



Trust Bank Limited
Head office
Dhaka Cantonment, Dhaka

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July 30, 2018

TO: 1. All Chief Managers/Managers: - For Compliance
2. All HO Department/Division/Unit Heads:-For Information

SUB: REVISED MONEY LAUNDERING AND TERRORIST FINANCING RISK MANAGEMENT GUIDELINES – 2018.

As per instruction of Bangladesh Financial Intelligence Unit (BFIU) TBL, HO, AMLD developed TBL Money Laundering and Terrorist Financing Risk Management Guidelines. The mentioned guidelines is reviewed and updated as obligatory and duly approved by the Board of Directors in its 283(10/2018) meeting dated July 19, 2018.

In this connection, we enclosed herewith “Money Laundering and Terrorist Financing Risk Management Guidelines- 2018” of TBL for your ready reference to comply the instructions of BFIU.

All concerned are advised to go through the guidelines and ensure compliance by the branch personnel.

Please treat the matter **URGENT** and bring it to the notice of all concerned.

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Copy for information to: 1. MD's Secretariat

Managing Core Risk

Money Laundering & Terrorist Financing **Risk Management Guidelines-2018**



Trust Bank Limited
Corporate Head Office, Dhaka

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CHAPTER-1

AN OVERVIEW OF MONEY LAUNDERING AND TRRRORIST FINANCING

AN OVERVIEW OF MONEY LAUNDERING AND TERRORIST FINANCING

1.1 INTRODUCTION

Money Laundering is done by launderers worldwide to conceal the proceeds earned from criminal/illegal activities. It happens in almost every country in the world, and a single scheme typically involves transferring money through several countries in order to obscure its origins. Automation and rise of global financial markets makes money laundering easier than ever, making it possible to anonymously deposit proceeds of crime in one country and then have it transferred to any other country for within a short span of time.

Money laundering has a major impact on a country's economy as a whole, impeding the social, economic, political, and cultural development of a society. Both money laundering and terrorist financing can weaken individual financial institution, and they are also threats to a country's overall financial sector reputation. Non-compliance of AML & CFT standards developed by UN & international bodies shall affect the compliance rating of the country and may result in imposition of sanctions in Bangladesh. Combating money laundering and terrorist financing is, therefore, a key element in promoting a strong, sound and stable financial sector of the country.

The money launderers and terrorist financiers are inventing more and more complicated and sophisticated procedures and using new technology for money laundering and terrorist financing. To address these emerging challenges, the global community has taken various initiatives against ML & TF. In accordance with international initiatives, Bangladesh has also acted on many fronts.

1.2 DEFINING MONEY LAUNDERING

Money laundering can be defined in a number of ways. But the fundamental concept of money laundering is the process by which proceeds from a criminal activity is disguised to conceal their illicit origins. Most countries adopted to the following definition which was delineated in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) (the Vienna Convention) and the United Nations Convention Against Transnational Organized Crime (2000) (the Palermo Convention):

- The conversion or transfer of property, knowing that such property is derived from any offense, e.g. drug trafficking, or offenses or from an act of participation in such offense or offenses, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offense or offenses to evade the legal consequences of his actions;

- The concealing or disguising the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from an offense or offenses or from an act of participation in such an offense or offenses, and;

- The acquisition, possession or use of property, knowing at the time of receipt that such property was derived from an offense or offenses or from an act of participation in such offense or offenses.

The Financial Action Task Force (FATF), the international standard setter for anti-money laundering (AML) and combating financing of terrorism (CFT) efforts, recommends that money laundering should be criminalized in line with the Vienna Convention and Palermo Convention. Like other countries of the world, Bangladesh has criminalized money laundering in line with those conventions. Moreover, Bangladesh also considers some domestic concerns like ‘smuggling of money or property from Bangladesh’ in criminalizing money laundering. Section 2 (v) of Money Laundering Prevention Act (MLPA), 2012 of Bangladesh defines money laundering as follows:

‘Money laundering’ means –

i. knowingly moving, converting, or transferring proceeds of crime or property involved in an offence for the following purposes:-

(1) concealing or disguising the illicit nature, source, location, ownership or control of the proceeds of crime; or

(2) assisting any person involved in the commission of the predicate offence to evade the legal consequences of such offence;

ii. smuggling money or property earned through legal or illegal means to a foreign country;

iii. knowingly transferring or remitting the proceeds of crime to a foreign country or remitting or bringing them into Bangladesh from a foreign country with the intention of hiding or disguising its illegal source; or

iv. concluding or attempting to conclude financial transactions in such a manner so as to reporting requirement under this Act may be avoided;

v. converting or moving or transferring property with the intention to instigate or assist for committing a predicate offence;

vi. acquiring, possessing or using any property, knowing that such property is the proceeds of a predicate offence;

vii. performing such activities so as to the illegal source of the proceeds of crime may be concealed or disguised;

viii. participating in, associating with, conspiring, attempting, abetting, instigating or counseling to commit any offences mentioned above.

Money laundering is a criminal offence under section 4(1) of MLPA, 2012 and penalties for money laundering are-

1. Any person who commits or abets or conspires to commit the offence of money laundering, shall be punished with imprisonment for a term of at least 4(four) years but not exceeding 12(twelve) years and, in addition to that, a fine equivalent to the twice of the value of the property involved in the offence or taka 10 (ten) lacks, whichever is greater.
2. In addition to any fine or punishment, the court may pass an order to forfeit the property of the convicted person in favor of the State which directly or indirectly involved in or related with money laundering or any predicate offence.
3. Any entity which commits an offence under this section shall be punished with a fine of not less than twice of the value of the property or taka 20(twenty) lacks, whichever is greater and in addition to this the registration of the said entity shall be liable to be cancelled.

1.3 STAGES OF MONEY LAUNDERING

Obviously there is no single way of laundering money or other property. It can range from the simple method of using it in the form in which it is acquired to highly complex schemes involving a web of international businesses and investments. Traditionally it has been accepted that the money laundering process comprises three stages:

Placement – Placement is the first stage of the money laundering process, in which illegal funds or assets are brought first into the financial system directly or indirectly.

Layering - Layering is the second stage of the money laundering process, in which illegal funds or assets are moved, dispersed and disguised to conceal their origin. Funds can be hidden in the financial system through a web of complicated transactions.

Integration - Integration is the third stage of the money laundering process, in which the illegal funds or assets are successfully cleansed and appeared legitimate in the financial system.

1.4 WHY MONEY LAUNDERING IS DONE

- ✓ First, money represents the lifeblood of the organization/person that engages in criminal conduct for financial gain because it covers operating expenses and pays for an extravagant lifestyle. To spend money in these ways, criminals must make the money they derived illegally appear legitimate.
- ✓ Second, a trail of money from an offense to criminals can become incriminating evidence. Criminals must obscure or hide the source of their wealth or alternatively disguise ownership or control to ensure that illicit proceeds are not used to prosecute them.

✓ Third, the proceeds from crime often becomes the target of investigation and seizure. To shield ill-gotten gains from suspicion and protect them from seizure, criminals must conceal their existence or, alternatively, make them look legitimate.

1.5 DEFINING TERRORIST FINANCING

Terrorist financing can simply be defined as financial support, in any form, of terrorism or of those who encourage, plan, or engage in terrorism. The International Convention for the Suppression of the Financing of Terrorism (1999) under the United Nations defines TF as follows:

1. If any person commits an offense by any means, directly or indirectly, unlawfully and willingly, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:

a. An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the link given below¹; or

b. Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking any active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing an act.

2. For an act to constitute an offense set forth in the preceding paragraph 1, it shall not be necessary that the funds were actually used to carry out an offense referred to in said paragraph 1, subparagraph (a) or (b).

Bangladesh has ratified this convention and criminalized terrorism or terrorist activities under section 6(1) of Anti Terrorism Act, 2009 in line with the requirement set out in 9 (nine) conventions and protocols that were annexed in the convention.

Section 7(1) of Anti Terrorism Act (ATA), 2009, defines terrorist financing as follows-

If any person or entity willfully provides, receives, collects or makes arrangements for money, service or any other property, whether from legitimate or illegitimate source, by any means, directly or indirectly, with the intention that, it would, in full or in part, be used-

a) to carry out terrorist activity;

b) by a terrorist person or entity for any purpose, or is in the knowledge that it may be used by a terrorist person or entity; the said person or entity shall be deemed to have committed the offence of terrorist financing.

Moreover, according to Anti Terrorism Act (ATA), 2009 conviction for terrorist financing shall not depend on any requirement that the fund, service or any other property was actually used to carry out or direct or attempt to carry out a terrorist act or be linked to a specific terrorist act. The penalties for the offences for terrorist financing are-

- (1) In case of a TF offence made by a person, he/she shall be punished with rigorous imprisonment for a term not exceeding 20 (twenty) years but not less than 4 (four)

years, and in addition to that, a fine equivalent to twice the value of the property involved with the offence or taka 10(ten) lac, whichever is greater, may be imposed.

- (2) In case of a TF offence made by an entity, the Government may listed the entity in the Schedule or proscribe and listed the entity in the Schedule, by notification in the official Gazette and in addition to that, a fine equivalent to thrice the value of the property involved with the offence or of taka 50 (fifty) lac, whichever is greater, may be imposed. Moreover, the head of that entity, whether he is designated as Chairman, Managing Director, Chief Executive or by whatever name called, shall be punished with rigorous imprisonment for a term not exceeding 20 (twenty) years but not less than 4 (four) years and, in addition to that, a fine equivalent to twice the value of the property involved with the offence or of taka 20 (twenty) lac, whichever is greater, may be imposed unless he/she is able to prove that the said offence was committed without his knowledge or he had tried his best to prevent the commission of the said offence.

1.6 THE LINK BETWEEN MONEY LAUNDERING AND TERRORIST FINANCING

The techniques used to launder money are essentially the same as those used to conceal the sources of and uses for terrorist financing. But funds used to support terrorism may originate from legitimate sources, criminal activities or both. Nonetheless, disguising the source of terrorist financing, regardless of whether the source is of legitimate or illicit origin, is important. If the source can be concealed, it remains available for future terrorist financing activities. Similarly, it is important for terrorists to conceal the use of the funds so that the financing activity goes undetected. As noted above, a significant difference between money laundering and terrorist financing is that the funds involved may originate from legitimate sources as well as criminal activities. Such legitimate sources may include donations or gifts of cash or other assets of organizations, such as foundations or charities that, in turn, are utilized to support terrorist activities or terrorist organizations.

1.7 WHY WE MUST COMBAT MONEY LAUNDERING & TERRORIST FINANCING

Money laundering has potentially devastating economic, security, and social consequences. Money laundering is a vital process to make crime worthwhile. It provides the fuel for drug dealers, smugglers, terrorists, illegal arms dealers, corrupted public officials, and others to operate and expand their criminal enterprises. This drives up the cost of government due to the need for increased law enforcement and health care expenditures (for example, for treatment of drug addicts) to combat the serious consequences resulted from ML & TF.

Money laundering diminishes government tax revenue and therefore indirectly harms honest taxpayers. It also makes government tax collection activities more difficult. This loss of revenue generally means higher tax rates than would normally be the case if the untaxed proceeds of crime were legitimate. We also pay more taxes for public works expenditures inflated by corruption. And those of us who pay taxes pay more because of

those who evade taxes. So we all experience higher costs of living than we would if financial crimes including money laundering were prevented.

Money laundering distorts assets and commodity prices and leads to misallocation of resources. For financial institutions it can lead to an unstable liability base and to unsound asset structures thereby creating risks of monetary instability and even systemic crisis. The loss of credibility and investor's confidence, that such crisis can bring, has the potential of destabilizing financial systems, particularly in smaller economies.

One of the most serious microeconomic effects of money laundering is felt in the private sector. Money launderers often use front companies, which co-mingle the proceeds of illicit activity with legitimate funds, to hide the ill-gotten gains. These front companies have access to substantial illicit funds, allowing them to subsidize front company products and services at levels well below market rates. This makes it difficult, if not impossible, for legitimate business to compete against front companies with subsidized funding, a situation that can result in the crowding out of private sector business by criminal organizations.

Among its other negative socioeconomic effects, money laundering transfers economic power from the market, government, and citizens to criminals. Furthermore, the sheer magnitude of the economic power that accrues to criminals from money laundering has a corrupting effect on all elements of society.

The social and political costs of laundered money are also serious as laundered money may be used to corrupt national institutions. Bribing of government officials undermines the moral fabric in society, and, by weakening collective ethical standards, corrupts our democratic institutions. When money laundering goes unchecked, it encourages the underlying criminal activity from which such money is generated.

A nation cannot afford to have its reputation and financial institutions tarnished by involvement with money laundering, especially in today's global economy. Money laundering erodes confidence in financial institutions (FIs) and the underlying criminal activities like fraud, counterfeiting, narcotics trafficking, and corruption weaken the reputation and standing of any financial institution. Actions taken by FIs to prevent money laundering are not only a regulatory requirement, but also an act of self-interest. A financial institution tainted by money laundering accusations from regulators, law enforcement agencies, may lose their good market reputation and damage the reputation of the country. It is very difficult and requires significant resources to rectify a problem that could be prevented with proper program.

Besides its effect on macro level, ML & TF also affects individual financial institution. If a money launderer uses a financial institution for making his/her money legitimate, the business of that financial institution may hamper. If the money launderer withdraws his/her deposited money from an FI before maturity, the FI will face liquidity crisis if the amount is big enough. Moreover, if it is found that an FI was used for ML & TF activities, and it did not take proper action against that ML & TF as per the laws of the country, the FI will have to face legal risk. Finally, the reputation of an FI can also be heavily affected through its involvement with ML & TF activities.

It is generally recognized that effective efforts to combat ML, TF & PF cannot be carried out without the co-operation of financial institutions, their supervisory authorities and the law enforcement agencies. Accordingly, in order to address the concerns and obligations of these three parties, these Guidance Notes are drawn up.

1.8 TARGETED FINANCIAL SANCTIONS

The term Targeted Financial Sanctions (TFS) means both asset freezing and prohibition to prevent funds on other assets from being made available, directly or indirectly, for the benefit of designated persons and entities. This TFS is a smart solution to combat terrorism, terrorist financing and proliferation financing of weapons of mass destruction (WMD) by state actors or non-state actors from the UN Security Council. In contrast with the economic sanction on a jurisdiction, TFS is imposed on only suspected person or entities while innocent person or entities remain safe.

TFS related to terrorism and terrorist financing-

FATF recommendation 6 requires ‘Countries should implement targeted financial sanctions regimes to comply with United Nations Security Council resolutions relating to the prevention and suppression of terrorism and terrorist financing. The resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds or other assets are made available, directly or indirectly, to or for the benefit of, any person or entity either (i) designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, including in accordance with resolution 1267 (1999) and its successor resolutions; or (ii) designated by that country pursuant to resolution 1373 (2001)’.

TFS related to Proliferation-

FATF recommendation 7 requires ‘Countries should implement targeted financial sanctions to comply with United Nations Security Council resolutions relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing.

These resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations’.

CHAPTER-2

INTERNATIONAL INITIATIVES ON ML & TF

INTERNATIONAL INITIATIVES ON MONEY LAUNDERING & TERROR FINANCING

2.1 INTRODUCTION

In response to the growing concern about money laundering and terrorist activities, the initiatives taken by international community has acted on many fronts. This part of this Guidelines discusses the various international organizations and their initiatives relating to anti-money laundering (AML) and combating the financing of terrorism (CFT). It further describes the documents and instruments that have been developed for AML & CFT purposes.

2.2 THE UNITED NATIONS

The United Nations (UN) was the first international organization to undertake significant action to fight against money laundering on worldwide basis. The role of the UN is important for several reasons which are following-

First, it is the international organization with the broadest range of membership. The UN, founded in 1945, has 191 members from all across the world.

Second, the UN actively operates a program to fight money laundering; the Global Program against Money Laundering, headquartered in Vienna, Austria, is part of the UN Office of Drugs and Crime (UNODC).

Third, and perhaps most important that the UN has the ability to adopt international treaties or conventions that obligate the ratifying countries to reflect those treaties or conventions in their local laws.

In certain cases, the UN Security Council has the authority to bind all member countries through a Security Council Resolution, regardless of other actions on the part of an individual country.

2.2.1 THE VIENNA CONVENTION

Due to growing concern about the increased international drug trafficking and the tremendous amount of related money entering into financial system, the UN adopted the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) known as Vienna Convention, named after the city in which it was signed. The Vienna Convention deals primarily with provisions to fight the illicit drug trade and related law enforcement issues. At present, nearly 169 countries including Bangladesh are members to the convention. The convention has come into force from November 11, 1990.

2.2.2 THE PALERMO CONVENTION

In order to fight against internationally organized crimes, the UN adopted the International Convention against Transnational Organized Crime (2000), named after the city in which it was signed as Palermo Convention. The Palermo Convention specifically obligates each ratifying country to:

- Criminalize money laundering and include all serious crimes as predicate offenses of money laundering, whether committed in or outside of the country, and permit the required criminal knowledge or intent to be inferred from objective facts;
- Establish regulatory regimes to deter and detect all forms of money laundering, including customer identification, record-keeping and reporting of suspicious transactions;

➤ Authorize the cooperation and exchange of information among administrative, regulatory, law enforcement and other authorities, both domestically and internationally, and consider the establishment of a financial intelligence unit to collect, analyze and disseminate information; and

➤ Promote international cooperation.

This convention has come into force from 29th September 2003, having been signed by 147 countries and ratified by 82 countries.

2.2.3 INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM

The financing of terrorism was an international concern prior to the attacks on the United States on 11 September, 2001. In response to this concern, the UN adopted the International Convention for the Suppression of the Financing of Terrorism (1999). The convention came into force on April 10, 2002 with 132 countries signing the convention and 112 countries ratifying it.

The convention requires ratifying states to criminalize terrorism, terrorist organizations and terrorist acts. Under the convention, it is unlawful for any person to provide or collect funds with the (1) intent that the funds be used for, or (2) knowledge that the funds be used to, carry out any of the acts of terrorism defined in the other specified conventions that are annexed to this convention.

2.2.4 SECURITY COUNCIL RESOLUTION 1267 AND SUCCESSORS

The UN Security Council has also acted under Chapter VII of the UN Charter to require member States to freeze the assets of the Taliban, Osama Bin Laden and Al-Qaeda and entities owned or controlled by them, as designated by the Sanctions Committee (now called the 1267 Committee). The initial Resolution 1267 of October 15, 1999 dealt with the Taliban and was followed by 1333 of December 19, 2000 on Osama Bin Laden and Al-Qaeda. Later Resolutions established monitoring arrangements (1363 of July 30, 2001), merged the earlier lists (1390 of January 16, 2002), provided some exclusions (1452 of December 20, 2002) and took measures to improve implementation (1455 of January 17, 2003). The 1267 Committee issues the list of individuals and entities whose assets are to be frozen and has procedures in place to make additions or deletions to the list on the basis of representations by member States. The most recent list is available on the website of the 1267 Committee.

2.2.5 SECURITY COUNCIL RESOLUTION 1373

Unlike an international convention, which requires signing, ratification, and recognition in local law by the UN member country to have the effect of law within that country, a Security Council Resolution was passed in response to a threat to international peace and security under Chapter VII of the UN Charter, is binding upon all UN member countries. On September 28, 2001, the UN Security Council adopted Resolution 1373, which obligates countries to criminalize actions to finance terrorism. It further obligates countries to:

- deny all forms of support for terrorist groups;
- suppress the provision of safe haven or support for terrorist, including freeing funds or assets of persons, organizations or entities involved in terrorist acts;
- prohibit active or passive assistance to terrorists; and
- cooperate with other countries in criminal investigations and share information about planned terrorist acts.

2.2.6 SECURITY COUNCIL RESOLUTION 1540

UNSCR 1540 (2004) imposes binding obligations on all States to adopt legislation to prevent the proliferation of nuclear, chemical and biological weapons, and their means of delivery, and establish appropriate domestic controls over related materials to prevent their illicit trafficking. It also encourages enhanced international cooperation on such efforts. The resolution affirms support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of WMDs and the importance for all States to implement them fully; it reiterates that none of the obligations in resolution 1540 (2004) shall conflict with or alter the rights and obligations of States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention, or the Biological Weapons Convention or alter the responsibilities of the International Atomic Energy Agency (IAEA) and Organization for the Prohibition of Chemical Weapons (OPCW).

2.2.7 THE COUNTER-TERRORISM COMMITTEE

As noted above, on September 28, 2001, the UN Security Council adopted a resolution (Resolution 1373) in direct response to the events of September 11, 2001. That resolution obligated all member countries to take specific actions to combat terrorism. The resolution, which is binding upon all member countries, also established the Counter Terrorism Committee (CTC) to monitor the performance of the member countries in building a global capacity against terrorism. Resolution 1373 calls upon all countries to submit a report to the CTC on the steps taken to implement the resolution's measures and report regularly on progress. In this regard, the CTC has asked each country to perform a self-assessment of its existing legislation and mechanism to combat terrorism in relation to the requirements of Resolution 1373.

2.2.8 COUNTER-TERRORISM IMPLEMENTATION TASK FORCE (CTITF)

The Counter-Terrorism Implementation Task Force (CTITF) was established by the Secretary-General in 2005 and endorsed by the General Assembly through the United Nations Global Counter-Terrorism Strategy, which was adopted by consensus in 2006. The mandate of the CTITF is to enhance coordination and coherence of counter-terrorism efforts of the United Nations system. The Task Force consists of 36 international entities which by virtue of their work have, have a stake in multilateral counter-terrorism efforts. Each entity makes contributions consistent with its own mandate. While the primary responsibility for the implementation of the Global Strategy rests with Member States, CTITF ensures that the UN system is attuned to the needs of Member States, to provide them with the necessary policy support and spread in-depth knowledge of the Strategy, and wherever necessary, expedite delivery of technical assistance.

2.2.9 GLOBAL PROGRAM AGAINST MONEY LAUNDERING

The UN Global Program against Money Laundering (GPML) is within the UN Office of Drugs and Crime (UNODC). The GPML is a research and assistance project with the goal of increasing the effectiveness of international action against money laundering by offering technical expertise, training and advice to member countries upon request.

2.3 THE FINANCIAL ACTION TASK FORCE

The Financial Action Task Force on Money Laundering (FATF), formed by G-7 countries in 1989, is an intergovernmental body whose purpose is to develop and promote an international response to combat money laundering. In October, 2001, FATF expanded its mission to include combating the financing of terrorism. FATF is a policy-making body, which brings together legal, financial and law enforcement experts to achieve national legislation and regulatory AML and CFT reforms. Currently, its membership consists of 34 countries and territories and two regional organizations.

2.3.1 FATF 40+9 RECOMMENDATIONS

FATF adopted a set of 40 recommendations to prevent money laundering. These Forty Recommendations constituted a comprehensive framework for AML and were designed for universal application by countries throughout the world. Although not binding as law upon a country, the Forty Recommendations was widely endorsed by the international community including World Bank and IMF and relevant organizations as the international standard for AML. The Forty Recommendations were initially issued in 1990 and revised in 1996 and 2003 to take account of new developments in money laundering and to reflect developing best practices internationally. To accomplish its expanded mission of combating financing of terrorism FATF adopted nine Special Recommendations in 2001.

2.3.2 FATF NEW STANDARDS

FATF Plenary has again revised its recommendations in February 2012. The previous 40+9 Recommendations has been accumulated into 40 (forty) recommendations called the FATF Standards. Proliferation financing has been included in the new standards. There is no special recommendation to address the financing of terrorism. All special recommendations have been merged with the 40 recommendations. FATF is now working on the assessment process under the new standards. The following table shows the summary of new standards.

