



**FINANCIAL  
INTELLIGENCE CENTRE  
REPUBLIC OF GHANA**

**ANNUAL REPORT**

2011

# FINANCIAL INTELLIGENCE CENTRE, GHANA



## 2011 ANNUAL REPORT



# *Mission Statement*

To protect the Ghanaian economy from the scourge  
of money laundering and terrorist financing  
for the enhancement of national  
and global economic  
stability and  
growth.



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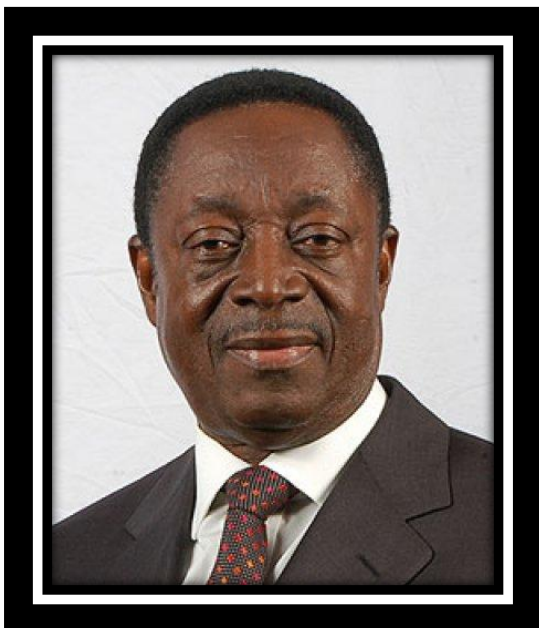
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## LIST OF ACRONYMS & ABBREVIATIONS

AGI	Association of Ghana Industries
AIs	Accountable Institutions
AML	Anti-Money Laundering
AUCD	Association of Used Car Dealers
BNI	Bureau of National Investigation
BoG	Bank of Ghana
CDD	Customer Due Diligence
Centif	Cellule Nationale de Traitement des Informations Financières (French: Financial Intelligence Unit)
CEO	Chief Executive Officer
CFT	Combating the Financing of Terrorism
CHRAJ	Commission for Human Rights and Administrative Justice
CIB	Chartered Institute of Bankers
CTR	Cash Transaction Report
DEA	Drug Enforcement Administration (U.S.A.)
DNFBPs	Designated Non-Financial Businesses and Professions
DVLA	Driver and Vehicle Licensing Authority
EOCO	Economic and Organised Crime Office
FATF	Financial Action Task Force
FDIC	Federal Deposit Insurance Corporation
FIC	Financial Intelligence Centre
FinCEN	Financial Crimes Enforcement Network
FinSAP	Financial Sector Adjustment Programme
FinSSP	Financial Sector Strategic Plan
FIU	Financial Intelligence Unit
GBA	Ghana Bar Association
GDP	Gross Domestic Product
GhIPSS	Ghana Inter Bank Payment Settlement Systems
GIABA	Inter-Governmental Action Group against Money Laundering in West Africa
GII	Ghana Integrity Initiative
GIS	Ghana Immigration Service
GPS	Ghana Police Service

GRA	Ghana Revenue Authority
GREDA	Ghana Real Estate Developers Association
GSS	Ghana Statistical Service
ICA	Institute of Chartered Accountants
ICT	Information Communication Technology
IMC	Inter-Ministerial Committee on Anti-Money Laundering and Combating the Financing of Terrorism
IR	Intelligence Report
IT	Information Technology
LEAs	Law Enforcement Agencies
MER	Mutual Evaluation Report
ML	Money Laundering
MLA	Mutual Legal Assistance
MOU	Memorandum of Understanding
NACOB	Narcotics Control Board
NBFIs	Non-Bank Financial Institutions
NCA	National Communication Authority
NIA	National Identification Authority
NIC	National Insurance Commission
NPRA	National Pensions Regulatory Authority
NS/AP	National Strategy and Action Plan
OTA	Office of Technical Assistance
PMMC	Precious Minerals Marketing Company
SEC	Securities and Exchange Commission
SIU	Special Investigative Unit
SOP	Standard Operating Procedure
SRB	Self Regulatory Body
STR	Suspicious Transaction Report
TF	Terrorist Financing
UNSCR	United Nations Security Council Resolution



## FOREWORD BY THE MINISTER

The menace of money laundering and terrorist financing poses serious threats to the socioeconomic integrity of countries and of the world as a whole. Apart from the fact that money laundering undermines sustainable development of economies, it also erodes social cohesion of communities and leads to conflicts in the body politic of nations, with huge cost to national economies such as Ghana.

The fight to prevent criminals from profiting from this crime is therefore, the 21<sup>st</sup> century challenge, not only for developed countries but also for developing countries such as Ghana, as we endeavour to contain, control, reduce and ultimately eliminate crime.

I wish to reiterate Government of Ghana's commitment to fighting money laundering, terrorist financing and other transnational crimes. It is for this reason that Government facilitated the passing of the Anti-Money Laundering Act, 2008 (Act 749) which established the Financial Intelligence Centre (FIC).

The FIC can therefore count on the commitment of the Ministry of Finance and Economic Planning, the Inter-Ministerial Committee on Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT), as well as my personal commitment to supporting the FIC in the effective discharge of its mandate.

We are encouraged by the support of our development partners in fighting this menace and wish to acknowledge all such benevolence with deep gratitude.

A handwritten signature in black ink, appearing to read 'Kwabena Duffuor'. The signature is written over a dashed horizontal line.

**Honourable Dr. Kwabena Duffuor**



## MESSAGE FROM THE CHIEF EXECUTIVE OFFICER

The Government of Ghana and its agencies guided by the adage that 'a good name is better than riches' have shown its alloyed commitment to join the global fight against the twin-menace of money laundering and terrorist financing by enacting the Anti-Money Laundering Act, 2008 (Act 749) and Anti-Terrorism Act, 2008 (Act 762) to further strengthen the existing legal framework governing other financial crimes particularly those related to financial and non financial institutions.

Having started operations since January 4, 2010, the FIC has focused on building the required muscles for the tasks confronting it. In the process, modest achievements and gains have been made culminating in the forging of partnership with other Financial Intelligence Units and Centifs in the West African Sub-Region. The protection of Ghana and its emerging financial status as a whole from money laundering and terrorist financing is our priority.

On the foreign front, we are poised to cooperate and coordinate activities with regional and international bodies engaged in combating money laundering and terrorist financing. Our ultimate goal is to work assiduously to get Ghana admitted into the prestigious Egmont Group of FIUs in compliance with the Recommendation 26 of the Financial Action Task Force (FATF's) 40+9 Recommendations and in particular, Regulation 42 of the Anti-Money Laundering Regulations, 2011(L.I. 1987).

I wish to take this opportunity to express my sincere gratitude to all stakeholder institutions, both domestic and foreign. In particular, I wish to acknowledge the Governor of the Bank of Ghana, Mr. Kwesi Bekoe Amissah-Arthur and Honourable Dr. Kwabena Duffuor for their immense dedication and support provided towards the establishment of the FIC.

To my staff and other comrades, I say thank you and well done.

A handwritten signature in blue ink, appearing to read 'Samuel Thompson Essel', written over a dashed horizontal line.

**Samuel Thompson Essel, Esq.**

## 1.0 COUNTRY BRIEF

### 1.1 THE REPUBLIC OF GHANA

Ghana attained independence from colonial British rule on March 6, 1957 and became a Republic on July 1, 1960. At independence, the country was created as a parliamentary democracy but experienced several years of alternating military and civilian governments. Full constitutional democracy was restored on January 7, 1993, following successful presidential and parliamentary elections in December 1992.

Article 42 of the 1992 Constitution of the Republic Ghana confers the right to vote in public elections and referenda in Ghana on every citizen of Ghana of eighteen years of age or above and of sound mind. The Constitution provides for separation of powers between the executive, legislature and the judiciary. Since the adoption of 1992 Constitution, Ghana now has a more open political system and stable democratic institutions. Four general elections have been held, including two peaceful transfer of power from ruling a party to an opposition party. Furthermore, Ghana has made considerable progress in relation to the respect for civil and political liberties<sup>1</sup>.

Ghana is situated on the Gulf of Guinea only a few degrees north of the equator. The country spans an area of 238,500 km<sup>2</sup> (92,085 sq mi). It shares borders with the Togolese Republic to the east, Cote d'Ivoire to the west, Burkina Faso to the north and Gulf of Guinea (Atlantic Ocean) to the south. The country encompasses flat plains, low hills and rivers.

There are two (2) main seasons in Ghana, the wet and the dry seasons. Northern Ghana experiences its rainy season from August to November whilst the south, including the capital Accra, experiences the season from April to mid-November.

The main sources of foreign exchange for Ghana are gold, timber, cocoa, diamond, bauxite and manganese. Ghana has reported the discovery of petroleum in commercial quantity, and

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<sup>1</sup> Ghana, Democracy and Political Participation, A review by AfriMAP and the Open Society Initiative for West Africa and The Institute for Democratic Governance.

given the relatively favourable price of oil, significant revenue is expected to accrue to the country in the near future. However, Ghana still relies, to some extent, on international financial support and remittances from its Diaspora population. Foreign remittances, which was estimated at about 32 million dollars in 2001 rose to about 125 million dollars in November 2009. Between 2002 and 2008, remittances into the country increased from 44 to 128 million US dollars, about 190%. Some of the remittances are done through informal channels, such as the use of human cash couriers and importation of easily disposable goods, especially used vehicles. These sources of remittances are not officially captured and present some money laundering and terrorist financing (ML/TF) risk to the country.

English is the country's official language and predominates in government and business affairs. It is also the standard language used for educational instruction.

Ghana is an ethnically diverse country that is predominantly influenced by a mixture of cultures of its peoples. The diversity is most evident in cuisine, arts and clothing. Ghanaians are very friendly and hospitable and are proud to show off their country, and culture in the Akwaaba<sup>2</sup> tradition.

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<sup>2</sup> Akan word meaning "welcome"



**Figure 1: Ghana in the Context of Africa**

### **1.1.1 Socio-Political-Environment**

During the year under review, the FIC operated within a stable socio – political environment in Ghana.

### **1.1.2 Population and Size**

Data compiled from the 2010 Population and Housing Census, pegged Ghana’s population at 24,658,823. This figure represents an increase of 30.4 percent over the year 2000 census population of 18,912,079. Urbanization is concentrated mainly in the southern and central regions, which contain nearly 49 percent of the country’s population. Although there are densely settled pockets in the Upper East and Volta Regions, more than half of the population lives in the Greater Accra, Eastern, Central and Ashanti Regions.





**Figure 2: Map of Ghana depicting its Population Density**

With the trend of population growth continuing and more people moving from the north to the coast, cities like Accra, Tema and Sekondi-Takoradi, would be overwhelmed and increase in unlawful activities as well as other social impacts are envisaged.

### 1.1.3 Ethnicity and Religion

In comparison with its West African peers, ethnicity and religion have not been significant sources of instability in Ghana. Ghana has its ethnic and religious diversity to thank for this legacy. The country is divided into some 100 ethnolinguistic groups – the largest of which is the Akan, with 47.5 percent of the population, followed by the Mole – Dagbani with 16.6 percent, the Ewe with 13.9 percent and the Ga-Dangme with 7.4 percent and others with 14.6 percent

Regarding religion, about 71.2 percent of the population professes the Christian faith, 17.6 percent professes the Islamic faith, whilst 5.2 percent of the population professes the traditional faith and 5.3 percent not affiliated to any religion.

#### **1.1.4 Politics**

Ghana is currently dominated by two main political parties, the ruling National Democratic Congress and the main opposition party, the New Patriotic Party. These two parties held their national congresses in 2011 to elect their presidential candidates and executives. Other parties continue to promote the Nkrumaist tradition of national self – reliance as well as social justice. The parliamentary and presidential elections slated for December 2012 could further consolidate democracy.

Ghana’s Constitution is under review for the first time since 1992 and the review process had already sparked a spirited debate. In the long term, a strengthened Constitution could redress important structural weaknesses in Ghana’s political system.

The judiciary is free from political control, although both major parties complain when they are in opposition that their opponents attempt to politicise the courts. The legal process is however slow and expensive.

Ghana continues to enjoy a more open society, with a vibrant media and strong public dialogue, which point to the consolidation of democratic rule. Public and Private sector Institutions as well as Civil Service Institution such as the Commission on Human Rights and Administrative Justice (CHRAJ), Imani Ghana, Ghana Integrity Initiative (GII), Ghana Bar Association (GBA), the Association of Ghana Industries (AGI) and the Labour Organizations, have weathered changing political fortunes but during the past two decades have become more assertive. There is a diverse press with a considerable range of newspapers. Most favour sensational stories to substantive political or economic analysis. FM radio stations have a large following and “phone-in” programmes are popular, but many are partisan. The constant political debate is evidence of the growing democracy that enables the general public to participate in holding their government accountable, it also contributes to the political polarisation of the Ghanaian society.

#### **1.1.5 Economic and Financial Environment**

Ghana’s economy stands on the brink of major change, with oil poised to replace cocoa as the main driver of economic growth. In 2011, Ghana made progress in consolidating the gains made in the management of its macro-economy in 2010. During the year under review, the

economy grew at 14.4 percent boosted by new oil production and a rebounded construction sector. Monetary policy was effective in containing inflation within the single digit throughout the year ending 2011 at 8.6 percent, lower than the projected target of 9 percent due mainly to relative stability in both the food and non-food components of the consumer basket. Inflation has remained in single digit since June 2010.

There has been a significant growth in real GDP from 4.0 percent in 2009 to 7.7 percent in 2010 and 13.6 percent in 2011, making Ghana one of the fastest growing economies in the world in 2011.

Supported by a remarkable revenue collection effort, the fiscal deficit narrowed from 7.2 percent in 2010 to 4.1 percent of GDP in line with the government's 2011 objective. Tax revenue increased from 13.1 percent of GDP in 2010 to 15.4 percent in 2011. This strong performance can be attributed to an improvement in tax administration (owing to the establishment of the Ghana Revenue Authority in 2010), increased number of taxable imports, the modernisation of customs valuation of goods at the border, and a decline in 2011 exemption permit approvals.

Interest rates also have since 2009 continuously been on the decline. This is evidenced by the significant reduction in the yield of the 91-day money market instrument from 24.67 percent in 2008 to 9.1 percent in September 2011, making it the lowest recorded money market rate in decades.

Preliminary data from the re-basing exercise conducted by Ghana Statistical Service (GSS) suggest that Ghana's per capita income in 2010 stood at US\$1,318 compared to US\$753 based on the previous GDP computation. This put Ghana in the league of middle income countries.

Despite new oil exports, Ghana's external position worsened in 2011. Ghana's 2011 current account deficit widened by 38 percent due to higher import growth, increases in non-oil imports volumes (notably equipment goods), and a large increase in profit repatriation by extractive industries. These increases were partially offset by strong growth in exports receipts (cocoa, gold) and increased private inward remittances (US\$2.4 billion). Moreover, although Ghana

exported US\$2.7 billion of crude oil (24 billion barrels) in 2011, it imported US\$3.3 billion of oil products (up from US\$2.2 billion in 2010, almost entirely the result of price increases). Thus, increased oil prices had a negative impact on the balance of payments.

### **1.1.6 Financial Sector**

Ghana's financial system has undergone extensive reforms some of which were driven by the Financial Sector Adjustment Programme (FinSAP). Indeed, the second phase of the Financial Sector Strategic Plan II (FinSSP II 2011-15) which was approved in 2010 was launched in June 2011.

The strategy aims at developing the financial base of banking institutions, easing barriers to access to finance, introducing innovative financial instruments and improving quality services through increased competition. Ghana's banking system is profitable and liquid with high capital levels. Total assets in the banking system grew by 26.8 percent year-on-year to end 2011 at GH¢22.6 billion compared with GH¢17.4 billion in 2010. This resulted from a growth in deposits of 35.3 percent amounting to GH¢16 billion in 2011, up from 31.7 percent in 2010 as well as capital reserves amounting to GH¢739 million.

However, the banking system is challenged. It is beset with weak risk management practices and therefore vulnerable to money laundering. The level of financial intermediation in the Ghanaian economy is relatively low compared to that of any developed economy since currency outside the banking system is substantially high.

In April 2008, the Bank of Ghana through the Ghana Inter-Bank Payment and Settlement Systems (GhIPSS) rolled out a smart card, the e-zwich, by which it hoped to mop up excess liquidity, as well as encourage the banking habit among informal sector operators. However the product has not caught the fancy of either the informal sector operators or the banking public and now faces tremendous competition from other innovative products (some developed by financial institutions) that enable mobile phone subscribers to carry out financial transactions via handsets. This competition has thus predisposed Ghana to money laundering and terrorist financing challenges.

It is worth noting that there has been considerable improvement in the financial structure of the country since the attainment of independence in 1957. For instance, since the first bank was established in the Gold Coast in 1896, the number of banks has increased from 4 in 1957 to 27 including 135 Rural/Community Banks. Indeed the banking sector has grown rapidly in the last five years owing to fresh capital injection by existing banks to meet minimum regulatory capital requirements, as well as the entry of nine banks from the West African sub region and Asia.

Furthermore, several Non-Bank Financial Institutions (NBFIs) have also been set up to widen and deepen the financial services industry. Table 1 below provides a breakdown of the NBFIs:

**Table 1: NBFIs in Ghana**

No.	Nature of Business (NBFIs)	Number
1.	Finance House	25
2.	Savings and Loans	19
3.	Credit Reference Bureaux	3
4.	Leasing	2
5.	Finance and Leasing	3
6.	Mortgage Finance	1
7.	Total	53

**Source: Bank of Ghana**

The operations of Non-Bank Financial Institutions and Forex Bureaux are regulated by the Non-Bank Financial Institution Act, 2008 (Act 774) and the Foreign Exchange Act, 2006 (Act 723) respectively.

The Bank of Ghana is yet to regularize the operations of the microfinance companies which were in existence prior to the enactment of the Non-Bank Financial Institution Act, 2008 (Act 774).

Apart from enacting the Anti-Money Laundering and Anti-Terrorism Laws in 2008 and the Anti-Money Laundering Regulations in 2011, the Government has also since 2010 taken several significant steps to increase the capacity to fight transnational organised crime. This initiative

includes complying with the Financial Action Task Force's (FATF's) Recommendations by establishing the:

1. Financial Intelligence Centre (FIC) to receive, analyze and disseminate intelligence and
2. Economic and Organised Crime Office (EOCO) to investigate organised crime, including narco – trafficking, and other serious crimes.

Additionally, the Narcotics Control Board (NACOB) also worked with the U.S Drug Enforcement Administration (DEA) to establish a Special Investigative Unit (SIU), the first of its kind in Africa. The SIU has since achieved some tangible successes. The Government is also developing a ten year anti-corruption action plan and an inter-agency national integrated program to fight transnational organised crime.

## 2.0 OVERVIEW OF THE AML/CFT REGIME IN GHANA

### 2.1 THE LEGAL FRAMEWORK

#### 2.1.1 Pre 2008

Prior to year 2008, there were no specific laws which criminalised money laundering and terrorist financing as offences consistent with the provisions of the 1992 Constitution of the Republic of Ghana. Article 19(11) of the Constitution provide that: *"No person shall be convicted of a criminal offence unless the offence is prescribed in a written law"*.

There were, however, legislations which criminalised some predicate offences that underlie money laundering and terrorist financing. Some of the legislations included the following:

#### 2.1.2 Criminal Offences Act, 1960 (Act 29)

The Act criminalises offences like:

- (i) Corruption,
- (ii) Fraud,
- (iii) Robbery,
- (iv) Stealing and
- (v) Murder.

#### 2.1.3 Narcotic Drugs (Control, Enforcement & Sanctions) Act, 1990 (PNDC Law 236)

The Act proscribes the possession of or dealing in illicit drugs as well as proceeds derived therefrom.

#### 2.1.4 Immigration Act, 2000 (Act 573)

This Act provides for migration and related matters.

### **2.1.5 Internal Revenue Act, 2000 (Act 592) as Amended / Value Added**

#### **Tax**

These legislations have lucid provisions on tax offences, including tax evasion. Though these legislations have copious provisions criminalising some predicate offences, by reason of Article 19(11) of the 1992 Constitution, the non-existence of specific laws to criminalise money laundering and terrorist financing made the country a high risk money laundering jurisdiction.

### **2.1.6 Post 2008**

In year 2008, Ghana joined the global efforts at fighting money laundering and terrorist financing by enacting the Anti-Money Laundering Act, 2008 (Act 749) and Anti-Terrorism Act, 2008 (Act 762).

