



## Communique

### Summons to the FIU to give evidence

The FIU has recently been summoned to give evidence on matters which are prohibited by law. Section 15(3) of the Financial Intelligence and Anti Money Laundering Act (FIAMLA) makes clear provision that *“No report of a suspicious transaction shall be required to be disclosed, or be admissible as evidence, in any court proceedings.”*

Additionally, by virtue of Section 30(2) of the FIAMLA, the disclosure of any information acquired during the course of the FIU’s functions and from which an individual or body may be identified is prohibited subject to limited exceptions which are to be determined by the FIU.

As such, based on the above provisions and on the legal advice obtained by the FIU, any summons which is served on the FIU to disclose whether any reports have been filed or not by any party in a case shall be consistently objected to by this office.

In cases where the FIU is summoned to confirm the existence of any of the guidelines that it is empowered to issue pursuant to the FIAMLA, relevant stakeholders may find it more practical to access any of these guidelines on the FIU website at the following address: [www.fiumauritius.org](http://www.fiumauritius.org).

The FIU therefore requests law practitioners to give due consideration to the above points prior to summoning the FIU to give evidence in court.

**28 July 2021**