Group	Topic	Recommendations
1	Policies and Co-ordinations	1-2
2	Money Laundering and Confiscation	3-4
3	Preventive Measures	9-23
4	Transparency and Beneficial Ownership of Legal Persons and Arrangements	24-25
5	Power and Responsibilities of Competent Authorities and Other Institutional Measures	26-35
6	International Co-operation	36-40

2.3.3 MONITORING MEMBERS PROGRESS

Monitoring the progress of members to comply with the requirements of 40+9 recommendations is facilitated by a two-stage process: self assessments and mutual evaluations. In the self-assessment stage, each member country responds to a standard questionnaire, on an annual basis, regarding its implementation of 40+9 recommendations. In the mutual evaluation stage, each member country is examined and assessed by experts from other member countries in every five years. The first Mutual Evaluation (ME) of Bangladesh was conducted by a joint team of World Bank and International Monetary Fund in October, 2002 and the report thereof was adopted by the APG in September, 2003. The 2nd Mutual Evaluation (ME) of Bangladesh was conducted by an APG team in August, 2008 and 3rd round ME is going on.

2.3.4 THE NCCT LIST

FATF adopted a process of identifying those jurisdictions that serve as obstacles to international cooperation in implementing its recommendations. The process used 25 criteria, which were consistent with 40+9 recommendations, to identify such non-cooperative countries and territories (NCCT's) and place them on a publicly available list. NCCT was a process of black listing of non

compliant country. Considering its massive impact on respective country, the FATF introduced new implementation mechanism known as International Cooperation and Review Group (ICRG).

2.3.5 INTERNATIONAL COOPERATION AND REVIEW GROUP (ICRG)

The FATF has set up the International Co-operation Review Group (ICRG) as a new process that is designed to notably engage those jurisdictions which are ‘unwilling’ and pose a real risk to the international financial system. The ICRG process is designed to bind members of FATF and FATF Style Regional Body (FSRB) that show effective commitment to the standards against those that evade their international obligations. The time and money that one jurisdiction spend on creating an effective system in that country is wasted if a neighbor remains a safe haven for criminals. The ICRG process is focused on specific threats and specific risk in specific countries. If needed, these jurisdictions may be publicly identified by the FATF Plenary.

The second role of the ICRG is to work with those jurisdictions to convalesce the shortcomings underpinning the judgment of the FATF Plenary. This means there could be a focused follow up process between the ICRG and a specific jurisdiction. If all evaluation reviews and regular follow ups are conducted properly, there should be no duplication or conflict within the FATF family and between the follow up processes.

2.4 ASIA PACIFIC GROUP ON MONEY LAUNDERING (APG)

The Asia Pacific Group on Money Laundering (APG), founded in 1997 in Bangkok, Thailand, is an autonomous and collaborative international organization consisting of 41 members and a number of international and regional observers. Some of the key international organizations who participate with, and support, the efforts of the APG in the region include the Financial Action Task Force, International Monetary Fund, World Bank, OECD, United Nations Office on Drugs and Crime, Asian Development Bank and the Egmont Group of Financial Intelligence Units. APG is the FATF style regional body (FSRB) for the Asia Pacific region.

APG members and observers are committed to the effective implementation and enforcement of internationally accepted standards against money laundering and the financing of terrorism, in particular the Forty Recommendations of the Financial Action Task Force on Money Laundering and Terrorist Financing.

The APG has five key roles:

- to assess compliance by APG members with the global standards through a robust mutual evaluation program;
- to coordinate bi-lateral and donor-agency technical assistance and training in the Asia/Pacific region in order to improve compliance by APG members with the global standards;
- to participate in, and co-operate with, the international anti-money laundering network - primarily with the FATF and with other regional anti-money laundering groups;
- to conduct research and analysis into money laundering and terrorist financing trends and methods to better inform APG members of systemic and other associated risks and vulnerabilities; and
- to contribute to the global policy development of anti-money laundering and counter terrorism financing standards by active Associate Membership status in the FATF.

The APG also assists its members to establish coordinated domestic systems for reporting and investigating suspicious transaction reports and to develop effective capacities to investigate and prosecute money laundering and the financing of terrorism offences.

2.5 THE EGMONT GROUP OF FINANCIAL INTELLIGENCE UNITS

In 1995, a number of governmental units of different countries commonly known as Financial Intelligence Units (FIUs) began working together and formed the Egmont Group of FIUs (Egmont Group), named after the location of its first meeting at the Egmont-Arenberg Palace in Brussels. The purpose of the group is to provide a forum for FIUs to improve support for each of their national AML programs and to coordinate AML initiatives. This support includes expanding and systematizing the exchange of financial intelligence information, improving expertise and capabilities of personnel, and fostering better communication among FIUs through technology, and helping to develop FIUs world-wide.

The mission of the Egmont Group has been expanded in 2004 to include specifically financial intelligence on terrorist financing. To be a member of the Egmont Group, a country's FIU must first meet the Egmont FIU definition, which is-

'A central, national agency is responsible for receiving (and, as permitted, requesting), analyzing and disseminating to the competent authorities, disclosures of financial information:

- ✓ concerning suspected proceeds of crime and potential financing of terrorism, or
- ✓ required by national regulation, in order to counter money laundering and terrorist financing.'

2.6 THE BASEL COMMITTEE ON BANKING SUPERVISION

The Basel Committee on Banking Supervision (Basel Committee) was formed in 1974 by the central bank governors of the Group of 10 (ten) countries. Each country is represented by their central banks, or by the relevant authorities with formal responsibility for prudential supervision of banking where that authority is not the central bank. The committee has no formal international supervisory authority or force of law. Rather, it formulates broad supervisory standards and guidelines and recommends statements of best practices on a wide range of bank/financial institution supervisory issues. These standards and guidelines are adopted with the expectation that the appropriate authorities within each country will take all necessary steps to implement them through detailed measures, statutory, regulatory or otherwise, that best suit that country's national system. Basel Committee has adopted 29 'Core Principles for Effective Banking Supervision' on September, 2012. Three of the Basel Committee's supervisory standards and guidelines related to AML&CFT issues.

2.6.1 STATEMENT OF PRINCIPLES ON MONEY LAUNDERING

In 1988, the Basel Committee issued its Statement on Prevention of Criminal Use of the Banking System for the Purpose of Money Laundering (Statement on Prevention). The Statement on Prevention outlines basic policies and procedures that managements of banks/FIs should undertake to assist in suppressing money laundering. There are essentially four principles contained in the Statement on Prevention:

- proper customer identification;
- high ethical standards and compliance with laws;
- cooperation with law enforcement authorities; and
- policies and procedures to adhere to the statement.

2.6.2 BASEL CORE PRINCIPLES FOR BANKING

In 1997, the Basel Committee issued its Core Principles for Effective Banking Supervision (Core Principles), which provide a comprehensive blueprint for an effective bank supervisory system and covers a wide range of topics. These Core Principles were reviewed in September 2012 and adopted 29 Core Principles. The 29th principle deals with money laundering; it provides that-

'The supervisor determines that banks have adequate policies and processes, including strict customer due diligence rules to promote high ethical and professional standards in the financial sector and prevent the bank from being used, intentionally or unintentionally, for criminal activities.'

2.6.3 CUSTOMER DUE DILIGENCE

In October, 2001, the Basel Committee issued an extensive paper on KYC principles, entitled Customer Due Diligence for banks/FIs (Customer Due Diligence). This paper was issued in response to noted deficiencies in KYC procedures on a world-wide basis. These KYC standards build upon and provide more specific information on the Statement on Prevention and Core Principle 15.

CHAPTER-3

NATIONAL INITIATIVES ON ML & TF

MAJOR NATIONAL INITIATIVES ON AML & CFT

3.1 INTRODUCTION

In line with international efforts, Bangladesh has also taken many initiatives to prevent money laundering and combating financing of terrorism and proliferation of weapons of mass destructions considering their severe effects on the country.

3.2 FOUNDING MEMBER OF APG

Bangladesh is a founding member of Asia Pacific Group on Money Laundering (APG) and has been participating annual plenary meeting since 1997. APG is a FATF style regional body that enforces international standards in Asia Pacific region. As a member of APG, Bangladesh is committed to implement FATF's 40 recommendations. Bangladesh has formally endorsed by the APG Membership out-of-session in September 2014 as the Co-Chair for 2018-2020. Bangladesh hosted the 13th APG Typologies Workshop in 2010 and will also host the APG Annual Meeting of 2016.

3.3 LEGAL FRAMEWORK

Bangladesh is the first country in the South Asia that has enacted Money Laundering Prevention Act (MLPA) in 2002. To address the shortcomings of the MLPA, 2002 and to meet the international standards Bangladesh enacted Money Laundering Prevention Ordinance (MLPO) in 2008 which was replaced by MLPA, 2009 by the parliament in 2009. To address the deficiencies identified in the Mutual Evaluation Report (MER), Bangladesh has again enacted Money Laundering Prevention Act in February, 2012 repealing MLPA, 2009. Money Laundering Prevention Rules, 2013 has been framed for effective implementation of the act.

Bangladesh also enacted Anti Terrorism Ordinance (ATO) in 2008 to combat terrorism and terrorist financing. Subsequently, ATO, 2008 has repealed by Anti-Terrorism Act (ATA), 2009 with the approval of the parliament. To address the gap identified in the Mutual Evaluation Report (MER) of Bangladesh that is adopted in 2009 by APG, some provisions of ATA 2009 have been amended in 2012 and 2013. Anti-Terrorism Rules, 2013 has also been promulgated to make the role and responsibilities of related agencies clear specially to provide specific guidance on the implementation procedure of the provisions of the UNSCRs.

Bangladesh has enacted Mutual Legal Assistance in Criminal Matters Act, 2012 to enhance international cooperation on ML & TF and other related offences. The Government also enacted Mutual Legal Assistance in Criminal Matters Rules, 2013 which mainly emphasize on the process of widest possible range of providing mutual legal assistance in relation to ML & TF and other associated offences.

3.4 CENTRAL AND REGIONAL TASKFORCES

The Government of Bangladesh has formed a central and 7 regional taskforces (Chittagong, Rajshahi, Bogra, Sylhet, Rangpur, Khulna and Barisal) on 27 January, 2002 to prevent illegal hundi activities, illicit flow of fund & money laundering in Bangladesh. The Deputy Governor of BB and head of BFIU is the convener of that committee. Both the task force's meeting is held bi-monthly. The meeting minutes of the regional task force are discussed in the central task force meeting. Besides high profile cases are discussed in the central task force meeting. The central task force set out important decisions that are implemented through banks, financial institutions and Government agencies concerned.

3.5 ANTI-MONEY LAUNDERING DEPARTMENT

Anti-Money Laundering Department (AMLDD) was established in Bangladesh Bank in June, 2002 which worked as the FIU of Bangladesh. It was the authority for receiving, analyzing and disseminating Suspicious Transaction Reports (STRs) and Cash Transaction Reports (CTRs).

3.6 BANGLADESH FINANCIAL INTELLIGENCE UNIT (BFIU)

As per the provision of MLPA, 2012 Bangladesh Financial Intelligence Unit (BFIU) has been established abolishing AMLDD as a national central agency to receive, analyze and disseminate STRs/SARs, CTRs and complaints. BFIU has been entrusted with the responsibility of exchanging information related to ML & TF with its foreign counterparts. The main objective of BFIU is to establish an effective system for prevention of money laundering, combating financing of terrorism and proliferation of weapons of mass destruction and it has been bestowed with operational independence. BFIU has also achieved the membership of Egmont Group in July, 2013.

BFIU has continued its effort to develop its IT infrastructure which is necessary for efficient and effective functioning of the unit. In this regard, it has procured goAML software for online reporting and software based analysis of CTRs and STRs. It also has established MIS to preserve and update all the information and to generate necessary reports using the MIS.

3.7 NATIONAL COORDINATION COMMITTEE AND WORKING COMMITTEE

To provide guidance for effective implementation of AML & CFT regime, a National Coordination Committee headed by the Honorable Finance Minister and a Working Committee headed by the Secretary of Bank and Financial Institutions Division of Ministry of Finance were formed consisting representatives from all concerned Ministries, Agencies and regulatory authorities.

3.8 NATIONAL ML & TF RISK ASSESSMENT (NRA)

Bangladesh first conducted National ML & TF Risk Assessment (NRA) in 2011-2012. The methodology used for NRA was developed by ACC, BFIU and CID of Bangladesh Police consulting with Strategic Implementation Plan (SIP) of World bank. The report was prepared by using the last 10 years statistics from relevant agencies and identified the vulnerabilities of sectors, limitations of legal framework and weaknesses of the institutions on ML & TF.

Second NRA has been conducted by a 'core committee' comprises of ACC, BFIU and CID of Bangladesh Police and another 'working committee' comprises of 23 members. This report consider the output of institutional, sectoral, geographical risk assessment. It covers all the sectors of the economy, legal and institutional framework. The report identifies some high risk areas for Bangladesh that are corruption, fraud-forgery, drug trafficking, gold smuggling and human trafficking. Banks, non-banks financial institutions, real estate developers and jewelers were identified as most vulnerable sectors for ML & TF. The foreign donation receiving NGO/NPO working in the coastal or border area was identified as vulnerable for TF incidence.

3.9 NATIONAL STRATEGY FOR PREVENTING ML AND TF

National Strategy for Preventing Money Laundering and Combating Financing of Terrorism, 2011-2013 was adopted by the NCC in April 2011. Bangladesh has completed all the action items under the 12(twelve) strategies during that time. A high level committee headed by the Head of BFIU and Deputy Governor of Bangladesh Bank has formulated the National Strategy for Preventing Money Laundering and Combating Financing of Terrorism 2015-2017 which has been approved by the National Coordination Committee (NCC) on ML/TF. The strategy identifies the particular action plan for all the Ministries, Division and Agency to develop an effective AML/CFT system in Bangladesh. The strategy consists of following 11 (eleven) strategies against 11 (eleven) strategic objectives:

- updating National ML&TF Risk Assessment Report regularly and introducing Risk Based Approach of monitoring and supervision of all reporting organizations.
- deterring corruption induced money laundering considering corruption as a high risk.
- modernization of Border Control Mechanism and depriving perpetrators from use of proceeds of crime to prevent smuggling of gold and drugs, human trafficking, other transnational organized crimes considering the risk thereon.
- tackling illicit financial flows (IFF) by preventing the creation of proceeds of crime, curbing domestic and cross-border tax evasion and addressing trade based money laundering.

- discouraging illicit fund transfer by increasing pace of stolen assets recovery initiatives and or recovering the evaded tax.
- enhancing the capacity of BFIU in identifying and analyzing emerging ML & TF cases including ML&TF risks arising from the use of new technologies.
- enhancing compliance of all reporting agencies with special focus on new reporting agencies like NGOs/NPOs and DNFBPs.
- expanding investigative capacity and improving the quality of investigation and prosecution of ML & TF cases to deter the criminals.
- establishing identification and tracing out mechanism of TF&PF and fully implementation of targeted financial sanctions related to TF & PF effectively.
- boosting national and international coordination both at policy and operational levels.
- developing a transparent, accountable and inclusive financial system in Bangladesh.

3.10 CHIEF ANTI-MONEY LAUNDERING COMPLIANCE OFFICERS (CAMLCO) CONFERENCE

Separate annual conferences for the Chief Anti-Money Laundering Compliance Officers (CAMLCO) of Banks, Financial Institutions, Insurance Companies and Capital Market Intermediaries were arranged by BFIU. It also has arranged a number of training programs, workshops, seminars and road-shows to create awareness among the staff of reporting organizations, regulatory authorities about related issues.

3.11 EGMONT GROUP MEMBERSHIPS

BFIU has achieved the membership of Egmont group in the Egmont plenary on July, 2013 in Sun City, South Africa. Through Egmont membership, BFIU has achieved access to a wider global platform and this will help to establish relationship with other FIUs of different countries to get benefit by exchanging views, experiences and information via Egmont Secure Web.

3.12 ANTI MILITANTS AND DE-RADICALIZATION COMMITTEE

The Government of Bangladesh is very much vigilant against terrorism and violent extremism. An inter-ministerial committee headed by Minister of Home is working actively to prevent and redress of terrorism, to fight against terrorist and the terrorist organizations in a more coordinated way. The committee comprised of high officials from different ministries, law enforcement and intelligence agencies. The committee tried to find out more sensitive and sophisticated ways to create awareness among the general people about the negative impact of terrorism.

3.13 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN ACC AND BFIU

Anti Corruption Commission (ACC) and the Bangladesh Financial Intelligence Unit (BFIU) has signed a Memorandum of Understanding (MoU) on 4 May, 2014 with a view to increasing the scope of cooperation for dealing with money laundering and other financial crimes. The ACC and the BFIU have jointly undertaken various initiatives to fight against money laundering and other financial crimes.

3.14 NGO/NPO SECTOR REVIEW

Bangladesh first assessed the ML & TF risk associated with the NGO/NPO sector in 2008. As the sector was mainly depending on foreign donation, the report identified strategic deficiencies of supervision and control of the regulator. According to the requirement of FATF Recommendation 8, BFIU has conducted NGO/NPO sector review with the help from NGO Affairs Bureau, Microcredit Regulatory Authority, Department of Social Services and Research Department of Bangladesh Bank. The review report is a very comprehensive one that covers legal & institutional aspects, supervision mechanism, compliance requirements and risk & vulnerabilities relating to ML & TF.

3.15 IMPLEMENTATION OF TFS

UN Security Council Resolutions related to TF adopted under Chapter VII of the Charter of UN are mandatory for all jurisdictions including Bangladesh. Bangladesh has issued Statutory Regulatory Order (SRO) No. 398/2012 on 29 November 2012, which was amended and strengthened by SRO No. 188/2013 dated 18 June 2013 under the United Nations (Security Council) Act, 1948. Before the issuance of those SROs, BFIU was used to issue circular letters as a medium of instructions for the reporting organization to implement the requirements of UNSCRs on regular basis.

In addition to the SROs the UNSCRs requirements were also incorporated in the ATA, 2009. Section 20(A) of ATA, 2009 provides that the Government of Bangladesh has power of taking measures for the purposes of implementing United Nations Security Council Resolution No. 1267 and its successor resolutions and United Nations Security Council Resolution No. 1373 and United Nations Security Council resolutions related to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing

3.16 COORDINATED EFFORT ON THE IMPLEMENTATION OF THE UNSCR

A national committee is coordinating and monitoring the effective implementation of the United Nations Security Council Resolutions (UNSCR) relating to terrorism, terrorist financing and financing of proliferation of weapons of mass destruction. The committee is headed by the Foreign Secretary and comprises of representatives from Ministry of Home Affairs; Bank and Financial Institutions Division, Ministry of Finance; Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs and Bangladesh Bank.

3.17 RISK BASED APPROACH

Recommendation 1 of Financial Action Task Force (FATF), the international standard setter on anti money laundering (AML) and combating financing of terrorism (CFT) requires financial institutions and designated non-financial businesses and professions (DNFBPs) to identify, assess and take effective action to mitigate their money laundering and terrorist financing risks. This requirement is reflected in the Money Laundering Prevention Rules (MLPR) 2013. Rule 21 of MLPR 2013 states that every Reporting Organization-Financial Institution (RO-FI) shall conduct periodic risk assessment and forward the same to the Bangladesh Financial Intelligence Unit (BFIU) for vetting. Rule 21 also states that RO-FI shall utilize this risk assessment report after having vetted by BFIU.

BFIU has issued a guidelines titled 'Money Laundering and Terrorist Financing Risk Assessment Guidelines for Banking Sector' in January, 2015 (Circular letter no. 01/2015) for providing the basic ideas of identifying, assessing and mitigating ML & TF risks that banks may encounter in doing their businesses. Banks were instructed to assess their own ML & TF risk considering their customers, products, delivery channels and geographical positions. They were also instructed to assess regulatory risk i.e. risk arises from non-compliance of AML & CFT measures. All the banks have submitted their ML & TF risk assessment reports to BFIU in complying with the instruction. To make the risk assessment report of respective bank more comprehensive an indicative risk register is enclosed as Annexure-A. Banks are advised to compare their own risk register with the Annexure-A if they find any addition area to cover than amends their risk registers accordingly.

3.18 MEMORANDUM OF UNDERSTANDING (MOU) BFIU AND OTHER FIUs

To enhance the cooperation with foreign counterparts, BFIU signed Memorandum of Understanding (MoU) with other FIUs. BFIU has signed 36 (till date) MoU so far to exchange the information related to ML&TF with FIU of other countries

CHAPTER-4

AML & CFT COMPLIANCE PROGRAM

AML & CFT COMPLIANCE PROGRAM OF TRUST BANK

4.1 INTRODUCTION

National ML & TF risk assessment suggests that banking sector is one of the most vulnerable sectors for the ML & TF among the financial sectors due to its indigenous nature of business, customer base, product type, delivery channel, external linkage and ownership. Bank can play a vital role in preventing ML, TF & PF and in this regard their roles and responsibilities are delineated in MLPA, 2012, ATA, 2009 and rules and instructions issued under this legal framework by BFIU. To prevent ML, TF & PF and to ensure the implementation of required provisions of Acts, Rules and directives of BFIU, TBL has developed and maintained an effective AML and CFT compliance program which cover senior management role, internal policies, procedures and controls, compliance structure including appointment of compliance officer, independent audit function and awareness building.

4.2 COMPONENT OF AML & CFT COMPLIANCE PROGRAM

The compliance program of TBL documented and communicated through Intra Web to all the employees of the bank which is approved by the Board of Directors. The program is concentrated on the size & range of activities, complexity of operations and the nature & degree of ML & TF risk facing by the bank. The program includes-

1. Senior management role including their commitment to prevent ML, TF & PF;
2. Internal policies, procedure and controls- it includes TBL's AML & CFT policy, customer acceptance policy, customer due diligence (CDD), transaction monitoring, self assessment, independent testing procedure, employee screening, record keeping and reporting to BFIU;
3. Compliance structure- it includes establishment of central compliance Unit (CCC), appointment of chief anti-money laundering compliance officer (CAMLCO), branch anti-money laundering compliance officer (BAMLCO);
4. Independent audit function- it includes the role and responsibilities of internal audit on AML & CFT compliance and external audit function;
5. Awareness building program- it includes training, workshop, seminar for banks employees, member of the board of directors, owners and above all for the customers on AML & CFT issues.

4.3 DEVELOPMENT OF TBL AML & CFT COMPLIANCE PROGRAM

In developing the AML & CFT compliance program, TBL considered any relevant document including BFIU guidelines as a basis for it. TBL also considered all relevant laws, regulations, guidelines relating to AML & CFT and also the practices related to corporate governance. In drafting the compliance program, TBL involved all its relevant departments or divisions like general banking, credit, foreign exchange, information

technology, international division, alternative delivery channels, internal audit and compliance and above all central compliance unit. Proper attention has given to the size and range of activities, complexity of operations, customer base, use of technology, diversity of product, delivery channel, external linkage, geographic location and the output of ML & TF risk assessment of Trust Bank Limited.

4.4 COMMUNICATION OF COMPLIANCE PROGRAM

Trust Bank has communicated its compliance program immediately after the approval from the board of directors to all of its employees, member of the board of the directors and other relevant stakeholders. TBL has also uploaded the compliance program in the intra-web of the bank for their customers or other stakeholders.

4.5 SENIOR MANAGEMENT ROLE

Members of CCC are the senior management of the bank. CCC takes measures in any situation related to ensuring AML & CFT compliance program.

Obligations under Law (ATA, 2009)	The Board of Directors, or in the absence of the Board of Directors, the Chief Executive of TBL shall approve and issue directions regarding the duties of its officers, and shall ascertain whether the directions issued by Bangladesh Bank under section 15 of ATA, which are applicable to the reporting agency, have been complied with or not.
Obligations under BFIU Circular (Circular-19; dated-September 17, 2017)	<p>TBL must have its own policy manual that must conform international standards, laws and regulations in force in Bangladesh and instructions of BFIU on preventing money laundering and terrorist financing, and this policy manual must be approved by the Board of Directors. This policy manual shall be communicated to all concerned persons. Bank shall conduct review of the policy manual from time to time and shall amend/change where necessary.</p> <p>The chief executive of the bank shall announce effective and specific commitment, give the necessary instructions to fulfill the commitments in preventing ML & TF to all the employees of all branches and the head office and shall ensure the implementation of the commitments. This statement of commitment shall be issued in every year.</p>

The most important element of a successful AML & CFT program is the commitment of Senior Management, including the Chief Executive Officer and the Board of Directors, to the development and enforcement of the AML & CFT objectives which can deter criminals from using the bank for ML, TF & PF, thus ensuring that they comply with their obligations under the laws and regulations.