### **2.1.7 Anti-Money Laundering Act, 2008 (Act 749)**

The Act provides inter alia for the following:

- (i) Criminalises money laundering,
- (ii) Establishes the Financial Intelligence Centre,
- (iii) Provides for records and information keeping
  - Suspicious transactions reporting
  - Conveyance of currency
  - Electronic transfer of currency
- (iv) Sanctions for non-compliance.

### **2.1.8 Anti-Terrorism Act, 2008 (Act 762)**

This Act;

- (i) criminalises terrorist financing; and
- (ii) defines Accountable Institutions (AIs) and places on them the obligation of filing Suspicious Transaction Reports (STRs).



In 2010, the need to strengthen the Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) legal framework was given further impetus by the Government of Ghana. The result of this avowed commitment was the enactment of the Economic and Organised Crime Office Act, 2010 (Act 804) which established the Economic and Organised Crime Office (EOCO); and the Mutual Legal Assistance Act, 2010 (Act 807).

### **2.1.9 Economic and Organised Crime Office Act, 2010 (Act 804)**

This Act establishes the Economic and Organised Crime Office as a specialised agency to monitor and investigate economic and organised crime and, on the authority of the Attorney-General, prosecute these offences to recover the proceeds of crime and provide for related matters.

Specifically, Section 3 of Act 804 provides the functions of the Office in accordance with Special Recommendations II and III of FATF's 40 +9 Recommendations to;

(a) investigate and, on the authority of the Attorney-General, prosecute serious offences that involve

- (i) financial or economic loss to the Republic or any State entity or institution in which the State has financial interest,
- (ii) money laundering,
- (iii) human trafficking,
- (iv) prohibited cyber activity,
- (v) tax fraud, and
- (vi) other serious offences;

(b) recover the proceeds of crime;

(c) monitor activities connected with the offences specified in paragraph (a) to detect correlative crimes;

(d) take reasonable measures necessary to prevent the commission of crimes specified in paragraph (a) and their correlative offences;

(e) disseminate information gathered in the course of investigation to law enforcement agencies, other appropriate public agencies and other persons the Office considers appropriate in connection with the offences specified in paragraph (a);

(f) co-operate with relevant foreign or international agencies in furtherance of this Act; and  
(g) perform any other functions connected with the objects of the Office.

#### **2.1.10 Mutual Legal Assistance Act, 2010 (Act 807)**

This Act enables the Republic to provide for the implementation of agreements or other arrangements for mutual legal assistance in respect of criminal matters and to provide for related matters in accordance with Recommendations 36, 37 and 38 of the FATF's 40 + 9 Recommendations.

#### **2.1.11 Legislative Initiatives in 2011**

A bold attempt was made in 2011 to enact new laws and initiate the process to amend existing key legislations to take into account AML/CFT.

#### **2.1.12 Anti-Money Laundering Regulations, 2011 (L. I. 1987)**

In March 2011, Parliament enacted the Anti-Money Laundering Regulations, 2011 (L.I. 1987) in accordance with Section 50 of Act 749. L.I. 1987 largely provides for Customer Due Diligence (CDD) in accordance with Recommendation 5 of the FATF's 40 + 9 Recommendations.

The regulators of the financial sector also prepared comprehensive Anti-Money Laundering Guidelines for players in their respective industries.

The bills listed below have reached the stages indicated:

#### **2.1.13 Criminal Offences (Amendment) Bill**

The Bill has been laid before Parliament. The amendment seeks to criminalise the remaining predicate offences which include:

- (i) Unlawful use of human parts
- (ii) Enforced disappearance
- (iii) Sexual exploitation, including sexual exploitation of children
- (iv) Illicit trafficking in explosives, firearms and ammunition and

- (v) Racketeering

#### **2.1.14 Immigration (Amendment) Bill**

The Bill was at the Ministry of the Interior. The Bill seeks to criminalise migrant smuggling.

#### **2.1.15 Anti-Terrorism Regulations**

The Regulations is laid before Parliament. The Regulation would expand the scope of Accountable Institutions and define the procedure for compliance with United Nations Security Council Resolutions (UNSCRs) on individuals and entities designated as terrorists, including terrorist financing.

#### **2.1.16 Economic and Organised Crime Office (Operations) Regulations**

The Regulation is with the Ministry of Justice and Attorney General's Department. The Regulations provide largely for Standard Operating Procedures (SOPs).

#### **2.1.17 Real Estates Agency Bill**

The Bill is with the Ministry of Water Resources, Works and Housing. Matters relating to the regulation of estate development are provided therein.

#### **2.1.18 International Protocols and Treaties**

In addition to the national laws there are international protocols and treaties that Ghana is a signatory to which have been ratified by Parliament. These include the following:

- (i) 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, (Vienna Convention).
- (ii) 1999 UN Convention on the Suppression of the Financing of Terrorism.
- (iii) 2003 UN Convention against Corruption (Merida Convention).
- (iv) 2003 AU Convention on Preventing and Combating Corruption.
- (v) Relevant United Nations Security Council Resolutions related to Financing of Terrorism 1267(1999), 1373(2001) and 1737(2006).

- (vi) ECOWAS Statute establishing the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA).
- (vii) ECOWAS Protocol on Mutual Legal Assistance
- (viii) Extradition Treaties.

## **2.2 MUTUAL EVALUATION OF AML/CFT MEASURES IN GHANA**

In April 2009, the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) evaluated the AML/CFT regime in Ghana and the Mutual Evaluation Report (MER) on the country was adopted by the GIABA plenary in November 2009 in Freetown, Sierra Leone. The MER on Ghana revealed a number of strategic deficiencies particularly with regard to the FATF's 16 core and key Recommendations.

Consequently, it became expedient for Ghana to adopt a comprehensive National AML/CFT Strategy and Action Plan to be used as a framework for strengthening the legal, institutional, enforcement and civil society mechanisms for the prevention of financial crimes, and to combat money laundering and the financing of terrorism.

The National Strategy and Action Plan were to facilitate a holistic approach to the coordination and cooperation of relevant agencies and key stakeholders (central government, local authorities, civil society, and the private sector) involved in implementing AML/CFT measures in Ghana. The National AML/CFT Strategy and Action Plan would also serve as the road map for implementing goals and actions required to build an effective and robust AML/CFT system in Ghana.

## **2.3 AML/CFT NATIONAL STRATEGY AND ACTION PLAN (NS/AP)**

The National Strategy included an Implementation Plan which identified the key AML/CFT Stakeholders and assigned responsibilities with timelines. The NS/AP covers the period 2011 – 2014 and has five (5) main components.

### **2.3.1 Component 1**

Create necessary legislative framework to support the fight against ML, TF and other Financial Crimes.

#### **2.3.1.1 Objectives for Component 1:**

Amend existing legislation as required in line with international standards, develop new legislation as necessary and raise legislators' awareness of AML/CFT.

### **2.3.2 Component 2**

Develop the functional expertise and capacity of regulatory bodies and law enforcement agencies to support the fight against money laundering, terrorist financing and other financial crimes.

#### **2.3.2.1 Objectives for Component 2:**

- (i) Establish appropriate organisational structures and provide regulatory bodies and law enforcement agencies with required tools and resources.
- (ii) Provide appropriate training to officers of regulatory and enforcement institutions.
- (iii) Increase the number of investigations, prosecutions, convictions and confiscations of property related to Money Laundering and Terrorist Financing (ML/TF).
- (iv) Conduct typology exercises and other research studies to enable the detection of the nature of money laundering and terrorist financing in Ghana.
- (v) Enhance inter-agency coordination and cooperation among regulatory bodies and law enforcement agencies.
- (vi) Strengthen cooperation between regulators and accountable institutions.

### **2.3.3 Component 3**

Strengthen the capacity of accountable institutions to comply with AML/CFT legislation and regulations.

#### **2.3.3.1 Objectives for Component 3:**

- (i) Develop required guidelines for all categories of accountable institutions.
- (ii) Accountable institutions to establish procedures to comply with guidelines.

- (iii) Monitor Self-Regulatory Bodies (SRBs) for compliance.
- (iv) Provide AML/CFT training to SRBs.
- (v) Establish a feedback and collaboration mechanism between the FIC, regulators and accountable institutions.

#### **2.3.4 Component 4**

Strengthen Regional and International Cooperation.

##### **2.3.4.1 Objectives for Component 4:**

- (i) Initiate and conclude MLA agreements with strategic partners, and establish a standard procedure for implementation.
- (ii) Promote the exchange of information and intelligence to support the investigation and prosecution of ML/TF and other financial crimes.
- (iii) Establish a standard procedure for the implementation of UNSCRs 1267 (1999), 1373(2001) and 1737 (2006) Successor Resolutions and other relevant Resolutions.
- (iv) Improve on mechanisms for sharing best practices on AML/CFT.

#### **2.3.5 Component 5**

Create public awareness of money laundering, terrorist financing and other financial crimes.

##### **2.3.5.1 Objectives for Component 5:**

- (i) Develop an action plan for public education on AML/CFT.
- (ii) Encourage a collaborative platform between civil society, government and other stakeholders.
- (iii) Participate in regional public education and awareness-raising campaigns.

## **2.4 INSTITUTIONAL FRAMEWORK**

### **2.4.1 Government**

The Government and its Ministries, Departments, Agencies, the Judiciary and the Legislature are at the highest echelon of the institutional framework. Decisions and deliberations leading to the enactment of relevant AML/CFT legislations and other establishments rest on them.

Particular mention is made of:

- (i) The Office of the President,
- (ii) The Ministry of Justice and Attorney General's Department,
- (iii) The Ministry of Finance and Economic Planning,
- (iv) The Ministry of the Interior, and
- (v) The National Security Council Secretariat,

The role of the Judiciary is also critical. Its decisions have the potential of curbing the commission of crime and also give significant dimension to the development of the law through guidance to the Executive and Legislature in the law making process.

#### **2.4.2 Regulatory Bodies**

Regulatory bodies include the following:

- (i) Bank of Ghana (BoG),
- (ii) National Insurance Commission (NIC),
- (iii) Securities Exchange Commission (SEC),
- (iv) National Pensions Regulatory Authority (NPRA), and
- (v) Gaming Commission.

#### **2.4.3 Other Associations [Self-Regulated Bodies] (SRBs)**

The under listed SRBs so have far been identified under the AML/CFT framework.

- (i) Ghana Bar Association (GBA),
- (ii) Chartered Institute of Bankers (CIB),
- (iii) Institute of Chartered Accountants (ICA),
- (iv) Association of Used Car Dealers (AUCD),
- (v) Ghana Real Estates Developers Association (GREDA),
- (vi) Precious Minerals and Mines Commission/Jewellers (PMMC), and
- (vii) Auctioneers.

#### **2.4.4 Law Enforcement Agencies (LEAs)**

The role of LEAs in the AML/CFT framework cannot be overemphasized. LEAs are responsible for effecting arrests, investigation, seizure and prosecution of money launderers and other criminals. They consist of:

- (i) Ghana Police Service (GPS),
- (ii) Ghana Immigration Service (GIS),
- (iii) Bureau of National Investigation (BNI),
- (iv) Narcotics Control Board (NACOB),
- (v) Economic and Organised Crime Office (EOCO), and
- (vi) Ghana Revenue Authority (GRA).

#### **2.4.5 The Economic and Organized Crime Office**

The EOCO was established under the Economic and Organised Crime Office Act, 2010 (Act 804) to investigate and prosecute money laundering and other economic crimes. It has the power to search, track and seize tainted property, including currency suspected to be the proceeds of crime.

To effectively carry out its functions, the law empowers the EOCO to issue the following:

- (i) Freezing Orders,
- (ii) Seizure Orders, and
- (iii) Production Orders.

#### **2.4.6 Inter-Ministerial Committee on AML/CFT**

As a further demonstration of Government's commitment to a robust AML/CFT regime, His Excellency the President directed the establishment of an Inter-Ministerial Committee (IMC), consistent with GIABA's Adhoc Ministerial Committee directive of 2005.

The IMC was inaugurated on March 30, 2011 and tasked to coordinate all matters relating to ML/FT and other transnational organised crimes. The membership of the IMC is made of:

- (i) The Minister for Finance and Economic Planning (Chairman),
- (ii) The National Security Coordinator,
- (iii) The Attorney-General and Minister for Justice,



- (iv) The Minister for the Interior, and
- (v) A Deputy Chief of Staff at the Office of the President.

The IMC subsequently constituted a Technical Committee which membership was drawn from:

- (i) The Office of the President (Chairman),
- (ii) The Ministry of Justice and Attorney-General's Department,
- (iii) The Ministry of Finance and Economic Planning,
- (iv) The Ministry of the Interior,
- (v) The Financial Intelligence Centre,
- (vi) The Bank of Ghana,
- (vii) The Securities and Exchange Commission, and
- (viii) The National Insurance Commission.

#### **2.4.7 Accountable Institutions**

These are the reporting institutions provided under Section 21 of Act 749 and particularly listed in the First Schedule of the Act. Both Acts 749 and 762 impose the obligation on these institutions to report suspicious, unusual and other transactions and activities to the FIC. They include:

- (i) Banks & Non-Bank Financial Institutions,
- (ii) Insurance Companies,
- (iii) Capital Market Operators,
- (iv) Religious Bodies,
- (v) Real Estate Companies,
- (vi) Dealers in Motor Vehicles ,
- (vii) Dealers in Precious Metals and Stones,
- (viii) Financial Service Operators,
- (ix) Non-Governmental Organizations,
- (x) Casino Operators,
- (xi) Auctioneers,
- (xii) Lawyers and Notaries, and
- (xiii) Accountants.

## **2.5 INTERNATIONAL COOPERATION**

The role of key regional and international institutions in the development of AML/CFT regime of Ghana cannot be overlooked. They give guidance, assistance and direction to the Government of Ghana in its quest to establish an impermeable AML/CFT regime and particularly consistent with Recommendation 40 of the FATF's 40 + 9 Recommendations. The importance of international cooperation is explained in the Mutual Legal Assistance Act, 2010 (Act 807). These institutions include:

- i. The Financial Action Task Force (FATF).
- ii. The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA).
- iii. Other FIUs/Centifs in the West African sub-region and beyond.

### 3.0 THE FINANCIAL INTELLIGENCE CENTRE

At the hub or fulcrum of every AML/CFT regime is a central authority mandated to receive, analyse and disseminate financial intelligence to appropriate agencies under the law.

Within the Ghanaian AML/CFT framework, and in accordance with Section 4 of Act 749, the Financial Intelligence Centre (FIC), herein after called the Centre, was established as a body corporate mandated to receive, analyze and disseminate financial intelligence to appropriate agencies in Ghana and similar bodies in foreign jurisdictions.

The objects of the FIC include the following:

- (i) Identification of tainted funds,
- (ii) Provision of information, and
- (iii) Exchange of Information.

The functions of the FIC are to:

- (i) process, analyse and interpret information that it receives from Accountable Institutions (AIs)
- (ii) retain information,
- (iii) inform, advise and co-operate with stakeholders,
- (iv) monitor and guide AIs, and
- (v) disseminate information to LEAs.

Characteristics of the FIC

- (i) It is administrative in nature.
- (ii) It does not investigate serious offences.
- (iii) It only provides intelligence and not evidence.
- (iv) It is independent of law enforcement and is neither part of the Ministry of Finance nor a department of the Bank of Ghana.
- (v) It is to combat economic/financial crimes and help take profit out of crime.

### **3.1 ADMINISTRATIVE ISSUES**

#### **3.1.1 Management**

Management of the FIC consists of an eight-member Board of Directors including the Chief Executive Officer (CEO) appointed by the President in accordance with Act 749.

#### **3.1.2 Staff**

Eight (8) staff seconded to the FIC by the Bank of Ghana remained at post.

#### **3.1.3 Equipment**

The Bank of Ghana, as part of its contribution towards the setting up of the Centre provided fifteen (15) desktop computers, two (2) laptops, LCD projector and one split air-conditioner to facilitate its operations.

#### **3.1.4 Office**

The FIC operates from the 10<sup>th</sup> Floor of the Cedi House (Bank of Ghana Annex) in Accra.

#### **3.1.5 Land Acquisition**

The Lands Commission allocated an unnumbered plot of land measuring about 0.80 acre at Ridge, Accra to the Centre for the construction of a permanent office facility.

### **3.2 OPERATIONAL ACTIVITIES**

The Centre has since its inception in 2010, received a total of **137** Suspicious Transactions Reports (STRs) and disseminated **57** Intelligence Reports (IRs) as at December 31, 2011. These have been used by a gamut of LEAs and other competent authorities to investigate various types of criminal activity, such as fraud, cybercrime also known as “sakawa” including romance fraud; identity theft or misrepresentation.

After tactical analysis, some STRs were disseminated to the appropriate end user organisations, while others were kept in the FIC’s database for monitoring purposes. In addition, the FIC

analysed patterns of ML/TF activities emerging from the STRs, for the purposes of strategic analysis to assist in advising policy makers in combating this menace in Ghana.

### **3.3 METHODOLOGY/FORMATS**

The Research and Analysis Directorate developed a standard research methodology and product for conducting STR tactical analysis. The Directorate established a standard reporting format for referral to relevant LEAs. Consideration was also given to evidentiary standards employed in determining whether a case met the threshold for referral. In other words, a methodology for processing STRs into good intelligence was developed.

Subsequently, the FIC generated reports detailing the number of:

- (i) Suspicious Transactions Reports received
- (ii) Requests to AIs for information
- (iii) Referrals made to the Ministry of Justice and Attorney General's Department/EOCO/National Security Council Secretariat
- (iv) Requests made to counterpart FIUs including spontaneous disclosures
- (v) Requests received from foreign FIUs
- (vi) Requests from domestic institutions for information
- (vii) Investigations initiated
- (viii) Convictions and/or forfeitures resulting from cases initiated by the FIC.

#### **3.3.1 STR Process**

The FIC developed the mechanism for receiving STRs from AIs. STRs were filed by banks manually but occasionally electronically via e-mail or facsimile directly to the CEO.

In accordance with Act 749, a system for handling STRs filed to the Centre was developed including acknowledgement to the originators of the STRs. The FIC also developed additional mechanisms for providing feedback to AIs individually and during meetings of banks' Forum of Compliance Officers.

### 3.3.2 Statistical Trends in STRs

The table below shows a summary of the number of STRs received by the FIC from 2009 to 2011. It is evident that reporting was relatively low in year 2010 and increased steadily to 137 in 2011. The number of STRs submitted by mainly banks totalled 71 in 2010 out of which a total of 25 cases were disseminated to the LEAs for further action.

In 2011 however, the number of cases filed to the FIC increased to 137 out of which 57 were disseminated to LEAs. The surge was mainly due to outreach programmes undertaken by the joint collaboration of the FIC and the Regulators emphasizing on the mandatory requirements on all AIs under the AML Act and Regulations.

