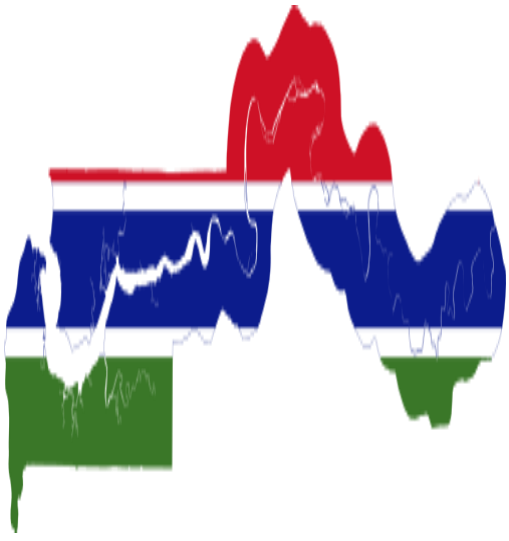
INTER-GOVERNMENTAL ACTION
GROUP AGAINST MONEY
LAUNDERING IN WEST AFRICA

Third Follow Up Report

Mutual Evaluation



THE GAMBIA

NOVEMBER 2011

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1. INTRODUCTION

1. A Mutual Evaluation (ME) (on-site visit) was conducted on The Gambia from 14 to 23 April 2008. The main objective of the on-site visit was to assess the country's level of compliance with the anti-money laundering (AML) and combating the financing of terrorism (CFT). The review covered all aspects of economic activity in the country, with information derived from interviews with stakeholders, reviews of supervisory and regulatory frameworks, policy and legal documents etc. The team was accorded the full co-operation of all concerned parties, including the different arms of government.

2. The key findings from the ME were documented in a comprehensive 245 page report and was the subject of a plenary session of stakeholders, held in Dakar in November 2008. The review found in place appropriate pieces of legislation pursuant to the FATF recommendations and the UN instruments in combating the social evils of money laundering and terrorism financing. In particular, the enactment of the Money laundering Act 2003 and the Anti-Terrorism Act 2002, coupled with the Government's ratification of key UN conventions have gone a long way in establishing the rudimentary measures against these menaces.

- The need to prepare a national AML/CFT strategy, with GIABA's assistance
- The need for the FIU to expand its coverage of reporting institutions
- Removal of the National Correspondence with no new appointment

3. Resolving these challenges shall assist in the realization of the Mentor's overall objective of securing Egmont membership in the medium to long term

4. The table below will be filled by the country and then submitted to GIABA two months before the plenary.

Partially Compliant (PC)	**Non-Compliant (NC)**
R 1. Legal Systems – ML Offence	R 12. DNFBP – R5, 6, 8 – 11
R 5. Customer Due Diligence	R 13. Suspicious transaction reporting
R 6. Politically Exposed Persons	R 15. Internal controls, compliance and
R 7. Correspondent Banking	R 16. DNFBP – R13 – 15 & 21
R 10. Record keeping	R 20. Other NFBP and secure transactions techniques.
R 17. Sanctions	
R18. Shell banks	
R 21. Special attention for higher risk countries	R 22. Foreign branches and subsidiaries

Partially Compliant (PC)	Non-Compliant (NC)
R 33. Legal persons – beneficial owners	R 23.Regulation, supervision and monitoring
R 34. Legal arrangements beneficial owners	R 24. DNFBP – regulation and monitoring
R 36. Mutual legal assistance (MLA)	R 25. Guidelines and feedback
R 37. Dual criminality	R 26. The FIU
R 38. MLA confiscation and freezing	R 30. Resources, integrity and training
R 39. Extradition	R 31. National co-operation
R 40. Other forms of co-operation	R 32. Statistics
SR.I Implement UN instruments	
SR.III Freeze and Confiscate terrorist assets	SR.IV Suspicious transaction reporting
SR.VIII Non-profit Organizations	SR.VI AML requirements for money/value transfer services
	SR.VII Wire transfer rules
	SR.IX Cross Border Declaration & Disclosure

II. SUMMARY OF THE PROGRESS MADE BY (COUNTRY) SINCE (MUTUAL EVALUATION DATE)

5. Although the findings revealed varying degrees of compliance with some of the FATF recommendations, some progress was registered since then. The first follow-up report was done in November 2009, highlighting a number of measures being taken towards full compliance, such as the establishment of a Financial Intelligence Unit, review of the Customer Due Diligence policy, commencement of the review of the Money Laundering Act 2003 and appointment of a mentor in collaboration with GIABA. More positive developments continue to be made as follows:

- In line with the FATF recommendations, all banks were required to appoint compliance officers at management level. These officers were then invited to a meeting to enhance corporation and collaboration between the supervisors and the banks.