Role of Senior Management of TBL

Senior Management of TBL-

- ✓ Approve AML & CFT compliance program & ensure its implementation.
- ✓ issue directives to ensure compliance with the instruction of BFIU issued under section 15 of ATA, 2009;
- ✓ take reasonable measures through analyzing self assessment report and independent testing report summary;
- ✓ Understand ML & TF risk of the bank, take measures to mitigate those risk.
- ✓ MD & CEO shall issue statement of commitment to prevent ML, TF & PF in the bank;
- ✓ Ensure compliance of AML & CFT program;
- ✓ Allocate enough human and other logistics for effective implementation of AML & CFT compliance program.

Senior Management of TBL must convey a clear signal that the corporate culture is as concerned about its reputation as it is about profits, marketing, and customer service. As part of its AML & CFT policy TBL communicates clearly to all employees on an annual basis by a statement from the CEO & MD that clearly sets forth its policy against ML, TF & PF and any activity which facilitates money laundering or the funding of terrorist or criminal activities. Such statement evidences the strong commitment of the bank and its senior management to comply with all laws and regulations designed to combat money laundering and terrorist financing.

STATEMENT OF COMMITMENT OF MD & CEO

Statement of commitment of MD & CEO of TBL includes the followings-

- ✓ TBL policy or strategy to prevent ML, TF & PF;
- ✓ Emphasize on effective implementation of bank's AML & CFT compliance program;
- ✓ Clear indication of balance between business and compliance, risk and mitigating measures;
- ✓ Compliance is the responsibility of each employee during their normal course of assignment and ignorance shall not be considered as the excuse for non-compliance;
- ✓ Point of contact for clarification in case of any ambiguity arise;
- ✓ Consequences of non-compliance as per human resources (HR) policy of the bank.

Senior management of bank has accountability to ensure that the bank's policy, process and procedures towards AML & CFT are appropriately designed and implemented, and are effectively operated to minimize the risk of the bank being used in connection with ML & TF.

Senior management of bank has adopted HR policy for ensuring the compliance of AML & CFT measures by the employees of the bank.

In the TBL HR Policy the following has included for proper implementation of AML & CFT measures in the bank.

✓ **Proper administrative action for non-compliance of AML & CFT measures;**

Section 29.a.(xxviii) Non-compliance or violation of Bank's Anti-Money Laundering (AML) & Combating Financing of Terrorism (CFT) policy/manual or any other AML/CFT guidelines subsequently issued by management.

✓ **Proper weight in the annual performance evaluation of employees for extra ordinary preventive action vis a vis for non-compliance;**

The issues are already included in Annual performance format.

✓ **To recover the fined amount from the concerned employee if the fine imposed on employee by the BFIU;**

Section 29.b(iv) Recovery from salary of the whole or part of any pecuniary loss caused to the bank by the employee due to gross & willful negligence or as fine imposed by the BFIU on the bank for non-compliance/violation of AML/CFT guidelines by the concern employees.

✓ **Other measures that shall be taken in case of non-compliance by the bank.**

Sec 29.b.(xiii) Appropriate disciplinary actions as per the TBL employees service manual may be taken against the responsible employee(s) for the non-compliance/violation of AML & CFT policy/manual and subsequent AML/CFT instructions issued time to time by the management.

Senior management must be responsive of the level of money laundering and terrorist financing risk when the bank is exposed to and take a view whether the bank is equipped to mitigate that risk effectively; this implies that decisions on entering or maintaining high-risk business relationships must be escalated to senior management.

4.6 POLICIES AND PROCEDURES

An AML & CFT policy usually includes the 4 (four) key elements; they are -

- High level summary of key controls;
- Objective of the policy (e.g. to protect the reputation of the institution);
- Scope of the policy (A statement confirming that the AML/CFT policy applies to all areas of the business); and
- Waivers and exceptions- procedures for obtaining exemptions from any aspects of the policy should be carefully controlled; and Operational controls.

4.6.1 WRITTEN AML & CFT COMPLIANCE POLICY

AML division of HO, TBL has developed AML & CFT compliance policy in line with the BFIU guidelines to ensure & monitors compliance with the AML & CFT acts, including record keeping & reporting requirements. The policy is written & approved by the BOD & noted as such in the board meeting minutes.

The policy clearly describes the responsibilities & accountabilities within the organization which can deter criminals from using their facilities from money laundering & financing of terrorist activities.

The policy has been prepared based upon an assessment of ML & TF risks, taking into account our business structure and factors such as its size, location, activities, mode of payment and risks or vulnerabilities to ML & TF. In the policy, to comply with laws & regulations, the procedures include KYC policy before opening new account, monitoring existing accounts for unusual or suspicious activities, information flows, reporting STR, hiring & training employees and a separate audit or internal control function to regular test the program's effectiveness.

The policy also includes the roles & responsibility of AML & CFT compliance officers of AML division for effective compliance.

TBL has implemented screening program when hiring to ensure standard performance. The AML policy is reviewed & updated when required, based on legal/regulatory/business & operational changes.

The policy also emphasizes the responsibility of every employee to protect the bank from exploitation of money laundering & terrorist financing & management of the bank declared 'zero' tolerance in case of any non-compliance regarding AML & CFT.

4.6.2 PROCEDURES

The standard operating procedures are often designed at a lower level in the organization and modified as needed to reflect the changes in products, personnel and promotions, and other day to day operating procedures. The procedure is more detailed than policies. Standard operating procedures translate policy into an acceptable and working practice. In addition to policies and procedures, there is also a process to support and facilitate effective implementation of procedures and that is reviewed and updated regularly.

4.7 CUSTOMER ACCEPTANCE POLICY (CAP)

As a part of bank's continuous endeavor to keep its operation safe & compliant TBL-CAP for strict compliance by the branches while establishing account relationship with customers are as follows:

- 1) No account should be opened in anonymous or fictitious name.
- 2) Parameters of risk perception should be clearly defined in terms of the source of fund, the nature of business activity, location of customer and his clients, mode of payments, volume of turnover, service offered, social and financial status etc. to categorize customers into different risk grades.
- 3) Documentation requirements and other information to be collected & completed in respect of different categories of customers depending on perceived risk.
- 4) Not to open an account or close an account where the bank is unable to apply appropriate customer due diligence measures i.e. bank is unable to verify the identity and/or obtain documents required as per the risk categorization due to non cooperation of the customer or non reliability of the data/information furnished to the bank. Decision

by the bank to close an account should be taken at a reasonably high level after giving due notice to the customer explaining the reasons for such a decision.

5) Circumstances, in which a customer is permitted to act on behalf of another person/entity, should be clearly spelt out in conformity with the established law and practices of financial service as there could be occasions when an account is operated by a mandate holder or where an account is opened by an intermediary in fiduciary capacity.

6) Necessary checks before opening a new account to ensure that the identity of the customer does not match with any person with known criminal background or with banned entities such as individual terrorists or terrorist organizations etc.

7) The status of a customer may change as relation with a customer progresses. The transaction pattern, volume of a customer's account may also change. With times an ordinary customer can turn into a risky one. To address this issue, customer acceptance policy should include measures to monitor customer's activities throughout the business relation.

8) Branches must take serious thoughts before entering into business relationships with higher risk customers, such as public figures or politically exposed persons.

9) No banking relation should be allowed/established with "Shell Bank."

10) Not to establish any account relationship with those persons or entities who have account with "Shell Bank"

11) In case of opening Non Resident Bangladeshi Account/ FC account bank shall follow Foreign Exchange Regulation Act-1947, Guidelines for foreign exchange transactions and other related instructions/ circulars issued by Bangladesh Bank (BB) time to time in this regard.

12) Not to open or maintain any accounts where it is known or strongly believed that a customer or prospective customer is involved in money laundering and terrorist financing.

CHAPTER-5

COMPLIANCE STRUCTURE OF TBL

COMPLIANCE STRUCTURE OF TRUST BANK

5.1 INTRODUCTION

Compliance structure refers to an organizational setup that deals with AML & CFT compliance of the bank and the reporting procedure. This includes-

- ✓ Central Compliance Committee (CCC),
- ✓ Chief Anti-Money Laundering Compliance Officer (CAMLCO),
- ✓ Branch Anti-Money Laundering Compliance Officer (BAMLCO).

5.2 CENTRAL COMPLIANCE COMMITTEE

Obligations under BFIU Circular-19, dated September 17, 2017	To keep the bank free from the risks related to Money Laundering & Terrorist Financing and for the effective/proper compliance of all existing acts, rules and issued instructions by BFIU time to time. TBL has to form a Central Compliance Committee (CCC) that will be directly monitored by the Managing Director & Chief Executive Officer of the bank.
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The CCC is headed by CAMLCO of the bank. TBL has also nominated a deputy CAMLCO in the rank of executive vice president who has detailed knowledge in the existing acts, rules and regulations, instructions issued by BFIU from time to time & international standards on preventing ML & TF.

The CCC issues instructions for the branches regarding preventions of ML & TF. CCC also report to BFIU without any delay and make STR & SAR directly to BFIU.

5.2.1 FORMATION OF CCC

TBL has formed its CCC at Head Office with its senior executives of Head Office including CAMLCO & DCAMLCO with the approval of Managing Director. The members of CCC have enough knowledge on AML & CFT measures of Bangladesh including the Acts & rules and instructions issued by BFIU.

5.2.2 AUTHORITIES AND RESPONSIBILITIES OF THE CCC

The main responsibilities of CCC of TBL are to-

- ✓ develop banks policy, procedure and strategies in preventing ML, TF & PF;
- ✓ coordinate banks AML & CFT compliance initiatives;
- ✓ coordinate the ML & TF risk assessment of the bank and review thereon;
- ✓ present the compliance status with recommendations before the CEO or MD on half yearly basis;
- ✓ forward STR/SAR and CTR to BFIU in time and in proper manner;
- ✓ report summary of self assessment and independent testing procedure to BFIU in time and in proper manner;

- ✓ impart training, workshop, seminar related to AML & CFT for the employee of the bank;
- ✓ take required measures to submit information, report or documents in time.

For implementation of the said responsibilities management of the bank has given the following authority to CCC-

- ✓ appointment of BAMLCO and to assign their specific job responsibilities;
- ✓ requisition of human resources and logistic supports for CCC;
- ✓ To take decision or administrative sanction for AML & CFT non-compliance by the employees.

5.2.3 SEPARATION OF CCC FROM INTERNAL CONTROL & COMPLIANCE (IC&C)

CCC of TBL is completely separated from internal control & compliance (IC&C) division. To ensure the autonomy, IC & C member is not comprised at CCC & vice versa. All the members of CCC perform their job in CCC solely & independently.

5.3 CHIEF ANTI MONEY LAUNDERING COMPLIANCE OFFICER (CAMLCO)

Trust Bank has appointed a designated Chief Anti Money Laundering Compliance Officer (CAMLCO) at its head office who has sufficient authority to implement and enforce corporate wide AML & CFT policies, procedures and measures and who reports directly to CEO or MD. This provides evidence of senior management's commitment to efforts to combat money laundering and terrorist financing and, more importantly, provides added assurance that the officers have sufficient influence to enquire about potentially suspicious activities. The CAMLCO is responsible for oversight of the bank's compliance with the regulatory requirements on systems and controls against money laundering and terrorist financing.

The designated CAMLCO, directly or through the CCC, is the central point of contact for communicating with the regulatory agencies regarding issues related to the bank's AML & CFT program. Depending on the scale and nature of the bank the designated CAMLCO choose to delegate duties or rely on suitably qualified staff for practical performance whilst remaining responsible and accountable for the operation of the designated functions.

All employees in the bank at all levels are aware of the identity of the CAMLCO, his deputy and the staff and branch/unit level AML&CFT compliance officers, and the procedure to follow when making a suspicious transaction/activity report. All relevant employees are aware of the chain through which suspicious transaction/activity reports passed to the CAMLCO.

5.3.1 AUTHORITIES AND RESPONSIBILITIES OF CAMLCO

The following authorities are given to CAMLCO-

- ✓ To act independently on his own authority;
- ✓ To submit STR/SAR and any document or information to BFIU without any consultation from/with the MD or CEO.
- ✓ To maintain the confidentiality of STR/SAR and any document or information required by laws and instructions by BFIU;
- ✓ To have access to any information of the bank;
- ✓ To ensure his/her continuing competence.

CAMLCO has the following responsibilities-

- ✓ To ensure overall AML&CFT compliance of the bank;
- ✓ To oversee the submission of STR/SAR or any document or information to BFIU in time;
- ✓ To maintain the day-to-day operation of the bank’s AML & CFT compliance;
- ✓ CAMLCO is liable to MD , CEO or BOD for proper functioning of CCC;
- ✓ To review and update ML & TF risk assessment of the bank;
- ✓ To ensure that corrective actions have been taken by the bank to address the deficiency identified by the BFIU or BB.

5.4 BRANCH ANTI MONEY LAUNDERING COMPLIANCE OFFICER (BAMLCO)

Obligations under BFIU Circular-19, dated September 17, 2017	For the implementation of all existing acts, rules, BFIU’s instructions and bank’s own policies on preventing Money Laundering & Terrorist Financing, bank shall nominate an experienced Branch Anti Money Laundering Compliance Officer (BAMLCO) in every branch.
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To ensure strict compliance of BFIU Circular #10 AMLD, Head Office has already circulated a circular vide ref: TBL/HO/OPNS. Circular/2015/03/835 dated February 23, 2015 regarding the nomination of BAMLCO of TBL branches considering the followings:

01. **BAMLCO** must have adequate knowledge on Acts, rules, regulation & all kinds of directives of Bangladesh Bank related to AML & CFT and must have minimum 03 (three) years banking experience.
02. **AD Branches:** Manager Operations/Sub-Manager may be nominated as BAMLCO of the Branch. If management of the Branch considers that, Manager operations/Sub-Managers cannot spare adequate time for the functions then, officer in the rank of SPO & above may be nominated as BAMLCO. It is mentionable that, BAMLCO of such rank must have sufficient experience in General Banking.
03. **Non-AD Branches:** Manager/Sub-Manager of the branch shall be the BAMLCO of the branch. Any exception to be forwarded to CAMLCO with branch justification & recommendation for prior approval.

According to BFIU Circular #19, dated September 17,2017 BAMLCO will arrange AML & CFT meeting with other concerned important officials of the branch quarterly and must take effective measures on the following matters after reviewing the compliance of the existing acts, rules and regulations, BFIU’s instructions on preventing Money Laundering & Terrorist Financing:

- Know Your Customer,
- Transaction monitoring,
- Identifying and reporting of Suspicious Transactions,
- Implementation of local sanction list and UNSCR Resolution,
- Self Assessment functions,
- Record keeping,
- Training.

5.4.1 AUTHORITIES AND RESPONSIBILITIES OF BAMLCO

CCC of the bank identifies the authorities and responsibilities of BAMLCO of different branches. After selection of new BAMLCOs a letter signed by CAMLCO is issued mentioning the authorities and **responsibilities of BAMLCOs as follows:**

1. To ensure that the KYC of all customers have been done properly and for the new customer KYC is being done properly;
2. To ensure that the UN Security Council, domestic and OFAC sanction list is checked properly before opening of account and while making any international transaction;
3. To keep information of ‘dormant accounts’ and take proper measures so that any withdrawal from these accounts shall not be allowed without compliance of BFIU's instruction;
4. To ensure regular transaction monitoring to find out any unusual transaction
5. To review cash transaction to find out any structuring;
6. To review of CTR to find out STR/SAR;
7. To ensure the checking of UN sanction & OFAC list before making any foreign transaction;
8. To ensure that all the employees of the branch are well aware and capable of identifying any unusual transaction or any attempt of unusual transaction;
9. To compile self-assessment of the branch regularly and arrange quarterly meeting regularly;
10. To accumulate the training records of branch officials and take initiatives including reporting to CCC, HR and training academy;
11. To ensure all the required information and document are submitted properly to CCC and any freeze order or stop payment order are implemented properly;
12. should follow the media report on terrorism, terrorist financing or other offences, like corruption, bribery, drug trafficking, gold smuggling, human trafficking, kidnapping or

other predicate offences and find out any relationship of the branch with the involved person; if so the BAMLCO should make an STR/SAR;

13. To ensure that the branch is maintaining AML & CFT files properly and record keeping is done as per the requirements of Bangladesh Bank.

14. To ensure that corrective actions have been taken by the branch to address the deficiency identified by the BFIU or Bangladesh Bank.

5.5 INTERNAL CONTROL AND COMPLIANCE

<p>Obligations under BFIU Circular-19, dated September 17, 2017</p>	<p>With a goal of establishing an effective AML and CFT regime, it shall have to be ensured that the Internal Audit Department of the bank is equipped with enough manpower who have enough knowledge on the existing acts, rules and regulations, BFIU's instructions on preventing money laundering & terrorist financing and bank's own policies in this matter to review the Self Assessment Report received from the branches and to execute the Independent Testing Procedure appropriately.</p>
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Internal Control and Compliance Division (IC&C) of TBL, HO, has important roles for ensuring proper implementation of bank's AML & CFT Compliance Program. The IC&C division oversees the implementation of the AML & CFT compliance program of the bank, reviews the 'Self Assessment Report' received from the branches and executes the 'Independent Testing Procedure' appropriately.

The roles & responsibilities of IC&C Division, Head Office are to:

- ✓ understand ML & TF risk of the bank and check the adequacy of the mitigating measures;
- ✓ examine the overall integrity and effectiveness of the AML/CFT Compliance Program;
- ✓ examine the adequacy of Customer Due Diligence (CDD) policies, procedures and processes, and whether they comply with internal requirements;
- ✓ determine personnel adherence to the bank's AML&CFT Compliance Program;
- ✓ perform appropriate transaction testing with particular emphasis on high risk operations (products, service, customers and geographic locations);
- ✓ assess the adequacy of the bank's processes for identifying and reporting suspicious activity;
- ✓ where an automated system is not used to identify or aggregate large transactions, the audit should include a sample test check of tellers' cash proof sheets;

- ✓ communicate the findings to the board and/or senior management in a timely manner;
- ✓ recommend corrective action to address the identified deficiencies;
- ✓ track previously identified deficiencies and ensures correction made by the concerned person;
- ✓ examine that corrective actions have to be taken on deficiency identified by the BFIU or Bangladesh Bank;
- ✓ assess training adequacy, including its comprehensiveness, accuracy of materials, training schedule and attendance tracking;
- ✓ determine when assessing the training program and materials:
 - the importance of the board and the senior management place on ongoing education, training and compliance,
 - employee accountability for ensuring AML&CFT compliance,
 - comprehensiveness of training, in view of specific risks of individual business lines,
 - training of personnel from all applicable areas of the bank,
 - frequency of training,
 - coverage of bank policies, procedures, processes and new rules and regulations,
 - coverage of different forms of money laundering and terrorist financing as they relate to identifying suspicious activity,
 - penalties for noncompliance and regulatory requirements.

5.6 EXTERNAL AUDITOR

External auditor of TBL plays an important role in reviewing the adequacy of AML & CFT controls by communicating their findings and recommendations to management via the annual management letter, which accompanies the audit report. External auditors approach would be risk-focus while developing their audit programs and conducting intensive reviews of higher risk areas where controls may be deficient. External auditors will report incidences of suspected criminal activity uncovered during audits in its audit report.

CHAPTER-6

CUSTOMER DUE DELIGENCE

CUSTOMER DUE DILIGENCE

6.1 INTRODUCTION

Customer Due Diligence (CDD) combines the Know Your Customer (KYC) procedure, transaction monitoring based on the information and data or documents collected from reliable and independent sources.

The CDD obligations on bank under legislation and regulation are designed to make it more difficult to abuse the bank for money laundering or terrorist financing. The CDD obligations compel bank to understand who our customers are to guard against the risk of committing offences under MLPA, 2012 including 'Predicate Offences' and the relevant offences under ATA, 2009.

Therefore, bank shall be able to demonstrate the supervisory authority to put in place, implement adequate CDD measures considering the risks of money laundering and terrorist financing. Such risk sensitive CDD measures shall be based on-

- a) Type of customers;
- b) Business relationship with the customer;
- c) Type of banking products; and
- d) Transaction carried out by the customer.

The adoption of effective KYC standards is an essential part of bank's risk management policies. Bank with inadequate KYC program is the subject to significant risks, especially legal and reputational risk. Sound KYC Policies and Procedures not only contribute to the bank's overall safety and soundness, but they also protect the integrity of the banking system by reducing money laundering, terrorist financing and other unlawful activities.

We, therefore, need to carry out customer due diligence for two broad reasons:

- to help the organization, at the time due diligence is carried out, to be reasonably satisfied to those customers who they say about, to know whether they are acting on behalf of another, and that there is no legal barrier (e.g. government or international sanctions) to provide them with the product or service requested; and
- to enable the organization in investigation, law enforcement by providing available information about customers in due process.

It will be appropriate for the bank to know more about the customer by being aware of the nature of the customer's business in order to assess the extent to which his transactions and activity undertaken with or through the bank is consistent with that business.

6.2 LEGAL OBLIGATIONS OF CDD

Obligations under MLPA, 2012	We have to maintain complete and correct information with regard to the identity of our customers during the operation of accounts and provide with the information maintained under the clause to Bangladesh Bank.
Obligations under MLP Rules, 2013	<p>Identify the customer (whether permanent or occasional, and whether natural or legal person or legal arrangement) and verify that customer's identity using reliable, independent source documents, data or information (identification data). The verification of identity of a customer or a beneficial owner should include a series of independent checks and inquiries and not rely only on documents provided by the customer or beneficial owner. The bank shall verify that any person purporting to act on behalf of the customer is so authorized, and identify and verify the identity of that person.</p> <p>The bank shall identify the beneficial owner and take reasonable measures to verify the identity of the beneficial owner, using the relevant information or data obtained from a reliable source, such that the bank is satisfied that it knows who the beneficial owner is.</p> <p>The bank shall understand and, as appropriate, obtain information on, the purpose and intended nature of the business relationship. The bank shall also conduct ongoing due diligence on the business relationship.</p> <p>The bank shall scrutinize the transactions undertaken by a customer throughout the relationship with the customer to ensure that the transactions are consistent with the nature, business and risk profile of the customer, including where necessary, with the source of funds.</p>
Obligations under BFIU Circular No- 19, dated September 17, 2017	Detail provisions of CDD measures were discussed in paragraph no. 3 and 5.

6.3 GENERAL RULE OF CDD

Completeness and Accuracy

Bank required to be certain about the customer's identity and underlying purpose of establishing relationship with the bank, and will collect sufficient information up to its satisfaction. **"Satisfaction of the bank"** means satisfaction of the appropriate authority that is necessary due diligence has been conducted considering the risks of the customers in the light of existing directions.

It is an obligation for bank to maintain **complete** and **accurate** information of our customer and person acting on behalf of a customer. **'Complete'** refers to combination of all information for verifying the identity of the person or entity. For example: name and detail address of the person, profession, source of funds, Passport/National Identity Card/Birth Registration Certificate/acceptable ID card with photo, phone/ mobile number etc. **'Accurate'** refers to such complete information that has been verified for accuracy.

KYC procedures refer knowing a customer physically and financially. This means to conduct an effective KYC, it is essential to accumulate **complete** and **accurate** information about the prospective customer.

The verification procedures establishing the identity of a prospective customer should basically be the same whatever type of account or service is required. It would be best to obtain the identification documents from the prospective customer which is the most difficult to obtain illicitly. No single piece of identification can be fully guaranteed as genuine, or as being sufficient to establish identity, so verification will generally be a cumulative process. The overriding principle is that bank must know who their customers are, and have the necessary documentary evidences to verify this.