**Table 2: Actions taken in relation to STRs**

Years	Last Quarter 2009	2010	2011	Total
Number of CTRs <sup>3</sup> received.		2	-	2
Number of STRs <sup>4</sup> received.	1	71	137	209
Number of Confirmed Cases disseminated to LEAs.	1	25	57	83

<sup>3</sup> Cash Transactions Reports

<sup>4</sup> Suspicious Transactions Reports

Figure 3a: Total STRs Received

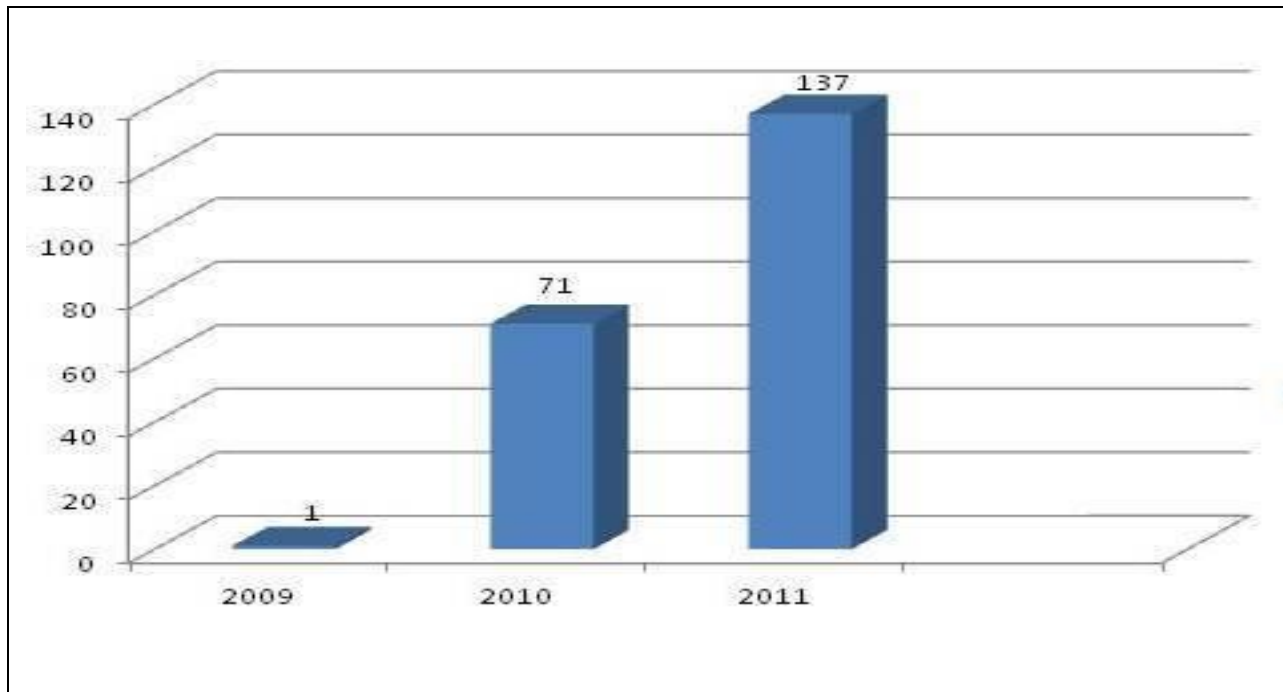
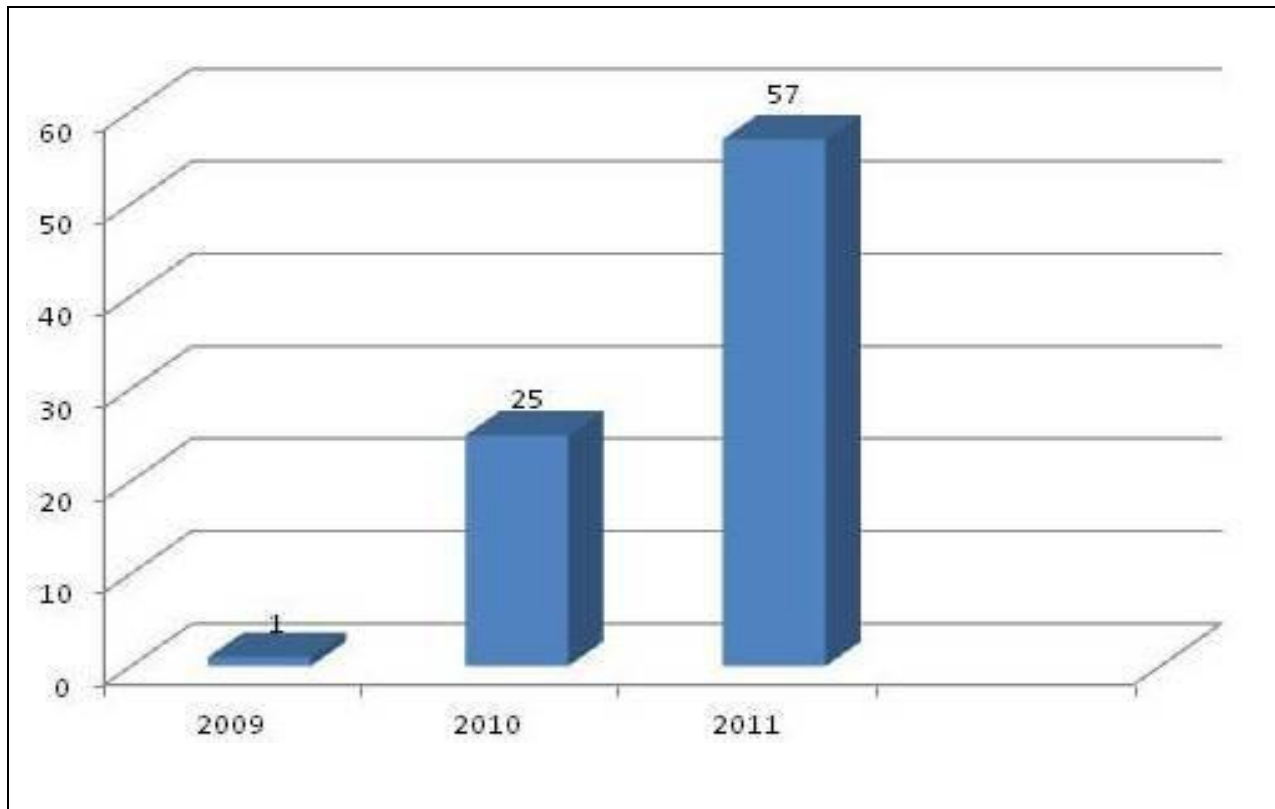


Figure 3b: Total STRs Disseminated

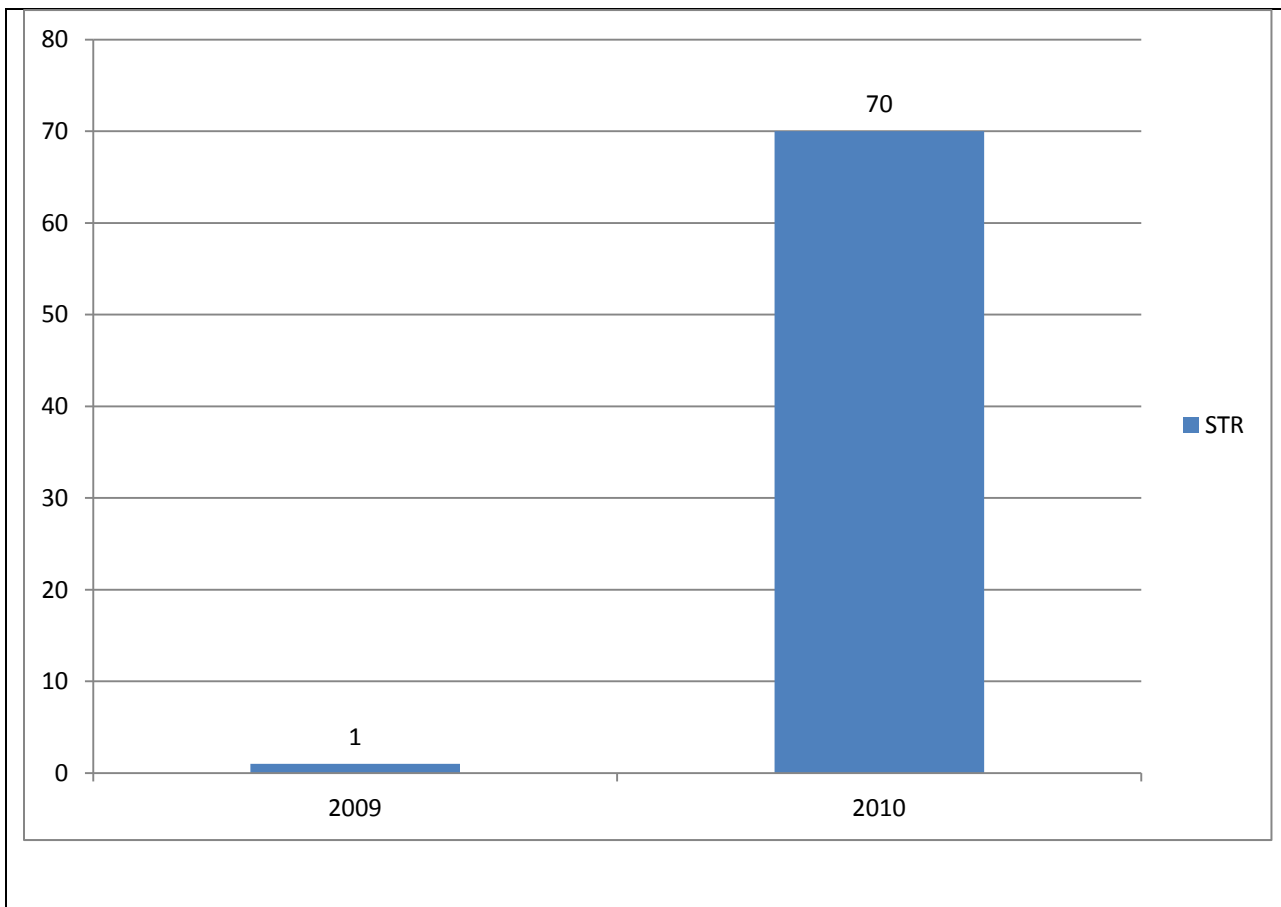


### 3.4 TRENDS OF STRS FROM 2009 TO 2010

In the last quarter of year 2009, the number of STRs received by the FIC was only one (1) from one (1) bank as depicted in figure 3c below.

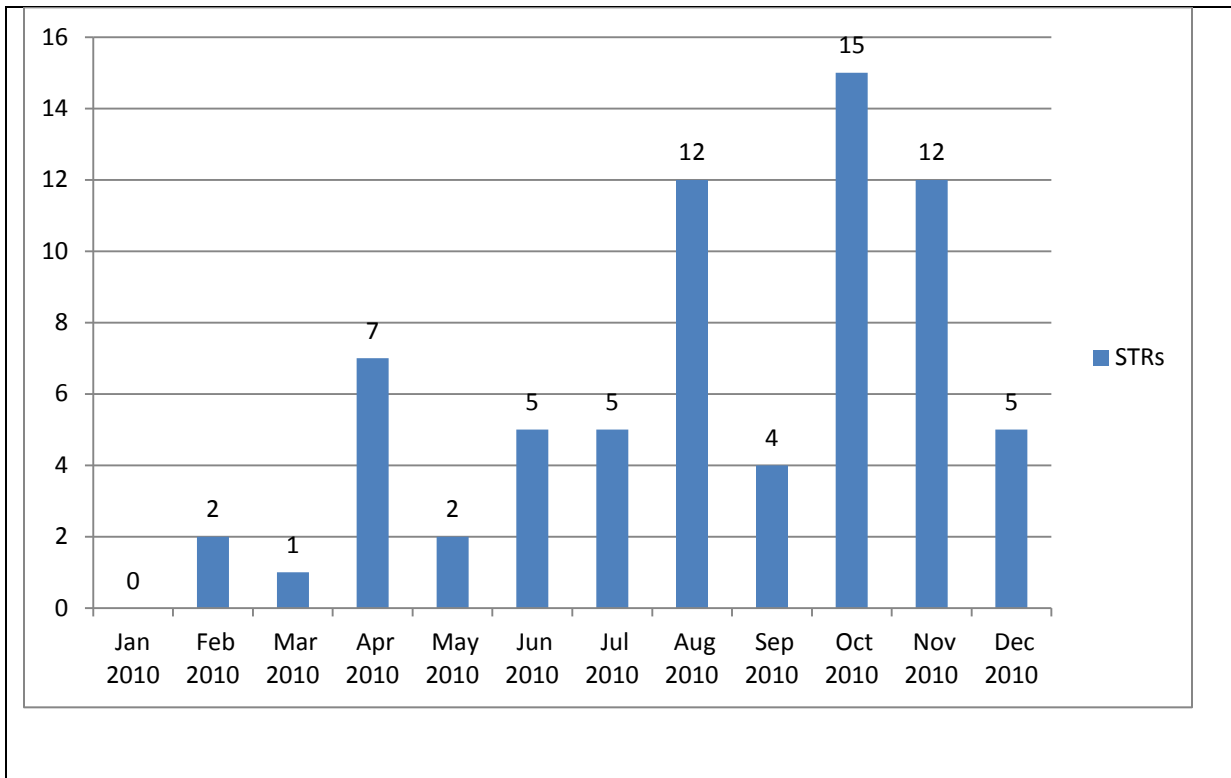
The year 2010 however saw a surge in the number of STRs to seventy-one (71) from various institutions but largely about 93.0 percent were from banks.

**Figure 3c: Growth of STRs from 2009 to 2010**

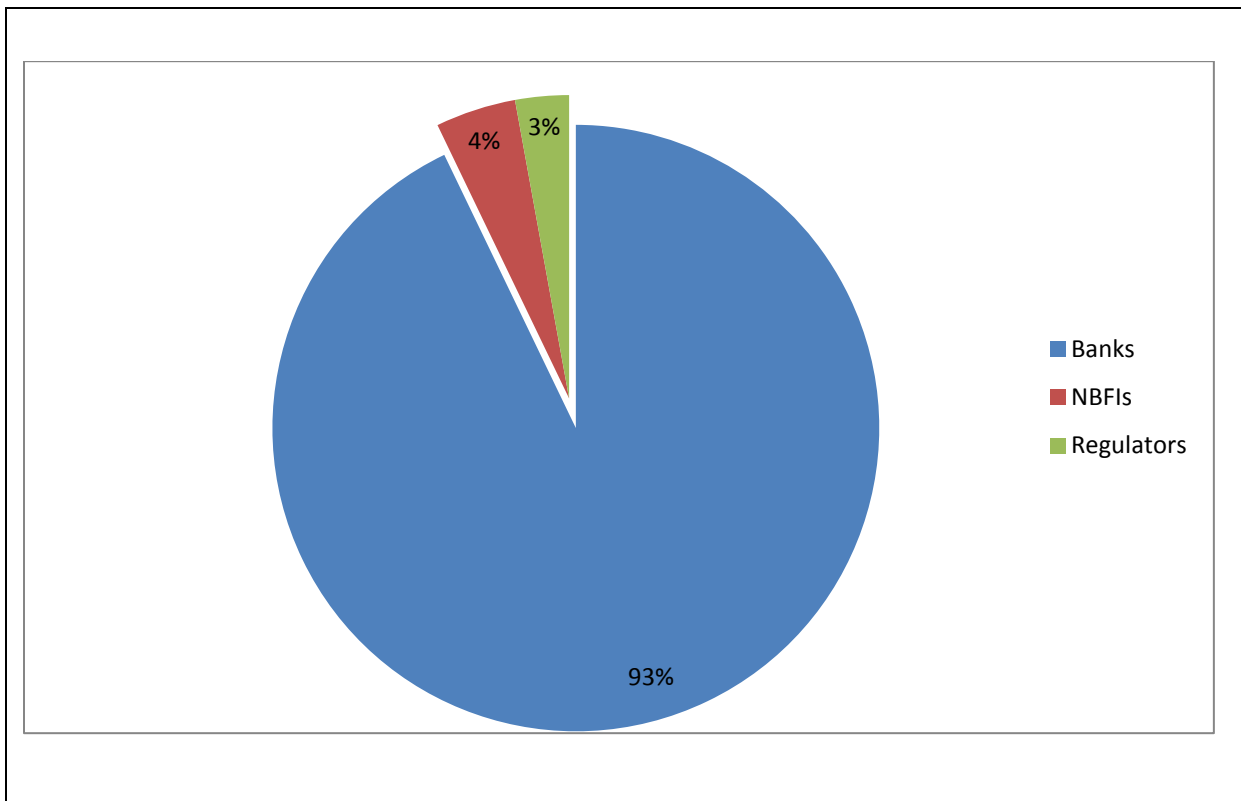




**Figure 3d: Growth of monthly STRs filed in 2010**



**Figure 3e: Breakdown of STRs according to sources in 2010**



The Centre in 2010 received a total of seventy-one (71) STRs. Out of this,

- 93% were filed from banks,
- 4% from NBFIs and
- 3% from regulators.

Twenty (20) out of the STRs were determined as “*good for referral*” and forwarded to the LEAs for the appropriate action. The remaining fifty-one (51) were under investigations.

In 2010, 15 banks out of the 27 banks, submitted STRs whilst 12 banks did not submit any STRs to the FIC. The detailed composition of the STRs was as follows:

- 54.3% of total STRs filed covered fraud.
- 20.0% covered transfers that were inconsistent with customers’ mandate.
- 10.0% covered inward remittances for which the customers/beneficiaries failed to provide information on the source or purpose of the transfers.
- 8.6% covered suspected Advanced Fee Fraud (Cyber/Romance Fraud/419/Sakawa)
- 7.1% covered transactions conducted with fictitious documents.

### **3.4.1 STRs Filed in 2011**

The year 2011 witnessed a surge in the number of STRs received mainly as a result of training, workshops and other outreach programmes undertaken by the FIC to the AIs, specifically banks.

A total of 137 STRs were received by the Centre, out of which 57 were disseminated as depicted graphically below.