- In April 2010, the Committee of Chief Compliance Officers of Banks in the Gambia was established, which among other things, serves as a forum for information sharing on compliance issues between banks. The committee also seeks to networking with similar bodies outside The Gambia.

- Banks continue to report suspicious transactions and from June 2011 to September 2011 three STRs were received, out of which two were forwarded to the police for investigations.

- Implementation of the Action Plan by the Mentor has proceeded successfully except for the review of the Money Laundering Act. Achievements include:

    - Reorganization of the flow of work and filing system within the FIU.

    - Recruitment of two dedicated staff , to the FIU has been completed, with more to follow

    - Establishment of manual database of fraud reports by banks and news paper extracts of financial crimes.

6. Despite these positive developments, the AML/CFT regime continues to be faced with challenges. Key among these is the review of the law which has held up a lot of other processes such as the full implementation of the mentor's report. However, the review process has now

III. CONCLUSION

7. The country will explain any other future activities or programs that are planned onwards addressing the deficiencies

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FORTY RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
Legal Systems 1. ML Offence	PC	The MLA does not provide for all the predicate offences specified in the FATF 40 Recommendations. The threshold of two years for the predicate offences of money laundering is too high. Most predicate offences have been excluded under the ML Act. The law is ambiguous in designating the authorities responsible for the implementation and the enforcement of the ML Act. The investigators and prosecutors responsible for the implementation of the ML Act are not trained and equipped with the necessary human and material resources to enhance the effective implementation of the law. The implementation of the law by relevant agencies has not been effective.	The deficiencies underlying the rating of a PC have not been fully resolved due to the fact that the new AML/CFT bill has not been enacted by the national assembly.	Drafting of the AML/CFT bill is completed based on a model law provided by GIABA and its enactment is now at an advanced stage. It is hoped that if enacted will incorporate all the deficiencies GIABA organized a Seminar for legal personnel in The Gambia. However, more training is required for FIU, Police. National Drug Enforcement Agency (NDEA) and Customs.
2. ML offence – mental element and corporate liability	LC	The law is ambiguous in designating the authorities responsible for the implementation and the enforcement of the ML Act. The investigators and prosecutors responsible for the implementation of the ML Act are not trained and equipped with the necessary human and material	Resolved	The new law clearly specifies the responsibility of the various authorities.

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		resources to enhance the effective implementation of the law. The implementation of the law by relevant agencies has not been effective.		
3. Confiscation and provisional measures.	LC	There is no effective mechanism in place to ensure efficient tracing and identification of money laundering and terrorist financing cases. The FIU does not have the capacity to receive and analyze STR to assist the LEAs in the investigation of ML/TF cases. No training has been provided to personnel of law enforcement agencies, the FIU, the Central Bank, and the prosecutors on the application of freezing and confiscation measures.	Confiscation and provisional measures addressed in the draft AML/CFT Bill	A reporting framework have been developed for the reporting entities notably the financial institutions for reporting of suspicious transactions. The same reporting requirements will be extended to the DNFBPs as soon as the new law is enacted. Staff capacity at FIU has been strengthen with the recruitment of new staff. Training has been provided to staff. The FIU has been receiving STRs and a couple of these reports have been reported to the LEA for further investigation.
5. Customer Due Diligence	PC	The CDD document exempts customers who conduct one-off transactions from the requirement to provide details as required by FATF 5. The obligation under SR VII for the identification of wire transfer originators is not covered under R. 5 There is no effective monitoring in place to determine the level of	Yes	The CDD guideline has now been revised to cater for the deficiency. AML/CFT supervision now forms part of prudential bank examination.

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		compliance by FIs with the risk based approach in the conduct of CDD measures. The implementation of the GCDD is ineffective. The measures in the GCDD does not cover terrorist financing directly.		
6. Politically Exposed Persons	PC	Neither the MLA nor the CDD require FIs to obtain senior management approval before establishing a business relationship with a PEP. The requirement to obtain senior management approval to continue the business relationship entered into with a PEP before the person became a PEP is not directly stated in the ML Act or in the GCDD. The definition of PEPs should be included in the ML Act so that there will be a direct obligation for the FIs to act. There is no effective implementation of the risk based approach in the identification of PEPs by FIs.	Yes	The CDD Guideline has now been revised to cater for the deficiency.

