



The Government of Belize

## **GUIDANCE TO THE PUBLIC ON OBLIGATIONS AND RIGHTS IN RESPECT OF ANTI-TERRORISM AND PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

### **INTRODUCTION**

The objective of this document is to help the public in understanding their rights and obligations under the Money Laundering and Terrorism (Prevention) Act, Chap 104 as amended by the Money Laundering and Terrorism (Prevention)(Amendment) Act, 2023 (MLTP(A)A, 2023) which addresses terrorism and proliferation of weapons of mass destruction (“the Law”).

The Money Laundering and Terrorism Prevention Act, Chap. 104 (“the MLTPA”) as amended by the MLTP(A)A, 2023 aims at protecting all Belizeans and the international community from evolving threats posed by terrorists and proliferation actors. These provisions also serve to ensure that Belize’s international obligations in relation to the United Nations Security Council and the Financial Action Task Force<sup>1</sup> are met.

It is important to remember that **the MLTPA imposes obligations on all members of the public**. It imposes limitations on specific transactions with “listed persons,” in addition to other requirements and the duty on everyone to disclose information regarding terrorist acts and/or transactions.

### **WHAT IS THE PURPOSE OF THE MLTPA?**

The purpose of this act is to criminalize terrorism and the financing of terrorism, and to set measures in place to thwart terrorists and proliferators activities. By doing this, important terms are defined and offences descriptions are established. Pursuant to S. 68(5F) terrorist individuals and entities are listed with the effect of restrictions being placed on the public conducting certain types of transactions with that person or entity.

### **WHO ARE LISTED PERSONS?**

---

<sup>1</sup> <https://www.fatf-gafi.org/en/topics/fatf-recommendations.html> or <https://www.fatf-gafi.org/en/the-fatf/what-we-do.html>

The MLTPA defines “*listed person*” as a person, group, undertaking or entity declared to be a listed person in accordance with section 68 or listed in Part 1, 2, 3 or 4 of Schedule VIII. Sections 68(4)(b) and 68(5C) set out the circumstances under which the High Court may designate a person, group, undertaking or entity as a listed person:

- 68(4)(b) – Where the Director is satisfied that a person or entity is a designated entity, the Director shall, without delay, apply to a Judge for an Order under section 68(5F)(a) in respect of such person or entity.
- Schedule VIII includes all designated entities up to the time of enactment of the Money Laundering and Terrorism (Prevention)(Amendment) Act, 2023 and which have not been subsequently de-listed.
- 68 (5C) Subject to sub-section (5D), where there are reasonable grounds for suspecting that–

(a) a person or entity–

(i) has committed or participated in the commission of a terrorist act; or

(ii) is acting on behalf of, at the direction of, or in association with –

(aa) a listed person; or

(bb) a person or entity that has knowingly committed or participated in the commission of a terrorist act; or

(iii) has committed an indictable offence for the benefit of–

(aa) a terrorist;

(bb) a terrorist organisation; or

(cc) a listed person; or

(b) is owned or controlled directly or indirectly by a listed person,

the Director shall without delay apply to a Judge for an Order under section 68(5F)(a) in respect of such person or entity.

### **WHY ARE LISTED PERSONS IMPORTANT?**

When a person or entity has been designated by the High Court of Belize, it has the legal effect of requiring that the property of the listed person be immediately frozen. Consequently, this has the immediate effect of prohibiting members of the public from certain dealings and/or transactions with listed persons and their property. [See guidance on “What does a Freezing Order Mean” below].

### **HOW DO I KNOW IF THERE IS A FREEZING ORDER AGAINST A PERSON OR ENTITY?**

The Financial Intelligence Unit maintains a periodically updated comprehensive list of listed persons which is on its website. The list can be found at the following link:

FIU- <https://fiubelize.org/belizeconsolidatedsanctionslist.html>

Every Order received from the High Court of Belize relating to a listed person will also be published on the FIUs website. This includes amendments to and revocations of such Orders as well as orders removing names from Schedule VIII of the MLTPA.  
Consolidated Belize Sanctions List

## **HOW DO I PROPERLY IDENTIFY A LISTED PERSON?**

The High Court's Order normally includes all available identification information of the person or entity the Order has been filed against. This information often includes aliases; date of birth; place of birth; past and present addresses; passport, identification or driver's license numbers; and relationships to other listed persons or persons of interest.