Figure 3f: Total STRs Received in 2011

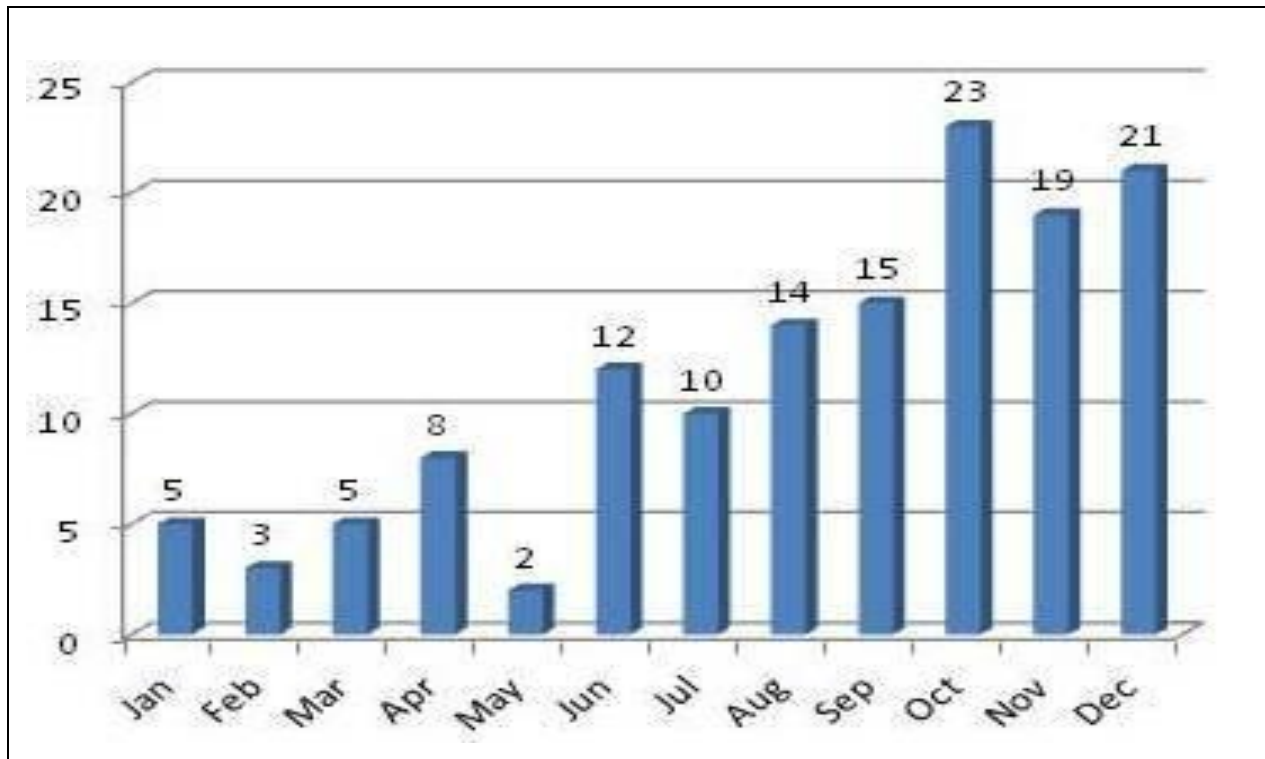
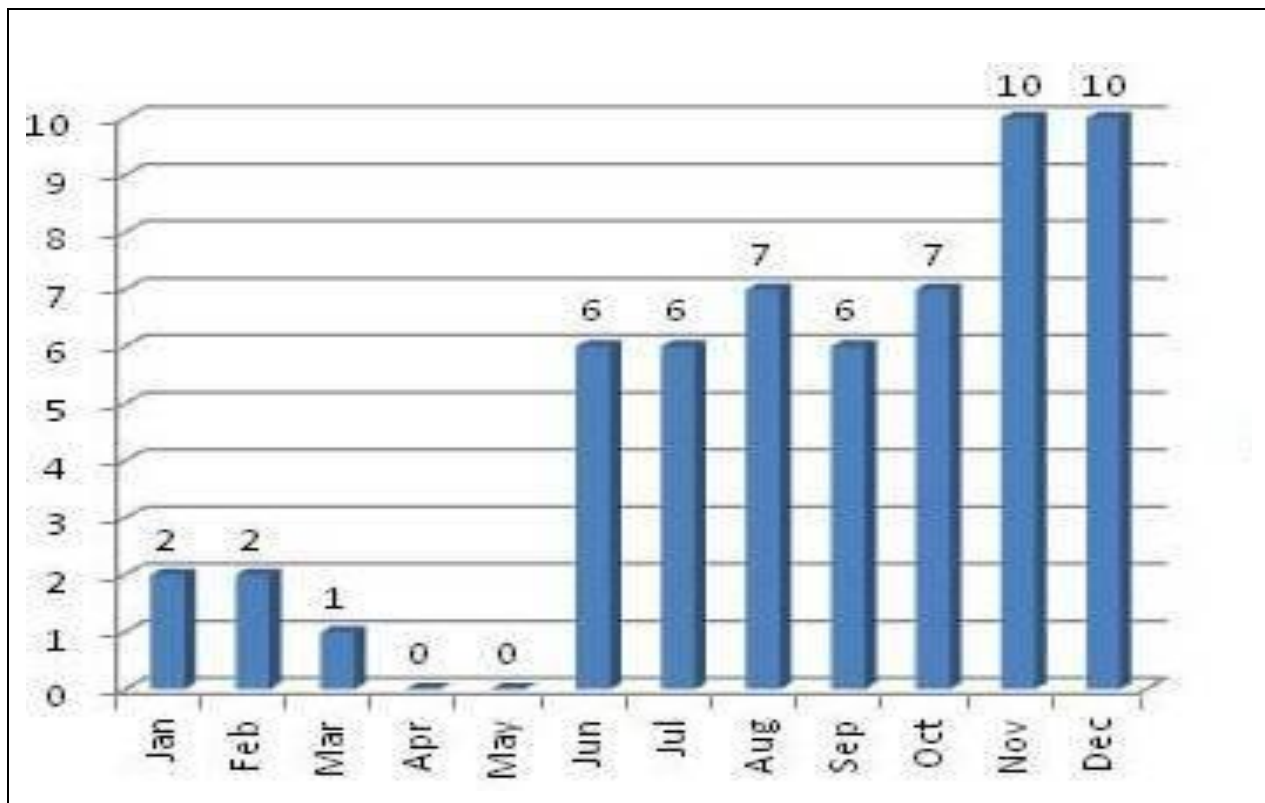
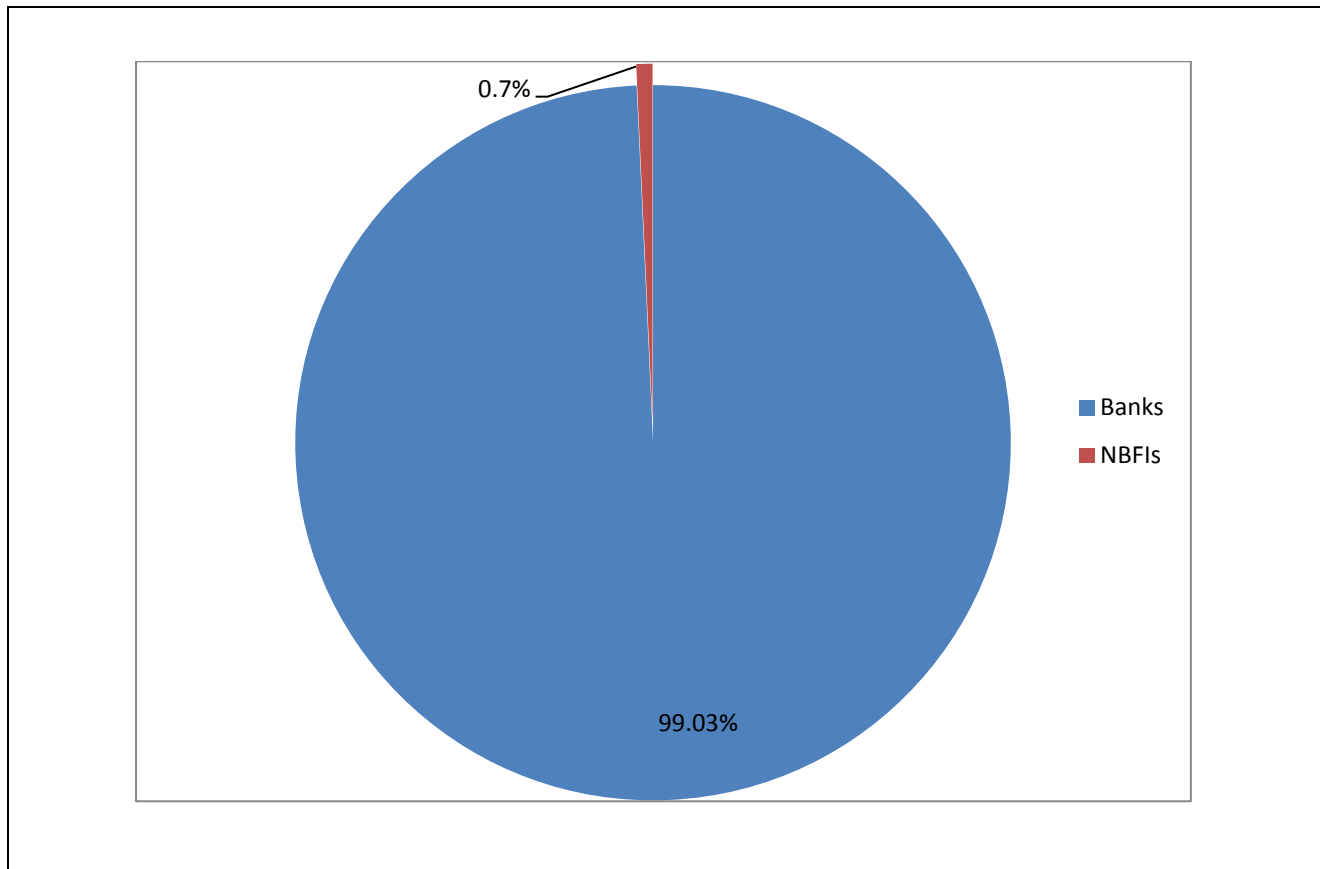


Figure 3g: Total STRs Disseminated in 2011



The breakdown of STRs received according to sources is depicted below:

**Figure 3h: Sources of Reports Received in 2011**



Tactical analysis revealed in figure 3h that:

- 136 reports were received from banks representing 99.03%, and
- 1 received from an NBFIs representing 0.7%.

The year 2011 also witnessed an increase in the number of banks submitting STRs. In total, 19 banks out of the 27 banks and 1 NBFIs, submitted STRs whilst 8 banks did not submit any STRs to the FIC. The detailed composition in percentages of suspected predicate offences of the STRs are as follows:

- 32.9% of total STRs filed covered fraud,
- 38.0% covered transfers that were inconsistent with customers' mandate,
- 5.8% covered request for more information on the customer,

- 8.8% covered inward remittances for which customers/beneficiaries failed to provide information on the source or purpose of the transfers.
- 3.7% covered transactions conducted with fictitious documents and
- 10.8% covered miscellaneous matters.

### **3.4.2 Confiscations**

The Financial Crimes Division of the High Court in 2011 confiscated an amount of US\$2.57 million in one money laundering case.

## **3.5 COLLABORATION**

### **3.5.1 Institutional Cooperation**

Under Sections 5(b), 28(2) and 35 of Act 749, the FIC is empowered to request information from competent authorities. In this regard, the FIC regularly requested for information from the Bank of Ghana (BOG), Ghana Revenue Authority (GRA), Securities and Exchange Commission (SEC), National Insurance Commission (NIC) and other Governmental agencies including the Law Enforcement and Intelligence Agencies. Pursuant to Section 6 of Act 749, the FIC advised competent authorities on the discharge of their duties in compliance with the provisions therein.

Indeed, Section 49 of Act 749 makes it compulsory for public officers to cooperate with the Centre, failing which may attract pecuniary and/or custodial sentences upon summary conviction.

As regards requests for information from the FIC, there is no requirement in law, except the submission of the FIC's Annual Report to the Parliament of the Republic of Ghana through the Minister for Finance and Economic Planning. However, in practice, regulators such as the BOG, NIC and SEC do seek advice from the FIC.

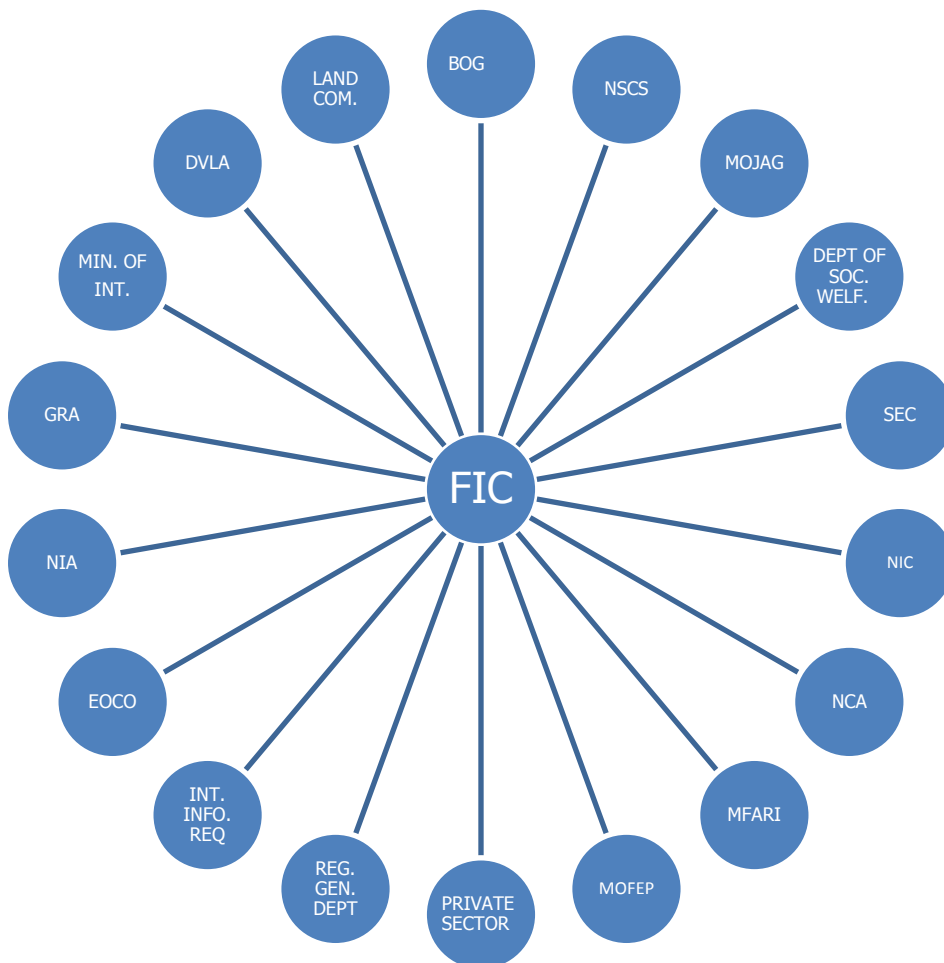
Cooperation between the FIC and domestic competent authorities was significant, given the small size of the country and the common resolve to make Ghana the flagship of a robust and resilient AML/CFT regime in Africa.

The FIC executed Memoranda of Understanding (MOUs) with six (6) competent authorities on information exchange and cooperation.

Also, there was a strong working relationship among the regulators of the financial sector, LEAs, intelligence agencies and revenue authorities. For instance, in furtherance of domestic cooperation, the three regulators of the financial sector – the BOG, SEC and NIC signed a MOU on information sharing and coordination of their supervisory activities including joint on-site examinations.

Below is an illustration of the sources of inter-agency relations that were available to the FIC.

**Figure 3i: Sources of Inter-Agency Relations**



Such diverse pre-existing sources of information with “new information” generated by the FIC (STRs and CTRs) proved to be a powerful new tool for the LEAs.

### **3.5.2 International Cooperation**

Section 5(c) of the AML Act provides for exchange of information with foreign counterparts. The provisions in the Mutual Legal Assistance Act, 2010 (Act 807) also strengthen the need for international cooperation consistent with Recommendation 40 of the FATF’s 40 + 9 Recommendations.

The FIC shared information with a number of FIUs for intelligence purposes only. Currently, such information cannot be passed on to third parties without the express permission of the FIC. In the two and half years of its operations, the FIC exchanged information with its counterparts in the United States of America, Federal Republic of Nigeria, Republic of Togo, British Virgin Islands and Mauritius with successful outcomes.

Being the nexus of intelligence gathering, collation and storage, the FIC may also share information obtained from the LEAs including NACOB, GRA and the supervisory bodies with foreign counterparts.

The need for international cooperation is very paramount in view of Ghana’s strategic geographical location and the growing investor interest in the mining and oil industries.

The authorities, at both governmental and institutional levels, are in the process of establishing cooperation links with a number of jurisdictions to improve the effectiveness of AML/CFT measures to control and monitor activities of migrants who may have criminal tendencies.

Consequently, in furtherance of its mandate under Section 5 (c) of the AML Act, the FIC executed Memoranda of Understanding (MOUs) with two (2) regional counterparts. These are the FIUs of the Republic of Togo and Burkina Faso.



**Signing of MOUs by FIC, Ghana and CENTIF, Togo, November 2011**

The execution of MOUs by the FIC with its counterparts in Togo and Burkina Faso, both of which share borders with Ghana, is very significant and timely. Without such an arrangement for cooperation and information sharing, the seamless nature of the boundaries which divided communities and ethnic groups could render the fight against money laundering, terrorist financing and other transnational organised crime otiose.



**Exchange of MOUs by FIC, Ghana and CENTIF, Togo, November 2011**



### **3.5.3 Development Of Cross Border Currency Reporting Form**

Sections 33 – 38 of Act 749 provide for cross border foreign currency reporting. The FIC strengthened coordination with Customs Division of the Ghana Revenue Authority and the Treasury Department of the Bank of Ghana to redesign the existing Currency Declaration Form and considered the potential for automating the collection of data on cross-border currency transactions, and the expeditious transmission of same to the FIC.

## **3.6 TECHNICAL ASSISTANCE**

The task assigned to the FIC is daunting and critical in the AML/CFT crusade because money launderers cover their tracks most of the times using sophisticated techniques and financial intermediaries spread around the globe. The need for capacity building of the staff of FIC as a link between regulators and LEAs in the AML/CFT regime cannot be over emphasised.

Well-trained analysts and information technology staff of the FIC and other stakeholder institutions is vital to enable the FIC find the links between diverse and seemingly unconnected activities. In this context, it is evident that sophisticated financial systems including global business activities present money laundering and terrorist financing risks which cannot be taken for granted.

The following were some of the training programmes received, organized and offered to and from the FIC during the year under review.

- (i) A seminar on Economic and Financial Crimes for Judges was organised by GIABA, and four (4) Judges of the Superior Court of Judicature participated in June 2010.
- (ii) FIC in collaboration with GIABA organised a two-day stakeholders' workshop to put together the National Strategy and Action Plan on AML/CFT in July 2010.
- (iii) Three (3) FIC and 1 Bank of Ghana staff participated in an Advanced Anti-Money Laundering School, in the U.S. Federal Deposit Insurance Cooperation (FDIC) in July 2010.

- (iv) One (1) FIC staff and two (2) personnel from the Ghana Police Service participated in the Financial Forensic Techniques at the International Law Enforcement Academy in July 2010.
- (v) Regional Training for Financial Investigators, by GIABA in July 2010. Participants included one (1) staff of the Bureau of National Investigation and 1 from Economic and Organised Crime Office.
- (vi) Regional Policy Seminar on AML/CFT Compliance for Bank Chief Executives by GIABA in July 2010. Participants included one (1) FIC, one (1) Bank of Ghana and twelve (12) Financial Institutions.
- (vii) Technical Adviser from the Office of Technical Assistance (OTA), US Department of the Treasury arrived in Ghana to assist in setting a fully functioning FIC in August 2010.
- (viii) Additional seconded staff from Bank of Ghana joined the FIC in October 2010.
- (ix) OTA organized ICT audit for the FIC in November 2010.
- (x) One (1) staff of the FIC joined seven (7) others from NACOB in a study tour to Zambia to understudy Drug Demand Reduction as a predicate offence to money laundering in January 2011.
- (xi) Two (2) staff from the FIC and one (1) staff from NACOB participated in Tactical Analysis Training organised by the World Bank/Egmont Group in February 2011.
- (xii) GIABA with the support of FIC organised a two-day National workshop for Compliance Officers in March, 2011.
- (xiii) GIABA in collaboration with the FIC organised a-day's workshop for the youth on Transnational Organised Crime in March 2011.



**At the GIABA workshop for Judges of Anglophone West Africa, March 2011**

- (xiv) GIABA in collaboration with the FIC organized a week workshop for Judges of Anglophone West Africa in March 2011.



**The CEO delivering his remarks at the workshop for Judges of Anglophone West Africa, March 2011**

- (xv) OTA organized a week workshop on AML/CFT Compliance for FIC and Bank of Ghana.
- (xvi) Egmont Mentoring Workshop on Tactical Analysis was organized for the FIC, Law Enforcement Agencies (LEAs) and Regulators in November, 2011.

## **4.0 ACHIEVEMENTS, CHALLENGES AND PROSPECTS**

Ghana remains committed to the fight against ML/TF and other transnational organised crime. The FIC since commencing operation on January 4, 2010 has taken off in full flight. In this regard, it is worthy to note the modest achievements during the year under review.

### **4.1 ACHIEVEMENTS**

The Centre in the year 2011 made modest inroads in Ghana's AML/CFT regime by achieving the following:

- Developed Anti-Money Laundering and Combating the Financing of Terrorism Guidelines for Banks and Non-Bank Financial Institutions.
- Disseminated fifty-seven (57) Intelligence Reports as at December 31, 2011 to enhance the enforcement of the laws of the Republic of Ghana.
- Initiated awareness creation campaigns on AML/CFT.
- Assisted in the drafting and review of laws and Regulations on AML/CFT and other transnational organised crime.

### **4.2 CHALLENGES**

The FIC at its inception had, as expected, lots of challenges to grapple with. Key among its operational challenges included the following:

#### **4.2.1 Legal Issues**

The Anti-Money Laundering Act, 2008 (Act 749) and Anti- Terrorism Act, 2008 (Act 762) were enacted as laws of urgent necessity due, among other factors, to the discovery of oil in commercial quantities and the issuance of General Banking Licence to Barclays Bank Ghana Limited in 2007, to operate off-shore banking which drew the international community's attention to the country.

The enactment of Act 749 therefore became necessary to pre-empt attempts by criminal opportunists from abusing the financial system as well as sectors of the economy such as real estate development that could be susceptible to abuse by money launderers.

The urgency with which the law was enacted caused it to suffer some deficiencies. The FIC and some key development partners such as the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), Financial Crimes Enforcement Network (FinCEN) and the Office of Technical Assistance (OTA) of the United States Department of the Treasury have identified most of these deficiencies to include provisions bothering on the scope of the law, the mode of engagement of staff and operational efficiency of the FIC.

For example, the law had no express provision among the objects of the FIC empowering it to receive Cash Transaction Reports (CTRs). The FIC's mandate in that regard fell short of the Egmont's standard and did not fully cover terrorism financing measures. In particular, "*similar offences*" provided under Section 5(c) of Act 749 was not defined, a lacuna which suggests that FIC could not disseminate intelligence on Terrorist Financing to other jurisdictions.

#### **4.2.2 Finance**

The establishment and operation of the FIC required a commensurate level of financial commitment. Though the FIC did not have a line item in the Government's 2010 and 2011 Fiscal Policy Statements, the Minister for Finance and Economic Planning directed the Bank of Ghana to make provision for the Centre.

#### **4.2.3 Staffing Concerns**

The absence of adequate and experienced staff to perform its core operational functions, including thorough analysis of reports received posed a major challenge to the Centre. It did not have permanent staff specially trained to perform financial intelligence analysis. The staff complement of seven (7), including support staff, were all seconded from the Bank of Ghana. Though the support was very much welcomed, the relationship blurred and potentially undermined the operational independence of the Centre.

Consequently, the FIC's inability to create AML/CFT awareness among accountable institutions, notably the Banks, Non-Bank Financial Institutions (NBFIs), Insurance Companies, Capital

Market Operators, the various institutions and professional bodies classified under the Designated Non-Financial Businesses and Professions (DNFBPs) and the general public. The main challenge particularly with the DNFBPs was the non-existence of regulation and supervision of institutions such as Non-Profit Organizations and Real Estate Development Agencies. Thus, the DNFBPs were oblivious of their obligations under the law, and none of them filed Suspicious Transaction Reports to the FIC.