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7. Correspondent Banking	PC	□ The ML Act and the GCDD document do not clearly and directly require FIs to document the respective AML/CFT responsibilities of each institution. □ The existing law and guidelines do not address the measures FIs are required to take where a correspondent relationship involves the maintenance of "payable through account." □ The measures under R.7 are not being effectively implemented by the FIs.	Yes	All the mentioned deficiencies are now incorporated in the new CDD.
8. New technologies non-face-to-face business	LC	□ The GCDD is not being effectively implemented. □ The FIs have not commenced full and broad application of the measures and policies under the Guidelines on Electronic and Internet Banking in the GCDD.		It is now adequately dealt with in the new GCDD.
10. Record keeping	PC	□ The Assessors were not able to review examination manual for insurance industry to ascertain that the coverage include record keeping;	Yes	There is now a good collaboration between the FIU and Insurance Supervision Department as well as the MFI Supervision Unit. A member of the FIU staff is now included in the on-site examination teams of the two departments. The record keeping requirement is adequately dealt with in the new Bill.

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		□ The MFI Supervision Unit in the Central Bank showed limited knowledge of the MLA requirements. □ The implementations of the record keeping requirements do not cover all reporting entities. □ There is no effective implementation of the record keeping requirements under the ML Act.		
11. Unusual transactions	LC	□FIs are not required to keep records of their findings related to unusual transactions. □ There is no effective implementation of the requirements of the MLA provisions for monitoring of complex and unusual transactions.	Partly resolved	The draft bill required the FIs to keep records o their findings related to ML issues for a period of six years.
12. DNFBP – R5, 6, 8 – 11	NC	<u>Applying R.5</u> □ Those DNFPBs included in Schedule 1 of The Money Laundering Act 2003 are not required to have KYC/CDD procedures in place. □ They are not applying the wide range of CDD measures under R5.	About to be resolved	CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned. The New Bill has also adequately dealt with the threshold for all reporting entities.

FORTY RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		Lack of regulatory control, guidance and enforcement has meant that there has not been any effective implementation of CDD measures in this sector. The rest of the DNFPBs are under no obligation to have AML/CFT procedures in place and do not. <u>Applying R.6.</u> No requirements for DNFBPs to monitor PEPs and apply risk based approach in dealing with them. <u>Applying R.8.</u> For DNFPBs, there is no obligation to have policies in place or take such measures as may be necessary to prevent the misuse of technological developments in AML/CFT. <u>Applying R.9</u> For DNFPBs, there are currently no enforceable obligations with regards to introduced business.		CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned. CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned.

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		Applying R.10. □ Only some of the DNFPBs are required to keep records longer than five years subject to the deficiencies noted under R10. Applying R. 11. □ The DNFPBs are under no obligation to pay specific attention to complex or unusually large transactions, unusual patterns of transactions, or those that have no apparent economic or lawful purpose. Recommendation 12 □ There has been no attempt to implement the provisions of Recommendation 12 by The Gambian Authorities to all designated non-financial businesses and professions. □ There is no threshold for reporting obligations for the Casinos. □ The FIU have not developed any guidance for the covered entities.		CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned. CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned. CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned.

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		□ There has not been any assessment of the threats and risks of ML/FT in the DNFBP sectors. □ The designated DNFBPs which are covered by the Money Laundering Act 2003 are not under AML/CFT regulatory control or provided with any guidance or meaningful training.		
13. Suspicious transaction reporting	NC	□ Not all predicate offences required under Recommendation 1, have been included as a predicate offence under the Act. □ There is no guidance or directive from the FIU to the FIs and DNFBPs to report STRs linked to FT. □ No training has been provided to most of the reporting entities, particularly the DNFBPs on the reporting of STRs. □ Few FIs have commenced reporting to the supervisory authorities. In August, the FIU reported the receipt of 10 reports out of which 4 were forwarded to the Police for further investigation. □ The reporting of STRs is ineffective due to lack of supervision of the process by the FIU.	Partly resolved	The GCDD now includes the reporting of suspicious transaction relating to terrorist financing. The new bill also made mandatory for all categories of the reporting entities to report STRs. As soon as the bill is enacted in a law all the mentioned deficiencies will be dealt with adequately. And a draft CDD is prepared for the DNFBPs, which as mentioned above is being reviewed for approval.