In a case, where bank is unable to identify the customer and verify that customer's identity using reliable, independent source documents, data or information, unable to identify the beneficial owner taking reasonable measures, unable to obtain information on the purpose and intended nature of the business relationship, bank will not open the account, commence business relations or perform the transaction; or shall terminate the business relationship; and consider making a suspicious transactions report in relation to the customer. Annexure-B provides an example of collection of documents that bank find it useful for its purpose.

Ongoing CDD measures (Review and update)

Bank has to take necessary measures to **review** and **update** the KYC of the customer after a certain interval. According to BFIU circular # 19 this procedure shall be conducted in every five (05) years in case of low risk customers. Furthermore, this procedure shall be conducted in every year in case of high risk customers. But, bank will update the changes in any information on the KYC as soon as bank gets to be informed. Moreover, bank shall update KYC information anytime if there is any particular necessity realized. Depending on the updated information, the risks associated with these accounts shall be assessed again without any delay.

Any subsequent change to the customer's name, address, or employment details of which we become aware shall be recorded as part of the CDD process. Generally this would be

undertaken as part of good business practice and due diligence but also serves for prevention of money laundering and terrorist financing.

Trust Bank shall collect the announcement of customer about the Transaction Profile of customer account in the specified form. After reviewing the nature of the customer, the source of money in the account and the nature of transaction, bank shall again collect the Transaction Profile along with the amendments in it from the customer by reviewing the transactions of the customer within 6 (six) months of establishing business relation and assessing the effectiveness with a logical consideration.

Enhanced CDD measures

Trust Bank shall conduct Enhanced CDD measures, when necessary, in addition to normal CDD measures. Bank shall conduct Enhanced Due Diligence (EDD) under the following circumstances:

- Individuals or legal entities scored with high risk;
- Individuals who are identified as politically exposed persons (peps), influential persons and chief executives or top level officials of any international organization;
- Transactions identified with unusual in regards to its pattern, volume and complexity which have no apparent economic or lawful purposes;
- While establishing and maintaining business relationship and conducting transaction with a person (including legal representative, financial institution or any other institution) of the countries and territories that do not meet international standard in combating money laundering and terrorism financing (such as the countries and territories enlisted as High –Risk and Non- Cooperative Jurisdictions in the Financial Action Task Force’s Public Statement).

Enhanced CDD measures includes:

- ✓ Obtaining additional information on the customer (occupation, volume of assets, information available through public databases, internet, etc) and updating more regularly the identification data of customer and beneficial owner.
- ✓ Obtaining additional information on the intended nature of the business relationship.
- ✓ Obtaining information on the source of funds or source of wealth of the customer.
- ✓ Obtaining information on the reasons for intended or performed transactions.
- ✓ Obtaining the approval of senior management to commence or continue the business relationship when applicable.
- ✓ Conducting regular monitoring of the business relationship, by increasing the number and timing of controls applied and selecting patterns of transactions that need further examination.
- ✓ Making aware the concerned bank officials about the risk level of the customer.

6.4 TIMING OF CDD

CDD measures shall be applied for any of the following:

- a) Establishing a business relationship;
- b) Carrying out an occasional transaction;
- c) Suspecting money laundering or terrorist financing; or
- d) Suspecting the veracity of documents, data or information previously obtained for the purpose of identification or verification

6.5 TRANSACTION MONITORING

Bank shall monitor the transactions of customer on regular basis. The complex transaction, transactions with deviation from normal transaction and the transactions that does not have reasonable purpose or the transaction with unusual pattern shall be more emphasized during monitoring. Enhanced Due Diligence shall be maintained for high risk and local influential persons account.

Trust Bank shall adopt various ways of transaction monitoring mechanism within its branches that includes but not limited to the followings:

- ✓ Transactions in local currency;
- ✓ Transactions in foreign currency;
- ✓ Transactions above the designated threshold determined by the branch;
- ✓ Cash transactions under CTR threshold to find out structuring;
- ✓ Transactions related with international trade;
- ✓ Transaction screening with local and UN Sanction list.

6.6 EXCEPTION WHEN OPENING A BANK ACCOUNT

The verification of the documents of account holder shall take place after the account has been opened, provided that there are adequate safeguards in place to ensure that, before verification has been completed

- a) The account is not closed;
- b) Transaction is not carried out by or on behalf of the account holder (including any payment from the account to the account holder).

6.7 IN CASE WHERE CONDUCTING THE CDD MEASURE IS NOT POSSIBLE

If conducting the CDD measure becomes impossible because of the non cooperating behavior of the customer or if the collected information seemed to be unreliable, that is, could not collect satisfactory information on customer identification and could not verify that, bank shall take the following measures:

- (a) shall not carry out a transaction with or for the customer through a bank account;
- (b) shall not establish a business relationship or carry out an occasional transaction with the customer;

- (c) shall terminate any existing business relationship with the customer;
- (d) shall consider whether it ought to be making a report to the BFIU through an STR.

TBL must consider whether an inability to apply CDD measures is caused by the customer. In this case, the bank shall consider whether there are any other ways of being reasonably satisfied as to the customer's identity. In either case, the bank shall consider whether there are any circumstances which give grounds for making a report to BFIU.

If the bank concludes that the circumstances do give reasonable grounds for knowledge or suspicion of money laundering or terrorist financing, a report must be sent to the BFIU. The bank must then retain the funds until consent has been given to return the funds to the source from which they came.

If the bank concludes that there are no grounds for making a report, it will need to make a decision on the appropriate course of action. This may be retaining the funds while it seeks other ways of being reasonably satisfied as to the customer's identity, or returning the funds to the source from which they came. Returning the funds in such a circumstance is part of the process of terminating the relationship; it is closing the account, rather than carrying out a transaction with the customer through a bank account.

6.8 CUSTOMER IDENTIFICATION

Customer identification is an essential part of CDD measures. For the purposes of this Guidance Notes, a customer includes:

- the person or entity that maintains an account with the bank or those on whose behalf an account is maintained (i.e. beneficial owners);
- the beneficiaries of transactions conducted by professional intermediaries; and
- any person or entity connected with a financial transaction who can pose a significant reputational or other risk to the bank.

The customer identification process applies naturally at the outset of the relationship. To ensure that records remain up-to-date and relevant, there is a need for banks to undertake regular reviews of existing records. An appropriate time to do so is when a transaction of significance takes place, when customer documentation standards change substantially, or when there is a material change in the way that the account is operated. However, if bank becomes aware of any time that it lacks sufficient information about an existing customer, it shall take steps to ensure that all relevant information is obtained as quickly as possible.

Whenever the opening of an account or business relationship is being considered, or a one-off transaction or series of linked transactions is to be undertaken, identification procedures must be followed. Identity must also be verified in all cases where money laundering is known, or suspected.

Once verification of identity has been satisfactorily completed, no further evidence is needed when other transactions are subsequently undertaken. Records must be

maintained as set out Chapter VII, and information should be updated or reviewed as appropriate.

6.9 VERIFICATION OF SOURCE OF FUNDS

TBL shall collect and verify the document supporting source of fund of the person at the time of establishing any business relationship or while conducting CDD. The document include present employment identity, salary certificate/copy/advice, pension book, financial statement, income tax return, business document or any other document that satisfy the bank. The bank will request the person to produce E-TIN (Electronic Tax Identification No) certificate which declares taxable income.

6.10 VERIFICATION OF ADDRESS

TBL must verify the address of the person at the time of establishing any business relationship or while conducting CDD. This could be done through the physical verification by the bank or by standard mail or courier service correspondence. The bank collects any other document (recent utility bill mentioning the name and address of the customer) as per their satisfaction.

Verification of the information obtained must be based on reliable and independent sources – which might either be a document or documents produced by the customer, or electronically by the bank, or by a combination of both. Where business is conducted face-to-face, bank shall see originals of any documents involved in the verification.

6.11 PERSONS WITHOUT STANDARD IDENTIFICATION DOCUMENTATION

Most of the people need to make use of the financial system at some point in their lives. It is important, therefore, that the socially or financially disadvantaged such as the elderly, the disabled, street children or people, students and minors shall not be precluded from obtaining financial services just because they do not possess evidence of identity or address where they cannot reasonably be expected to do so. In these circumstances, a common sense approaches and some flexibility considering risk profile of the prospective customers without compromising sufficiently rigorous anti-money laundering procedures is recommended. Internal procedures must allow for this.

Where the individual lives in accommodation for which he or she is not financially responsible, or for which there would not be documentary evidence of his/her address, it may be acceptable to accept a letter from the guardian or a similar professional as confirmation of a person's address. A manager may authorize the opening of a business relationship if he is satisfied with confirmation of identity circumstances but must record his/her authorization on the customer's file, and must also retain this information in the same manner and for the same period of time as other identification records.

For students or other young people, the normal identification procedures set out as above should be followed as far as possible. Where such procedures would not be relevant, or do not provide satisfactory evidence of identity, verification might be obtained in the form of the home address of parent(s), or by making enquiries of the applicant's educational institution.

Under normal circumstances, a family member or guardian who has an existing relationship with the institution concerned would introduce a minor. In cases where the person opening the account is not already known, the identity of that person, and any other person who will have control of the account, should be verified.

6.12 WALK-IN/ ONE OFF CUSTOMERS

Bank shall collect complete and correct information of any person other than customer in case of deposit or withdrawal money. Additionally, in regards to on-line deposit bank has to collect information of source of funds as well.

- a) Bank shall collect Name, address and telephone number of both remitter/applicant and receiver/beneficiary in case of transaction up to Tk. fifty thousand (50,000).
- b) Bank shall collect Photo ID card in addition to the above mentioned, in case of transaction of Tk more than fifty thousand (50,000) to Five Lac (500,000).
- c) In case of opening Low Risk Account (Student, Farmer and No-frill A/C) for the purpose of Financial Inclusion bank shall follow simplified customer due diligence process.

6.13 NON FACE TO FACE CUSTOMERS

TBL has to assess money laundering and terrorist financing risks while providing service to non face to face customers and develop the policy and techniques to mitigate the risks, as well as will review that time to time. ‘Non face to face customer’ refers to “the customer who opens and operates his account by agent of the bank or by his own professional representative without having physical presence at the bank branch”.

6.14 CUSTOMER UNIQUE IDENTIFICATION CODE

Trust Bank uses an unique identification code for any customer maintaining more than one accounts or availing more than one facilities. Such unique identification system could facilitate bank to avoid redundancy, and saves time and resources. This mechanism also enables bank to monitor customer transactions effectively.

6.15 CORRESPONDING BANKING

‘**Cross Border Correspondent banking**’ shall refer to “providing banking services to another bank (respondent) by a bank (correspondent). These kinds of banking services shall refer to credit, deposit, collection, clearing, payment, cash management, international wire transfer, drawing arrangement for demand draft or other similar services.

TBL will establish Cross Border Correspondent Banking relationship after being satisfied about the nature of the business of the correspondent or the respondent bank through collection of information as per BFIU circular-19 dated 17 September, 2017. The bank obtains approval from its senior management before establishing and continuing any correspondent relationship. The bank must be sure about the effective supervision of that foreign bank by the relevant regulatory authority. Bank shall not establish or maintain any correspondent relationship with any shell bank and not establish or maintain any

relationship with those correspondent or respondent banks that establish correspondent banking relationship or maintain accounts with or provide services to a shell bank.

TBL must pay particular attention or conduct Enhanced Due Diligence while establishing or maintaining a correspondent banking relationship with banks incorporated in a jurisdiction that do not meet or have significant deficiencies in complying international standards for the prevention of money laundering and terrorist financing (such as the countries and territories enlisted in High –Risk and Non-Cooperative Jurisdictions in the Financial Action Task Force’s Public Statement). Detailed information on the beneficial owner of such bank and extensive information about policies and procedures on preventing money laundering and terrorist financing to be obtained.

If any respondent bank allow direct transactions by their customers to transact business on their behalf (i.e. payable through account), bank must be sure that the appropriate CDD of the customer has been done by the respondent bank. Moreover, it shall be ensured that collecting the information on CDD of the respective customer is possible by the respondent bank on request of the bank. Here, ‘**Payable through accounts**’ refers to “Corresponding accounts that are used directly by third parties to transact business on their behalf.”

6.16 POLITICALLY EXPOSED PERSONS (PEPs), INFLUENTIAL PERSONS AND CHIEF EXECUTIVES OR TOP LEVEL OFFICIALS OF ANY INTERNATIONAL ORGANIZATION

All Clients must be subject to an assessment to determine whether they are PEP’s or Influential Persons or chief executives or top level officials of any international organization and their linked entities. These customers pose a higher risk of money laundering, bribery, corruption and reputational risk to the bank due to their current or former position of political power or influence, which makes them more vulnerable to corruption. Relationships with these customers may increase the risk to the bank due to the possibility of that individuals holding such positions may misuse their power and influence for personal gain or advantage or for the personal gain or advantage of their Close Family Members and Close Associates. The person’s status (PEP’s, Influential Persons and chief executives or top level officials of any international organization) itself does not incriminate individuals or entities. It does, however, put a prospective or existing Client into a higher risk category.

6.16.1 DEFINITION OF PEPs

Politically Exposed Persons (PEPs) refer to “Individuals who are or have been entrusted with prominent public functions by a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials.” The following individuals of other foreign countries must always be classed as PEPs:

- i. heads and deputy heads of state or government;
- ii. senior members of ruling party;
- iii. ministers, deputy ministers and assistant ministers;
- iv. members of parliament and/or national legislatures;
- v. members of the governing bodies of major political parties;
- vi. members of supreme courts, constitutional courts or other high-level judicial bodies whose decisions are not subject to further appeal, except in exceptional circumstances;
- vii. heads of the armed forces, other high ranking members of the armed forces and heads of the intelligence services;
- viii. heads of state-owned enterprises.

6.16.2 CDD MEASURES FOR PEP'S

Bank shall identify whether any of its customer is a PEP. Once identified bank must apply enhanced CDD measures that is set out in 6.3 of this guidelines. Moreover, bank needs to perform the following-

- (a) To adopt the Risk Based Approach to determine whether a customer or the real beneficial owner of an account is a PEP;
- (b) To obtain CAMLCO's approval before establishing such business relationship;
- (c) To take reasonable measures to establish the source of fund of a PEP's account;
- (d) To monitor their transactions in a regular basis; and
- (e) All provisions of Foreign Exchange Regulation Act, 1947 and issued rules and regulations by Bangladesh Bank under this act have to be complied accordingly.

In case of family members or close associates of PEPs the above directives should also be followed. Any middle ranking or more junior individuals shall not be considered as PEPs.

6.16.3 DEFINITION OF INFLUENTIAL PERSONS

'Influential persons' refers to, "Individuals who are or have been entrusted with prominent public functions, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials."

Bangladesh Financial Intelligence Unit (BFIU) of Bangladesh Bank vide its circular # 19 dated- September 17, 2017 instructed all scheduled commercial banks to segment the clients (beneficial owners) as Influential Persons and issued some guidelines for maintaining such accounts. We quote below the Sec.3.9 of the circular for ready reference;

Quote:

ব্যাংককে তাদের গ্রাহক বা হিসাবের প্রকৃত সুবিধাভোগী *customer* কোন ব্যক্তি কিনা তা নির্ধারণ করতে হবে। এ ধরনের গ্রাহকের সাথে ব্যাংকিং সম্পর্ক ঝুঁকিপূর্ণ প্রতিয়মান হলে অনুচ্ছেদ ৩.৭ এর '১' হতে '৪' ক্রমিকে বর্ণিত নির্দেশনা পরিপালন করতে হবে [যাহা নিম্নে উল্লেখ করা হলো];

(১) নিরপেক্ষ ও নির্ভরযোগ্য উৎস (Independent and reliable sources) থেকে গ্রাহক পরিচিতি সম্পর্কে অতিরিক্ত তথ্যাদি সংগ্রহ করতে হবে;

(২) হিসাব খোলার উদ্দেশ্য, হিসাবের অর্থ বা সম্পদের উৎস জানার জন্য অধিকতর ব্যবস্থা গ্রহন করতে হবে;

(৩) প্রয়োজ্যক্ষেত্রে, ব্যাংকের প্রধান মানিল্ডারিং প্রতিরোধ পরিপালন কর্মকর্তার অনুমোদন গ্রহন; এবং

(৪) তাদের হিসাবের লেনদেন নিয়মিতভাবে অধিকতর মনিটর করতে হবে।

প্রভাবশালী ব্যক্তি বলতে, "Individuals who are or have been entrusted domestically with prominent public functions, for example Head of State or of Government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials" কে বুঝাবে।

Unquote.

In view of the above, Board of Directors of the Bank in its 233 meeting held on March 03, 2015 approved the criteria to identify “**Influential persons**” for AML & CFT purposes, as follows;

- **Senior Politicians:** Persons in the position of central/divisional/district committee of a political party.
- **Senior Government Officials:** Persons in the rank of TNO/DC/Joint Secretaries & above.
- **Judicial Officials:** Persons in the rank of district judge & above.
- **Military Officials:** Persons in the rank of Brigadier General & above.
- **Senior Executives of State owned corporations:** Deputy Managing Directors & above.

6.16.4 CDD MEASURES FOR INFLUENTIAL PERSONS

To identify LIPs bank will perform the following measures-

- (a) To adopt the Risk Based Approach to determine whether a customer or the real beneficial owner of an account is an IP;
- (b) To Obtain senior managements’ approval before establishing such business relationship;
- (c) To take reasonable measures to establish the source of fund of a IP’s account;
- (d) To monitor their transactions in a regular basis; and
- (e) All provisions of Foreign Exchange Regulation Act, 1947 and issued rules and regulations by Bangladesh Bank under this act complied accordingly.

6.16.5 DEFINITION OF CHIEF EXECUTIVES OR TOP LEVEL OFFICIALS OF ANY INTERNATIONAL ORGANIZATION

‘**Chief executive of any international organization or any top level official**’ refers to, “Persons who are or have been entrusted with a prominent function by an international organization refers to members of senior management, i.e. directors, deputy directors and members of the boards or equivalent functions.” The heads of international organizations

and agencies that exercise genuine political or economic influence (e.g. the United Nations, the International Monetary Fund, the World Bank, the World Trade Organization, the International Labor Organization) must always be classed as this category.

6.16.6 CDD MEASURES FOR CHIEF EXECUTIVES OR TOP LEVEL OFFICIALS OF ANY INTERNATIONAL ORGANIZATION

Bank will identify whether any customer is a CEO or top level officials of any international organization. Once identified bank must apply enhanced CDD measures that is set out in 6.3 of this guidelines. Moreover, need to perform the following-

- (a) Bank has to adopt the Risk Based Approach to determine whether a customer or the real beneficial owner of an account is a CEO or top level officials of any international organization;
- (b) To obtain senior managements' approval before establishing such business relationship;
- (c) To take reasonable measures to establish the source of fund of the account of a CEO or top level officials of any international organization;
- (d) To monitor their transactions in a regular basis; and
- (e) All provisions of Foreign Exchange Regulation Act, 1947 and issued rules and regulations by Bangladesh Bank under this act have to be complied accordingly.

6.16.7 CLOSE FAMILY MEMBERS AND CLOSE ASSOCIATES OF PEPS, INFLUENTIAL PERSONS AND CHIEF EXECUTIVES OR TOP LEVEL OFFICIALS OF ANY INTERNATIONAL ORGANIZATION

In addition, close family members and close associates of these categories will also be classified as the same category. Close Family Members include:

- (a) The PEP's/influential persons/chief executive of any international organization or any top level official's spouse (or any person considered as equivalent to the spouse);
- (b) The PEP's/influential persons/chief executive of any international organization or any top level official's children and their spouses (or persons considered as equivalent to the spouses); and
- (c) The PEP's/influential persons/chief executive of any international organization or any top level official's parents;

There may be exceptional circumstances where the individual should not be classified as a 'Close Family Member' of the PEP, such as estrangement, divorce etc. In such cases, the circumstances must be thoroughly investigated, examined and caution exercised.

In addition, where other family members such as the siblings, cousins, relatives by marriage of the PEP are deemed, by virtue of the nature of the relationship, to have a close relationship with the PEP, they should also be classified as PEPs.

A Close Associate of a PEP/Chief executive of any international organization or any top level official includes:

(a) an individual who is known to have joint beneficial ownership or control of legal entities or legal arrangements, or any other close business relations with the PEP; and

(b) an individual who has sole beneficial ownership or control of a legal entity or legal arrangement which is known to have been set up for the benefit of the PEP.

In addition, it should include any person publicly or widely known to be a close business colleague of the PEP, including personal advisors, consultants, lawyers, accountants, colleagues or the PEP's fellow shareholders and any person(s) that could potentially benefit significantly from close business associations with the PEP.

6.16.8 CDD MEASURES FOR CLOSE FAMILY MEMBERS AND CLOSE ASSOCIATES OF PEPS, INFLUENTIAL PERSONS AND CHIEF EXECUTIVES OR TOP LEVEL OFFICIALS OF ANY INTERNATIONAL ORGANIZATION

TBL has to identify whether any of its customers is a family member or close associates of a PEP, CEO or top level officials of any international organization. Once identified banks need to apply enhanced CDD measures that is set out in 6.3 of this guidelines and need to perform the following-

(a) To adopt the Risk Based Approach to determine whether a customer or the real beneficial owner of an account is a family member or close associates of a PEP, CEO or top level officials of any international organization;

(b) To obtain senior managements' approval before establishing such business relationship;

(c) To take reasonable measures to establish the source of fund of the account of a family member or close associates of a PEP, CEO or top level officials of any international organization;

(d) To monitor their transactions in a regular basis; and

(e) All provisions of Foreign Exchange Regulation Act, 1947 and issued rules and regulations by Bangladesh Bank under this act have to be complied accordingly.

6.17 WIRE TRANSFER

“Wire transfer” refers to such financial transactions that are carried out on behalf of an originator (person or institution) through a financial institution by electronic means with a view to making an amount of funds available to a beneficiary person at a beneficiary financial institution.

6.17.1 CROSS-BORDER WIRE TRANSFERS

Under general or special consideration in case of threshold cross-border wire transfers of 1000 (one thousand) or above USD or equivalent foreign currency, full and accurate information of the originator has to be collected, preserved and has to be sent to

intermediary/beneficiary bank. Furthermore, for cross-border wire transfers, below the threshold full and meaningful originator information has to be preserved. For providing money of cross-border wire transfers to beneficiary, full and meaningful beneficiary information has to be preserved.

Where several individual cross-border wire transfers from a single originator are bundled in a batch file for transmission to beneficiaries, the batch file has to contain required and accurate originator information, and full beneficiary information. In addition, bank should include the account number of the originator.

6.17.2 DOMESTIC WIRE TRANSFERS

In case of threshold domestic wire transfers of at least 25000/- (twenty five thousands) BDT, full and accurate information of the originator has to be collected, preserved and has to be sent to intermediary/beneficiary bank/institutions. Furthermore, for domestic wire transfers below the threshold full and meaningful originator information has to be preserved. For providing money of domestic wire transfers to beneficiary, full and meaningful beneficiary information has to be preserved. For providing mobile financial services bank should use KYC format provided time to time by Payment System Department, Bangladesh Bank, in addition to aforesaid instructions. In case of wire transfer by using debit or credit card (except buying goods and services), similar information as above has to be preserved in the payment related message/instructions.

6.17.3 DUTIES OF ORDERING, INTERMEDIARY AND BENEFICIARY BANK IN CASE OF WIRE TRANSFER

Ordering Bank:

The ordering bank should ensure that qualifying wire transfers contain required and accurate originator information, and required beneficiary information. These information has to be preserved minimum for 5 (five) years.

Intermediary Bank:

For cross-border and domestic wire transfers, bank working as an intermediary between ordering bank and beneficiary bank, should ensure that all originator and beneficiary information that accompanies a wire transfer is retained. A record should be kept, for at least five years, by the receiving intermediary financial institution of all the information received from the ordering financial institution (or as necessary another intermediary financial institution).

An intermediary financial institution should have effective risk-based policies and procedures for determining reasonable measures to identify wire transfers that lack required originator information or required beneficiary information such as execution, rejection, or suspension of that wire transfer and the appropriate follow-up action. Such measures should be consistent with straight-through processing.