Accordingly, the bane of receiving incomplete and inaccurate reports from the financial institutions saddled the FIC's core operations. Only few banks appreciated the need to file STRs and most of them did so with either inaccurate or insufficient information of little or no significance to intelligence value.

#### **4.2.4 Information Technology Infrastructure**

A typical Financial Intelligence Unit's operation requires the deployment and maintenance of an effective backbone of Information Technology (IT) infrastructure, for the setting up of the requisite databases, ease of sophisticated data analysis, storage and retrieval, among others. Additionally with the complement of highly skilled IT staff, the maintenance of the supporting computing infrastructure becomes a vital component of the operations of the FIC.

At inception, the IT platform shared that of the Bank of Ghana due to the lack of expertise and professional staff. This arrangement potentially compromised IT independence as well as the network security required to protect the installations, equipment and, especially, data.

#### **4.2.5 Operational Policies, Procedures and Processes**

One of the key challenges that the FIC was confronted with was the lack of Standard Operating Procedures to guide the performance of the functions of its designated operational directorates. The challenge was traceable to resource constraints typified by inadequate personnel and expertise.

#### **4.2.6 Institutional Rivalries**

The distinctive roles played by Financial Intelligence Units require absolute cooperation and collaboration by all stakeholders in the AML/CFT framework, particularly the law enforcement



agencies, supervisory bodies, revenue agencies and public institutions which are custodians of other public databases.

However, as it is characteristic of institutions which are perceived to perform similar functions, the fear of usurpation of one's authority and functions and thereby becoming subservient to another creates mistrust and an attitude of unwillingness to cooperate. The FIC will not shy away from mentioning that its establishment was welcomed with unnecessary fear, borne out of ignorance of the law though, not only by some law enforcement agencies, but also some regulators.

Thus, whilst the Bank of Ghana, National Insurance Commission, Securities and Exchange Commission, Economic and Organised Crime Office and Narcotics Control Board readily executed Memoranda of Understanding (MOUs) [Section 49/749] with the FIC, other stake holder institutions thought otherwise.

With time, however, most parties began to appreciate the unique role of financial intelligence intermediation by the FIC leading to a considerable reduction in the inertia of cooperation.

## **4.2 PROSPECTS**

In line with Regulation 42 of the Anti-Money Laundering Regulations, 2011 (L.I. 1987), the FIC is focused on seeking membership of the Egmont Group of Financial Intelligence Units. When admitted as a member, the FIC would exchange information with other FIUs for the purposes of combating ML/TF and other transnational organised crimes.

The Egmont offers training and development as well as efficient exchange of financial intelligence. The FIC would thus benefit greatly from such staff development and training opportunities offered by the Egmont Group. Additionally, membership would increase our network of contacts for leveraging to further enhance the role we can play at the international level.





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Financial Intelligence Centre Organisational Chart

## Appendix I

### List of Board of Directors

Mr. Brian Anku Sapati  
Chairman

Mrs. Mangowa Ghanney  
Member, (MOFEP), Lawyer

Mrs. Regina Armah  
Member, (N.S.C.S), Lawyer

Mrs. Esther Kumado  
Member, (Bank of Ghana), Lawyer

D. C.O.P. Mr. Prosper Kwame Agblor  
Member, (Director-General, CID), Lawyer

Mr. Samuel Thompson Essel  
Member, (CEO), Lawyer

Mr. Rebily David Asante  
Member, Chartered Accountant

### List of Staff

Mrs. Frances Van-Hein Sackey  
Chief Manager, Legal/Board Secretary

Mr. Edward M. Musey  
Manager, Finance and Administration

Mr. Philip Q. Danso Esq.  
Deputy Manager, Compliance

Mrs. Eleanor K. Laryea  
Assistant Manager, Analysis

Mrs. Bright A. Sackey  
Officer I, Secretary

Nana Ekoa Bentsiwa Nunoo  
Officer II, Analyst/I.T

Mr. Albert Anadero  
Messenger

Daniel Lamptey  
Driver

## Appendix II

### Company Information

#### Registered Office

10<sup>th</sup> Floor, Cedi House  
No. 1 Liberia Road  
P. O. Box GP 2674  
Accra – Ghana

#### Telephone

+233 (0) 302 – 665252

#### Fax

+233 (0) 302 – 665372

#### Email

[info@fic.gov.gh](mailto:info@fic.gov.gh)

#### Website

[www.fic.gov.gh](http://www.fic.gov.gh)

#### Auditors

The Auditor-General  
Ghana Audit Service  
P. O. Box MB 96  
Accra

#### Solicitors

The Minister for Justice and Attorney-General  
Ministry of Justice and Attorney-General's Department  
P. O. Box M 60  
Accra

#### Bankers

Bank of Ghana  
P. O. Box GP 2674  
Accra

## Appendix III

### Relevant AML/CFT Laws

The Constitution of the Republic of Ghana, 1992  
Criminal Offences Act, 1960 (Act 29)  
Narcotic Drugs (Control, Enforcement & Sanctions) Act, 1990 (PNDC Law 236)  
Immigration Act, 2000 (Act 573)  
Internal Revenue Act, 2000 (Act 592) as Amended / Value Added Tax  
Foreign Exchange Act, 2006 (Act 723)  
Anti-Money Laundering Act, 2008 (Act 749)  
Anti-Terrorism Act, 2008 (Act 762)  
Non-Bank Financial Institution Act, 2008 (Act 774)  
Economic and Organised Crime Office Act, 2010 (Act 804)  
Mutual Legal Assistance Act, 2010 (Act 807)  
Anti-Money Laundering Regulations, 2011 (L. I. 1987)

## Appendix IV

### Relevant AML/CFT Websites

#### Local

Government of Ghana

[www.ghana.gov.gh](http://www.ghana.gov.gh)

National Security Council Secretariat

[www.nscs.gov.gh](http://www.nscs.gov.gh)

Financial Intelligence Centre

[www.fic.gov.gh](http://www.fic.gov.gh)

Economic and Organised Crime Office

[www.eoco.org.gh](http://www.eoco.org.gh)

Ghana Police Service

[www.ghanapolice.info](http://www.ghanapolice.info)

Narcotics Control Board

[www.nacob.gov.gh](http://www.nacob.gov.gh)

Bank of Ghana

[www.bog.gov.gh](http://www.bog.gov.gh)

National Insurance Commission

[www.nicgh.org](http://www.nicgh.org)

Securities and Exchange Commission

[www.secghana.org](http://www.secghana.org)

National Pensions Regulatory Authority

[www.npra.gov.gh](http://www.npra.gov.gh)

## **Foreign**

Financial Action Task Force

[www.fatf-gafi.org](http://www.fatf-gafi.org)

United Nations Office on Drugs and Crime

[www.unodc.org](http://www.unodc.org)

International Monetary Fund

[www.imf.org](http://www.imf.org)

Inter-Governmental Group against Money Laundering in West Africa

[www.giaba.org](http://www.giaba.org)



## Appendix V

### **List of Accountable Institutions**

Banks

Non-Bank Financial Institutions

Auctioneers

Lawyers

Notaries

Accountants

Religious Bodies

Non-Government Organisations

Money Transfer Businesses

Operators of Game of Chance

Real Estate Agents

Dealers in Vehicles

Trust and Company Service Providers

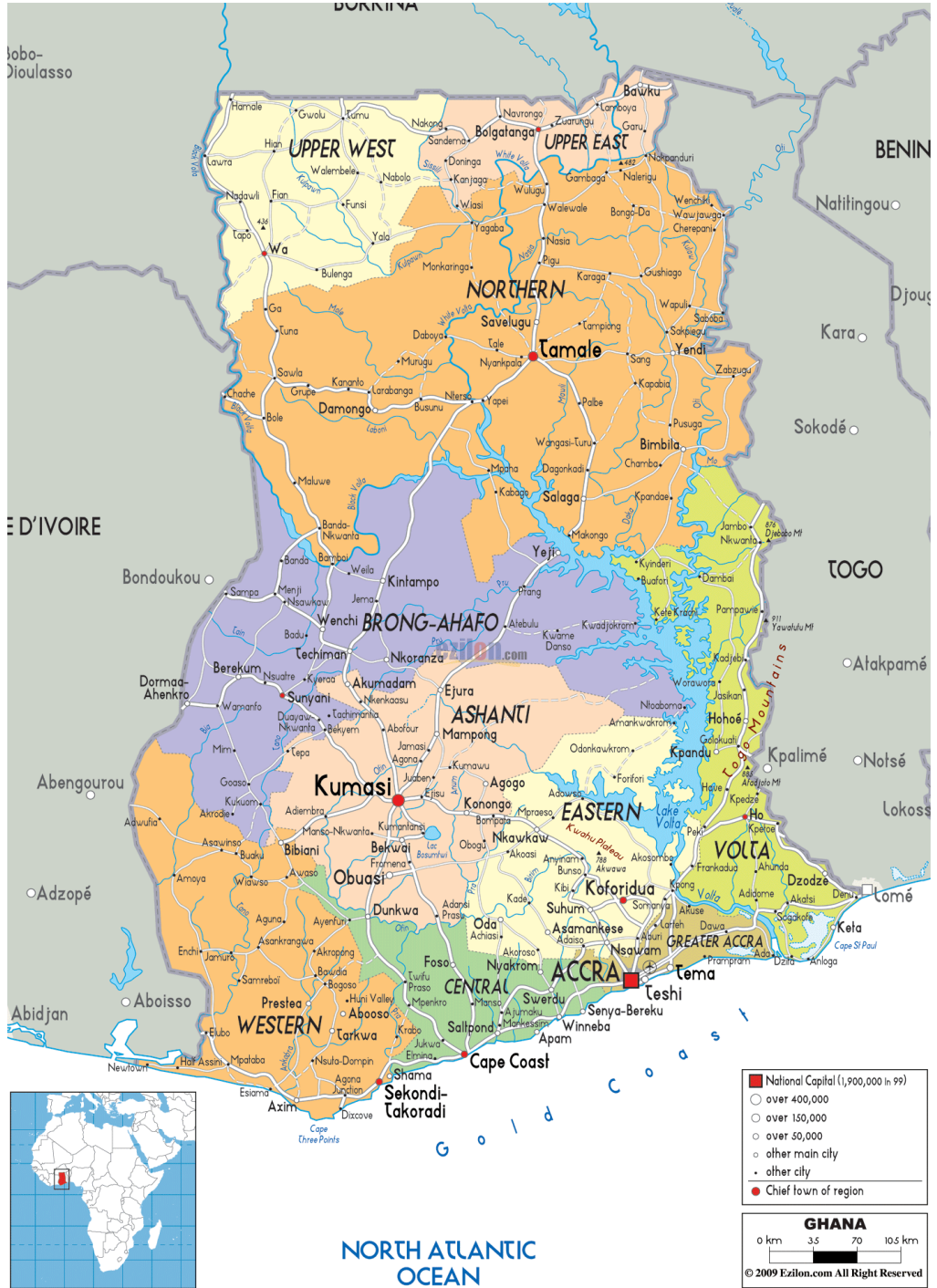
## Appendix VI

### List of Memoranda of Understanding and Dates

Togolese Republic	-	November 16, 2011
Burkina Faso	-	November 16, 2011

# Appendix VII

## Political Map of Ghana



## **Appendix VIII**

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# **Anti-Money Laundering Act, 2008 (Act 749)**

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## ARRANGEMENT OF SECTIONS

### Section

#### Money laundering

1. Money laundering
2. Aiding and abetting money laundering activities
3. Penalty for money laundering

#### Financial Intelligence Centre

4. Establishment of Financial Intelligence Centre
5. Objects of the Centre
6. Functions of the Centre
7. Governing body of the Centre
8. Functions of the Board on policy formulation
9. Tenure of office of members
10. Meetings of the Board
11. Disclosure of interest
12. Committees of the Board
13. Allowances

#### Administrative and financial matters

14. Appointment of Chief Executive Officer
15. Functions of the Chief Executive Officer
16. Appointment of Deputy Chief Executive Officer
17. Appointment of other staff
18. Funds of the Centre
19. Accounts and audit
20. Annual report and other reports

#### Accountable institutions, records and information

21. Accountable institutions
22. Register of accountable institutions
23. Accountable institutions to keep records
24. Duration for keeping records
25. Unauthorised access to computer system or application data
26. Unauthorised modification of computer system
27. Duty of operators of games of chance
28. Request for information
29. Information held by supervisory bodies and revenue agencies
30. Suspicious transaction report
31. Conducting transaction to avoid giving rise to a reporting duty
32. Protection against civil or criminal liability
33. Conveyance of currency to or from the Country
34. Electronic transfer of currency

- 35. Reporting procedures
- 36. Continuation of transactions
- 37. Intervention by the Centre
- 38. Monitoring orders
- 39. Offences in relation to records and information

Compliance

- 40. Formulation and implementation of internal rules
- 41. Training and monitoring for compliance
- 42. Referral of suspected offences to investigating authorities and other public bodies
- 43. Responsibility for the supervision of accountable institutions
- 44. Offences in relation to compliance

Miscellaneous provisions

- 45. Extraditable offence
- 46. Trial Court and proceedings
- 47. Freezing of transactions or accounts
- 48. Oath of secrecy
- 49. Co-operation by officers of public agencies
- 50. Regulations
- 51. Interpretation

**SCHEDULE**

THE SEVEN HUNDRED AND FORTY-NINETH  
**ACT**

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA

ENTITLED  
**ANTI-MONEY LAUNDERING ACT, 2008**

AN ACT to prohibit money laundering, establish a Financial Intelligence Centre and to provide for related matters.

DATE OF ASSENT: 22nd January, 2008.

ENACTED by the President and Parliament:

*Money laundering*

**Money laundering**

- 1.** (1) A person commits an offence of money laundering if the person knows or ought to have known that property is or forms part of the proceeds of unlawful activity and the person
- (a) converts, conceals, disguises or transfers the property,
  - (b) conceals or disguises the unlawful origin of the property, or
  - (c) acquires, uses or takes possession of the property.

(2) For the purpose of this Act, unlawful activity means conduct which constitutes a serious offence, financing of a terrorist act or contravention of a law which occurs after the commencement of this Act whether the conduct occurs in this country or elsewhere.

**Aiding and abetting money laundering activities**

- 2.** A person commits an offence if the person knows or ought to have known that another person has obtained proceeds from an unlawful activity and enters into an agreement with that other person or engages in a transaction where

- (a) the retention or the control by or on behalf of that other person of the proceeds from unlawful activity is facilitated, or
- (b) the proceeds from that unlawful activity are used to make funds available to acquire property on behalf of that other person.

### **Penalty for money laundering**

**3.** A person who contravenes section 1 or 2 commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not less than twelve months and not more than ten years or to both.

### *Financial Intelligence Centre*

### **Establishment of Financial Intelligence Centre**

**4.** (1) There is established by this Act a body to be known as the Financial Intelligence Centre.

(2) The Centre is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Centre may for the performance of its functions acquire and hold movable and immovable property and may enter into a contract or any other transaction.

### **Objects of the Centre**

**5.** The objects of the Centre are to

- (a) assist in the identification of proceeds of unlawful activity and the combat of money laundering activities;
- (b) make information available to investigating authorities, the intelligence agencies and the revenue agencies to facilitate the administration and enforcement of the laws of the Republic; and
- (c) exchange information with similar bodies in other countries as regards money laundering activities and similar offences.



## **Functions of the Centre**

### **6.** To achieve the objects, the Centre shall

- (a) process, analyse, disseminate and interpret information disclosed to or obtained by the Centre in terms of this Act;
- (b) retain the information in the manner and for the period required under this Act;
- (c) inform, advise and co-operate with investigating authorities, supervisory bodies, the revenue agencies, the intelligence agencies and foreign counterparts; and
- (d) monitor and give guidance to accountable institutions, supervisory bodies and other persons on the discharge of their duties and in compliance with this Act.

## **Governing body of the Centre**

### **7.** (1) The governing body of the Centre is a Board consisting of

#### (a) one representative each from:

- (i) the Ministry of Finance not below the rank of director,
- (ii) the Ministry responsible for National Security not below the rank of director,
- (iii) the Bank of Ghana not below the rank of director;

(b) one senior police officer not below the rank of Assistant Commissioner nominated by the Minister for the Interior;

(c) the Chief Executive Officer,

(d) one lawyer in private practice with at least ten years experience nominated by the Attorney-General and Minister for Justice, on the advice of the Ghana Bar Association, and

(e) one other person from the private sector with accounting, banking and finance experience nominated by the Minister.

(2) The President shall appoint the chairperson and the other members of the Board in accordance with article 70 of the Constitution.

### **Functions of the Board on policy formulation**

**8.** The Board shall formulate and ensure the implementation of policies necessary for the achievement of the objects of the Centre.

### **Tenure of office of members**

**9.** (1) A member of the Board other than the Chief Executive Officer shall hold office for a period of four years and is eligible for re-appointment, but a member shall not be appointed for more than two terms.

(2) Where a member of the Board resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, the Minister shall notify the President of the vacancy and the President shall, in accordance with article 70 of the Constitution, appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of the Board other than the Chief Executive Officer may at anytime resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President, by a letter addressed to a member

(a) may revoke the appointment of that member where there are sufficient grounds for the revocation; and

(b) shall revoke the appointment of a member at the request of the nominating body.

### **Meetings of the Board**

**10.** (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request of not less than three of the members of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is three.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

### **Disclosure of interest**

**11.** (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) Where a member contravenes subsection (1) the chairperson shall notify the Minister who shall inform the President to revoke the appointment of the member.

### **Committee of the Board**

**12.** (1) The Board may constitute committees consisting of members of the Board or non-members or both, to perform a function of the Board.

(2) A committee of the Board may be chaired by a member of the Board.

(3) Section 11 applies to a member of a committee of the Board.

### **Allowances**

**13.** Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister.

### *Administrative and financial matters*

### **Appointment of Chief Executive Officer**

**14.** (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Centre.

(2) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

### **Functions of the Chief Executive Officer**

**15.** (1) The Chief Executive Officer is responsible for the day to day administration of the Centre and is answerable to the Board in the performance of functions under this Act.

(2) The Chief Executive Officer may delegate a function to the Deputy Chief Executive Officer but the Chief Executive Officer shall not be relieved of the ultimate responsibility for the performance of the delegated function.

### **Appointment of Deputy Chief Executive Officer**

**16.** (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Chief Executive Officer for the Centre.

(2) In the absence of the Chief Executive Officer, the Deputy Chief Executive Officer shall perform the functions of the Chief Executive Officer.

### **Appointment of other staff**

**17.** (1) The President shall in accordance with article 195 of the Constitution, appoint other staff of the Centre that are necessary for the proper and effective performance of the functions of the Centre.

(2) Other public officers may be transferred or seconded to the Centre or may otherwise give assistance to the Centre.

(3) The Centre may engage the services of consultants on the recommendation of the Board.

(4) The Chief Executive, Deputy Chief Executive and staff of the Centre shall be subject to security screening.

### **Funds of the Centre**

**18.** The funds of the Centre shall include

- (a) moneys approved by Parliament,
- (b) donations, grants, and
- (c) any other moneys that are approved by the Minister responsible for Finance.

### **Accounts and audit**

**19.** (1) The Board shall keep books of account and proper records in relation to the Centre in the form approved by the Auditor-General.

(2) The Board shall, within three months after the end of the financial year, submit the accounts of the Centre to the Auditor-General for audit.

(3) The Auditor-General shall, not later than three months, after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Board.

(4) The Internal Audit Agency Act, 2003 (Act 658) applies to this Act.

(5) The financial year of the Centre is the same as the financial year of the Government.

### **Annual report and other reports**

**20.** (1) The Board shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Centre for the year to which the report relates.

(2) The annual report shall include the Auditor-General's report.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other report which the Minister may require in writing.

### *Accountable institutions, records and information*

#### **Accountable institutions**

**21.** (1) For the purposes of this Act accountable institutions are as set out in the First Schedule.

(2) The Minister may by Legislative Instrument amend the First Schedule.

#### **Register of accountable institutions**

**22.** (1) Each supervisory body shall furnish the Centre with a list of accountable institutions which are registered with it.

(2) The Centre shall allocate to each registered accountable institution a number for identification purposes.

(3) The Centre shall maintain a register of accountable institutions.

### **Accountable institutions to keep records**

**23.** (1) An accountable institution that establishes a business relationship with a person shall keep records of

- (a) the identity of the person or the agent of the person;
- (b) transaction made through the accountable institution, and
- (c) suspicious transactions reports made to the Centre.

