

# TIP OF THE MONTH

## **Filing Of STR on goAML**

Reporting Persons have the legal obligation under the Section 14(1) Financial Intelligence Anti Money Laundering Act (FIAMLA) to file a Suspicious Transaction Report (STR) with the Financial Intelligence Unit (FIU).

### **WHAT IS A SUSPICIOUS TRANSACTION?**

A Suspicious Transaction is defined under the FIAMLA as a transaction which:

- (a) gives rise to a reasonable suspicion that it may involve:
  - (i) the laundering of money or the proceeds of any crime; or
  - (ii) funds linked or related to, or to be used for, the financing of terrorism or proliferation financing or, any other activities or transaction related to terrorism as specified in the Prevention of Terrorism Act or under any other enactment, whether or not the funds represent the proceeds of a crime;
- (b) is made in circumstances of unusual or unjustified complexity;
- (c) appears to have no economic justification or lawful objective;
- (d) is made by or on behalf of a person whose identity has not been established to the satisfaction of the person with whom the transaction is made; or
- (e) gives rise to suspicion for any other reason.

### **THE LEGAL OBLIGATION TO FILE A STR**

Section 14 of the [FIAMLA](#) stipulates that:  
Notwithstanding section 300 of the Criminal Code (which makes provision for professional secret) and any other enactment, every reporting person or auditor shall, as soon as he becomes aware of a suspicious transaction, make a report to FIU of such transaction not later than 5 working days after the suspicion arose.

### **WHEN TO REPORT A SUSPICIOUS TRANSACTION REPORT ('STR')?**

- You are encouraged to submit a STR as soon as possible but not later than 5 working days after the suspicion arose. The 5 working days exclude Saturdays, Sundays and Public holidays and run from the time the suspicion is formed.
- If unsure, please do not hesitate to call the FIU or send us an email.

### **WHO FILES THE STR?**

- The Money Laundering Reporting Officer (MLRO) appointed in line with Regulation 26 of the FIAMLR 2018 is responsible to assess internal suspicious transaction report and file STRs to the FIU.
- The MLRO and the Deputy MLRO should be sufficiently senior in the organisation, have sufficient experience and authority, have a right of direct access to the board of directors of the organization and have sufficient time and resources to effectively discharge their functions.
- The FIU Guidelines provides that in case the organisation is unable to appoint a MLRO & Deputy MLRO due to the nature and size of his business or activity, the role of the MLRO must be fulfilled by the reporting person himself and the onus for reporting suspicious transactions to the FIU remains with the reporting person, and not with an external third party.

## TIP OF THE MONTH

### Filing Of STR on goAML (Continued)

#### TRANSACTION MONITORING

It is an obligation for reporting persons to monitor transactions on an ongoing basis pursuant to Regulations 3(1) (e) and 25(1). Without such monitoring, the filing of STRs would be challenging.

➤ The FIU's Guidance Note in relation to STRs and its sector specific AML/CFT Guidelines provide a non-exhaustive list of indicators which are common and industry-specific indicators to help reporting persons assess whether or not transactions might give rise to reasonable grounds for suspicion when evaluating transactions (completed, proposed or attempted). Some examples are below:

- Client admits or makes statements about involvement in criminal activities.
- Client does not want correspondence sent to home address.
- Client shows uncommon curiosity about internal systems, controls and policies.
- Client presents confusing details about the transaction or knows few details about its purpose.
- Client over justifies or explains the transaction.

#### FAILURE TO COMPLY

- Failure to register with the FIU pursuant to the 2019 Regulations is an offence under section 14 of FIAMLA and regulation 7 of the 2019 Regulations.
- Failure to report STRs or Tipping Off is a criminal offence and on conviction Reporting persons are liable to a fine not exceeding 5 million rupees and to imprisonment for a term not exceeding 10 years.

#### CONFIDENTIALITY OF STRs

- STRs are highly confidential and should not be disclosed to any other person than the FIU.