Beneficiary Bank:

A beneficiary financial institution should initiate risk based procedure to identify wire transfers that lack required originator or required beneficiary information. In case of insufficient originator information concerned parties should collect those information through mutual communication or using any other means. During the payment to receiver/beneficiary, the bank should collect full and accurate information of receiver/beneficiary and should preserve those information for 5 (five) years.

An intermediary financial institution should have effective risk-based policies and procedures for determining reasonable measures to identify wire transfers that lack required originator information or required beneficiary information such as execution, rejection, or suspension of that wire transfer and the appropriate follow-up action. Such measures should be consistent with straight-through processing.

6.18 CDD FOR BENEFICIAL OWNERS

TBL must apply CDD obligations for the beneficial owners of the accounts before or during the course of establishing a business relationship or conducting occasional transactions. In doing so, bank will put in place appropriate measures to identify beneficial owner. Bank, upon its own satisfaction ensure CDD of beneficial ownership by collecting information and documents from independent and reliable sources that includes publicly available information, information from customer or information from other reliable sources. Bank will consider following aspects while identifying beneficial ownership includes:

- ✓ Any natural person operating accounts on behalf of customer;
- ✓ Any person (whether acting alone or together) who has controlling interest or ownership interest on a customer who might be legal entity or legal arrangements. Where there is any doubt identifying controlling interest, the banks should consider other means to determine controlling interest or ownership of a legal entity or arrangements. In addition to that bank should also consider reasonable measures to verify the identity of the relevant natural person who hold senior management position;
- ✓ Any person or entity who has controlling or 20% or above share holding within any or legal entity.
- ✓ The settler(s), trustee(s), the protector, the beneficiaries or class of beneficiaries, or any other natural person who exercises control over the trust.
- ✓ Any person in equivalent or similar position for trust (as mentioned above) should consider for other types of legal arrangements.

Where, a natural or legal persons who holds controlling interest, listed on a stock exchange and subjects to disclosure requirements or majority owned subsidiaries of such listed companies may exempted from identifying or verifying beneficial ownership requirements.

6.19 MANAGEMENT OF LEGACY ACCOUNTS

Legacy accounts refer those accounts opened before 30 April, 2002 and yet to update KYC procedures. These legacy accounts treated as "Dormant". No withdrawal is permitted in those accounts; however, deposit can be permitted. These accounts will be fully functional only after conducting proper CDD measures. The data must be preserved by the concerned branches of TBL.

CHAPTER-7

RECORD KEEPING

RECORD KEEPING

7.1 INTRODUCTION

Record keeping is an essential component of the audit trail that the Laws and Regulations seek to establish in order to assist in any financial investigation and to ensure that criminal funds which are kept out of the financial system, or if not, that they may be detected and confiscated by the authorities.

TBL retain records concerning customer identification and transactions as evidence of the work undertaken in complying with its legal and regulatory obligations, as well as for use as evidence in any investigation conducted by law enforcement.

7.2 LEGAL OBLIGATIONS

Obligations under MLPA, 2012	TBL has to preserve previous records of transactions of any close account for at least 5(five) years from the date of such closure and provide with the information maintained under the clause to Bangladesh Bank.
Obligations under MLP Rules, 2013	<p>The bank has to maintain all necessary records of all transactions, both domestic and international, for at least five years from the date of the closure of the account or at least five years from the date of the completion of any one-off transaction in following manners:</p> <p>(1) Transaction records should be sufficient to permit reconstruction of individual transactions so as to provide, if necessary, evidence for prosecution of criminal activity;</p> <p>(2) The bank has to keep all records obtained through CDD measures, account files and business correspondence, and results of any analysis undertaken, for at least five years following the termination of the business relationship or after the date of the occasional transaction;</p> <p>(3) The bank has to ensure that all CDD information and transaction records are available swiftly to BFIU or available to the respective investigation authority upon appropriate court order.</p>

7.3 OBLIGATIONS UNDER CIRCULAR

Obligations under BFIU Circular-19; dated 17/09//2017	<p>(1) All necessary information/documents of customer's domestic and foreign transactions have to be preserved for at least 5(five) years after closing the account.</p> <p>(2) All information and documents collected during CDD procedure along with KYC, account related documents, business correspondence and any report prepared on a customer has to be preserved for at least 5(five) years after closing the account.</p> <p>(3) All necessary information/documents of a walk-in Customer's transactions has to be preserved for at least 5 (five) years from the date of transaction.</p> <p>(4) Preserved information has to be sufficient for presenting as a documentary proof for the judiciary process of the offence.</p> <p>(5) Bank has to provide all information and documents collected during CDD along with KYC procedure and information and documents of transactions as per the instruction or demand by BFIU.</p>
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7.4 RECORDS TO BE KEPT

The precise nature of the records required is not specified in the legal and regulatory regime. The objective is to ensure that bank meets its obligations and that, in so far as is practicable, in any subsequent investigation the bank can provide the authorities with its section of the audit trail.

The records should cover:

- ✓ customer information
- ✓ transactions
- ✓ internal and external suspicion reports
- ✓ report from CCC/CAMLCO
- ✓ training and compliance monitoring
- ✓ information about the effectiveness of training

7.5 CUSTOMER INFORMATION

In relation to the evidence of a customer's identity, bank must keep a copy of or the references to, the evidence of the customer's identity obtained during the application of CDD measures. Where bank has received a confirmation of identity certificate, this certificate will in practice be the evidence of identity that must be kept. Bank will hold additional information in respect of a customer obtained for the purposes of enhanced customer due diligence or ongoing monitoring.

Records of identification evidence must be kept for a period of at least five years after the relationship with the customer has ended. The date when the relationship with the customer ends is the date:

- ✓ an occasional transaction, or the last in a series of linked transactions, is carried out; or
- ✓ the business relationship ended, i.e. the closing of the account or accounts.

7.6 TRANSACTIONS

All transactions carried out on behalf of or with a customer in the course of relevant business must be recorded within the bank's records. Transaction records in support of entries in the accounts, in whatever form they are used, e.g. credit/debit slips, cheques have to be maintained in a form from which a satisfactory audit trail may be compiled where necessary, and which may establish a financial profile of any suspect account or customer. Records of all transactions relating to a customer have to be retained for a period of five years from the date on which the transaction is completed.

7.7 INTERNAL AND EXTERNAL REPORTS

Followings have to be made and retained:

- ✓ records of actions taken under the internal and external reporting requirements; and
- ✓ when the nominated officer has considered information or other material concerning possible money laundering but has not made a report to BFIU, a record of the other material that was considered.

In addition, copies of any STRs made to the BFIU shall be retained for five years. Records of all internal and external reports shall be retained for five years from the date the report was made.

7.8 OTHER MEASURES

Bank's records shall include:

(a) in relation to training:

- ✓ dates AML training was given;
- ✓ the nature of the training;
- ✓ the names of the staff who received training; and
- ✓ the results of the tests undertaken by staff, where appropriate.

(b) in relation to compliance monitoring

- ✓ reports by the BAMLCOs to senior management; and
- ✓ records of consideration of those reports and of any action taken as a consequence.

7.9 FORMATS AND RETRIEVAL OF RECORDS

To satisfy the requirements of the law and to meet the purpose of record keeping, it is important that records are capable of retrieval without undue delay. It is not necessary to retain all the documents relating to customer identity and transaction physically at the premises of the branch of the bank & in their original hard copy form provided that bank has reliable procedures for keeping the hard copy at a central archive, holding records in electronic form and that can be reproduced and recollected without undue delay.

CHAPTER-8

REPORTING TO BFIU

REPORTING TO BANGLADESH FINANCIAL INTELLIGENCE UNIT (BFIU)

8.1 LEGAL OBLIGATIONS

Obligations under MLPA, 2012	Bank has to report any suspicious transaction (defined in Section 2(Z) of MLPA, 2012 and Section 2(16) of ATA, 2009) to the Bangladesh Bank immediately on its own accord.
Obligations under MLP Rules, 2013	Bank is obliged to send various reports (suspicious transaction, suspicious activity, cash transaction, self assessment, independent testing procedure etc.) to Bangladesh Bank without any delay or in due time. Besides any documents have to be produced that are sought by Bangladesh Bank.

8.2 SUSPICIOUS TRANSACTION REPORTING

Money Laundering Prevention Act, 2012 defines suspicious transaction as follows-
'Suspicious transaction' means such transactions –

- ✓ which deviates from usual transactions;
- ✓ of which there is ground to suspect that,
 - the property is the proceeds of an offence,
 - it is financing to any terrorist activity, a terrorist group or an individual terrorist;
- ✓ which is, for the purposes of this Act, any other transaction or attempt of transaction delineated in the instructions issued by Bangladesh bank from time to time.

Anti-Terrorism Act, 2009 defines suspicious transaction as follows-

'Suspicious transaction' means such transactions –

- ✓ which is different from usual transactions;
- ✓ which invokes presumption that,
 - it is the proceeds of an offence under this Act,
 - it relates to financing of terrorist activities or a terrorist person or entity;
- ✓ which is any other transactions or an attempt for transactions delineated in the instructions issued by the Bangladesh Bank from time to time for the purposes of this Act.

The final output of an AML & CFT compliance program is reporting of suspicious transaction or reporting of suspicious activity. Suspicious Transaction Report (STR) or Suspicious Activity Report (SAR) is an excellent tool for mitigating or minimizing the AML & CFT risk for bank. Therefore, it is necessary for the safety and soundness of the bank.

Generally STR/SAR means a formatted report of suspicious transactions/activities where there is reasonable grounds to believe that funds are the proceeds of predicate offence or may be linked to terrorist activity or the transactions are not seems to be usual manner. Such report is to be submitted by bank to the to BFIU. Suspicion basically involves a personal and subjective assessment. The bank has to assess whether there are reasonable grounds to suspect that a transaction is related to money laundering offence or a financing of terrorism offence.

8.3 IDENTIFICATION OF STR/SAR

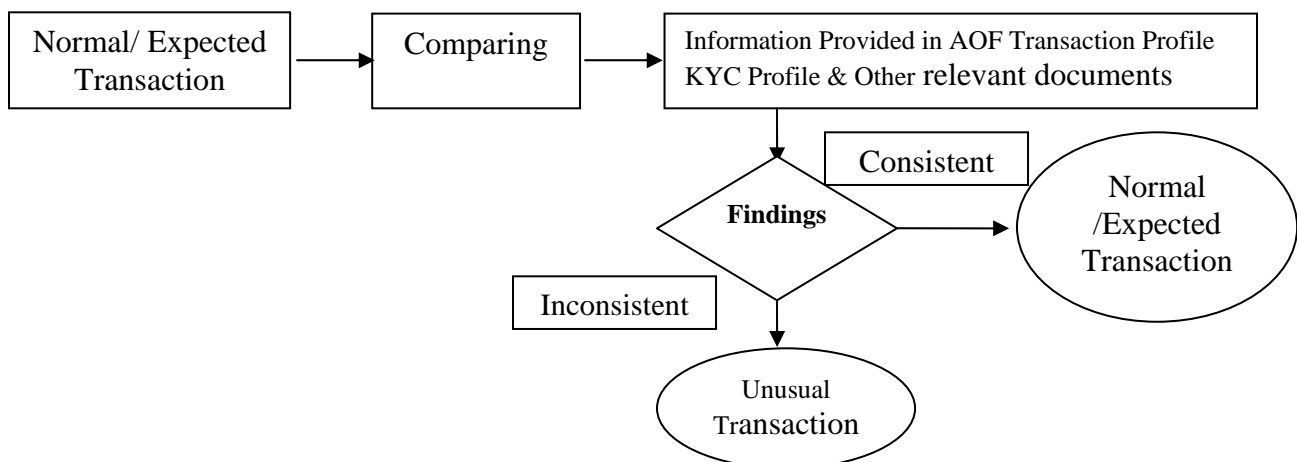
Identification of STR/SAR will be started identifying unusual transaction and activity. Such unusual transaction is unusual in terms of complexity of transaction, nature of transaction, volume of transaction, time of transaction etc. Generally the detection of something unusual sourced as follows:

- ✓ Comparing the KYC profile, if any inconsistency is found and there is no reasonable explanation;
- ✓ By monitoring customer transactions;
- ✓ By using red flag indicator.

A transaction which appears unusual is not necessarily suspicious. Even customers with a stable and predictable transactions profile will have periodic transactions that are unusual for them. Many customers will, for perfectly good reasons, have an erratic pattern of transactions or account activity. So the unusual is, in the first instance, only a basis for further enquiry, which may in turn require judgment as to whether it is suspicious. A transaction or activity may not be suspicious at the time, but if suspicions are raised later, an obligation to report then arises. **Annexure-C** provides some red flag indicators for identifying STR/SAR related to ML & TF.

All suspicions reported to the CCU shall be documented, or recorded electronically. The report must include full details of the customer who is the subject of concern and as full a statement as possible of the information giving rises to the suspicion. All internal enquiries made in relation to the report must be documented. This information may be required to supplement the initial report or as evidence of good practice and best endeavors if, at some future date, there is an investigation and the suspicions are confirmed or disproved.

The following chart shows the graphical presentation of identification of STR/SAR-



As discussed above, the identification of STR/SAR may be sourced from unusual transaction or activity. In case of reporting of STR/SAR, bank shall conduct the following three (03) stages:

✓ **Identification:**

This stage is very vital for STR/SAR reporting. Depending on size, need and complexity of bank monitoring of unusual transactions may be automated or manually or both. Monitoring mechanisms should be more rigorous in high-risk areas of bank and supported by adequate information systems to alert management and other appropriate staffs of unusual /suspicious activity. Training of employees in the identification of unusual /suspicious activity is an ongoing activity.

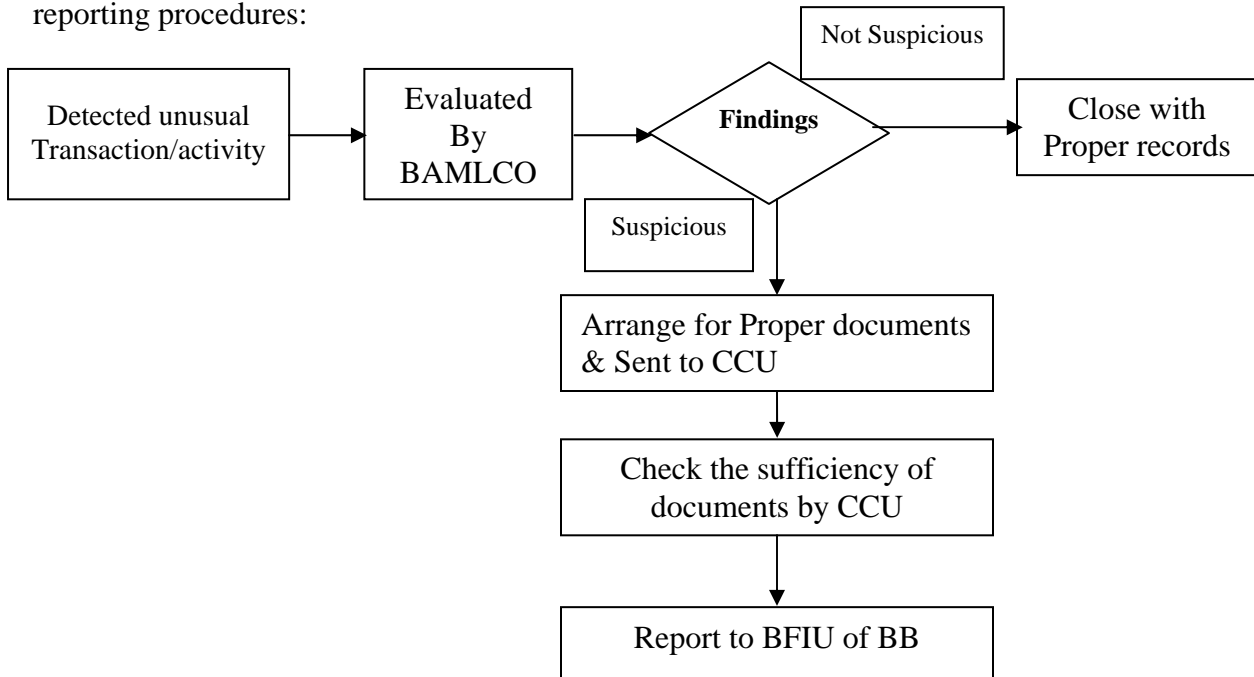
✓ **Evaluation:**

This part must be in place at branch level and Central Compliance Unit (CCC). After identification of STR/SAR at branch level, BAMLCO will evaluate the transaction/activity to identify suspicion by interviewing the customer or through any other means. If BAMLCO is not satisfied, he/she will forward the report to CCC. After receiving report from branch, CCC will check the sufficiency of the required documents. Every stages of evaluation (whether reported to BFIU or not) bank must keep records with proper manner.

✓ **Disclosure:**

This is the final stage and bank will submit STR/SAR to BFIU if it still looks suspicious.

For simplification, the flow chart given below shows STR/SAR identification and reporting procedures:



8.4 TIPPING OFF

TBL officials must consider the confidentiality of the reporting of STR/SAR. They must not make any behavior or performance that could tip-off the customer and he/she (the customer) could be cautious.

8.5 CASH TRANSACTION REPORT

Every branch will prepare the monthly cash transaction report and send it to CCC in due time. If the branches have not any such transaction, it will report it to the CCC as 'There is no reportable CTR'. Simultaneously, branches shall identify whether there is any suspicious transaction reviewing the cash transactions. If any suspicious transaction is found, the branch will submit it as 'Suspicious Transaction Report' to the CCC. If no such transaction is identified, it shall inform to the CCC as 'No suspicious transaction has been found' while reporting the CTR. Besides, every branch shall preserve its CTR in their own branch.

The Central Compliance Unit (CCC) needs to prepare the accumulated CTR received from its all branches. The CCC must ensure the accuracy and timeliness while reporting to BFIU. Moreover it has to review all the cash transaction from the branches above the threshold and search for any suspicious transaction. If any suspicious transaction is found, the branch will submit it as 'Suspicious Transaction Report' to the BFIU. CCC has to inform BFIU through the message board of goAML web in case of no transaction is found to be reported as CTR. Moreover, CCC must ensure the preservation of information related to cash transaction report up to 5 (five) years from the month of submission to BFIU.

8.6 SELF ASSESSMENT REPORT

Banking system in Bangladesh is mainly based on branch banking. The branches of the bank are in every corner of the country and they have an active role in stimulating the economic growth of the country. It is very difficult for the CCC or IC & C to scrutinize the activities of every single branch and hence there is a risk regarding the operation of the branches. In order to reduce that risk, BFIU has established a Self Assessment Reporting system for the branches.

According to the instructions of BFIU, branches of bank will conduct the Self Assessment to evaluate them on a half yearly basis. Self Assessment has to be done through a checklist that is circulated by BFIU circular no. 19, dated 17 September, 2017. Before finalizing the evaluation report, there shall be a meeting presided over by the branch manager with all concerned officials of the branch. In that meeting, there shall be a discussion on the branch evaluation report; if the identified problems according that report are possible to solve at the branch level, then necessary actions will be taken without any delay to finalize it; and in the final report, recommendations are jotted down. In the subsequent quarterly meetings on preventing money laundering and terrorist financing, the progresses of the related matters will be discussed.

After the end of every half year, the branch evaluation report along with the measures taken by the branch in this regard and adopted recommendations regarding the issue are submitted to the Internal Control & Compliance Division of the Head Office and the Central Compliance Committee within the 15th of the next month.

8.7 INDEPENDENT TESTING PROCEDURE

The audit must be performed independently by people not involved with the bank's AML & CFT compliance. Audit is a kind of assessment of checking of a planned activity. Independent testing has to be done through a checklist that is circulated by BFIU circular no. 19; dated 17 September, 2017.

The individual conducting the audit will report directly to the senior management. Audit function will be done by the internal control & compliance (IC&C). At the same time external auditors could be appointed to review the adequacy of the program.

8.8 INTERNAL CONTROL & COMPLIANCE DIVISION OR IC&C'S OBLIGATIONS REGARDING SELF ASSESSMENT OR INDEPENDENT TESTING PROCEDURE

The Internal Audit Department will assess the branch evaluation report and if there is any risky matter realized in any branch, it will inspect the branch immediately and inform the matter to the CCC.

While executing inspection/audit activities in various branches according to its own regular yearly inspection/audit schedule, the Internal Audit Department will examine the AML & CFT activities of the concerned branch using the specified checklists for the Independent Testing Procedure. The Internal Audit Department will send a copy of the report with the rating of the branches inspected/audited by the Internal Audit Department to the CCC of the bank.

8.9 CENTRAL COMPLIANCE COMMITTEE'S (CCC) OBLIGATIONS REGARDING SELF ASSESSMENT OR INDEPENDENT TESTING PROCEDURE

Based on the received branch evaluation reports from the branches and submitted inspection/audit reports by the Internal Audit Department, the Central Compliance Committee will prepare a checklist based evaluation report on the inspected branches in a considered half year time. In that report, beside other topics, the following topics will be included:

- (a). Total number of branch and number of self assessment report received from the branches;
- (b). The number of branches inspected/audited by the Internal Audit Department at the time of reporting and the status of the branches (branch wise achieved number);
- (c). Same kinds of irregularities that have been seen in maximum number of branches according to the received self assessment report and measures taken by the CCC to prevent those irregularities.
- (d). The general and special irregularities mentioned in the report submitted by the Internal Audit Department and the measures taken by the CCC to prevent those irregularities; and
- (e). Measures to improve the ratings by ensuring the compliance activities of the branches that are evaluated as 'unsatisfactory' and 'marginal' in the received report.

CHAPTER-9

RECRUITMENT, AWARENESS & TRAINING

RECRUITMENT, TRAINING AND AWARENESS

9.1 OBLIGATIONS UNDER CIRCULAR

Obligations under BFIU Circular-19; dated 17/09/2017	To mitigate the risk of money laundering, terrorist financing and proliferation of weapons of mass destruction, bank must follow proper Screening Mechanism in case of recruitment and ensure proper training for officials of the bank.
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9.2 EMPLOYEE SCREENING

Bank is the subject to ML & TF risk from its customers as well as from its employee in absence of proper risk mitigating measures. ML & TF risks arise from customers and its mitigating measures have been discussed in several chapters of this guideline. ML & TF risks arose by or through its employees can be minimized if the bank follows fair recruitment procedure. These fair recruitment procedures shall not only include implementation of fairness in judging publicly declared competitive recruitment, but also include the judgment of good character. For this, Bank has to follow the following measures (at least one from below):

- ✓ reference check
- ✓ background check
- ✓ screening through or clearance from Law Enforcement Agency
- ✓ personal interviewing
- ✓ personal guarantee etc.

Before assigning an employee in a particular job or desk, TBL will examine the consistency and capability of the employee. Beside this TBL training academy will also arrange training on AML and CFT for the newly joined employees as per approved training calendar of TBL

9.3 KNOW YOUR EMPLOYEE (KYE)

Know-your-customer, an essential precaution, must be coupled with know-your-employees. There are a lot of instances that highlight the involvement of employees in fraudulent transactions and in most cases in association with customers. This therefore brings in sharp focus the need for thorough checks on employees' credentials and proper screening of candidates to prevent the hiring of undesirables. Policies, procedures, job descriptions, internal controls, approval levels, levels of authority, compliance with personnel laws and regulations, code of conduct/ethics, accountability, dual control, and other deterrents should be firmly in place. KYE requirements are included in TBL HR policy. For this purpose HR collect personal background & other information of incumbent at the time of recruitment.

9.4 TRAINING FOR EMPLOYEE

Basic AML & CFT training must be provided to all the employees covering all aspects of AML & CFT measures in Bangladesh. In every year according to training calendar a day long workshop shall be arranged on cluster basis. Beside this, bank shall arrange foundation, advance & refreshment training where focusing AML & CFT issues.