(2) For the purposes of this Act records maybe kept on a computer system or an electronic device capable of being used to store information.

(3) This section applies to each single transaction with an accountable institution.

### **Duration for keeping records**

**24.** (1) An accountable institution shall keep the records for

- (a) not less than six years after the date on which a relationship is terminated in case of a business relationship, or
- (b) not less than six years after the date a transaction is concluded.

(2) An accountable institution may appoint a person to keep records on behalf of the accountable institution.

(3) An accountable institution that appoints a person to keep records on its behalf shall inform the Centre of the appointment in writing.

(4) At the end of the six year period, the accountable institution shall send the records to the Public Records and Archives Administration Department.

### **Unauthorised access to computer system or application data**

**25.** A person shall not

- (a) access a computer system,
- (b) access application data held in a computer system, or
- (c) cause a computer system that belongs to, or is under the control of the

Centre or an accountable institution to perform or fail to perform a function without the consent of the Centre or the accountable institution.

### **Unauthorised modification of computer system**

**26.** A person shall not

- (a) modify,
- (b) erase, or
- (c) destroy

the contents of a computer system or application data of a computer system that belongs to the Centre or an accountable institution without the consent of the Centre or the accountable institution.

### **Duty of operators of games of chance**

**27.** (1) The Gaming Commissioner shall not issue or renew a licence for the operation of a game of chance under the Gaming Act, 2006 (Act 721) unless the applicant for the licence or renewal provides proof of the lawful origin of the capital for the intended operation or in case of a renewal, the origin of its additional capital to the Games Commissioner.

(2) A betting or gaming operator shall

- (a) verify the identity of a person who buys or exchanges chips or tokens, by requesting the person to present an authentic document bearing the name and address of the person;
- (b) keep records of gaming transactions in chronological order in a register indicating
  - (i) the nature and amount of currency involved in each transaction, and
  - (ii) the full name and address of the person in a register in a form authorised by the Centre.

(3) The register shall be preserved for at least six years after the last recorded transaction in the register and after the six year period, the register shall be sent to the Public Records and Archives Administration Department.



### **Request for information**

**28.** (1) The Centre or an authorised representative of the Centre may request an accountable institution to disclose whether

- (a) a person is or has been a client of the accountable institution,
- (b) a person is acting or has acted on behalf of a client of the accountable institution, or
- (c) a client of the accountable institution is acting or has acted on behalf of another person and the accountable institution shall comply.

(2) The Centre may request further information where the Centre is of the opinion that the information given to the Centre is not adequate.

### **Information held by supervisory bodies and revenue agencies**

**29.** (1) Where a supervisory body or a revenue agency becomes aware or believes that an accountable institution, as a result of a transaction concluded by or with the accountable institution,

- (a) has received or is about to receive the proceeds of unlawful activities or
- (b) has been used or may be used for money laundering or a suspicious transaction, the supervisory body or revenue agency shall advise the Centre of the fact and furnish the Centre with the information and records in respect of the knowledge or suspicion which the Centre may reasonably require.

(2) Where the Centre believes that a supervisory body or revenue agency may have information indicating that an accountable institution

- (a) is about to receive the proceeds of unlawful activity as a result of a transaction, or
- (b) has been used or maybe used for money laundering or for the purpose of any suspicious transaction, the Centre may request the supervisory body or revenue agency to confirm or rebut the belief and the supervisory body or revenue agency shall comply.

### **Suspicious transaction report**

- 30.** (1) A person who or an institution which knows or suspects that
- (a) a business entity, an accountable institution or a trust has received or is about to receive the proceeds of unlawful activity, or
  - (b) a transaction to which the business entity is a part
    - (i) facilitated or is likely to facilitate the transfer of the proceeds of unlawful activities,
    - (ii) has no apparent business or lawful purpose,
    - (iii) is conducted to avoid or give rise to a reporting duty under this Act,
    - (iv) maybe relevant to an investigation into tax evasion or an attempt to evade the payment of tax, duty or a levy imposed by legislation, or
    - (v) has been used or is about to engage in money laundering, shall within twenty four hours after the knowledge or the ground for suspicion of the transaction submit a suspicious transaction report to the Centre.

(2) Where a person suspects a transaction to be linked to or used for the financing of a terrorist act as defined bylaw, the person shall make a report to the Centre within twenty four hours of the suspicion.

- (3) A person who makes a suspicious transaction report shall not
- (a) disclose the contents to another person, or
  - (b) reveal the personal details of the officer of the Centre who receives the report to another person.

- (4) A person who receives a suspicious transaction report shall not
- (a) disclose the contents of the report to a person not authorised to know the contents of the report, or
  - (b) disclose the personal details of the person who made the report to another person.

(5) A person who makes a suspicious transaction report shall disclose the contents where

- (a) the person is required by law to disclose the contents,
- (b) it is to carry out the provisions of this Act,
- (c) it is for legal proceedings, or
- (d) it is by an order of a Court.

### **Conducting transaction to avoid giving rise to a reporting duty**

**31.** A person shall not conduct two or more transactions separately with one or more than one accountable institution so as to avoid the duty to report a transaction or in breach of the duty to disclose information under this Act.

### **Protection against civil or criminal liability**

**32.** A person who makes a suspicious transaction report under section 30 is not liable for the breach of a restriction on disclosure of information imposed by contract or by any law if the person reports the suspicion to the Centre in good faith.

### **Conveyance of currency to or from the country**

**33.** (1) A person who intends to convey currency that exceeds the amount prescribed by the Bank of Ghana to or from this country shall declare the particulars of the currency and the amount to be conveyed to the Bank of Ghana or its authorised agent at the port of entry or exit.

(2) A person authorised to receive the declaration shall immediately on receipt of the declaration send a copy to the Centre.

(3) The declaration shall be made in accordance with the Foreign Exchange Act, 2007 (Act 723) and Regulations made under that Act.

### **Electronic transfer of currency**

**34.** Where an accountable institution through electronic means and in accordance with the Foreign Exchange Act, 2007 (Act 723) and Regulations made under that Act,

- (a) transfers currency outside the country, or

(b) receives currency from outside the country which exceeds the amount prescribed by the Bank of Ghana, the accountable institution shall within twenty-four hours after the transfer or receipt of the currency, report the particulars of the transfer or receipt to the Centre.

### **Reporting procedures**

**35.** (1) A report to the Centre on the conveyance of currency and the electronic transfer of currency by an accountable institution shall be made in a manner prescribed.

(2) The Centre or an authorised officer, may request an accountable institution that has made a report to furnish the Centre or body with additional information concerning the report.

### **Continuation of transactions**

**36.** (1) An accountable institution required to make a report to the Centre may continue to carry out the transaction in respect of which the report is required to be made but shall inform the Centre.

(2) The Centre may within three days, direct an accountable institution or a person not to proceed with a transaction on which a report has been made.

### **Intervention by the Centre**

**37.** Where the Centre after consulting an accountable institution, or a person required to make a report, has reasonable grounds to suspect that a transaction or proposed transaction may involve the proceeds of unlawful activity or may constitute money laundering, the Centre may direct the accountable institution or person to

(a) make the necessary inquiries concerning the transaction, or

(b) inform and advise an investigating authority, where the Centre considers it appropriate.

### **Monitoring orders**

**38.** (1) A Court may, on written application by the Centre, make a monitoring order requesting an accountable institution to make a report to the Centre.

(2) The order may request that transactions conducted by a specified person with an accountable institution and transactions conducted in respect of a specified account or facility at the accountable institution shall be reported if there are reasonable grounds to suspect that

(a) that person has transferred or may transfer the proceeds of unlawful activity through the accountable institution or is using or may use the accountable institution for money laundering, and

(b) the account or other facility has received or may receive the proceeds of unlawful activity or is being or may be used for money laundering purposes.

(3) The order lapses after three months except that before the expiry of the three months an application may be made to the Court to extend the order for a period of not more than three months at a time if

(a) the grounds on which the order is based still exists, and

(b) the Court is satisfied that the interest of justice may best be served by monitoring the person, account or facility referred to in subsection (1) and in the manner provided for in this section.

(4) An application under this section shall be made by one party without notice to the other.

### **Offences in relation to records and information**

**39.** (1) A person who without reasonable excuse

(a) fails to keep records, contrary to section 23;

(b) accesses a computer system, application data held in a computer system or causes a computer system that belongs to or is under the control of the Centre or an accountable institution to fail to perform contrary to section 25;

(c) modifies a computer system contrary to section 26;

(d) fails to comply with section 27(2);

(e) fails to or refuses to advise the Centre or an authorised representative of the Centre of a client contrary to section 28;

(f) fails to report a suspicious transaction contrary to section 30;

(g) fails to protect the identity of the officer of the Centre who receives the report contrary to section 30;

(h) fails to protect the identity of a person who makes a suspicious transaction report contrary to section 30;

(i) conducts transactions in a manner to avoid a reporting duty contrary to section 31;

(j) fails to give notice of the conveyance of currency within, to or from the Republic contrary to section 33;

(k) fails to inform the Centre of the electronic transfer of currency contrary to section 34;

(l) fails to furnish the Centre with additional information contrary to section 35;

(m) fails to comply with a direction of the Centre and proceeds with a transaction contrary to section 37; or

(n) fails to comply with a monitoring order contrary to section 38, commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

(2) Where the offence is committed by a company or a body of persons the penalty shall be a fine of not more than one thousand penalty units, and

(a) in the case of a body corporate, other than a partnership, each director or an officer of the body is considered to have committed the offence; and

(b) in the case of a partnership, each partner or officer of that body is considered to have committed that offence.

(3) A person shall not be convicted of an offence under subsection (2), if the person proves that the offence was committed without the person's knowledge or connivance and that the person exercised due care and diligence to prevent the commission of the offence having regard to all the circumstances.

(4) The court shall in addition to the penalty refer the matter to the Bank of Ghana for administrative sanction where the offence is committed by a bank.

(5) A court shall refer the conviction of an accountable institution to the supervisory body concerned for administrative sanction.

### *Compliance*

#### **Formulation and implementation of internal rules**

**40.** (1) An accountable institution shall in consultation with the Centre formulate and implement internal rules concerning

- (a) the establishment and verification of the identity of persons whom the institution is required to identify,
- (b) information of which records must be kept,
- (c) the manner in which and the place at which the records must be kept,
- (d) the steps to be taken to determine what a transaction is reportable, and
- (e) other matters that an institution may determine.

(2) An accountable institution shall make its internal rules available to its employees involved in dealing with transactions to which this Act applies.

(3) An accountable institution shall, on request, make a copy of its internal rules available to

- (a) the Centre, and
- (b) a supervisory body which performs regulatory or supervisory functions over that accountable institution.

(4) An accountable institution shall ensure that the foreign branches and subsidiaries of the accountable institution observe the rules consistent with a subsidiary company of the accountable institution registered in the Republic.

#### **Training and monitoring for compliance**

**41.** An accountable institution shall

- (a) train its employees on the provisions of this Act and the internal rules, and
- (b) appoint a compliance officer to ensure observance

(i) of the provisions of this Act and the internal rules by the employees of the accountable institution, and

(ii) of the obligations under this Act by the accountable institution.

### **Referral of suspected offences to investigating authorities and other public bodies**

**42.** Where the Centre has reasonable grounds to suspect that an accountable institution or a person other than a supervisory body subject to the provisions of this Act, has contravened or failed to comply with a provision of this Act or a rule or guideline applicable to the accountable institution or person which facilitates compliance with this Act, the Centre shall refer the matter to

(a) the relevant investigating authority, or

(b) an appropriate supervisory body, a public body or other authority affected by the contravention or non-compliance, together with recommendations considered appropriate by the Centre.

### **Responsibility for the supervision of accountable institutions**

**43.** (1) Where the Centre refers a matter to a supervisory body, public body or authority, the supervisory body, public body or authority shall investigate the matter and may after consultation with the Centre take steps to remedy the matter.

(2) Where the supervisory body, public body or an authority fails to take steps to remedy the matter, the Centre may in consultation with the supervisory body, public body or authority take steps to remedy the matter.

### **Offences in relation to compliance**

**44.** An accountable institution, which fails to

(a) formulate and implement internal rules contrary to section 40, or

(b) provide training or appoint a compliance officer contrary to section 41, commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units.



*Miscellaneous provisions*

**Extraditable offence**

**45.** Money laundering and terrorist financing are extraditable offences under the Extradition Act, 1960 (Act 22).

**Trial court and proceedings**

**46.** (1) The High Court and Circuit Court have jurisdiction to try an offence under this Act.

(2) In a trial for an offence under this Act, the accused person may be presumed to have unlawfully obtained pecuniary resources or property in the absence of evidence to the contrary if the accused person,

(a) is in possession of pecuniary resources or a property for which the accused cannot account and which is disproportionate to the accused person's known sources of income, or

(b) had at the time of the alleged offence obtained access to personal pecuniary resources or property for which the accused cannot satisfactorily account.

**Freezing of transactions or accounts**

**47.** (1) The Centre shall not investigate serious offences but where the Chief Executive Officer is of the opinion that it is necessary to freeze a transaction or an account to prevent money laundering, the Chief Executive Officer may direct the freezing of a transaction or account of any accountable institution.

(2) The Chief Executive Officer shall apply to a court within seven days after freezing a transaction or account for confirmation of the action taken and the court may confirm the freezing on conditions or direct the de-freezing of the transaction or account.

(3) Where a transaction or account has been frozen, the person affected shall be notified by the Chief Executive Officer within forty-eight hours of the freezing of the transaction or account and the person affected may seek redress from court.

### **Oath of secrecy**

**48.** (1) A person

- (a) appointed to an office,
- (b) appointed to act in an office, or
- (c) authorised to perform a function, under this Act shall swear the oath of secrecy set out in the Second Schedule before assuming office or before performing the function under this Act.

(2) A person specified under subsection (1) shall not disclose information obtained by the Centre under this Act from which a person can be identified except

- (a) to enable the Centre carry out its functions,
- (b) for the prevention or detection of an offence,
- (c) in connection with the discharge of an obligation under an international agreement,
- (d) to comply with a court order, or
- (e) as otherwise provided under any other law.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both.

### **Co-operation by officers of public agencies**

**49.** (1) An officer of a public agency shall co-operate with officers of the Centre in the performance of the functions of the officers of the Centre under this Act.

(2) A public officer who refuses or fails without reasonable summary conviction to a fine of not more than fifty penalty units or to a term of imprisonment of not more than three months or to both.

### **Regulations**

**50.** (1) The Minister, on the recommendations of the Board, shall by legislative instrument make Regulations

- (a) to add to or vary the list of accountable institutions;
- (b) on the records to be kept and retained by financial institutions and accountable institutions;
- (c) on the format of suspicious transactions reports;
- (d) for the rules and directives for accountable institutions to identify clients for the purposes of this Act;
- (e) on the form of reports and other documentation required under this Act; and
- (f) generally for the effective implementation of this Act.

(2) Despite the Statutory Instruments Act, 1959 (No. 52) as amended, the penalty for contravention of Regulations shall be a fine of not more than two thousand five hundred penalty units or a term of imprisonment of not more than three years or to both.

### **Interpretation**

**51.** In this Act unless the context otherwise requires:

“account” means a facility or an arrangement by which a financial institution does anyone or more of the following;

- (a) accepts deposits of currency,
- (b) allows withdrawals of currency or transfers into or out of the account,
- (c) pays cheques or payment orders drawn on a financial institution or cash dealer by, or collects cheques or payment orders on behalf of, a person,
- (d) supplies a facility or an arrangement for a safe deposit box;

“accountant” means a person registered under the Chartered Accountants Act, 1963, (Act 176);

“accountable institution” includes the institutions set out in the First Schedule;

“application data” means a set of instructions which causes a computer system to perform a function when executed on the computer;

“auctioneer” means a person registered under the Auction Sales Act, 1989 (P.N.D.C.L. 230);

“authorised officer” means a person authorised by the Centre to perform a function or discharge a duty on behalf of the Centre;

“bank” has the meaning given to it in the Banking Act, 2004 (Act 673);

“Board” means the governing body of the Financial Intelligence Centre;

“business entity” includes

- (a) a firm,
- (b) an individual licensed to carry out a business,
- (c) a limited liability company, or
- (d) a partnership, for the purpose of providing a product or service either for profit or non-profit;

“business relationship” means an arrangement between a person and an accountable institution for the purpose of concluding a transaction;

“centre” means the Financial Intelligence Centre established under section 4;

“Chief Executive” means the Chief Executive Officer appointed under section 14;

“computer system” includes an electronic, magnetic, optical, electrochemical or other data processing device, the physical components and any removable storage medium that is connected, to the device or a group of inter-connected or related devices, one or more of which is capable of

- (a) containing data, or
- (b) performing a logical, arithmetic or any other function in relation to data;

“Court” means the High Court or Circuit Court;

“currency” means

(a) coins, money or notes of the Republic or of another country that is designated as legal tender and that circulates as and is customarily used and accepted as a medium of exchange in the country of issue,

(b) „travellers“ cheques or other financial instruments denominated in the currency of Ghana or in foreign currency and

(c) any right to receive coins or notes in respect of a credit or balance with a financial institution or a non-resident;

“data” means a representation of

(a) information,

(b) knowledge,

(c) facts, or

(d) concepts capable of being processed in a computer system;

“electronic device” means anything or apparatus that is used or capable of being used to intercept a function of a computer system;

“electronic transaction” means a transaction made through an electronic device;

“intelligence agency” means the Internal or External Intelligence Agency established under the Security and Intelligence Agencies Act, 1996 (Act 526);

“entity” means a body corporate or unincorporated, an association or group of persons, a firm or a partnership;

“financial institution” means an entity that undertakes financial intermediation;

“financial instrument” means a physical or electronic document which embodies or conveys monetary value;

“financial intermediation” means a process of transferring funds from one entity to another entity;

“foreign counterpart” means the authority in another country that exercise similar powers and performs similar functions as the Centre;

“game of chance” includes a game other than lotto in which participants risk, in anticipation of winning award on the result of the game which depends on luck and which cannot be determined before the end of the game, pay money for the right to participate in the game;

“internal rules” means rules formulated by an accountable institution to enable the accountable institution comply with the reporting requirements of the Centre;

“investigating authority” means a body that is designated by legislation to investigate unlawful activities;

“Minister” means the Minister responsible for Finance;

“non-bank financial institution” means a financial institution that undertakes financial intermediation outside the bank;

“non-governmental organisation” means a civil organisation and includes a community based organisation, religious body and association;

“notary” means a person appointed under the Notaries Public Act, 1960 (Act 26);

“order” means a monitoring order;

“prescribed” means prescribed by Regulations made under this Act;

“proceeds” means property derived from or obtained, directly or indirectly through the commission of an offence;

“property” includes assets of any kind situated in the country or elsewhere whether movable or immovable, tangible or intangible, legal documents and instruments evidencing title of interest in the assets;

“record” means a material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device;

“record of identity” means the records maintained by accountable institutions on their clients in accordance with rules and directives issued to the accountable institutions by relevant supervisory bodies;

“Regulations” means Regulations made under this Act;

“religious body” means an association, a body or organisation which professes adherence to a belief in a system of faith or worship or which is established in pursuance of a religious objective;

“Republic” means Republic of Ghana;

“revenue agency” means an agency authorised by law to collect revenue;

“securities portfolio management” means the process of managing the financial assets of a client by a brokerage firm for and on behalf of the client in accordance with selected investment strategy under agreed management principles and regulations;

“serious offence” means an offence for which the maximum penalty is death or imprisonment for a period of not less than twelve months;

“supervisory body” means a body responsible for the supervision of the activities of accountable institutions under this Act;

“suspicious” means a matter which is beyond mere speculations and based on some foundation;

“transaction” includes an act which establishes a right or obligation or gives rise to a contractual or legal relationship between the parties to the contract or legal relationship and any movement of funds by any means with a covered institution; and

“trust and company service providers” means paid professional companies or unpaid persons who hold assets in a trust fund separate from their own assets;

## **SCHEDULES**

### **FIRST SCHEDULE**

*(section 21)*

Accountable institutions include

(a) an entity which is a bank or a non-bank financial institution which carries on any of the following activities:

(i) accepting deposits of money from the public, repayable on demand or otherwise and withdrawable by cheque, draft, orders or by any other means,

(ii) financing, whether in whole or in part or by way of short, medium or long term loans or advances of trade, industry, commerce or agriculture,

(iii) the issue and administration of means of payment including credit cards, travellers’ cheques bankers’ drafts and other financial instruments,

(iv) the trade in foreign exchange, currency market instruments or transferable securities,



(v) securities portfolio management and advice concerned with the portfolio management,

(vi) dealing in shares, stocks, bonds or other securities,

(vii) leasing, letting or delivering goods to a hirer under a hire- purchase agreement,

(viii) the conduct of any business,

(ix) the collection of money or acceptance of employer contributions and payment from these funds of legitimate claims for retirement benefits; and

(x) any other business activities that the Bank of Ghana may prescribe or recognise as being part of banking business;

(b) auctioneers;

(c) lawyers;

(d) notaries;

(e) accountants;

(f) religious bodies;

(g) non-governmental organisations;

(h) a person whose business or a principal part of whose business consists of providing financial services that involve the remittance or exchange of funds;

(i) operators of game of chance;

(j) a company carrying on insurance business within the meaning of the Insurance Act, 2006 (Act 724);

(k) a real estate company or agent, only to the extent that the real estate company or agent receives funds in the course of the agent's business to settle real estate transactions;

(l) dealers in precious metals and precious stones;

(m) dealers in motor vehicles; and

(n) trust and company service providers.