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14. Protection and no tipping-off	C			
15. Internal controls, compliance and audit.	NC	The CBG is not efficient in the monitoring of the extent to which the FIs are implementing the internal control measures and the compliance requirements. There is no direct obligation to appoint Compliance Officers at Senior Management level. Staff may not always have access to customer records. Training on AML/CFT measures has not been provided for most staff of FIs. The overall implementation of the Recommendation across the FIs, NFIs and DNFBPs is ineffective.	Partly resolved	This is covered in the new GCDD and the FIs are required to appoint Compliant Officers at Senior Management level. The appointments were done and confirmed by the FIU. Furthermore, a committee of compliant officers is formed which in fact invited GIABA to conduct training for Compliant officers of Commercial banks in The Gambia sometime in 2010.
16. DNFBP – R13 – 15 & 21	NC	There has been no action to implement the provisions of Recommendation 16 by The Gambian Authorities. <u>Applying R.13 & 14.</u> Only some of the DNFPBs are obliged to comply with R13 subject to its	Partly resolved	All the deficiencies mentioned about DNFPBs are adequately dealt with in the draft CDD, which is in process of being approved.

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		deficiencies as noted under R13. Only the same select DNFPBs are covered by the provisions of R14. <u>Applying R. 15.</u> DNFPBS are not obliged to establish internal controls to forestall money laundering or to take steps to train their staff on AML/CFT matters. There is no requirement to appoint a compliance officer at senior management level. <u>Applying R.21.</u> DNFPBS are not obliged to give special attention to businesses with countries that do not sufficiently apply the FATF Recommendations		CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers the deficiencies mentioned.
17. Sanctions	PC	Authorities are not implementing the relevant sanctions. No FI or NFI have been sanctioned for non-compliance with AML/CFT measures. Sanctions are not broadly applied across all sectors.	Yes	Sanctions will apply only when violations occur.

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		There no available statistics on previous sanctions imposed on NFIs and other FIs.		
18. Shell banks	NC	Neither the MLA nor any other financial institutions' legislation or regulation prohibits the setting up of shell banks. There is no provision in the MLA or rules that prohibits FIs from entering into a correspondence banking with shell banks. Financial institutions are not required to satisfy themselves that respondent financial institutions in a foreign country do not permit their accounts to be used by shell banks.	Partly resolved	Issue to be addressed by the New Bill.
19. Other forms of reporting	C			
20. Other NFBP and secure transactions techniques.	NC	There has been no assessment of the level of ML and TF risk posed by other DNFBPs. No requirement for the covered ones to report to the FIU. No mechanism in place to monitor the pawn shops and the gambling business for AML/CFT matters.	Partly resolved	CDD is now developed for the DNFPBs and the document is being reviewed for approval. The document extensively covers these deficiencies.

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		□ Non-implementation of provisions to limit the use of cash in the economy.		
21. Special attention for higher risk countries	PC	□ There is no provision to apply appropriate counter-measures where a country continues not to apply the FATF Recommendations. □ There are no effective measures in place to ensure FIs are advised of concerns about weaknesses in the AML/CFT systems of other countries. □ There is no effective implementation of the provisions of the MLA with regards to countries that do not apply AML/CFT measures.	Partly resolved	Now covered in the new GCDD.
22. Foreign branches and subsidiaries	NC	□ The MLA does not require the FIs to apply AML/CFT measures in foreign branches and subsidiaries when they are established. □ There are no requirements for communication with home country supervisor about the ability or inability of the FI to comply with AML/CFT measures consistent with home country requirements.	Partly resolved	Now covered in the new GCDD.

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23.Regulation, supervision and monitoring	NC	□ There has not been an effective implementation of money laundering and terrorist financing supervision regime. □ Some MVTS and foreign exchange dealers who operate outside the city are not covered under the supervisory regime. □ The CBG has not reviewed or conducted any risk assessment in any of the financial sector or informal sector to determine the level of supervision that would be required in a low risk sector. □ Resources available to supervision authorities are limited.	Partly resolved	-AML/CFT compliance assessment now forms part of supervision and on-site examination -AML/CFT Bill covers DNFBPs
24. DNFBP – regulation and monitoring	NC	□ Casinos are not under a comprehensive regulatory and supervisory regime for AML/CFT purposes. □ The other DNFPBs are not subject to effective systems for monitoring and ensuring their compliance with the FATF Recommendations. □ No measures in place for the implementation of the provisions of Recommendation 24 by The Gambian authorities.	Partly resolved	CDD is now developed for the DNFPBs and document being review for approval. The document extensively covers these deficiencies.