AML & CFT basic training will cover the following-

- ✓ an overview of AML & CFT initiatives;
- ✓ relevant provisions of MLPA & ATA and the rules there on;
- ✓ regulatory requirements as per BFIU circular, circular letters and guidelines;
- ✓ STR/SAR reporting procedure;
- ✓ ongoing monitoring and sanction screening mechanism;

9.5 AWARENESS OF SENIOR MANAGEMENT

TBL will arrange a conference once in a year as part of awareness program with the participation of senior management and the managers and BAMLCOs of all branches.

9.6 CUSTOMER AWARENESS

Bank shall take proper actions for broadcasting awareness building advertisement through hanging poster at branch premises regarding precaution of ML & TF.

CHAPTER-10

TERRORIST FINANCING & PROLEFERATION FINANCING

TERRORIST FINANCING & PROLIFERATION FINANCING

10.1 INTRODUCTION

Bangladesh has criminalized terrorist financing in line with the International Convention for the Suppression of the Financing of Terrorism (1999). Section 16 of Anti-terrorism Rules, 2013 states the responsibilities of the reporting agencies regarding funds, financial assets or economic resources or related services held in or through them.

10.2 LEGAL OBLIGATIONS

Obligations under ATA, 2009	<p>Bank should take necessary measures, with appropriate caution and responsibility, to prevent and identify financial transactions through which it is connected to any offence under ATA, 2009 and if any suspicious transaction is identified, bank shall report it to Bangladesh Bank without any delay.</p> <p>The Board of Directors shall approve and issue directions regarding the duties of its officers, and ascertain whether the directions issued by Bangladesh Bank under section 15 of ATA, 2009; which are applicable to the bank, have been complied with or not.</p>
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10.3 OBLIGATIONS UNDER CIRCULAR

Obligations under BFIU Circular-19; dated 17/09/2017	<p>Bank shall establish a procedure by approval of Board of Directors for detection and prevention of financing of terrorism and financing of proliferation of weapons of mass destruction, issue instructions about the duties of Bank officials, review those instruction time to time and ensure that they are complying with the instructions issued by BFIU.</p> <p>Before any international business transaction, bank shall review the transaction to identify whether the concerned parties of that transactions are individual or entity of the listed individual or entity of any resolution of United Nation Security Council or listed or proscribed by Bangladesh government. Immediately after the identification of any account of any listed individual or entity bank will stop that transaction and inform BFIU the detail information at the following working day.</p>
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10.4 NECESSITY OF FUNDS BY TERRORIST

Terrorist organizations need money to operate. Weapons and ammunition are expensive. Major international operations require substantial investments for personnel, training, travel and logistics. Organizations must have substantial fundraising operations, as well as mechanisms for moving funds to the organization and later to terrorist operators. These functions entail considerable risk of detection by authorities, but also pose major challenges to both the terrorists and intelligence agencies.

10.5 SOURCES OF FUND/RAISING OF FUND

In general, terrorist organizations may raise funds through: legitimate sources, including through abuse of charitable entities or legitimate businesses and self-financing, criminal activity, state sponsors and activities in failed states and other safe havens.

10.6 MOVEMENT OF TERRORIST FUND

There are three main methods to move money or transfer value. These are:

- ✓ the use of the financial system,
- ✓ the physical movement of money (for example, through the use of cash couriers) and
- ✓ the international trade system.

Often, terrorist organizations will abuse alternative remittance systems (ARS), charities, or other captive entities to disguise their use of these three methods to transfer value. Terrorist organizations use all three methods to maintain ongoing operation of the terrorist organization and undertake specific terrorist activities.

10.6.1 FORMAL FINANCIAL SECTOR

Financial institutions and other regulated financial service providers' services and products available through the formal financial sector serve as vehicles for moving funds that support terrorist organizations and fund acts of terrorism. The speed and ease with which funds can be moved within the international financial system allow terrorists to move funds efficiently and effectively and often without detection between and within jurisdictions.

Combined with other mechanisms such as offshore corporate entities, formal financial institutions can provide terrorists with the cover they need to conduct transactions and launder proceeds of crime when such activity goes undetected.

10.6.2 TRADE SECTOR

The international trade system is subject to a wide range of risks and vulnerabilities which provide terrorist organizations the opportunity to transfer value and goods through seemingly legitimate trade flows. To exploit the trade system for terrorist financing purposes could assist in the development of measures to identify and combat such activity.

10.6.3 CASH COURIERS

The physical movement of cash is one way terrorists can move funds without encountering the AML/CFT safeguards established in financial institutions. It has been suggested that some groups have converted cash into high-value and hard-to-trace commodities such as gold or precious stones in order to move assets outside of the financial system. The movement of cash across the borders is prevalent in the cash based economy and where the electronic banking system remains embryonic or is little used by the populace.

Moving money using cash couriers may be expensive relative to wire transfers. As legitimate financial institutions tighten their due diligence practices, it has become an attractive method of transferring funds without leaving an audit trail. When cross border remittance of cash is interdicted, the origin and the end use of cash can be unclear. Cash raised and moved for terrorist purposes can be at very low levels – making detection and interdiction difficult.

10.6.4 USE OF ALTERNATIVE REMITTANCE SYSTEMS (ARS)

Alternative remittance systems (ARS) are used by terrorist organizations for convenience and access. ARS have the additional attraction of weaker and/or less opaque record-keeping and in many locations may be subject to generally less stringent regulatory oversight. Although FATF standards call for significantly strengthened controls over such service providers, the level of anonymity and the rapidity that such systems offer have served to make them a favored mechanism for terrorists.

10.6.5 USE OF CHARITIES AND NON-PROFIT ORGANIZATIONS

Charities are attractive to terrorist networks as a means to move funds. Many thousands of legitimate charitable organizations exist all over the world that serve the interests of all societies, and often transmit funds to and from highly distressed parts of the globe. Terrorist abuses of the charitable sector have included using legitimate transactions to disguise terrorist cash traveling to the same destination; and broad exploitation of the charitable sector by charities affiliated with terrorist organizations. The sheer volume of funds and other assets held by the charitable sector means that the diversion of even a very small percentage of these funds to support terrorism constitutes a grave problem.

10.7 TARGETED FINANCIAL SANCTIONS

In recent years, the concept and strategy of targeted sanctions imposed by the United Nations Security Council under Chapter VII of the Charter of the United Nations, have been receiving increased attention. Most of the countries agree that better targeting of such measures on the individuals responsible for the policies condemned by the international community, and the elites who benefit from and support them, would increase the effectiveness of sanctions, while minimizing the negative impact on the civilian population. The considerable interest in the development of targeted sanctions regimes has focused primarily on financial sanctions, travel and aviation bans, and embargoes on specific commodities such as arms or diamonds.

Targeted financial sanctions entail the use of financial instruments and institutions to apply coercive pressure on transgressing parties—senior officials, elites who support them, or members of non-governmental entities—in an effort to change or restrict their behavior. Sanctions are targeted in the sense that they apply only to a subset of the population—usually the leadership, responsible elites, or operationally responsible individuals; they are financial in that they involve the use of financial instruments, such as asset freezing, blocking of financial transactions, or financial services; and they are sanctions in that they are coercive measures applied to effect change or constrain action. However, targeted financial sanctions represent a potential refinement of the sanctions tool that could be used in conjunction with other coercive efforts, such as travel bans, to minimize the unintended effects of comprehensive sanctions and achieve greater effectiveness.

To implement TFS in Bangladesh, the Government has issued Statutory Regulatory Order (SRO) under section 2 of the United Nations (Security Council) Act, 1948 (29 November, 2012) and amended the SRO to make it more comprehensive (June, 2013). To

make the process enforceable, a separate section has been included in ATA, 2009 through amendment of ATA in 2013. Section 20(A) of ATA, 2009 covers all the requirements under UNSCR's tool were taken and will be taken under chapter VII of the charter of UN. Before that BFIU used to issue circular letters for reporting organizations to implement UNSCR resolutions.

For effective implementation of these provisions, detailed mechanism has been developed in Anti-terrorism Rules, 2013. Under rule 16 of AT rules, 2013, banks as a reporting agency has to maintain and update the listed individuals and entities in electronic form and regularly run a check at the website of United Nations for updated list. In case there is any fund or economic resources held by the listed individuals and entities, the banks should immediately stop payment or transaction of funds, financial assets or economic resources and report to the BFIU within the next working day with full particulars of the listed and/or the suspected individuals or entities or related or connected individual identities.

10.8 AUTOMATED SCREENING MECHANISM OF UNSCRs

TBL has implemented an automated Screening Mechanism which can detect any listed individuals/entity before establishing any relationship with them. Branch shall detect whether the customer is black listed or not through intra web based automated screening mechanism system. TBL emphasize on account opening and any kind of foreign exchange transactions. In a word, TBL will ensure that screening has been done before-

- ✓ any international relationship or transaction;
- ✓ opening any account or establishing relationship domestically.

For proper implementation of UN sanction list, TBL bank official shall have enough knowledge about-

- ✓ legal obligation and consequences of non-compliance;
- ✓ sources of information;
- ✓ what to do and how to do with sanction list;
- ✓ transactional review;
- ✓ how to deal with 'false positives';
- ✓ how to deal with actual match;
- ✓ how to deal with 'aggrieved person or entity';
- ✓ how to exercise 'exemption' requirements;
- ✓ listing & de-listing process.

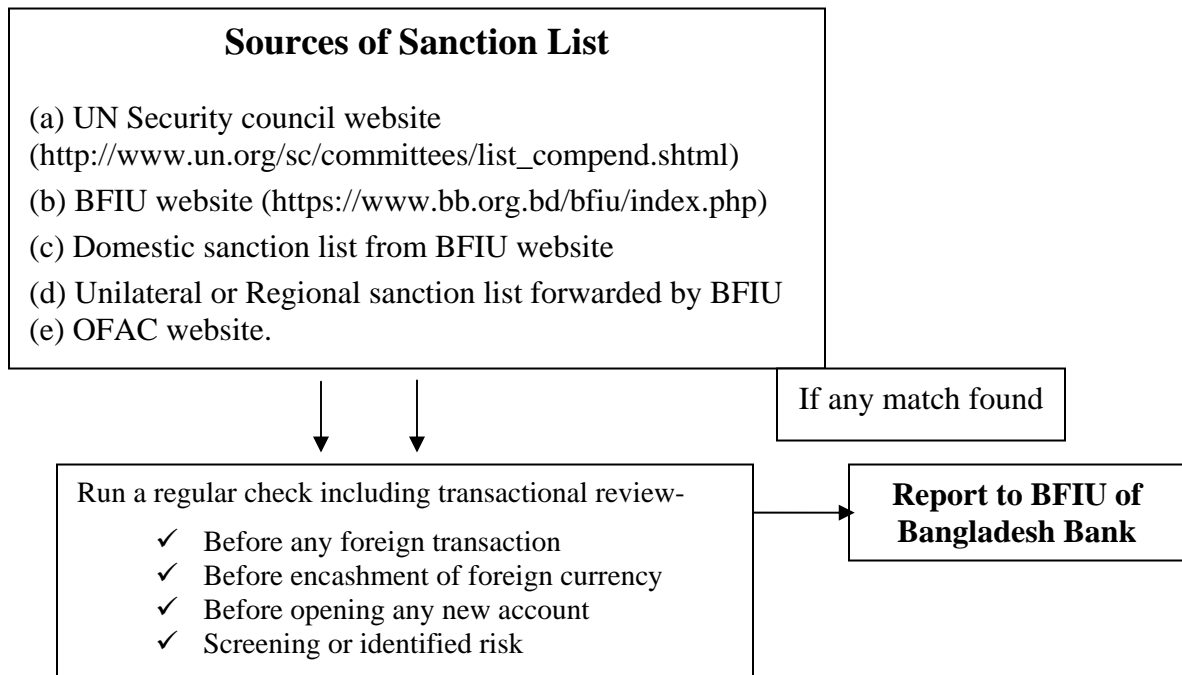
10.9 ROLE OF BANKS IN PREVENTING TF & PF

- ✓ To establish a procedure by the approval of Board of Directors for detection and prevention of financing of terrorism and financing in proliferation of weapons of mass destruction & issued instructions about the duties of Bank officials, review those instruction time to time and ensure that they are complying with the instructions issued by BFIU.
- ✓ To take necessary measures, with appropriate caution and responsibility, to prevent and identify financial transactions through which it is connected to any

offence under ATA, 2009 and if any suspicious transaction is identified TBL spontaneously report it to Bangladesh Bank without any delay.

- ✓ If any news of activities of financing of terrorism and financing of proliferation of weapons of mass destruction are published in any mass media, bank will send the details of the accounts (if any is found with them) of any persons who are engaged in those activities to BFIU immediately.
- ✓ To maintain and update the listed individuals and entities in electronic form and regularly run a check at the website of United Nations for updated list. Branches run regular check on the given parameters, including transactional review, to verify whether individuals or entities listed by the respective UNSCR Committee are holding any funds, financial assets or economic resources or related services or having any form of relationship with them. Bank shall preserve the false positive report of customer screening.
- ✓ To check on the given parameters, including transactional review, to verify whether individuals or entities listed or scheduled under the ATA, 2009; individuals or entities owned or controlled directly or indirectly by such persons or entities, as well as persons and entities acting on behalf of, or at the direction of, individuals or entities listed or scheduled under the Act are holding any funds, financial assets or economic resources or related services or having any form of relationship with them.

10.10 FLOW-CHART FOR IMPLEMENTATION OF TFS BY BANKS



ANNEXURES

CALCULATION METHOD OF AML & CFT RISK

AML & CFT Risk management worksheet - is used for each risk group in preparation for assessing and managing those risks: customers, products and services, business practices/delivery methods, country/jurisdiction and the regulatory risks.

Calculation of Risk Score

Measure the size & importance of risk:

- likelihood – chance of the risk happening
- impact – the amount of loss or damage if the risk happened
- likelihood X impact = level of risk (risk score)

Having identified the risks involved, they need to be assessed or measured in terms of the chance (likelihood) they will occur and the severity or amount of loss or damage (impact) which may result if they do occur. The risk associated with an event is a combination of the chance (likelihood) that the event will occur and the seriousness of the damage (impact) it may do.

Therefore each risk element can be rated by:

- the chance of the risk happening – **‘likelihood’**
- the amount of loss or damage if the risk happened – **‘impact’ (consequence)**.

To help assess the risks identified in the first stage of this process, we have applied the risk rating scales for likelihood (*Table 2*) and from these get a level of risk or risk score using the risk matrix (*Figure 2*).

$$\boxed{\text{LIKELIHOOD}} \quad \times \quad \boxed{\text{IMPACT}} \quad = \quad \boxed{\text{RISK LEVEL/SCORE}}$$

- **Likelihood scale**

A likelihood scale refers to the potential of an ML&TF risk occurring in the business for the particular risk being assessed. Three levels of risk are shown in Table 2.

Table 2: Likelihood scale

Frequency	Likelihood of an ML&TF risk
Very likely	Almost certain: it will probably occur several times a year
Likely	High probability it will happen once a year
Unlikely	Unlikely, but not impossible

- **Impact scale**

An impact scale refers to the seriousness of the damage (or otherwise) which could occur should the event (risk) happen.

In assessing the possible impact or consequences, the assessment can be made from several viewpoints. It does not cover everything and it is not prescriptive. Impact of an ML&TF risk could, depending on individual bank and its business circumstances, be rated or looked at from the point of view of:

- how it may affect the business (if through not dealing with risks properly the bank suffers a financial loss from either a crime or through fines from BFIU or regulator)
- the risk that a particular transaction may result in the loss of life or property through a terrorist act
- the risk that a particular transaction may result in funds being used for any of the following: corruption and bribery, counterfeiting currency, counterfeiting deeds and documents, smuggling of goods/workers/immigrants, banking offences, narcotics offences, psychotropic substance offences, illegal arms trading, kidnapping, terrorism, theft, embezzlement, or fraud, forgery, extortion, smuggling of domestic and foreign currency, black marketing
- the risk that a particular transaction may cause suffering due to the financing of illegal drugs

- reputational risk – how it may affect the bank if it is found to have (unknowingly) aided an illegal act, which may mean government sanctions and/or being shunned by the community of customers
- how it may affect the wider community of customers if it is found to have aided an illegal act; the community may get a bad reputation as well as the business.

Three levels of impact are shown in Table 3.

Table 3: Impact scale

Consequence	Impact – of an ML/TF risk
Major	Huge consequences – major damage or effect. Serious terrorist act or large-scale money laundering.
Moderate	Moderate level of money laundering or terrorism financing impact.
Minor	Minor or negligible consequences or effects.

▪ **Risk matrix and risk score**

We have used the risk matrix to combine LIKELIHOOD and IMPACT to obtain a risk score. The risk score may be used to aid decision making and help in deciding what action to take in view of the overall risk. How the risk score is derived can be seen from the risk matrix (Figure 2) and risk score table (Table 4) shown below. Four levels of risk score are shown in Figure 2 and Table 4.

Figure 2: Risk matrix

Threat level for ML/TF risk

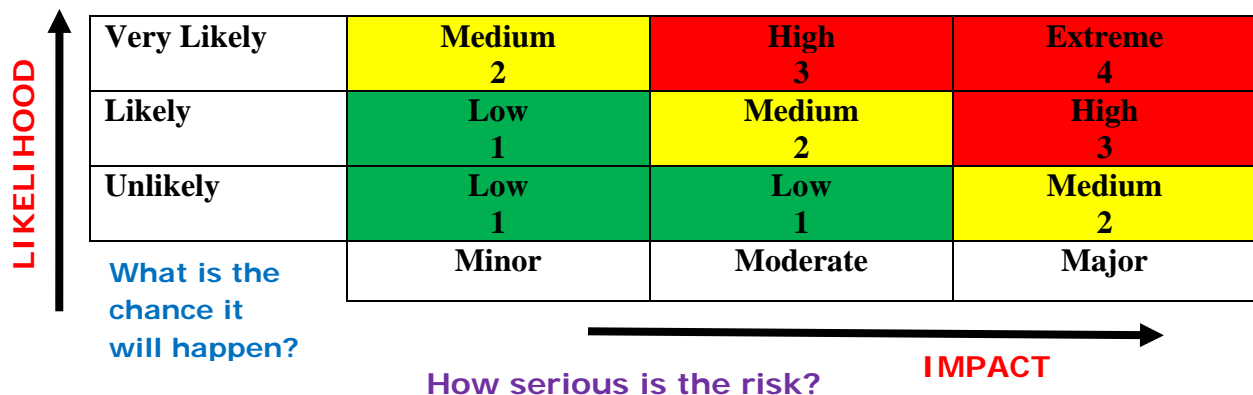


Table 4: Risk score table

Rating	Impact – of an ML&TF risk
4 Extreme	Risk almost sure to happen and/or to have very serious consequences. Response: Do not allow transaction to occur or reduce the risk to acceptable level.
3 High	Risk likely to happen and/or to have serious consequences. Response: Do not allow transaction until risk reduced.
2 Medium	Possible this could happen and/or have moderate consequences. Response: May go ahead but preferably reduce risk.
1 Low	Unlikely to happen and/or have minor or negligible consequences. Response: Okay to go ahead.

Risk treatment

Manage the business risks:

- minimize and manage the risks
- apply strategies, policies and procedures

Manage the regulatory risks:

- put in place systems and controls
- carry out the risk plan and AML&CFT program

This stage is about identifying and testing methods to manage the risks the bank have identified and assessed in the previous process. In doing this we need to consider putting into place strategies, policies and procedures to help reduce (or treat) the risk. Examples of a risk reduction or treatment step are:

- setting transaction limits for high-risk products
- having a management approval process for higher-risk products
- process to place customers in different risk categories and apply different identification and verification methods
- not accepting customers who wish to transact with a high-risk country.

It is important to remember that identifying, for example, a customer, transaction or country as high risk does not necessarily mean that money laundering or terrorism financing is involved. The opposite is also true: just because a customer or transaction is seen as low risk does not mean the customer or transaction is not involved in money laundering or terrorism financing. Experience and common sense should be applied to the risk management process of an entity.

Development of Risk Register :

A complete listing & compilation of risks of each group along with the control measures of the organization is called Risk Profile or Risk Register. It includes Risk identification, risk assessment/evaluation & risk treatment (Mitigation, monitoring & review). To prepare risk profile we have identified business risk & regulatory risk. After identifying risks, likelihood & impact of individual risk have been measured applying risk rating scale for likelihood (Table-02) & impact (Table-03) and from these we have got a level of risk, using the risk matrix (Figure-02). Necessary treatment against the particular outcomes of risks have been fixed up. All the exercise done are shown in Risk Register (Annexure –B).

RISK REGISTER

Annexure- B

ML & TF Risk Register for Customers

SL.	Risk	Likelihood	Impact	Risk Score	Treatment/Action
A	Retail Banking Customer				
1.	A new customer	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ *Standard Identification document ➤ Document for verification of source of funds ➤ CPV through courier or physical verification if required.
2.	Walk-in customer (beneficiary is government/ semi government/ autonomous body/ bank & NBF)	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Ascertain regarding the purpose of transaction (s) ➤ Relevant Document ➤ Any other explanation by the customer for Bank Satisfaction ➤ Preserve walk-in customer information
3.	Walk-in customer (beneficiary is other than government/ semi government/ autonomous body/ bank & NBF)	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Ascertain regarding the purpose of transaction (s) ➤ Source of fund ➤ Standard Identification document ➤ Acceptable Reason to the Bank ➤ Job ID card for service holder ➤ Preserve walk-in customer information
4.	Non-resident customer (Bangladeshi)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document. ➤ Country information & purpose ➤ Work permit/Job ID Card ➤ Transaction Monitoring ➤ Account operator/nominee identification document

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

5.	A new customer who wants to carry out a large transaction (i.e. transaction above CTR threshold or below the threshold)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Document for verification of source of funds ➤ Rationality of Transaction considering the clients profession /declared source of fund. ➤ Any other reason acceptable to the bank ➤ Don't accept the customer if the bank is not satisfied.
6.	A customer making series of transactions to the same individual or entity	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Collect information about the respective entity/individual ➤ Call the customer and asking for the rationality of transaction ➤ Report to BFIU as STR, if the customer fails to satisfy the Bank
7.	Customer involved in outsourcing business	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Monitoring Customer Transaction & know more about his/her business. ➤ Analysis the customer received/payment method ➤ Check the corresponding countries AML status
8.	Customer appears to do structuring to avoid reporting threshold	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Asking the client about the transaction pattern of the customer ➤ Report as STR If customer is failed to show any reasonable ground
9.	Customer appears to have accounts with several banks in the same area	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Conduct EDD ➤ Collect the information regarding different sources of income of the Clients ➤ Monitoring Customer Transaction ➤ Clients explanation in this Regards ➤ Report as STR if anything found abnormal

10.	Customer who shows curiosity about internal systems, controls and policies on internal and regulatory reporting	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Enquiry about client's life style and acquainties ➤ Background checking of the clients ➤ Nature of business/profession of the clients. ➤ Transaction analysis and transaction monitoring. ➤ Follow EDD ➤ Report as STR if required
11.	Customer is the subject of a Money Laundering or Financing of Terrorism investigation by the order of the court	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Maintain freezing order of the A/Cs if any by the concerned authority. ➤ Close monitoring of the A/Cs ➤ Follow EDD ➤ Report to CCU informing the customer position in the bank
12.	Negative news about the customers' activities/ business in media or from other reliable sources	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Close monitoring of the A/Cs ➤ Conduct EDD ➤ Analysis the event and possibility to involvement of the customer with the event. ➤ Report to BFIU as STR if there is any negative connotation
13.	Customer is secretive and reluctant to meet in person	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Regular monitoring the customer transaction. ➤ Conducting EDD ➤ Request letter for collecting required document. ➤ Report as STR if required ➤ Closing the account with the permission of hire authority and showing the causes to the customer.
14.	Customer is a mandate who is operating account on behalf of another person/ company.	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Identification of both the customer and mandate. ➤ Mandate letter in fever of the account operator, ask to justify if necessary. ➤ Relationship or Functional designation of the mandate ➤ Relationship with other bank of the customer and mandate
15.	Large deposits in the account of customer with low income	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Confirmation of the source of fund and supportive document inline of deposit ➤ Taking an undertaking if there is no supportive document. ➤ Report as STR if the bank is not satisfied