**SECOND SCHEDULE**

*(section 48)*

**THE OATH OF SECRECY**

I .....holding the office of..... Do (in the name of the Almighty God swear) (Solemnly affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties or as may be specially permitted by law (so help me God).

*To be sworn before the President, the Chief Justice or such other person as the President may designate.*

Date of Gazette notification: 25th January, 2008.

# ANTI-MONEY LAUNDERING REGULATIONS, 2011

## ARRANGEMENT OF REGULATIONS

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3. Internal rules related to record keeping
4. Internal rules related to reporting suspicious or unusual transactions
5. Appointment of anti-money laundering reporting officer
6. Access to information

#### *Identification of proceeds of unlawful activity*

7. Information to identify proceeds of unlawful activity
8. Politically exposed persons
9. Source of wealth
10. Enhanced monitoring
11. Conduct of due diligence on existing client
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#### *Establishment and verification of identity*

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14. Information related to citizens, permanent residents and persons with residence permits or a right of abode

15. Verification of information related to citizens, residents and persons with residence permits or a right of abode
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## ANTI-MONEY LAUNDERING REGULATIONS, 2011

IN exercise of the powers conferred on the Minister for Finance and Economic Planning by section 50 of the Anti-Money Laundering Act, 2008 (Act 749) and on the recommendations of the Board these Regulations are made this 31st day of January, 2011.

### *General guidelines*

#### **Internal rules**

**1.** (1) Each accountable institution shall make and implement internal rules and other procedures to combat money laundering and terrorist financing.

(2) The internal rules shall among others provide for

(a) programmes to assess the risk related to money laundering and terrorist financing;

(b) the formulation of control policy on issues of

(i) timing,

(ii) degree of control,

(iii) areas to be controlled,

(iv) responsibilities,

(v) follow ups, and

(vi) administrative penalties to combat money laundering and terrorist financing;

(c) monitoring policy programmes related to suspicious or unusual transactions;

(d) enhanced due diligence with respect to persons and businesses carrying high risk;

(e) enhanced due diligence on specified persons;

(f) training of employees, including the anti-money laundering reporting officer, in the recognition and handling of suspicious or unusual transactions;

(g) making employees aware of the procedures under these Regulations, the Act and other policies adopted by the accountable institution;

(h) the establishment and maintenance of a manual of compliance procedures

- related to anti-money laundering; and
- (i) other matters as directed by the Centre.

**Internal rules related to the establishment and verification of identity**

**2.** The internal rules of an accountable institution related to the establishment and verification of identity shall

- (a) provide for the necessary processes and working methods which will cause the required particulars related to the identities of parties to a business relationship or single transaction to be obtained on each occasion when a business relationship is established or a single transaction is concluded with the institution;
- (b) provide for steps to be taken by the relevant staff members aimed at the verification of the required particulars related to the identity of parties to a business relationship or single transaction;
- (c) provide for the responsibility of the management of the accountable institution in respect of compliance with the Act, these Regulations and the internal rules;
- (d) allocate responsibilities and accountability to ensure that staff duties related to the establishment and verification of identities are complied with;
- (e) provide for disciplinary steps against the relevant staff members for non-compliance with the Act, these Regulations and the internal rules; and
- (f) take into account any guidelines related to the verification of identity which may apply to that accountable institution.

**Internal rules related to record keeping**

**3.** Each accountable institution shall make internal rules related to record keeping to

- (a) provide for the necessary systems, processes and working methods to ensure that the relevant staff members of the accountable institution obtain the information of which record shall be kept on each occasion when a business

relationship is established or a transaction is concluded with the accountable institution;

- (b) provide for the responsibility of the management of the accountable institution in respect of compliance with the Act, these Regulations and the internal rules;
- (c) allocate responsibilities and accountability to ensure that staff duties related to the establishment and verification of identities are complied with;
- (d) provide for disciplinary steps against the relevant staff members for non-compliance with the Act, these Regulations and the internal rules;
- (e) provide for the necessary systems, processes and working methods to ensure that the accuracy and integrity of those records are maintained for the entire period for which the records are to be kept;
- (f) provide for the necessary processes and working methods to ensure that access that may be required or authorised under the Act by the relevant staff members to those records can be obtained without hindrance; and
- (g) take into account any guidelines related to the keeping of records which may apply to that accountable institution.

#### **Internal rules related to reporting suspicious or unusual transactions '**

**4.** (1) Each accountable institution shall make internal rules related to reporting of suspicious or unusual transactions to

- (a) provide for the necessary systems, processes and working methods which will cause a 'suspicious or an unusual transaction to be reported without delay;
- (b) provide for the necessary systems, processes and working methods to enable staff recognise potentially suspicious or unusual transactions;
- (c) provide for the responsibility of the management of the institution in respect of compliance with the Act, these Regulations and the internal rules;
- (d) allocate responsibility to ensure that staff duties related to the reporting of suspicious or unusual transactions are complied with;
- (e) provide for disciplinary steps against relevant staff 'members for non compliance with the Act, these Regulations and the internal rules;



- (f) take into account any directives related to reporting suspicious or unusual transactions which may apply to that institution; and
- (g) ensure that records which must be retained for anti-money laundering investigations are emphasised.

### **Appointment of Anti-Money Laundering Reporting officer**

**5.** (1) Each accountable institution shall appoint a person of senior status as an anti-money laundering reporting officer who shall receive suspicious or unusual transaction reports from persons handling transactions for the accountable institution.

(2) The anti-money laundering reporting officer shall have the necessary skills and competence.

(3) In the case of an accountable institution operated by an individual, that individual shall be the anti-money laundering reporting officer.

### **Access to information**

**6.** An accountable institution shall ensure that the anti-money laundering reporting officer of the accountable institution has access to other information that may be of assistance to the anti-money laundering reporting officer in the consideration of a suspicious or unusual transaction report.

### *Identification of proceeds of unlawful activity*

### **Information to identify proceeds of unlawful activity**

- 7.** (1) An accountable institution shall obtain information from or in respect of
- (a) a client who establishes a business relationship or concludes a single transaction, or
  - (b) a prospective client who seeks to establish a business relationship or conclude a single transaction.

(2) An accountable institution shall obtain information whenever it is reasonably necessary with a view to obtaining additional information

- (a) related to a business relationship or single transaction which poses a particularly high risk of facilitating money laundering activities, or
- (b) to enable the accountable institution identify proceeds of an unlawful activity.

(3) The information shall take into account any guidelines related to the verification of identity or the reporting of suspicious or unusual transactions which may apply to that accountable institution.

(4) The information which an accountable institution shall obtain shall be adequate to reasonably enable the accountable institution determine whether transactions involving the client referred to are consistent with the accountable institution's knowledge of that client and are in compliance with the Act, these Regulations and the internal rules.

(5) The client's business activities shall include particulars related to the

(a) source of that client's income, or .

(b) source of the funds,

which that client expects to use to conclude the single transaction or transactions in the course of the business relationship.

### **Politically exposed persons**

**8.** (1) An accountable institution shall put in place appropriate risk management systems in addition to the performance of client due diligence to determine whether a prospective client or beneficial owner is a politically exposed person.

(2) An authorised officer of an accountable institution responsible for establishing a business relationship with a prospective client of the accountable institution shall perform enhanced due diligence and seek senior management approval before establishing a business relationship with a politically exposed person.

(3) Where an existing client or beneficiary is subsequently found to be or becomes a politically exposed person, an authorised officer of the accountable institution shall seek senior management approval to continue the business relationship.

### **Source of wealth**

**9.** An accountable institution shall take reasonable measures to establish the source of wealth and source of funds of a client and beneficial owner identified as a politically exposed person.

### **Enhanced monitoring**

**10.** Where an accountable institution is in a business relationship with a politically exposed person, the accountable institution shall conduct enhanced ongoing monitoring of that business relationship.

### **Conduct of due diligence on existing client**

**11.** An accountable institution shall conduct client due diligence on an existing client where

- (a) the client conducts a suspicious or an unusual transaction,
- (b) information on the client changes substantially, or
- (c) the accountable institution becomes aware that the accountable institution lacks sufficient information about the existing client.

### **Accountable institution to update records**

**12.** An accountable institution shall take reasonable steps to update the records required in these Regulations.

### *Establishment and verification of identity*

#### **General rules on identification**

- 13.** (1) Each accountable institution shall maintain identification procedures that
- (a) require the satisfactory production of evidence of the identity of a person before an accountable institution establishes a business relationship with that person;
  - (b) take into account the suspicion of money laundering where the prospective client of the accountable institution is not physically present during the identification process;
  - (c) ensure that the business relationship or single transaction is not continued where the accountable institution is unable to obtain satisfactory evidence of the prospective client's identity;
  - (d) provide that the identity of a person is established where a third person acts on behalf of that person;
  - (e) allow the accountable institution to obtain information on the purpose and intended nature of a business relationship;

(f) require an accountable institution to conduct ongoing due diligence by scrutinising transactions undertaken throughout the course of the business relationship to ensure that

- (i) the transactions being conducted are consistent with the accountable institution's knowledge of the client,
- (ii) the business and risk profile of the client, or the client's source of funds are properly investigated, and

(g) ensure that information collected under the client due diligence process is kept up to date by reviewing existing records.

(2) An accountable institution shall submit a report to the Financial Intelligence Centre even where the transaction is discontinued.

#### *Verification of individuals*

### **Information related to citizens, permanent residents and persons with residence permits or a right of abode**

**14.** (1) An accountable institution shall obtain from or in respect of a prospective client who is a citizen, permanent resident or a person with a residence permit or who has a right of abode,

(a) that prospective client's

- (i) legal name and any other names used by the prospective client;
- (ii) location including important landmarks close to the prospective client's residence;
- (iii) telephone number, fax number and mailing address;
- (iv) date and place of birth;
- (v) nationality;
- (vi) hometown;
- (vii) occupation, position held and employer's name;
- (viii) identity document; and
- (ix) nature of business,

(b) where the client is a student,

- (i) an introductory letter from the client's institution signed by the head of the institution or a representative of the head of institution, or

(ii) a student's identity card.

(2) The accountable institution shall obtain the signature of the prospective client.

(3) Where a prospective client is a person with a right of abode, the prospective client shall furnish the accountable institution with documentary evidence of the prospective client's status of right of abode.

(4) For the purposes of these Regulations, a person has a status of right of abode if that person is

(a) a Ghanaian who has lost the Ghanaian nationality by reason of the acquisition of a foreign nationality, or

(b) a person of African descent in the diaspora.

### **Verification of information related to citizens, permanent residents and persons with residence permits**

**15.** (1) An accountable institution shall verify the information obtained from an individual by comparing the particulars contained in a photo bearing identity document of that person.

(2) An accountable institution shall verify any of these particulars with information obtained by the accountable institution from an independent source, if it is believed to be reasonably necessary.

(3) An accountable institution shall verify an income tax registration number by comparing the number with a document issued by the Ghana Revenue Authority bearing the number and the name of the individual.

(4) An accountable institution shall verify the location address by comparing the address with information which can reasonably be expected to achieve the purpose of the verification such as a utility bill.

(5) Where an individual is unable to provide a photo-bearing identity document, an accountable institution may accept

(a) a birth certificate,

(b) a baptismal certificate,

(c) an immigration document, or

(d) other non-photo bearing document which shall have an authenticated passport-size photograph affixed to the certificate or document.

## **Verification of identity of beneficial owners**

**16.** An accountable institution shall

- (a) identify a beneficial owner, and
- (b) take reasonable measures to verify the identity of a beneficial owner by obtaining from the beneficial owner, that beneficial owner's
  - (i) full name;
  - (ii) date of birth;
  - (iii) current permanent residential address;
  - (iv) nature of business;
  - (v) National Identification Card number, valid passport number, valid driving licence number or current National Health Insurance Card number;
  - (vi) spouse's name;
  - (vii) address of spouse; and
  - (viii) relationship between the beneficial owner and the client.

## **Information related to foreign nationals**

**17.** An accountable institution shall obtain from a prospective client who is a foreign national and not resident in the country that prospective client's

- (a) full name;
- (b) date of birth;
- (c) nationality;
- (d) passport number;
- (e) postal address;
- (f) residential address in Ghana; and
- (g) overseas address.

## **Verification of information related to foreign nationals**

**18.** (1) Where a prospective client of an accountable institution is a foreign national not resident in the country, the accountable institution shall verify the identity of the prospective client by requesting a passport or identity document of the prospective client as evidence of name.

(2) –An accountable institution shall make photocopies of the pages of the passport or identity document containing the

- (a) name,
- (b) reference number,
- (c) date, and
- (d) country of issue.

(3) Where a foreign national claims to work in this country, an accountable institution shall

- (a) verify the income tax registration number of the person by comparing the particulars with a document issued by the Ghana Revenue Authority bearing the foreign national's tax identification number, and
- (b) inspect the work permit of the foreign national.

### **Certification of copy**

**19.** An authorised officer of an accountable institution shall certify the copy of the passport or identity document examined against the original and record the date of examination as part of the identification process.

### **Advice from embassy or consulate**

**20.** (1) Where an authorised officer of an accountable institution doubts the authenticity of a non-resident foreign prospective client's passport or identity document, the authorised officer shall seek advice from the embassy or a consular office in the country of origin of the prospective client to determine the authenticity of the non-resident foreigner's passport or identity document.

(2) Where another body has oversight responsibility, the authorised officer may obtain information from that body.

### *Verification of a legal person*

### **Information related to entity**

**21.** Where an individual purports to act on behalf of an entity, an accountable institution shall obtain from the individual acting or purporting to act on behalf of the entity with which the accountable institution is establishing a business relationship or concluding a single transaction

- (a) the registered name of the entity;
- (b) the location address from which the entity operates, or if it operates from multiple addresses
  - (i) the location address or addresses of the particular office seeking to establish the business relationship or enter into a single transaction with the accountable institution, and
  - (ii) the address of its head office;
- (c) the mailing address;
- (d) the contact telephone number, fax number and electronic mail address;
- (e) the original or certified copy of
  - (i) the regulations,
  - (ii) the certificate of business registration,
  - (iii) the certificate for commencement of business,
  - (iv) copy of the latest auditor's report and accounts of the entity, where applicable; and
  - (v) the annual report filed with the Registrar-General's Department where applicable; and
- (f) the names, location and mailing addresses of directors of the entity.

### **Verification of information related to entities**

**22.** (1) An accountable institution shall verify the information obtained in respect of entities by comparing the information with information obtained from any other independent source, if it is believed to be reasonably necessary.

(2) The information shall be obtained taking into account any guidelines concerning the verification of identities which may apply to that accountable institution.

### **Information related to a foreign company**

**23.** An accountable institution shall obtain from the individual acting or purporting to act on behalf of a foreign company with which the accountable institution is establishing a business relationship or concluding a single transaction

- (a) the name or names under which the foreign company is incorporated;
- (b) the number under which the foreign company is incorporated;



- (c) the address or addresses where the foreign company is situated for purposes of its incorporation;
- (d) the address or addresses from which the foreign company operates in the country where it is incorporated, or if it operates from multiple addresses, the address of its head office;
- (e) the address from which the foreign company operates in the country of incorporation, or if it operates from multiple addresses the address of the office seeking to establish a business relationship or enter into a single transaction with the accountable institution;
- (f) the income tax and value added tax registration numbers of the company;
- (g) the name of the chief executive or managing director of the company in the country of origin;
- (h) the name of the individual who purports to be authorised to establish a business relationship or to enter into a transaction with the accountable institution on behalf of the foreign company;
- (i) the annual report of the foreign company filed with the Registrar of Companies;
- (j) an auditor's report of foreign company;
- (k) the foreign company's group structure; and
- (l) any other relevant information.

### **Additional information**

**24.** An accountable institution which establishes a business relationship with a foreign company shall in addition to the information obtained in regulation 23

- (a) gather information about the foreign company to understand the nature of the foreign company's business to determine
  - (i) the reputation of the foreign company,
  - (ii) the quality of supervision of the foreign company, and
  - (iii) whether the foreign company has been subject to money laundering or terrorist financing investigation or regulatory action, and
- (b) assess the foreign company's anti-money laundering and counter terrorist financing controls to determine whether they are effective.

- (2) An officer of an accountable institution shall obtain approval from senior management before establishing a business relationship with a foreign company.

**Verification of information related to a foreign company**

**25.** An accountable institution shall verify the particulars obtained in respect of a foreign company by comparing the particulars with an official document issued by an authority for recording the incorporation of companies in the country of incorporation of the foreign company as evidence of incorporation.

*Verification of a partnership*

**Information related to a partnership**

**26.** An accountable institution shall obtain from an individual acting or purporting to act on behalf of a partnership with which the accountable institution is about to establish a business relationship or conclude a single transaction the information specified in regulation 21.

**Verification of information related to a partnership**

**27.** An accountable institution shall verify the particulars obtained in respect of a partnership by comparing the particulars with information obtained from any other independent source, if it is believed to be reasonably necessary.

**Additional requirements when an individual acts on authority of another**

**28.** (1) When an individual seeks to establish a business relationship or conclude a single transaction with an accountable institution on behalf of

- (a) another individual,
- (b) legal person, or
- (c) partnership

the institution shall obtain from that person information which provides proof of that person's authority to act on behalf of that other individual or legal person or partnership in addition to the other requirements.

(2) An accountable institution shall verify the information obtained by comparing the particulars of the individual or legal person or partnership to establish whether that information provides proof of the authorisation.

### **Verification of information in absence of contact person**

**29.** Where an accountable institution obtains information in furtherance of these Regulations about an individual, a legal person or partnership without personal contact in person with that individual, or with a representative of that legal person or partnership, the accountable institution shall take reasonable steps to establish the existence or verify the identity of that individual, legal person or partnership.

#### *Record keeping*

### **Lack of legal capacity**

**30.** Where an accountable institution is aware or ought reasonably to be aware that a citizen, permanent resident or person with a residence permit or a right of abode lacks the legal capacity to establish a business relationship or conclude a single transaction without the assistance of a third party, the accountable institution shall obtain the third party's

- (a) full name;
- (b) date of birth;
- (c) nationality;
- (d) identity document;
- (e) passport number where applicable;
- (f) location address;
- (g) mailing address; and
- (h) contact details;

in addition to the particulars required in regulations 13 and 15.

### **Particulars of third parties keeping records**

**31.** Where an accountable institution appoints a third party to keep records on behalf of the accountable institution, that accountable institution shall promptly provide the Centre with records which that accountable institution shall retain in furtherance of the Act,

- (a) where the third party is an individual;
  - (i) the full name of the third party, and
  - (ii) the contact particulars of the third party, or
- (b) where the third party is an entity,
  - (i) the registered name of the third party,

- (ii) the full name and contact particulars of the individual who exercises control over access to the records kept by the third party,
- (iii) the location address of where the records are kept, and
- (iv) the full name and contact particulars of the individual who liaises with the third party on behalf of the accountable institution.