Where the Order has been made against a "designated entity,"<sup>2</sup> the Order will include a unique permanent reference number used by the United Nations Security Council to identify the listed person.

To get the most recent identifying information available, members of the public should compare the High Court Order against the information on the most up-to-date version of the relevant United Nations Sanctions List. If further clarification is required, you can contact the Financial Intelligence Unit, via the contact information below.

## **WHAT DOES A FREEZING ORDER MEAN?**

When a freezing order is issued, any affected property will be prohibited from being sold, transferred or otherwise disposed of by anyone. Bank accounts and other similar accounts cannot be accessed unless specifically authorized by the Court. The Court may, however, order exceptions to cater for living expenses and other ordinary and extraordinary expenses. A listed person against whom a freezing Order has been made may contact the FIU if such an exception is required.

## **WHAT PROPERTY IS COVERED BY A FREEZING ORDER?**

All property of a listed person is covered.

Section 68(5F)(e) of the MLTPA provides that Subject to paragraph (f), an Order issued in accordance with paragraph (b) or (c) shall have the effect of immediately freezing all property-

---

<sup>2</sup> See MLTPA section 2 for a definition of "designated entity."

- (i) that is owned or controlled by the listed person;
- (ii) that is wholly or jointly owned or controlled, directly or indirectly, by the listed person;
- (iii) that is owned or controlled by a person, group, undertaking or entity that is acting on behalf or, at the direction of, the listed person;
- (iv) that is derived or generated from property owned or controlled directly or indirectly by the listed person; or
- (v) comprising interest or payments referred to in sub-section (5M).

The MLTPA defines property as follows:

***“property” means assets of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, including, but not limited to, funds, financial assets, precious metals whether in a manufactured or unmanufactured state, precious stones whether in a treated or untreated state, economic resources including but not limited to oil and other natural resources and their refined products, modular refineries and related material, vehicles of every kind including but not limited to maritime vessels, legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such property, including, but not limited to, bank credits, payment cards, payment instruments, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such property, and any other assets which potentially may be used to obtain property, goods or services, and includes a legal or equitable interest, whether full or partial, in any such property;”***

## **WHAT OTHER PROHIBITIONS APPLY?**

The MLTPA also prohibits dealing with listed persons; or persons or entities acting on behalf of, or at the direction of a listed person. These include:

- Provision of financial or other related services to listed persons<sup>3</sup>; and
- Transferring, converting and disposing of or moving any property which has been frozen from a listed person<sup>4</sup>.

Failure to comply with these prohibitions will constitute an offence under the MLTPA. These prohibitions are however subject to any exceptions set out in an order of the High Court.

## **ARE THERE ANY EXCEPTIONS TO A FREEZING ORDER?**

---

<sup>3</sup> Section 68(5H) of the MLTPA Chap. 104 as amended by the MLTP(A)A, 2023.

<sup>4</sup> Section 68(5G) of the MLTPA Chap. 104 as amended by the MLTP(A)A, 2023.

The MLTPA allows certain basic and extraordinary expenses of the Listed Person to be covered by an Order of the High Court.

Basic expenses include reasonable living expenses of the Listed Person's and those of his dependents and fees or service charges for routine holding or maintenance of frozen funds or other property. Extraordinary expenses cover any expense not specifically defined in the MLTPA as a basic expense<sup>5</sup>. The High Court may also include exceptions for payments which need to be made under certain contracts entered before the Order was issued. An exception to a freezing Order also has a corresponding impact on the prohibitions set out in the previous section.

All such exceptions will be contained in the Order of the High Court. You should therefore only apply exceptions to the general freezing obligations and other prohibitions under the MLTPA which are specifically set out in an Order of the High Court.