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25. Guidelines and feedback	NC	□ The authorities have issued no guidance to DNFPBs with regards to making STRs. □ As the STR system is not yet implemented in The Gambia and the FIU not functional, no feedback or specialized training has been provided to DNFPBs in order for them to detect suspicious transactions. □ There has been no effort to implement the provisions of Recommendation 25 by The Gambian authorities.	Partly resolved	CDD is now developed for the DNFPBs and document being review for approval. The document extensively covers these deficiencies.
26. The FIU	NC	□ The ML Act does not provide a clear mandate regarding the operational autonomy of the FIU. □ There is no dedicated personnel and budget for the effective functioning of the FIU. □ The FIU does not have skilled personnel to analyze STRs. □ There is no secured environment for the receipt and storage of STRs. □ The FIU did not include the DNFBPs covered in the Act as reporting entities in their strategy plan.	Partly resolved	The new AML/CFT Bill gives a clear mandate to the FIU and provides for operational autonomy.

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		□ FIs were not instructed to submit STRs related to Financing of Terrorism. □ FIs have not received detailed guidance and training regarding their reporting obligations and the use of the newly circulated reporting formats. □ The FIU is not functional, as it lacks the human and material resources to efficiently and effectively discharge its primary roles of receiving, analyzing and disseminating STRs. □ There is no coordination mechanism in place with other government agencies. □ The sharing of financial intelligence with other FIUs may be inhibited as a result of the requirement under Section 36 of the ML Act for a formal bilateral or multilateral treaty to be in existence between The Gambia and another country before the information can be shared.		
27. Law enforcement authorities	C			
28. Powers of competent authorities	LC	□ The powers of LEAs are not being properly applied.	Partly resolved	The new AML/CFT Bill gives a clear mandate to the FIU and provides for operational autonomy.

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		Investigations of money laundering and terrorist financing are not effectively implemented according to the laws.		
30. Resources, integrity and training	NC	The ML Act does not provide for the operational autonomy of the FIU. There is no dedicated personnel and budget for the effective functioning of the FIU. The FIU does not have the skilled personnel to analyze STRs. The FIU do not have adequate skilled staff to provide guidance and training to reporting entities. There is no funding committed to the development and implementation of AML/CFT strategy in the country. Training has not been provided to staff of the different supervisory and law enforcement agencies to enable them commence proactive implementation of the ML Act and the AT Act. There is no coordination framework for LEAs exchange of information and intelligence. The FIU do not have the capacity to coordinate efforts related to the development of guidance, training	Partly resolved	The new Bill now advocates for the operational independence of FIU which includes budget. The FIU recruited three additional staff who have been attending some GIABA training programmes. The skill acquired will is transmitted to the staff of the reporting entities on need basis.

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		programs, and policy for the relevant agencies. The prosecution office of the AG's Chambers has not been trained on skills needed for the prosecution of terrorist financing.		
31. National co-operation	NC	There is no AML/CFT coordinating mechanism or national strategy in place in The Gambia. There is no operational cooperation amongst national institutions and law enforcement agencies. The Inter-ministerial committee do not cover the broad range of key government institutions such as the police, Customs, immigration and supervisory units for insurance, MFIs, and foreign exchange and SROs for DNFBPs. There is no ongoing consultation with DNFBPs. The FIU has not commenced the development of cooperation mechanism with other national institutions and has not developed any policy in this regard.	Partly resolved	The composition of Inter-ministerial committee is broadened in the new Bill and now cover all the relevant stakeholders. With that, the collaboration between the different stakeholders will be enhanced as they are all now a party to the implementation of the requirements of the Bill.

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32. Statistics	NC	□ No statistics were provided on STRs received by the FIU. □ There is no data system for the recording of receipted data on STRs. □ There is no data system for the collection of CTRs. □ No annual report has been published by the FIU. □ There is no information related to prosecution and investigation of money laundering cases under the ML Act or the Drug Control Act. □ There is no available record on assets seized, frozen, confiscated and forfeited □ There is no record on mutual legal assistance and extradition matters initiated and concluded by the SOSFA or SOS for Justice Department	Partly resolved	The FIU now has a data system for the recording of STRs from the reporting entities accessible to the dedicated staff of the unit. We do receive on annual basis information relating to prosecution and investigation of money laundering cases.
33. Legal persons – beneficial owners	PC	□ There is no requirement for the verification of the information filed in the registrar. □ The records of companies are manually driven, not well kept and data is not easily available and adequate. □ There is no secured storage system for information in the registry.		