*Reporting of suspicious or unusual transactions*

**Suspicious or unusual transactions**

- 32.** (1) An accountable institution shall pay special attention to transactions that
- (a) are complex,
  - (b) involve unusually large sums of money,
  - (c) have unusual patterns, or
  - (d) have no apparent or visible economic or lawful purpose.
- (2) An accountable institution shall in furtherance of sub-regulation (1)
- (a) examine the background and purpose of the transactions specified,
  - (b) record the findings in writing within twenty-four hours, and
  - (c) forward the findings to the Centre.
- (3) Where an accountable institution other than a financial institution enters into a transaction with a client, the accountable institution shall report to the Centre if the transaction, in the case of
- (a) a casino, relates to a financial transaction equal to or above the amount prescribed by the Bank of Ghana;
  - (b) a real estate agent, relates to buying or selling of real estate for a client under suspicious or unusual circumstances;
  - (c) an accountant, a lawyer, notary or other independent legal professional relates to,
    - (i) the buying or selling of real estate;
    - (ii) managing client money;
    - (iii) managing bank savings or securities accounts;
    - (iv) the organisation of contributions for the creation, operation or management of companies;
    - (v) the creation, operation or management of legal persons or

- arrangements and buying and selling of business entities;
- (vi) acting as or arranging for another person to act as a director or secretary of a company, a partner of a partnership or in a similar position in relation to other legal persons;
- (vii) providing a registered business office, business address or accommodation or correspondence or an administrative address for a legal person; or
- (viii) acting as or arranging for another person to act as a trustee of an express trust, or nominee shareholder for another person, in the preparation or conduct of activities of the client, in a suspicious or unusual manner; or
- (d) a dealer in precious metals or precious stones deals with precious metals or precious stones equal to or above the amount prescribed by the Bank of Ghana.

### **Suspicious or unusual transaction reports**

**33.** (1) An accountable institution shall make a suspicious or an unusual transaction report regardless of

- (a) the amount involved, or
- (b) whether the transactions are thought to involve tax matters,

if the person making the report has reasonable grounds to believe that the transaction is being made to avoid the detection of money laundering.

(2) The Centre may request an accountable institution to make a suspicious or an unusual transaction report on money laundering.

(3) The Centre may request an accountable institution to submit to the Centre transactions of foreign currencies imported into or exported out of the country.

### **Procedure for reporting a suspicious or an unusual transaction**

**34.** (1) Where an employee of an accountable institution receives information in the course of business as a result of which the employee knows, suspects or has reasonable grounds to believe that a person is engaged in money laundering, the employee shall disclose the information to the anti-money laundering reporting officer.

(2) The anti-money laundering reporting officer shall consider the report in the light of relevant information available to the accountable institution and determine whether the contents of the report give reasonable grounds for knowledge or suspicion of money laundering.

(3) Where the anti-money laundering reporting officer determines that the report gives rise to reasonable suspicion of money laundering, the anti-money laundering reporting officer shall inform the superior of the anti-money laundering reporting officer.

(4) The accountable institution shall make a report to the Centre within twenty-four hours after the knowledge or suspicion in the form specified in the First Schedule.

(5) The format for an unusual transaction report is as specified in the Second Schedule.

### **Receipt of a suspicious or an unusual transaction report**

**35.** (1) The Chief Executive Officer of the Centre shall receive suspicious or unusual transaction reports.

(2) The Centre may receive a suspicious or an unusual transaction report

- (a) verbally,
- (b) in written form,
- (c) by telephone,
- (d) by electronic mail, or
- (e) by other means of communication.

### **Record of a suspicious or an unusual transaction report**

**36.** (1) The Chief Executive Officer of the Centre shall, on receipt of the suspicious or unusual transaction report

- (a) make a written record of the report,
- (b) record the report on a computer system or an electronic device capable of being used to store information, and
- (c) acknowledge receipt of the report.

(2) The receipt of the report shall be in the form specified in the Third Schedule.

*Rules for financial institutions*

**Use of reference account**

**37.** (1) A financial institution shall not permit a client or other person to conduct a transaction with the financial institution through a reference account.

(2) Despite sub-regulation (1) a financial institution may permit a client of the financial institution to conduct a transaction through a reference account on the verification of the identity of the client in accordance with these Regulations.

*Miscellaneous matters*

**Guidelines**

- 38.** (1) The Centre shall issue guidelines related to
- (a) the verification of identity,
  - (b) the reporting of suspicious or unusual transactions, and
  - (c) any other obligation imposed on an accountable institution under the Act.
- (2) The guidelines shall take into account the
- (a) categories of accountable institutions,
  - (b) persons involved, and
  - (c) categories of transactions.

**Maintenance of statistics**

**39.** The Centre and supervisory bodies shall maintain comprehensive statistics on matters related to

- (a) suspicious or unusual transaction reports received and disseminated;
- (b) the accountable institution or person who made the report;
- (c) a breakdown of suspicious or unusual transactions analysed and disseminated by the Centre;
- (d) reports filed on domestic or foreign currency transactions above the limit prescribed by the Bank of Ghana;
- (e) reports on the international transportation of currency;
- (f) reports on international electronic transfer of currency;
- (g) money laundering and terrorist financing investigations;
- (h) the number of cases and the property frozen, seized or confiscated related

- to money laundering;
- (i) mutual legal assistance and extradition requests made or received related to money laundering including
  - (i) the nature of the request,
  - (ii) the time the response was received, and
  - (iii) whether the assistance or request was granted or refused;
- (j) other formal requests for assistance made by the Centre and whether they were granted or refused;
- (k) referrals made by the Centre to foreign authorities; and
- (l) formal requests for assistance made or received by supervisory bodies related to money laundering including whether the request was granted or refused.

#### **Centre to provide feedback**

**40.** The Centre shall provide an accountable institution with feedback which includes

- (a) acknowledgement of the receipt of suspicious transaction reports and unusual transaction reports and breakdowns;
- (b) results of investigation into disclosures;
- (c) whether a matter is closed because of prosecution;
- (d) whether a report was found to relate to a legitimate transaction;
- (e) information on a decision or result;
- (f) information on current techniques, methods and trends of money laundering;
- and
- (g) examples of actual money laundering cases.

#### **Centre empowered to receive information**

**41.** (1) The Centre may request information from a public agency in the performance of its functions.

(2) A public officer who refuses or fails to provide information requested by the Centre without reasonable cause, commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.



### **Membership of the Egmont Group of Financial Intelligence Units**

**42.** The Minister shall within three months after the commencement of these Regulations, apply for membership in the Egmont Group to foster collaboration with Financial Intelligence Units worldwide.

### **Review of anti-money laundering measures**

**43.** The Centre shall review anti-money laundering measures and combat terrorist financing systems in the country on a regular basis in consultation with supervisory bodies.

### **Offences and penalties**

**44.** Except otherwise provided, an accountable institution that contravenes a provision of these Regulations commits an offence and is liable on summary conviction to

(a) a fine of not more than five hundred penalty units or to a term of imprisonment of not more than three years or to both, where the accountable institution is an individual, and

(b) a fine of not more than one thousand penalty units where the accountable institution is a body corporate or a body of persons.

### **Interpretation**

**45.** In these Regulations unless the context otherwise requires;

"anti-money laundering reporting officer" means a person appointed under regulation 5;

"beneficial owner" means

(a) a natural person who ultimately controls a client;

(b) the person on whose behalf a transaction is being conducted; or

(c) the person who has the ultimate effective control over a legal person or arrangement;

"client" means a person engaged in an activity with an accountable institution;

"due diligence" means

(a) verification of a client by an accountable institution;

(b) identification of the client and verification of that client's identity using reliable identity documents as stipulated in these Regulations;

(c) identification of the beneficial owner;

(d) obtaining information on the purpose and intended nature of the business relationship; or

(e) the conduct of ongoing scrutiny of the business relationship and transactions in the business relationship;

"Egmont Group of Financial Intelligence Units" means the informal international gathering of financial intelligence units formed to provide a forum for financial intelligence units around the world to improve co-operation in the fight against money laundering and financing of terrorism;

"embassy" includes a High Commission;

"foreign company" means an association of legal persons incorporated outside the country which has legal personality or enjoys a similar status in terms of which it may enter into contractual relations and legal proceedings in its own name;

"identity document" includes the following:

- (a) birth certificate,
- (b) baptismal certificate,
- (c) a national identity card,
- (d) an immigration document,
- (e) a valid passport,
- (f) a valid driver's licence,
- (g) a valid residence permit,
- (h) a certificate of acquired citizenship,
- (i) a voter identification card; and
- (j) a National Health Insurance Card;

"mailing address" includes electronic mail address;

"national identity card" means an identity card with a personal identification number issued by the relevant identification body for purposes of identification of a person to whom, the card is issued;

"permanent resident" means a person who has been granted a permit by the Ghana Immigration Service to reside in the country indefinitely in accordance with the Immigration Act, 2000 (Act 573);

"personal information" means information that relates to the personal particulars of a person;

"politically exposed person" includes a

- (a) head of state,
- (b) head of government,
- (c) politician,
- (d) senior public official,
- (e) senior military officer,
- (f) senior officer of a public corporation,
- (g) high rank political party official,
- (h) an artificial politically exposed person, and members of the family of the politically exposed person and close partners and associates of the politically exposed person;

"reference account" means an account for which the beneficiary is not known to the bank;

"residence permit" means a permit granted to a foreign national who intends to remain in the country for a substantial period which shall in the first instance not exceed four years and may be extended;

"Security Agencies" means security agencies specified in the Security and Intelligence Agencies Act, 1996 (Act 526);

"specified person" means a category of persons stipulated by the Centre;

"utility bill" includes a bill for

- (a) water,
- (b) electricity, or
- (c) telephone; and

"unusual" means a matter that is suspicious and has an unusual pattern because it is inconsistent with the client's profile and does not have an economic or legal explanation.

**L.I. 1987**

*ANTI-MONEY LAUNDERING REGULATIONS, 2011*

**FIRST SCHEDULE**

FIC/STR .....

**FINANCIAL INTELLIGENCE CENTRE  
GHANA**

<b>SUSPICIOUS TRANSACTION REPORT</b> <b>Regulation 34 (4)</b>																									
A person who makes a suspicious transaction report shall not disclose the contents to another person, or reveal the personal details of the officer of the Centre who receives the report to another person.																									
Send completed form to: Financial Intelligence Centre ( ..... ) Address Accra or by fax: (030) 2 .....	Report No.: .....  Date of report ..... / ..... / ..... Day Month Year																								
Use this form to report suspicious transaction related to money laundering, proceeds of any crime or financing of activities related to terrorism.  Items marked with asterisk (*) must be completed. Those that are marked 'if applicable' must be completed where applicable to the transaction being reported. For all other items, one has to make reasonable efforts to get the information.  PLEASE REFER TO THE ANTI-MONEY LAUNDERING REGULATIONS, 2011 L.I..... FOR MORE DETAILS ABOUT SUSPICIOUS TRANSACTION REPORTS BEFORE COMPLETING THIS FORM																									
<b>PART I Information on Reporting Institution/Person</b>																									
I. Which of the following types of reporting persons or entities best describe you?*																									
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">1.1 .....Bank</td> <td style="width: 25%;">1.2.....Non-Bank</td> <td style="width: 25%;">1.3 ..... Auctioneer</td> <td style="width: 25%;">1.4 ..... Lawyer</td> </tr> <tr> <td>1.5 .....Accountant</td> <td>1.6 .....Foreign Exchange Dealer</td> <td>1.7 ..... NGO</td> <td>1.8 .....Insurance</td> </tr> <tr> <td>1.9.....Casino</td> <td>1.10....Inward Funds Remittance</td> <td>1.11 ..... Real Estate</td> <td>1.12 ..... Trust</td> </tr> <tr> <td>1.13 ..... Car Dealer</td> <td>1.14 ..... Precious Metals &amp; Stones Dealer</td> <td></td> <td>1.15 ..... Religious Body</td> </tr> <tr> <td>1.16 ..... Oil/Gas</td> <td>1.17 ..... Mining</td> <td>1.18 ..... Freight Forwarder</td> <td>1.19 ..... Timber</td> </tr> <tr> <td colspan="4">1.20 ..... Others (please specify) .....</td> </tr> </table>		1.1 .....Bank	1.2.....Non-Bank	1.3 ..... Auctioneer	1.4 ..... Lawyer	1.5 .....Accountant	1.6 .....Foreign Exchange Dealer	1.7 ..... NGO	1.8 .....Insurance	1.9.....Casino	1.10....Inward Funds Remittance	1.11 ..... Real Estate	1.12 ..... Trust	1.13 ..... Car Dealer	1.14 ..... Precious Metals & Stones Dealer		1.15 ..... Religious Body	1.16 ..... Oil/Gas	1.17 ..... Mining	1.18 ..... Freight Forwarder	1.19 ..... Timber	1.20 ..... Others (please specify) .....			
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1.16 ..... Oil/Gas	1.17 ..... Mining	1.18 ..... Freight Forwarder	1.19 ..... Timber																						
1.20 ..... Others (please specify) .....																									

1. Full address\*.....  
 .....  
 .....  
 2. Telephone No\*..... 3. Fax No\*..... 4. Nature of Business\*.....  
 5. Supervised by (if applicable) .....BoG .....NIC .....SEC.....  
 Others (please specify) .....  
 6. Full Name of Contact Person\* and Telephone No.\*.....  
 .....  
 7. Name and Title of reporting officer\* ..... Signature of reporting officer\* .....  
 .....  
 Date of Signature\* ..... / ..... / .....  
 Day Month Year

**PART II** Identification of party to the transaction

1. Surname\* or Name of Entity\*..... 2. First name(s)\*.....  
 3. Previous Names\*.....  
 4. Individual's Identity\* (enclose copy) Passport..... National Identity Card.....  
 Driver's Licence..... National Health Insurance Card..... Voter's ID.....  
 Others (description).....  
 5. Full address\*.....  
 .....  
 6. Country\*..... 7. Office phone number\* (with area code).....  
 8. Individual's date of birth\*...../...../..... 9. Date of incorporation (if applicable).....  
 ..... / ..... / .....  
 Day Month Year  
 10. Date of Commencement of Business\* ..... / ..... / .....  
 Day Month Year  
 11. Individual's occupation\*or Type of Business.....  
 12. Relationship to reporting institution\* 13. Is the relationship an insider relationship?\*Yes/N o  
 ..... 14. If yes please specify\*.....  
 .....Still employed..... /Suspended/.....Terminated.....  
 Resigned  
 Date of Suspension/Termination/Resignation\* ..... / ..... / .....  
 Day Month Year

**PART III Transaction Details & Suspicion**

1. Date of Transaction\* ..... / ..... / .....  
 Day Month Year
2. Date of posting if different from date of transaction\* ..... / ..... / .....  
 Day Month Year
3. Funds involved in the transaction\*  
 A. ....Cash D. ....Electronic funds transfer G. ....Insurance Policy J....Others (specify)..  
 B. ....Cheque E. ....Bank Draft H. .... Money Order  
 C. ....Foreign Currency F. .... Securities I. ....Real Estate
4. Amount of Transaction\*..... 5. Type of Account\* .....
6. Bank account details\*  
 .....
7. Status of the account at the time the transaction was initiated (if applicable) .....
8. Reason for suspicion\*(complete Part Vas well) .....
9. Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution or person?\* .....Yes / No

**PART IV Name of all officers, employees or agents dealing with the transaction**

1. Full Name of person dealing with this transaction\*  
 Name .....Institution .....Capacity in which  
 dealing.....
2. Other Contacts\*  
 Full Name\* ..... Title/ Occupation\*  
 .....  
 Telephone No. \* .....

**PART V Description of suspicious activity**

This section of this report is critical.

Describe clearly and completely the facts or unusual circumstances that led to the suspicion of money laundering or terrorist financing\*

The completeness of this section may determine whether or not the described conduct and its possible criminal nature are clearly understood. \*

**If necessary continue the narration on a duplicate of this page.**

**PART VI** Description of action taken

Please describe what action was taken by you as a result of the suspicious transaction(s)\*  
eg. Account frozen, refusal to complete transaction.

State also whether the suspect made any voluntary statement as to the origin or source of  
the proceeds. Kindly enclose copy of the statement, if any.

**If necessary continue the narration on a duplicate of this page.**

ANTI-MONEY LAUNDERING REGULATIONS, 2011

**SECOND SCHEDULE**  
**Regulation 34(5)**

FORMAT FOR AN UNUSUAL TRANSACTION REPORT  
FOR ACCOUNTABLE INSTITUTIONS

From: .....

Name/Designation of Reporting Officer .....

Report I.D Number (To be quoted for future enquiries of correspondence) .....

Time Sent .....

Nature of unusual transaction .....

Particulars of party/parties involved in the transaction  
.....  
.....  
.....

Where/when transaction occurred .....

Money value of unusual transaction .....

Unusual pattern of transaction .....

Whether pattern has an economic or legal explanation .....

Any steps taken or question asked to clarify the unusual pattern .....

Party's response .....

How does this transaction compare with previous transaction on account and known details of client's profile  
.....  
.....  
.....

Laws or procedures not complied with .....

Any action taken internally to freeze or delay the transaction while report is submitted  
.....  
.....

Whether party/parties involved in the transaction have other assets in possession of reporting Institution?



.....  
.....  
.....

If yes, state value .....  
Other documents confirming unusual transaction

*Signature of Anti-Money Laundering Reporting Officer*

DATE

ANTI-MONEY LAUNDERING REGULATIONS, 2011

**THIRD SCHEDULE**  
**Regulation 36(2)**

FINANCIAL INTELLIGENCE CENTRE  
FORM A

SUSPICIOUS TRANSACTION RECEIPT FORM

Received from .....  
Received by (name and rank) .....  
Date and time received .....

*SIGNATURE OF RECIPIENT*

Date:

FINANCIAL INTELLIGENCE CENTRE  
FORM B  
UNUSUAL TRANSACTION REPORT RECEIPT FORM

Received from .....  
Received by (name and rank) .....  
Date & time received .....

*SIGNATURE OF RECIPIENT*

Date:

**L.I. 1987**

*ANTI-MONEY LAUNDERING REGULATIONS, 2011*

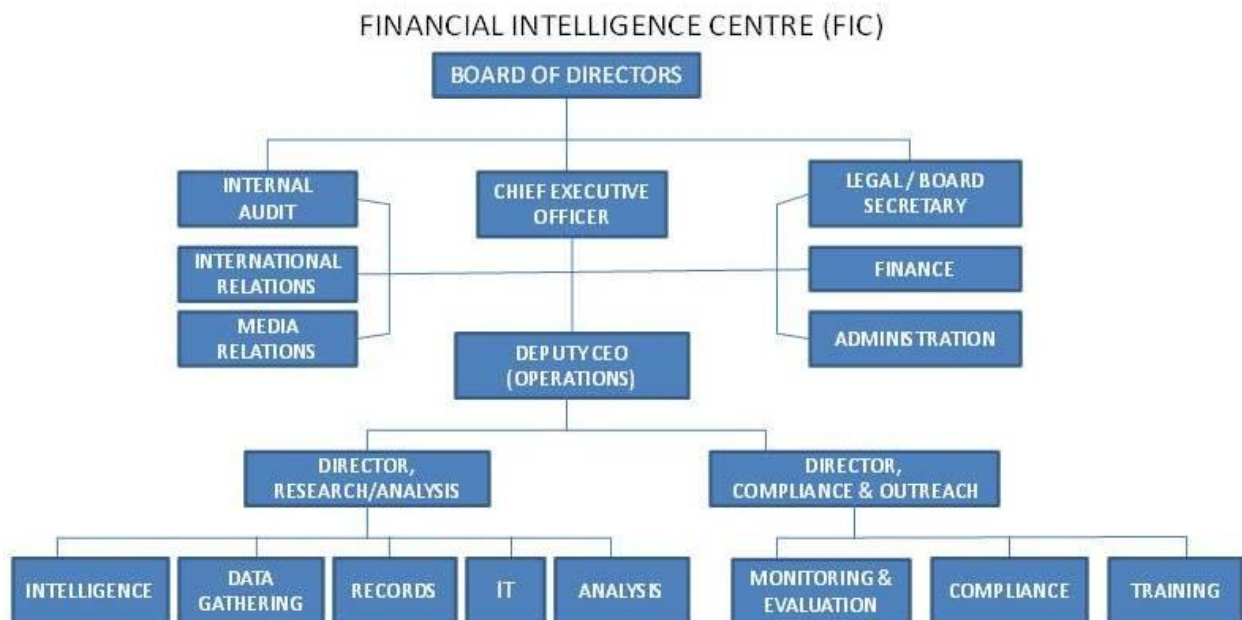
DR. KWABENA DUFFUOR  
*Minister for Finance and Economic Planning*

Date of *Gazette* notification: 4th February, 2011.

Entry into force: 28th March, 2011.

## Appendix IX

### Financial Intelligence Centre - Organisational Chart



**10th Floor Cedi House, No. 1 Liberia Road,  
P. O. Box GP2674, Accra, Ghana  
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email: [info@fic.gov.gh](mailto:info@fic.gov.gh)  
website: [www.fic.gov.gh](http://www.fic.gov.gh)**