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

16.	Customers about whom BFIU seeks information (individual)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Review KYC and TP ➤ Conduct EDD if required ➤ Follow the instruction of BFIU
17.	A customer whose identification is difficult to check	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Do not accept the customer if there is no rational ground of the customer's complex identity. ➤ Other Bank relationship checking.
18.	Significant and unexplained geographic distance between the bank and the location of the customer	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Don't accept as the customer if not satisfied with the objective & purpose.
19.	Customer is a foreigner	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document (Valid Passport and NID) ➤ Work permit letter ➤ Employer request letter for opening the account ➤ Physical verification ➤ Confirmation of source of fund
20.	Customer is a minor	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Standard Identification document of the minor and the A/C operator ➤ Objective and relationship with the minor ➤ Source of fund supportive document
21.	Customer is Housewife	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Source of fund supportive document ➤ Additional ID & supportive document of source of fund if the fund generated from other person (e.g. Fathers income/ husbands income)
22.	Customers that are politically exposed persons (PEPs) or Local influential persons (LIPs) or chief/senior officials of international organizations and their family members and close associates	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Identifying the Customer as PEPS/LIP/Senior official of international organization or close associates of the above ➤ Standard Identification document ➤ Taking approval from Hire management of the bank ➤ Conduct EDD ➤ Transaction Monitoring

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

23.	Customer opens account in the name of his/her family member who intends to credit large amount of deposits	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ Do not allow, if there is no logical ground of the transaction.
24.	Customers doing significant volume of transactions with higher-risk geographic locations.	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Transaction monitoring ➤ Conduct EDD for purpose of transaction ➤ Report as STR if the purpose is not satisfactory to the bank.
25.	A customer who brings in large amounts of used notes and/or small denominations	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Ensuring about the source of fund ➤ Special observation on the customer deposit nature/trend. ➤ Evidence against nature of denomination /amount deposited ➤ Conduct EDD, if required. ➤ Report as STR if there is not enough reason in favour of transaction or client is reluctant to provide the actual information
26.	Customer dealing in high value or precious goods (e.g. jewel, gem and precious metals dealers, art and antique dealers and auction houses, estate agents and real estate brokers)	Likely	Major	2	<ul style="list-style-type: none"> ➤ Treat as high risk A/C ➤ Monitoring the transaction routinely. ➤ Dealing countries AML status check. ➤ Other Bank relationship ➤ L/C supportive documents ➤ CPV of both business and residential address. ➤ A copy of last available financial statement duly authenticated by competent authority ➤
27.	Customer is a money changer/ courier service agent / travel agent	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Checking all valid document of the company ➤ Past track record and banking history if any ➤ Physical verification of office /present/permanent address. ➤ Identification of beneficial owner ➤ Transaction monitoring

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

28.	Customer is involved in business defined as high risk in KYC profile by BFIU, but not mentioned above	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification documents ➤ Transaction monitoring ➤ Conduct EDD if required ➤ Bank loan/Credit card information
29.	Customer is involved in Manpower Export Business	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document of the customer and his/her business partner ➤ Checking all valid document of the company ➤ Past track record and banking history if any ➤ Physical verification of office /present/permanent address. ➤ AML status of Manpower exported countries ➤ Identification of beneficial owner ➤ Transaction monitoring
30.	Customer has been refused to provide banking facilities by another bank	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Causes of refusal by the other bank ➤ Checking the issues with bank own policy guideline as well as BB guidelines ➤ Take the decision Accept or reject
31.	Accounts opened before 30 April, 2002	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ KYC Updated of all the account ➤ Mark Dormant; if there is any non-updated accounts
32.	Customers with complex accounting and huge transaction	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Trend analysis of transaction nature ➤ Relate with the customer profession as well as source of fund with the transaction ➤ Conduct EDD ➤ Report as STR if the customer is failed to satisfy the bank
33.	Receipt of donor fund , Fund from foreign source by micro finance institute (MFI)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Certificate of grant /Aid ➤ Recheck the documents of the nature of the institute and other document ➤ Information and activities report collect about the institute ➤ Conduct EDD ➤ Details information collect about the all directors /beneficial owners

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

					<ul style="list-style-type: none"> ➤ Report as STR if there is any dissimilarities
34.	Customer which is a reporting organization under MLP Act, 2012 appears not complying with the reporting requirement. (MFI) as per reliable source.	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Recheck the all valid documents of the company ➤ Conduct EDD ➤ Obtained AML policy guideline ➤ Transaction monitoring ➤ Discontinue the relationship if the overall activities is not satisfactory
B. Wholesale Banking Customer					
35.	Entity customer having operations in multiple locations	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Identity of beneficial owners ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Bank Loan information ➤ Physical verification of all possible offices of the company through different branches of the bank. ➤ Transaction Monitoring
36.	Customers about whom BFIU seeks information (large corporate) Owner of the entity that are Influential Persons (IPs) and their family members and close associates	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Review KYC and TP ➤ Conduct EDD if required ➤ Transaction Monitoring ➤ Crosschecking of all legal documents and updating ➤ Follow the instruction of BFIU
37.	A new customer who wants to carry out a large transaction. (i.e. transaction amounting 10 million or above)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Company cash flow statement ➤ Other bank statement if any ➤ Ensuring about source of fund ➤ Bank Loan information ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Not accepted if the customer fail to satisfy the bank ➤ Report as STR if anything found abnormal.

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38.	A customer or a group of customers making lots of transactions to the same individual or group (wholesale).	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Transaction analysis ➤ Checking delivery receipt of goods ➤ Product /Business similarities/linkage between two customers ➤ Conduct EDD, if required. ➤ Other information collect from open source ➤ Report as STR if found any dissimilarities
39.	A customer whose identification is difficult to check.	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Bank Loan/ CIB checking. ➤ Report as STR if there is no rational ground of the customer's complex identity or discontinue the relationship. ➤ Do not accept as customer (For new Customer)
40.	Owner of the entity that are Politically Exposed Persons (PEPs) or chief / senior officials of International Organizations and their family members and close associates	Unlikely	Moderate	2	<ul style="list-style-type: none"> ➤ Identifying the owner of the entity PEPS/LIP/Senior official of international organization or close associates of the above ➤ Identify all beneficial owners and signatories ➤ Standard Identification document of all partners/directors/beneficial owners and signatories. ➤ Taking approval from Hire management of the bank ➤ Standard Identification document of all directors /Partners/Signatories ➤ Company cash flow statement ➤ Other bank information if any ➤ Ensuring about source of fund ➤ Bank Loan information/ CIB ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Conduct EDD & Transaction Monitoring ➤ Report as STR if anything found abnormal.

41.	Charities or NPOs (especially operating in less privileged areas).	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document (Valid Passport and NID) of the operators, management committee & directors. ➤ Certificate of grant/aid/donation. ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Other Bank Statement ➤ Activities information collect from local/open source ➤ Checking all legal documents ➤ Report as STR if there is anything found anything abnormal
C. Credit Card Customer					
42.	Customer who changes static data frequently	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Don't accept the frequently data changing issue without reasonable ground ➤ Conduct EDD, if required. ➤ Other bank deposit /Credit information/ CIB ➤ Transaction monitoring. ➤ Ensuring about Source of Fund with valid document ➤ Physical Verification ➤ Report as STR if anything found abnormal
43.	Customer doing frequent transaction through card (Prepaid & Credit card) and making quick adjustments	unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Customer Profession and supportive document ➤ Other Bank Deposit/CIB ➤ Open an SB/CD account ➤ Rationality of transactions with the client's profession /business and others issue. ➤ Source of fund ➤ Review and analysis the purpose and transactions. ➤ Report as STR if anything found abnormal
44.	Prepaid Card customer	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Conduct CPV ➤ Check the relevant bank policy for issuing credit card ➤ Relevant documentation

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					<ul style="list-style-type: none"> ➤ Ensuring about the source of fund and purpose of card uses
D. International Trade Customer					
45.	A new customer (Outward remittance-through SWIFT)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of the customer ➤ Receiving countries AML status ➤ Relation to the customer ➤ Purpose of remitting ➤ Any other reason to satisfy bank ➤ Preserve the document
46.	A new customer (Import/Export)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Other bank statement ➤ Past experience and record in line of business ➤ Volume of business and capacity ➤ All valid documents of Import/Export and other company documents ➤ Legality of Relevant product (import /export) ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Follow sanction screening procedure ➤ Vat Registration ➤ Not accepted if the customer fail to satisfy the bank
47.	A new customer (Inward remittance-through SWIFT)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of the customer and beneficiary. ➤ Sending countries AML status ➤ Relation to the customer ➤ Purpose of remittance. ➤ Follow sanction screening procedure ➤ Any other documents to satisfy bank ➤ Preserve the document
48.	A new customer who wants to carry out a large transaction (Import/Export)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Other bank statement ➤ Past experience and record in

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					<p>line of business</p> <ul style="list-style-type: none"> ➤ Volume of business and capacity ➤ All valid documents of Import/Export and other company documents ➤ Legality of Relevant product ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Follow sanction screening procedure ➤ Do not accept if the customer fail to satisfy the bank
49.	A new customer who wants to carry out a large transaction (Inward/ outward remittance)	Unlikely	Moderate	2	<ul style="list-style-type: none"> ➤ Checking the valid document or authenticity & source of fund ➤ Reason and rationality of remitting large amount ➤ Preserved the document properly
50	A customer wants to conduct business beyond its line of business (import/ export/ remittance)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Don't allow the customer if there is no legal and logical ground with valid document
51.	Owner/ director/ shareholder of the customer is influential person(s) or their family members or close associates	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Identifying the owner/director/ shareholder of the entity. ➤ Standard Identification document of all partners/directors/beneficial owners and signatories. ➤ Taking approval from Hire management of the bank ➤ Company cash flow statement ➤ Other bank information ➤ Past experience and record in line of business ➤ Volume of business and capacity ➤ All valid documents of Import/Export and other company documents ➤ Bank Loan information, CIB. ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Conduct EDD & Transaction Monitoring

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52.	A new customer who wants to carry out a large transaction (Import/Export)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document of all directors /Partners ➤ Other bank statement & CIB. ➤ Past experience and record in line of business ➤ Volume of business and capacity ➤ All valid documents of Import/Export and other company documents ➤ Legality of Relevant product ➤ Copy of last available financial statements duly certified by a professional accountants ➤ Vat Registration ➤ Not accepted if the customer fail to satisfy the bank
53.	Correspondent Banks	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Collect company profile with AML policy guideline ➤ AML statues of the Bank and country status ➤ Past track records and market reputation
54.	Money services businesses (remittance houses, exchange houses)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ AML statues of the exchange house ➤ Past track records and market reputation ➤ Business network and origin ➤ Checking all relevant legal and valid documents

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2. Risk Register for Products & Services (All the products and services of a bank has to be included here)

SL	Risk	Likelihood	Impact	Risk Score	Treatment/Action
A Retail Banking Product					
1.	Accounts for students where large amount of transactions are made (student file)	Unlikely	Moderate	2	<ul style="list-style-type: none"> ➤ Check other valid document related to admission. ➤ Ensuring about source of fund with valid document ➤ Complete the KYC procedure of the person if the fund generated from others. ➤ Corresponding country AML risk status. ➤ Embassy prescribed living expense, if amount size is suspicious. ➤ Amount paid to university as per i-20 ➤ Report as STR if there is any lapses/dissimilarities?
2.	Locker Service	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Business/profession checking. ➤ Service provide to the existing customer ➤ Open another SB/CD accounts ➤ Monitoring the uses frequency of the locker.
3.	Foreign currency endorsement in Passport	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Checking valid passport ➤ Purpose of Travelling ➤ Travelling Country AML status ➤ Client Identification ➤ Endorsement amount must be equivalent or within the limit of Foreign exchange regulation ➤ Preserve the document and report to Bangladesh bank
4.	Large transaction in the account of under privileged people	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Set up a limit for amount and transaction ➤ Review and transaction monitoring ➤ Don't allow any exception without management

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					<p>approval and reasonable ground</p> <ul style="list-style-type: none"> ➤ Report as STR if found anything suspicious
5.	FDR (less than 2 million)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Ensuring the source of fund with valid document ➤ Persuasion for open another SB account. ➤ Other bank checking. (relationship/statement)
6.	FDR (2 million and above)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Ensuring the source of fund with valid document ➤ Persuasion for open another SB account ➤ Other bank relationship/statement
7.	Special scheme deposit accounts opened with big installment and small tenure	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Ensuring the source of fund with valid document ➤ Persuasion for open another SB account ➤ Other bank relationship checking.
8.	Multiple deposit scheme accounts opened by same customer in a branch	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Customer Identification document ➤ Reasonable ground ➤ Ensuring the source of fund with valid document
9.	Multiple deposit scheme accounts opened by same customer from different location	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Usually don't accept such type of relationship without any relational ground
10.	Open DPS in the name of family member Or Installments paid from the account other than the customer's account	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Identification document of the customer ➤ Duly signed payment instruction order ➤ Ensure the relationship between the customer and installment provider ➤ Proper identification and source of fund of the installment provider

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11.	Stand alone DPS	Likely	Minor	1	<ul style="list-style-type: none"> ➤ Standard identification document ➤ Source of fund supportive document ➤ Persuasion for opening a SB/CD account
12.	Early encashment of FDR, special scheme etc.	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Application receive from the customer issuing the reason of encashment ➤ Check whether the clients have any classified liability with the bank ➤ Check the instrument is under lien or not ➤ Crosschecking the required documents ➤ Checking if the instrument is tagged with another credit facility ➤ Ensuring that there is no freeze order or sanction from regulatory or competent authority.
13.	Non face to face business relationship /transaction	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Usually don't establish such type of relationship, if not satisfied.
14.	Payment received from unrelated/un-associated third parties	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Ask about the source of fund. ➤ Don't accept without any rational ground, if not satisfied.
B. SME Banking Product					
15.	Want to open FDR where source of fund is not clear	Likely	Moderate	2	Don't accept the customer, if not satisfied.
16.	Early encashment of FDR	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Application receive from the customer issuing the reason of encashment ➤ Check whether the clients have any classified liability with the bank ➤ Check the instrument is under lien or not or tagged with any credit facility. ➤ Crosschecking the required documents ➤ Ensuring that there is no freeze order or sanction from regulatory or competent authority

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17.	Repayment of loan EMI from source that is not clear	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Conduct EDD for ensuring the source of fund ➤ Information collect from the open source ➤ Taking an undertaking
18.	Repayment of full loan amount before maturity	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Ensuring the source of fund ➤ Undertaking taken from the client that money is not from any illegal source ➤ Report as STR after adjustment of loan if required.
19.	Loan amount utilized in sector other than the sector specified during availing the loan	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Ensuring the utilization of fund ➤ Undertaking taken for proper utilization of fund ➤ Term loan disburse through pay order in favour of the supplier ➤ Proper monitoring of the client ➤ Surprise visit of the client business premises
20.	In case of fixed asset financing, sale of asset purchased immediately after repayment of full loan amount	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Conduct EDD ➤ Information collect from open source ➤ Transaction analysis and other bank information ➤ Report as STR if the bank found anything suspicious
21.	Source of fund used as security not clear at the time of availing loan	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Don't accept the customer, if not satisfied.
C. Wholesale Banking Product					
22.	Development of new product & service of bank	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Analysis AML risk associated with the product ➤ Taking approval from higher management. ➤ Ensuring the security of the product, Market analysis, regulatory guidelines
23.	Payment received from unrelated third parties	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Usually don't accept without any rational ground ➤ application received from the customer for receiving payment from the respective parties

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24.	High Value FDR Term loan, SOD(FO), SOD(G-work order), SOD(Garment),SOD(PO), Loan General, Lease finance, Packing Credit, BTB L/C	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Checking the valid document ➤ Ensuring the uses of fund/ source of fund.
25.	BG(bid bond), BG(PG), BG(APG)	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ CPV of the auction goods/Lands ➤ Background of the client and past track record in line of business ➤ Ensuring the sources of fund of the client
26.	L/C subsequent term loan, DP L/C	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Provide only tested clients ➤ Adequate security
27.	C.C(H), SOD(G-Business), STL	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ A/C receivables and realize tenure of the client. ➤ Surprise visit of the business premises ➤ Ensuring the utilization of fund ➤ Excess over limit not allowed ➤ Client efficiency and experience in line of business
28	OBU	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Obtained KYC before making relationship with any bank and FI. ➤ Facility provide to the existing client ➤ Checking all valid document and ensure the security ➤ Transaction monitoring
29	Syndication Financing	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Project analysis and ensuring the utilization of fund ➤ Proper identity document of all directors and signatories ➤ Company brand image and past track record ➤ Nature of business /product
C-i	Credit Card				
30.	Supplementary Credit Card Issue	Unlikely	Minor	2	<ul style="list-style-type: none"> ➤ Standard Identification document ➤ Ensuring the relationship ➤ Limit setup ➤ Application received from actual card holder for issuing

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					<p>supplementary credit card.</p> <ul style="list-style-type: none"> ➤ Undertaking duly signed by the customer that the bank is not liable for any transaction made by the supplementary card holder.
31.	Credit card issuance against ERQ and RFCD accounts	Unlikely	Moderate	2	<ul style="list-style-type: none"> ➤ Standard identification documents ➤ Generally Service provide to the existing clients (Without any exception) ➤ Checked all valid documents ➤ Complete lien formalities and setup a limit with 90% margin of lien amount(ERQ) ➤ Past track record of the clients ➤ Purpose of RFCD A/C opening, visiting country AML status, Clients profession etc. ➤ Proper Transaction monitoring
C-ii	International Trade				
32.	Line of business mismatch (import/export/remittance)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Don't accept the customer, if not satisfied.
33.	Under/ Over invoicing (import/export/remittance)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Don't accept the customer, if not satisfied
34.	Retirement of import bills in cash (import/export/remittance)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Proper Identification of the clients ➤ Import goods and the size of bill/remittance ➤ Dose the size of business of the clients support the Import/export/remittance ➤ Country risk check. ➤ Clients past track records ➤ Transaction Monitoring
35.	Wire transfer	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Proper identification of the originator/Applicant and beneficiary ➤ Complete Sanction Screening process and checking Country AML status ➤ Purpose of remittance ➤ Preserve the documents properly

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36.	Relationship between the remitter and beneficiary and purpose of remittance mismatch (outward/inward remittance)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Don't provide the service in that situation if the bank is not fully satisfied
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3. Risk Register for Business practices/delivery methods or channels

SL.	Risk	Likelihood	Impact	Risk Score	Treatment/Action
1.	Online (multiple small transaction through different branch)	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Proper Identification of the client ➤ Review the clients business network ➤ Identification of all depositors in the respective branch end and preserve the documents ➤ Clients explanation regarding the transaction if required ➤ Report as STR if the branch is not satisfied
2.	BEFTN	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Set up a transaction limit ➤ Signature verification ➤ Genuineness of the instrument ➤ Customer clearance if required ➤ Preserve the document ➤ Monitoring and reconciliation
3.	BACH	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Signature verification ➤ Genuineness of the instrument ➤ Amount debit before honor the instrument ➤ Customer clearance if required ➤ Preserve the document ➤ Monitoring and reconciliation
4.	IDBP	Unlikely	Minor	1	<ul style="list-style-type: none"> ➤ Ensuring about the transfer of goods ➤ Delivery chalan duly signed ➤ Company branding image and past performance

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5.	Mobile Banking	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Preserved updated information of all agents ➤ Transaction made only after completion of the registration process and approval ➤ Preserved name and address of the beneficiary and applicant and the Telephone number of the applicant for transaction of Tk. 1000 and below amount.
6.	Third party agent or broker	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Presently not providing any banking service though third party/Agent or broker
3-i Credit Card					
7.	New Merchant sign up	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Other Bank Statement of the Customer ➤ Open an Account (mandatory) ➤ Trade license, Tin certificate and other valid document checked ➤ Physical verification of the customer business premises ➤ Agreement duly signed by the customer
8.	High volume transaction through POS	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Transaction monitoring ➤ Follow EDD of the customer and transaction. ➤ Information collect from other banks about the respective customer and inform to the bank(For other bank card holder) ➤ Nature of Merchant and customer purpose of transaction
3-ii Alternate Delivery Channel					
9.	Large amount withdrawn from ATMs	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Setup a transaction limit as well as number of transaction. ➤ Transaction monitoring ➤ Clients explanation regarding the transaction
10.	Large amount transaction from different location and different time(mid night) through ATM	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Setup a transaction limit as well as number of transaction. ➤ Transaction monitoring ➤ Clients explanation regarding

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					<p>the transaction</p> <ul style="list-style-type: none"> ➤ Report as STR if the clients fails to satisfy the bank for his transaction
11.	Large amount of cash deposit in CDM	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Setup a limit of deposit amount. ➤ Monitoring of deposit frequency ➤ Transaction matching with the Business/profession ➤ Clients explanation in line of deposit and ensuring about the source of fund
12.	Huge fund transfer through internet	Unlikely	Moderate	2	<ul style="list-style-type: none"> ➤ Setup a transaction limit ➤ Transaction monitoring ➤ Clients business/profession and rationality of fund transfer through internet ➤ Report as STR if the client fails to satisfy the bank
13.	Customer to business transaction-Online Payment Gateway - Internet Banking	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Proper identification of the beneficiary and applicant. ➤ Profession/Business/ source of fund rational to use Online Payment Gateway-Internet Banking ➤ Conduct EDD ➤ Information also collect from beneficiary ➤ Transaction Monitoring ➤ Report as STR if there is any dissimilarities
3-iii	International Trade				
14.	Customer sending remittance through SWIFT under single customer credit transfer (fin-103)	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Proper identification of the beneficiary and applicant. ➤ Collect the copy of contract if any ➤ Checking other relevant document ➤ Follow Sanction screening process ➤ Consider remittance sending country AML status ➤ Preserve the document

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15.	Existing customer/ other bank customer receiving remittance through SWIFT under single customer credit transfer (fin-103).	Unlikely	Moderate	1	<ul style="list-style-type: none"> ➤ Proper identification of the beneficiary. ➤ Collect the copy of contract if any ➤ Checking other relevant document ➤ Follow Sanction screening process ➤ Consider remittance sender country AML status ➤ Preserve the document
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4. Risk Register for Country/jurisdiction

SL.	Risk	Likelihood	Impact	Risk Score	Treatment/Action
1.	Import and export form/to sanction country	Very Likely	Major	4	➤ Do not accept the customer
2.	Transshipments, container, flag vessel etc. under global sanction	Very Likely	Major	4	➤ Do not accept the customer
3.	Establishing correspondent relationship with sanction bank and/or country	Very Likely	Major	4	➤ Do not accept the customer
4.	Establishing correspondent relationship with poor AML&CFT practice country	Likely	Moderate	2	<ul style="list-style-type: none"> ➤ Collect and checking KYC of the correspondent Bank ➤ Past truckreckord of the Bank ➤ Considering the Size and volume of business ➤ Sanction Screening of the beneficiary
5.	Customer belongs to higher-risk geographic locations such as High Intensity Financial Crime Areas	Likely	Moderate	2	➤ Do not accept the customer
6.	Customer belongs to countries or geographic areas identified by credible sources as providing funding or support for terrorist activities, or that have designated terrorist organizations operating within their country.	Likely	Moderate	2	➤ Do not accept the customer

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7.	Customer belongs to High Risk ranking countries of the Basel AML index.	Likely	Moderate	2	➤ Do not accept the customer
8.	Customer belongs to the countries identified by the bank as higher-risk because of its prior experiences or other factors.	Likely	Moderate	3	➤ Do not accept the customer
9.	Any country identified by FATF or FSRBs-(FATF style Regional Body) as not having adequate AML&CFT systems	Likely	Major	3	➤ Do not accept the customer
10.	Any bank that provide service to 'Shell Bank'	Very Likely	Major	3	➤ Do not make the relationship
11.	Any bank that allow payable through account	Likely	Major	3	➤ Do not make the relationship
12.	Any country identified as destination of illicit financial flow	Likely	Major	3	➤ Do not make the relationship with the customer of the country
13.	Branches in a Border Area	Likely	Major	3	<ul style="list-style-type: none"> ➤ Proper identification of the customer ➤ Review KYC and TP periodically ➤ Transaction Monitoring ➤ Standard Identification document preserved for walk-in customer /online depositors
14.	Area identified as high risk in the NRA	Likely	Major	3	<ul style="list-style-type: none"> ➤ Proper Identification document of the customer ➤ Transaction Monitoring ➤ Conduct CDD & EDD if required ➤ Do not accept the customer if all the valid document is not satisfactory
15.	Countries subject to UN embargo/sanctions	Likely	Major	4	➤ Do not accept the Customer

