE CENTRE (FIC)

Circular No.4 of 2013

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), section 33 of the Financial Intelligence Act 2012, Act 13 of 2012.

Introduction

This circular is issued in terms of Section 9(1) (h) of the Financial Intelligence Act, 2012 (Act No. 13 of 2012) (FIA). Circular 1 of 2013 bears reference.

Overview

The Financial Intelligence Centre (FIC), as part of its continued efforts to assist the Government of the Republic of Namibia to reduce the national Money Laundering (ML) and Terrorist Financing (TF) risk, will via circular be circulating lists derived from time to time from the United Nations Security Council of individuals, entities and other groups associated with Al-Qaida and the Taliban (herein after referred to as the Lists) as mandated by the Prevention and Combating of Terrorist Activities Act, 2012 (Act No. 13 of 2012)¹²(PACOTAA) and its complementing regulations³.

The United Nations Security Council Resolution 1267 and related list

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

- 1) **Annexure “A”** The List established and maintained by the 1267 Committee with respect to individuals, groups, undertakings and other entities associated with Al-Qaida as updated on the **26 November 2013**.

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

- a) Individuals associated with Al-Qaida: and

¹ Prevention and Combating of Terrorist Activities Act, 2012 as published in Government Gazette No. 2 dated 14 December 2013.

³ Regulation 4(d), of the Prevention and Combating of Terrorist Activities Regulations as published in Government Gazette No 5250, dated 26 July 2013.

- b) Entities and other groups and undertakings associated with Al-Qaida.

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

<http://www.un.org/sc/committees/1267/AQList.htm>

- 2) The List of individuals and entities established pursuant to Security Council Resolution 1988 (2011) as last updated on the **18 October 2013**. Note that there are no subsequent updates since **18 October 2013**.

The 1988 list consists of the two sections specified below:

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

The lists can be accessed at:

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

Als and RIs are directly in terms of the FIA, and indirectly in terms of the PACOTAA, 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 both the above sanctions lists and the updates thereto.

Whilst the FIC will at all times circulate the updates to the identified lists to Als and RIs, as per applicable legislative provisions contained in the PACOTAA and its complementing Regulations, both Als and RIs have the responsibility to continuously and timely 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 PACOTAA 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 Al-Qaida and the Taliban.

The potential risk of Terrorist Financing is thus extremely high when an AI or RI provides products or services to these individuals, entities and other groups associated with Al-Qaida and the Taliban, as a result of failing to implement adequate screening measures.

Methods of reporting STRs/SARs relating to financing of terrorism to the FIC

Accountable institutions and reporting entities can report STRs/SARs 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 these Circular amounts to a criminal offence in terms 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 PACOTAA including Regulations issued thereunder. The circular does vary the existing guidance note on reporting of suspicious transactions regarding ML as far as adding the obligations pertaining reporting of Financing of Terrorist transactions or activities are concerned. The said guidance note can be accessed at www.fic.na by clicking on the Financial Intelligence Centre drop down list.

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

Date issued: **28 November 2013**

Director: Financial Intelligence Centre

26 November 2013



United Nations

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SECURITY COUNCIL AL-QAIDA SANCTIONS COMMITTEE ADDS

ONE INDIVIDUAL TO ITS SANCTIONS LIST

On 25 November 2013, the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) approved the addition of the entry specified below to its Al-Qaida Sanctions List of individuals and entities subject to the assets freeze, travel ban and arms embargo set out in paragraph 1 of Security Council resolution 2083 (2012) adopted under Chapter VII of the Charter of the United Nations.

A. Individuals associated with Al-Qaida

QI.A.320.13. Name: 1: ABD-AL-HAMID 2: AL-MASLI 3: na 4: na

Name (original script): عبد الحميد المصلي

Title: na **Designation:** na **DOB:** 1976 **POB:** a) Darnah, Libya b) Danar, Libya **Good quality a.k.a.:** a) Abd-al-Hamid Muhammad Abd-al-Hamid Al-Masli b) Abd-al-Hamid Musalli c) Hamid Masli **Low quality a.k.a.:** a) Hamza al-Darnawi b) Hamzah al-Darnawi c) Hamza Darnawi d) Hamzah Darnawi e) Hamzah Dirnawi f) Hamza Darnavi g) Hamza al-Darnavi h) Abdullah Darnawi i) Abu-Hamzah al-Darnawi **Nationality:** Libyan **Passport no.:** na **National identification no.:** na **Address:** Reportedly located in Waziristan, Federally Administered Tribal Areas, Pakistan. **Listed on:** 26 Nov. 2013 **Other information:** Leader and trainer of an Al-Qaida electronics and explosives workshop producing improvised explosive device components.

In accordance with paragraph 17 of resolution 2083 (2012), the Committee has made accessible on its website the narrative summary of reasons for listing of the above name, at the following URL: <http://www.un.org/sc/committees/1267/NSQI32013E.shtml>.

The Committee's Al-Qaida Sanctions List is updated regularly on the basis of relevant information provided by Member States and international and regional organizations. This is the thirtieth update of the List in 2013. An updated List is accessible on the Committee's website at the following URL: http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml.

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