### **WHAT IF I AM MISTAKEN FOR A LISTED PERSON OR I AM AN INNOCENT THIRD-PARTY AFFECTED BY A FREEZING ORDER?**

A party to a High Court Order or any other person affected by the Order may request a review of the order from the High Court to get relief. This includes anyone having a name that is the same as or similar to someone on the list. A *bona fide* third party acting in good faith may also have their rights protected by Order of the High Court.

### **HOW CAN A LISTED PERSON APPLY TO BE REMOVED FROM THE UN'S 1267 (1999), 1989 (2011) AND 2253 (2015) LIST, THE 1988 LIST, THE 1718 LIST OR THE 2231 LIST?**

Where an individual or entity who has been placed on any of the aforementioned Lists, and wishes to have his name removed from said list, he may-

- apply to the United Nations Office of the Ombudsperson or the Focal Point for De-Listing as appropriate to petition for removal from the relevant list, which is available at the following links:

<https://www.un.org/securitycouncil/ombudsperson;>

[https://www.un.org/securitycouncil/sanctions/1267/aq\\_sanctions\\_list/procedures-for-delisting](https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/procedures-for-delisting)

[https://www.un.org/securitycouncil/sanctions/1988/materials/procedures\\_delisting](https://www.un.org/securitycouncil/sanctions/1988/materials/procedures_delisting)

- apply to the Minister of Foreign Affairs, Foreign Trade and Immigration to petition the 1267, 1989 and 2253 Committee or the 1988 Committee for the removal of his name from the

---

<sup>5</sup> In Belize this includes, but is not limited to, any release of frozen property for humanitarian assistance or to support other activities that support basic human needs by the United Nations, its subsidiary bodies, specialized agencies, and other international organizations and Non-Profit Organizations with a formalized relationship with the UN, together with certain extensions of their respective networks.

respective list<sup>6</sup>.

Applications to the Minister of Foreign Affairs, Foreign Trade and Immigration should be made in writing to:

Honorable Eamon Courtenay,  
Minister of Foreign Affairs, Foreign Trade, and Immigration,  
Leigh Richardson Building,  
North Ring Road,  
Belmopan, Cayo District,  
Belize C.A

or via email to [belizemfa@btl.net](mailto:belizemfa@btl.net).

The subject of the applications should read “UNITED NATIONS SANCTIONS – DE-LISTING” and should include contact information by which you can be easily reached.

### **WHAT HAPPENS WHEN A FREEZING ORDER IS REVOKED OR THE UN REMOVES AN INDIVIDUAL OR ENTITY FROM THE LIST?**

All High Court Orders, including variations, revocations or orders setting aside directions<sup>7</sup> are published by the Financial Intelligence Unit. When an Order has been revoked, the funds are no longer frozen and there are no longer any restrictions on transactions involving the property of the individual or entity. Reporting entities should however maintain all records of actions taken to freeze and unfreeze in accordance with statutory record keeping requirements.

### **WHERE CAN I GET MORE INFORMATION?**

For further information, please contact the Financial Intelligence Unit via the following contact information:

4998 Coney Drive Plaza  
Coney Drive  
P.O. Box 2197  
Belize City, Belize  
Tel: + (501) 223 - 2729 / 223-0596  
Fax: + (501) 223 – 2531  
E-mail: [fiu.belize@fiubelize.org](mailto:fiu.belize@fiubelize.org)

**NOTICE** This document has been prepared for information purposes only and does not relieve you of any obligation under the laws of Belize. Members of the public should

---

<sup>6</sup> This applies where the individual or entity has been placed on the UN list based on a proposal by Belize.

<sup>7</sup> 68(50)(c) of the MLTPA Chap. 104 as amended by the MLTP(A)A, 2023.

familiarize themselves with the Money Laundering and Terrorism (Prevention) Act, Cap. 104 as amended by the Money Laundering and Terrorism (Prevention) (Amendment) Act, 2023 and all other relevant laws. This document is not intended as and does not constitute legal advice. Each case is unique and members of the public should seek the advice of a qualified attorney-at-law with respect to their particular case.