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5. Register for Regulatory Risk

SL.	Risk	Likelihood	Impact	Risk Score	Treatment/Action
1.	Not having AML/CFT guideline	Likely	Major	3	➤ Development of policy guideline to carry out AML & CFT program
2.	Not forming a Central Compliance Unit (CCU)	Likely	Major	3	➤ Formation of CCU as per instruction of BB, CCU is performing duties on AML & CFT issues
3.	Not having an AML&CFT Compliance Officer	Likely	Major	3	➤ Assigned AML & CFT compliance officer on urgent basis to carry out program effectively
4.	Not having Branch Anti Money Laundering Compliance Officer	Likely	Major	3	➤ Assigned AML & CFT compliance officer on urgent basis to carry out program effectively
5.	Not having an AML&CFT program	Likely	Major	3	➤ Having AML & CFT program as per instruction of BB
6.	No senior management commitment to comply with MLP and AT Act	Likely	Major	3	➤ Senior management is committed to comply with MLP and AT Act
7.	Failure to follow the AMLD/BFIU circular, circular letter, instructions etc.	Likely	Major	3	➤ HO, AMLD monitoring and persuasion for meticulous compliance of AMLD/BFIU circular, circular letter, instructions etc.
8.	Unique account opening form not followed while opening account	Likely	Major	3	➤ Unaccepted to the Management. ➤ Branch is using the unique account opening form
9.	Non screening of new and existing customers against UNSCR Sanction and OFAC lists	Likely	Major	3	➤ No new a/c opened without completion of screening process ➤ Screening process of all existing account is completed
10.	Violation of Foreign Exchange Regulation Act, 1947 while dealing with NRB accounts.	Likely	Major	3	➤ Do not accept the customer
11.	Complete and accurate information of customer not obtained	Likely	Major	3	➤ Do not accept the customer

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

12.	Failure to verify the identity proof document and address of the customer	Likely	Major	3	➤ Do not accept as customer.
13.	Beneficial owner identification and verification not done properly	Likely	Major	3	➤ Do not accept as customer
14.	Customer Due Diligence (CDD) not practiced properly	Likely	Major	3	➤ Branch is strictly advised to conduct CDD.
15.	Failure to perform Enhanced Due Diligence (EDD) for high risk customers (i.e., PEPs, family members and close associates of PEPs and influential person and senior official of international organization.)	Likely	Major	3	➤ Discontinue the relationship ➤ Report as STR
16.	Failure to complete KYC of customer including walk in customer	Likely	Major	3	➤ Do not provide the service/accept the customer
17.	Failure to update TP and KYC of customer	Likely	Major	3	➤ Strictly comply with BB's instructions. ➤ Introduce an automated monitoring system
18.	Keep the legacy accounts operative without completing KYC	Likely	Major	3	➤ Branch is advised to scrutinize all the accounts and mark as dormant immediately.
19.	Failure to assess the ML & TF risk of a product or service before launching	Likely	Moderate	2	➤ Take senior management approval ➤ Taking approval from CCU, HO considering the AML risk
20.	Failure to complete the KYC of Correspondent Bank	Likely	Major	3	➤ Obtain KYC from correspondent bank before establishment of relationship
21.	Senior Management approval not obtained before entering into a Correspondent Banking relationship	Likely	Major	3	➤ Obtain management approval before establishing correspondence banking relationship, ➤ Obtaining KYC
22.	Failure to comply with the instruction of BFIU by bank Foreign subsidiary	Likely	Major	3	➤ Discontinue the relationship

*Standard ID means: Passport, National ID Card, Birth Registration Certificate, Valid driving license, Credit Card any other document that satisfy to the bank.

23.	Failure to keep record properly	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branch is strictly advised to keep the record properly ➤ Record keeping system check by HO, AMLD-audit team and IC&C as well.
24.	Failure to report complete and accurate CTR on time	Likely	Major	3	<ul style="list-style-type: none"> ➤ Adequate manpower and support to the respective official to submit CTR on time.
25.	Failure to review CTR	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ BAMALCO is responsible to review the CTR in branch level ➤ Head Office , AMLD is also review CTR
26.	Failure to identify and monitor structuring	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branches are advised to detected Structuring through CTR checking and Transaction monitoring ➤ HO, AMLD division is also monitoring the Transaction
27.	Failure to provide sufficient controls and monitoring systems for the timely detection and reporting of suspicious activity	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branches are strictly advised to observing the Suspicious activity and report to head office ➤ Adequate training provided to the branch official to make them knowledgeable ➤ Monitoring and supervision from HO,AMLD
28.	Failure to conduct quarterly meeting properly	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ Branches are strictly advised to arrange quarterly meeting and preserved the document ➤ Head office AMLD ensuring the meeting through email ➤ AML audit team as examine the document of quarterly meeting
29.	Failure to report suspicious transactions (STR)	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branches are advised to submit STR report properly if there any. ➤ HO, AMLD scrutinize the document and report to BB as per instruction of BFIU.
30.	Failure to conduct self assessment properly	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branches are advised to submit self assessment report on time ➤ HO, AMLD submit the report to BFIF on time.

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31.	Failure to submit statement/ report to BFIU on time	Likely	Major	3	<ul style="list-style-type: none"> ➤ Branches are advised to submitted required document on time ➤ Trying to develop Centralized reporting system ➤ HO, AMLD submit the report on time.
32.	Submit erroneous statement/ report to BFIU	Likely	Major	3	<ul style="list-style-type: none"> ➤ Introduce 2 line checking system ➤ Immediate rectify the anomaly ➤ Follow any other instructions of the regulatory
33.	Not complying with any order for freezing or suspension of transaction issued by BFIU or BB	Likely	Major	3	<ul style="list-style-type: none"> ➤ Punitive measures taken against the respective official. ➤ Cooperate with the regulatory and supply all document as required
34.	Not submitting accurate information or statement sought by BFIU or BB.	Likely	Major	3	<ul style="list-style-type: none"> ➤ Introduce 2 line checking system ➤ Immediate rectify the anomaly ➤ Follow any other instructions of the regulatory
35.	Not submitting required report to senior management regularly	Likely	Moderate	1	<ul style="list-style-type: none"> ➤ HO, AMLD will submit all required report to the senior management
36.	Failure to rectify the objections raised by BFIU or bank inspection teams on time	Likely	Major	3	<ul style="list-style-type: none"> ➤ Issuing a letter to provide the document or compliance ➤ Discontinue the relationship if the client fail to remove the limitation
37.	Failure to obtain information during wire transfer	Likely	Major	3	<ul style="list-style-type: none"> ➤ Do not provide the service
38.	Failure to comply with the responsibilities of ordering, intermediary and beneficiary bank	Likely	Major	3	<ul style="list-style-type: none"> ➤ Proper monitoring and developed efficient official to performing the job without fail ➤ Inform to higher management if any unavoidable situation arise
39.	Failure to scrutinize staff properly Failure to circulate BFIU guidelines and circulars to branches	Unlikely	Major	2	<ul style="list-style-type: none"> ➤ System has been developed to scrutinize the staff properly and preserve all identified document of all staff. ➤ System has been developed

					to circulate the BFIU guidelines and circulars to branches through internal web. ➤ Monitoring from Head Office
40.	Inadequate training/workshop arranged on AML & CFT	Likely	Moderate	2	➤ TBL training academy arranged training/workshop on AML and CFT as per academic calendar
41.	No independent audit function to test the AML program	Likely	Major	3	➤ HO, AML division established a AML audit team to ascertain the branch status on AML & CFT

KYC DOCUMENTATION

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Individuals	<ul style="list-style-type: none"> ➤ Passport ➤ National Id Card ➤ Birth Registration Certificate (Printed copy, with seal & signature from the Registrar) ➤ Valid driving license (if any) ➤ Credit Card (if any) ➤ Any other documents that satisfy to the bank. <p>NB: But in case of submitting the birth registration certificate, any other photo id (issued by a Government department or agency) of the person has to be supplied with it. If he does not have a photo id, then a certificate of identity by any renowned people has to be submitted according to the bank's requirement. That certificate must include a photo which is duly attested by the signing renowned person. The person should sign the certificate (printing his/her name clearly underneath) and clearly indicate his/her position or capacity on it together with a contact address and phone number.</p>	<ul style="list-style-type: none"> ➤ Salary Certificate (for salaried person). ➤ Employed ID (For ascertaining level of employment). ➤ Self declaration acceptable to the bank. (commensurate with declared occupation) ➤ Documents in support of beneficial owner's income (income of house wife, students etc.) ➤ Trade License if the customer declared to be a business person ➤ TIN (if any) ➤ Documents of property sale. (if any) ➤ Other Bank statement (if any) ➤ Document of FDR encashment (if any) ➤ Document of foreign remittance (if any fund comes from outside the country) ➤ Document of retirement benefit. ➤ Bank loan. 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department. ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report. ➤ Physical verification report of bank official ➤ Copy of utility bill/utility card on satisfaction of the dealing officer (not beyond 3 months old). The bill should be in the name of the applicant or his/her parent's name. ➤ Residential address appearing on an official document prepared by a Government Agency

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Joint Accounts	<ul style="list-style-type: none"> ➤ Passport ➤ National Id Card ➤ Birth Registration Certificate (Printed copy, with seal & signature from the Registrar) ➤ Valid driving license (if any) ➤ Credit Card (if any) ➤ Any other documents (photo) that satisfy to the bank. 	<ul style="list-style-type: none"> ➤ Salary Certificate (for salaried person). ➤ Employed ID (For ascertaining level of employment). ➤ Self declaration acceptable to the bank. (commensurate with declared occupation) ➤ Documents in support of beneficial owner's income (income of house wife, students etc.) ➤ Trade License if the customer declared to be a business person ➤ TIN (if any) ➤ Documents of property sale. (if any) ➤ Other Bank statement (if any) ➤ Document of FDR encashment (if any) ➤ Document of foreign remittance (if any fund comes from outside the country) ➤ Document of retirement benefit. ➤ Bank loan. 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department. ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report. ➤ Physical verification report of bank official ➤ Copy of utility bill/utility card on satisfaction of the dealing officer (not beyond 3 months old). The bill should be in the name of the applicant or his/her parent's name. ➤ Residential address appearing on an official document prepared by a Government Agency.

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Sole Proprietorships or Individuals doing business	<ul style="list-style-type: none"> ➤ Passport ➤ National Id Card ➤ Birth Registration Certificate (Printed copy, with seal & signature from the Registrar) ➤ Valid driving license (if any) ➤ Credit Card (if any) ➤ Rent receipt of the shop (if the shop is rental) ➤ Ownership documents of the shop (i.e purchase documents of the shop or inheritance documents) ➤ Membership certificate of any association. (Chamber of comers, market association, trade association i.e.; Hardware association, cloth merchant association, hawker's association etc. ➤ Any other documents that satisfy to the bank. 	<ul style="list-style-type: none"> ➤ Trade License ➤ TIN ➤ Self declaration acceptable to the bank. (commensurate with nature and volume of business) ➤ Documents of property sale. (if injected any fund by selling personal property) ➤ Other Bank statement (if any) ➤ Document of FDR encashment (if any fund injected by en-cashing personal FDR) ➤ Document of foreign remittance (if any fund comes from outside the country) ➤ Bank loan (if any) ➤ Personal borrowing (if any) 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department. ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report. ➤ Physical verification report of bank official ➤ Copy of utility bill/utility card on satisfaction of the dealing officer (not beyond 3 months old). The bill should be in the name of the applicant or his/her parent's name. ➤ Residential address appearing on an official document prepared by a Government Agency.
Partnerships	<ul style="list-style-type: none"> ➤ Partnership deed/ partnership letter ➤ Registered partnership deed (if registered) ➤ Resolution of the partners, specifying operational guidelines/ instruction of the partnership account. 	<ul style="list-style-type: none"> ➤ Trade License ➤ TIN ➤ Documents of property sale. (if injected any fund by selling personal property of a partner) 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report.

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Partnerships	<ul style="list-style-type: none"> ➤ Passport of partners ➤ National Id Card of partners ➤ Birth Registration Certificate of partners (Printed copy, with seal & signature from the Registrar) ➤ Valid driving license of partners (if any) ➤ Credit Card of partners (if any) ➤ Rent receipt of the shop (if the shop is rental) ➤ Ownership documents of the shop (i.e. purchase documents of the shop or inheritance documents) ➤ Membership certificate of any association. (Chamber of comers, market association, trade association i.e.; Hardware association, cloth merchant association, hawker's association etc. ➤ Any other documents that satisfy to the bank. 	<ul style="list-style-type: none"> ➤ Other Bank statement (if any) ➤ Document of FDR encashment (if any partner injected capital by enchasing Personal FDR) ➤ Document of foreign remittance (if any fund comes from outside the country) ➤ Bank loan ➤ Personal Borrowing (if any) 	<ul style="list-style-type: none"> ➤ Physical verification report of bank official ➤ Copy of utility bill/utility card on satisfaction of the dealing officer (not beyond 3 months old). The bill should be in the name of the applicant or his/her parent's name. ➤ Residential address appearing on an official document prepared by a Government Agency.
Private Limited Company	<ul style="list-style-type: none"> ➤ Passport of all the directors ➤ National Id Card of all the directors ➤ Certificate of incorporation 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly authenticated by competent authority ➤ Other Bank Statement 	

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Private Limited Company	<ul style="list-style-type: none"> ➤ Memorandum and Articles of Association ➤ List of directors ➤ Resolution of the board of directors to open an account and identification of those who have authority to operate the account. ➤ Power of attorney granted to its Managers, Officials or Employees to transact business on its behalf. ➤ Nature of the company's business. ➤ Expected monthly turnover. ➤ Identity of beneficial owners, holding 20% interest or more of having control over the company's assets and any person (or persons) on whose instructions the signatories of the account act where such persons may not be a full time employee, officer or director of the company. 	<ul style="list-style-type: none"> ➤ Trade License ➤ TIN ➤ VAT registration ➤ Bank loan 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department. ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report. ➤ Physical verification report of bank official
Public Limited Company	<ul style="list-style-type: none"> ➤ Passport of all the directors ➤ National Id Card of all the directors ➤ Certificate of incorporation ➤ Memorandum and Articles of Association ➤ Certificate of commencement of business. 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional accountant ➤ Other Bank statement (if any) ➤ Trade License ➤ TIN ➤ Cash flow statement 	<ul style="list-style-type: none"> ➤ Acknowledgement receipt of thanks letter through postal department. ➤ Proof of delivery of thanks letter through courier. ➤ Third party verification report. ➤ Physical verification report of bank official.

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Public Limited Company	<ul style="list-style-type: none"> ➤ List of directors in form - XII ➤ Resolution of the board of directors to open an account and identification of those who have authority to operate the account. ➤ Power of attorney granted to its Managers, Officials or Employees to transact business on its behalf. ➤ Nature of the company's business ➤ Expected monthly turnover ➤ Identity of beneficial owners, holding 20% interest or more of having control over the company's assets and any person (or persons) on whose instructions the signatories of the account act where such persons may not be a full time employee , officer or director of the company. 	<ul style="list-style-type: none"> ➤ VAT registration ➤ Bank loan ➤ Any other genuine source 	
Government owned Entities	<ul style="list-style-type: none"> ➤ Statue of formation of the entity ➤ Resolution of the board to open an account and identification of those who have authority to operate the account. ➤ Passport of the operator (s) ➤ National Id Card of the operator (s) 	N/A	N/A

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
NGO	<ul style="list-style-type: none"> ➤ National Id Card of the operator (s) ➤ Passport of the operator (s) ➤ Resolution of the board of directors to open an account and identification of those who have authority to operate the account. ➤ Documents of nature of the NGO ➤ Certificate of registration issued by competent authority ➤ Bye-laws (certified) ➤ List of Management Committee/ Directors 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional accountant. ➤ Other Bank statement ➤ TIN ➤ Certificate of Grand / Aid 	
Charities or Religious Organizations	<ul style="list-style-type: none"> ➤ National Id Card of the operator (s) ➤ Passport of the operator (s) ➤ Resolution of the Executive Committee to open an account and identification of those who have authority to operate the account. ➤ Documents of nature of the Organizations ➤ Certificate of registration issued by competent authority (if any) ➤ Bye-laws (certified) ➤ List of Management Committee/ Directors 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional accountant ➤ Other Bank statement ➤ Certificate of Grant / Aid/ donation ➤ Any other legal source 	

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Clubs or Societies	<ul style="list-style-type: none"> ➤ National Id Card of the operator (s) ➤ Passport of the operator (s) ➤ Resolution of the Executive Committee to open an account and identification of those who have authority to operate the account. ➤ Documents of nature of the Organizations ➤ Certificate of registration issued by competent authority (if any) ➤ Bye-laws (certified) ➤ List of Management Committee/ Directors 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional (if registered) ➤ Other Bank statement ➤ Certificate of Grant / Aid ➤ Subscription ➤ If unregistered declaration of authorized person/ body. 	
Trusts, Foundations or similar entities	<ul style="list-style-type: none"> ➤ National Id Card of the trustee (s) ➤ Passport of the trustee (s) ➤ Resolution of the Managing body of the Foundation/Association to open an account and identification of those who have authority to operate the account. ➤ Certified true copy of the Trust Deed. ➤ Bye-laws (certified) ➤ Power of attorney allowing transaction in the account. 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional (if registered) ➤ Other Bank statement ➤ Donation 	

Customer type	Standard Identification document	Document for verification of source of funds	Document or strategy for verification of address
Financial Institutions (NBFI)	<ul style="list-style-type: none"> ➤ Passport of all the directors ➤ National Id Card of all the directors ➤ Certificate of incorporation ➤ Memorandum and Articles of Association ➤ Certificate of commencement of business ➤ List of directors in form - XII ➤ Resolution of the board of directors to open an account and identification of those who have authority to operate the account. ➤ Power of attorney granted to its Managers, Officials or Employees to transact business on its behalf. ➤ Nature of the company's business ➤ Expected monthly turnover ➤ Identity of beneficial owners, holding 20% interest or more of having control over the company's assets and any person (or persons) on whose instructions the signatories of the account act where such persons may not be a full time employee , officer or director of the company. 	<ul style="list-style-type: none"> ➤ A copy of last available financial statements duly certified by a professional accountant. ➤ Other Bank statement ➤ Trade License ➤ TIN ➤ VAT registration ➤ Cash flow statement 	
Embassies	<ul style="list-style-type: none"> ➤ Valid Passport with visa of the authorized official ➤ Clearance of the foreign ministry ➤ Other relevant documents in support of opening account 	N/A	

RED FLAG POINTING TO MONEY LAUNDERING

- ✓ The client cannot provide satisfactory evidence of identity.
- ✓ Situations where it is very difficult to verify customer information.
- ✓ Situations where the source of funds cannot be easily verified.
- ✓ Transactions in countries in which the parties are non-residents and their only purpose is a capital investment (they are not interested in living at the property they are buying).
- ✓ Frequent change of ownership of same property in unusually short time periods with no apparent business, economic or other legitimate reason and between related persons.
- ✓ Client wants to re-sell Property shortly after purchase at a significantly different purchase price, without corresponding changes in market values in the same area.
- ✓ Client wishes to form or purchase a company whose corporate objective is irrelevant to the client's normal profession or activities, without a reasonable explanation.
- ✓ The client sets up shell companies with nominee shareholders and/or directors.
- ✓ Client repeatedly changes Attorneys within a short period of time without any reasonable explanation.
- ✓ Client purchases property in names of other persons or uses different names on offers to purchase, closing documents and deposit receipts.
- ✓ Client deposits a large amount of cash with you to make payments which are outside of the client's profile.
- ✓ Client negotiates a purchase but wants to record a lower value on documents, paying the difference "under the table", (inadequate consideration).
- ✓ Client's documents such as identification, statement of income or employment details are provided by an intermediary who has no apparent reason to be involved, (the intermediary may be the real client).
- ✓ Transaction involves legal entities and there is no relationship seen between the transaction and the business activity of the buying company, or the company has no business activity.
- ✓ Client requests the firm to act as his agent in obtaining high sum bankers' drafts, cashiers' cheques and other cash equivalent or near cash monetary instruments or in making wire transfers to and from other banks or financial institutions, (anonymity).
- ✓ Divergence from the type, volume or frequency of transactions expected in the course of the business relationship.
- ✓ Client gives power of attorney to a non-relative to conduct large transactions (same as above).
- ✓ Use of letters of credit to move money between those countries, where such trade would not normally occur and / or is not consistent with the customer's usual business activity. A Letter of credit is generally resorted to so as to accord more legitimacy to the transaction in order to conceal the real facts.
- ✓ The method of payment requested by the client appears inconsistent with the risk characteristics of the transaction. For example receipt of an advance payment for a shipment from a new seller in a high-risk jurisdiction.
- ✓ The transaction involves the use of repeatedly amended or frequently extended letters of credit without reasonable justification or that includes changes in regard to the beneficiary or location of payment without any apparent reason.

Inward remittances in multiple accounts and payments made from multiple accounts for trade transaction of same business entity are indicators for TBML. In this regard the study of foreign exchange remittances may help detect the offence.

- ✓ The commodity is shipped to or from a jurisdiction designated as 'high risk' for ML activities or sensitive / non co-operative jurisdictions.
- ✓ The commodity is transshipped through one or more such high risk / sensitive jurisdictions for no apparent economic reason.
- ✓ Transaction involves shipment of goods inconsistent with normal geographic trade patterns of the jurisdiction i.e. trade in goods other than goods which are normally exported/imported by a jurisdiction or which does not make any economic sense.
- ✓ Significant discrepancies appear between the value of the commodity reported on the invoice and the commodity's fair market value.
- ✓ Consignment size or type of commodity being shipped appears inconsistent with the scale or capacity of the exporter or importer's having regard to their regular business activities or the shipment does not make economic sense i.e. there is no reasonable explanation for the client's financial investment into the shipment.
- ✓ Trade transaction reveals links between representatives of companies exchanging goods i.e. same owners or management.

RED FLAG POINTING TO FINANCING OF TERRORISM

Behavioral Indicators:

- ✓ The parties to the transaction (owner, beneficiary, etc.) are from countries known to support terrorist activities and organizations.
- ✓ Use of false corporations, including shell-companies.
- ✓ Inclusion of the individual or entity in the United Nations 1267 Sanctions list.
- ✓ Media reports that the account holder is linked to known terrorist organizations or is engaged in terrorist activities.
- ✓ Beneficial owner of the account not properly identified.
- ✓ Use of nominees, trusts, family members or third party accounts.
- ✓ Use of false identification.
- ✓ Abuse of non-profit organization.

Indicators linked to the Financial Transactions:

- ✓ The use of funds by the non-profit organization is not consistent with the purpose for which it was established.
- ✓ The transaction is not economically justified considering the account holder's business or profession.
- ✓ A series of complicated transfers of funds from one person to another as a means to hide the source and intended use of the funds.
- ✓ Transactions which are inconsistent with the account's normal activity.
- ✓ Deposits were structured below the reporting requirements to avoid detection.
- ✓ Multiple cash deposits and withdrawals with suspicious references.
- ✓ Frequent domestic and international ATM activity.
- ✓ No business rationale or economic justification for the transaction.
- ✓ Unusual cash activity in foreign bank accounts.
- ✓ Multiple cash deposits in small amounts in an account followed by a large wire transfer to another country.
- ✓ Use of multiple, foreign bank accounts.