- The FIU, as bound by FIAMLA, does not disclose the source of any STR filed and the source remains strictly confidential. Also, STRs are not admissible as evidence in any court proceedings

#### LEGAL CONSEQUENCES OF REPORTING

According to Section 16 of the FIAMLA:

- Any reporting person and auditor, and any of their officers **shall not disclose** to any person that a STR is being or has been filed, or that related information is being or has been requested by, furnished or submitted to FIU;
- **No proceedings** shall lie against any person for having **reported in good faith** any suspicion he may have had, whether or not the suspicion proves to be well founded following investigation or prosecution or any other judicial action or supplied in good faith any information to FIU pursuant to a request made under section 13(2), (3) or (6); and
- No reporting person and its officers who receives or shares a report made under section 16 shall incur liability for any breach of confidentiality for any disclosure made in compliance with the FIAMLA, or to assist its supervisory authority in the discharge of its functions or any disclosure made for compliance, audit or AML/CFT functions within the reporting person or at group level, provided that adequate safeguards on the confidentiality and use of information exchanged, including safeguards to prevent tipping-off, are in place within the group.

#### TECHNICAL ASSISTANCE ON FILING STRs

In case further technical assistance on filing STRs is required, the goAML HelpDesk may be contacted by calling on the phone number 4541423 or sending an email at [goamlhelpdesk@fiumauritius.org](mailto:goamlhelpdesk@fiumauritius.org)

# TIP OF THE MONTH

## Filing Of STR on goAML *(Continued)*

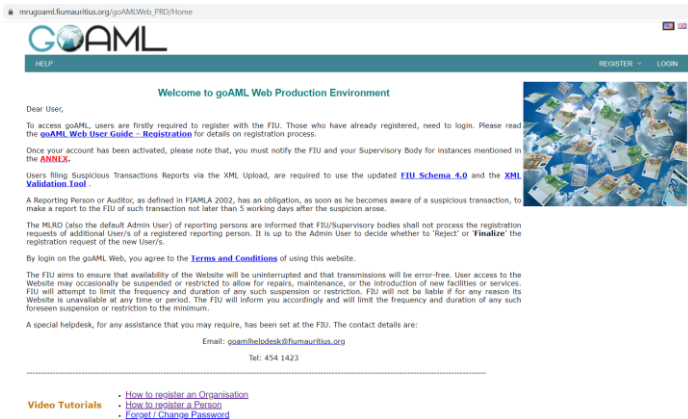
### 1<sup>ST</sup> STEP TO FILE A STR – REGISTER WITH FIU

Every reporting person should by virtue of Section 14C of FIAMLA and the [FIAML Regulations 2019](#), register with FIU. The platform to register with the FIU and to file STR is the UNODC [goAML](#) platform. The goAML platform which can be accessed by clicking the "goAML" logo which is found at the right-hand side of the FIU's website. [[www.fiumauritius.org](http://www.fiumauritius.org)]

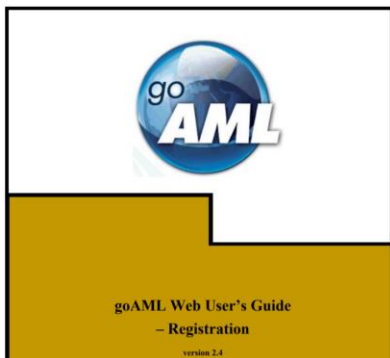
### RESOURCES AVAILABLE

The FIU has developed and published a series of documentation/information/video tutorials ('resources') that all reporting persons may use to register with the FIU and assist them in filing STRs. Visuals of the some of the resources are provided below:

➤ **The goAML page**



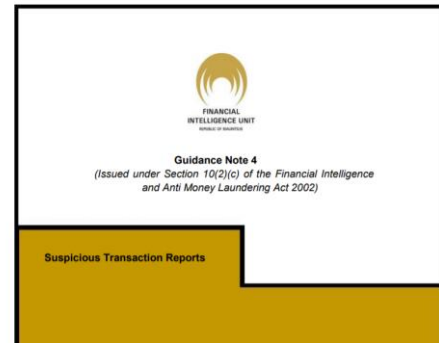
➤ **The goAML Web User Guide – Registration**



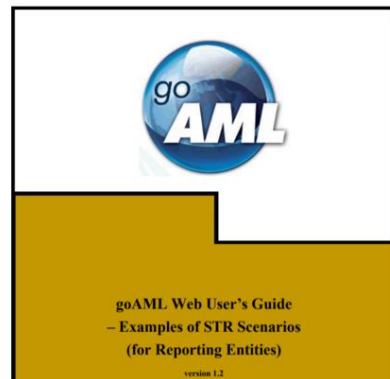
➤ **Video Tutorial: How to Register on goAML**



➤ **STR Guidance Note**



➤ **Guide to Reporting Persons on how to file STRs with STR scenarios**



➤ **Video Tutorials on how to file STRs**