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		□ Information on companies are not available on a timely and accurate manner. □ Some information has been declared missing or lost in the process of moving around paper documents.		
34. Legal arrangements beneficial owners	PC	□ Information on beneficial owners are not available on a timely and accurate manner. □ The RG's office is under-staffed and lack the necessary equipment and resources to set up a database for legal arrangements and beneficial owners □ There is no verification process to validate information submitted on beneficial owners.		
35. Conventions	LC	□ The FT Convention has not been ratified. □ The implementation of the ML Act, Antiterrorism Act, and the Drugs Act is not effective across all the agencies.		
36. Mutual legal assistance (MLA)	PC	□ There is no comprehensive Mutual legal assistance legislation.	Partly resolved	AML/CFT Bill removes restrictions on the MLA.

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		There are no MLA guidelines or procedures for the law enforcement agencies. The time currently required for the processing of MLA requests is long and do not make for effective response. There is excessive restriction on the process related to granting of MLA requests under the ML Act. Only to countries that have signed bilateral or multilateral treaties with The Gambia can be granted MLA under the ML Act. The MLA process in The Gambia is not effective.		
37. Dual criminality	PC	Dual criminality is required in for the granting of assistance under the ML Act The ML Act provisions related to money laundering is too restrictive in the granting of MLA requests. The threshold set for predicate offences of money laundering is too high and is not in conformity with FATF standards. The threshold for predicate offences is inhibiting international cooperation.	Partly resolved	With the enactment of the AML/CFT Bill into an Act (which is now at a very advanced stage) all these deficiencies will be resolved.

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38. MLA confiscation and freezing	PC	□ Predicate offences do not include all the minimum designated categories of offences in the FATF glossary. □ The response to MLA requests is not timely and effective. □ The Gambia has not considered establishing an asset forfeiture fund for or authorizing the sharing of assets with other countries. □ Generally, international cooperation in ML/TF cases is not effective.	Partly resolved	With the enactment of the AML/CFT Bill into an Act (which is now at a very advanced stage) all these deficiencies will be resolved.
39. Extradition	PC	□ The restriction of extradition requests to the list of extraditable offences inhibits cooperation. □ It is not possible to request for extradition based on warrants. □ Every request for extradition must go through the AG and through the courts. □ There is no simplified process to executing extradition requests.	Partly resolved	With the enactment of the AML/CFT Bill into an Act (which is now at a very advanced stage) all these deficiencies will be resolved.
40. Other forms of co-operation	PC	□ There is no rapid and effective mechanism for granting of cooperation to other counterparts. □ Exchange of information is not Spontaneous.	Partly resolved	With the enactment of the AML/CFT Bill into an Act (which is now at a very advanced stage) all these deficiencies will be resolved.

FORTY RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		□ The exchange of information is required to be channeled through the SOSFA in most cases. □ Tax offence is not a predicate of money laundering and international cooperation cannot be obtained in that regard.		

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
SR.I Implement UN instruments	PC	□ The FT Convention has not been ratified □ The implementation of SR III is not effective. □ There is no coordination mechanism in place for the implementation of Antiterrorism Act.	Partly resolved	The draft Bill now covers issues of Money Laundering and financing of Terrorism in greater detail.
SR.II Criminalize Terrorist financing	LC	□ The agencies responsible for the implementation of the law are not aware of their responsibilities under the Act and this has inhibited effective implementation. □ No training has been provided to the Police on the investigation of terrorist Financing. □ There is no national strategy or coordination mechanism for the implementation of the legal framework. □ There is lack of effective implementation of the law.	Partly resolved	With the enactment of the AML/CFT Bill into an Act (which is now at a very advanced stage) all these deficiencies will be resolved. This is because the FIU will be better empowered to take a leading role in the implementation of the legal framework. Training and sensitization programmes will take a centre stage in the FIU's activities.
SR.III Freeze and Confiscate terrorist assets	PC	□ There is no coordination of freezing measures by various agencies involved in the	Partly resolved	All these deficiencies are factored in the new AML/CFT Bill and will be implemented as soon as it is enacted into an Act

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		implementation of freezing measures. There is no procedure in place for the implementation of the obligations under SR III. The financial institutions have not received any guidance on how to identify and freeze terrorists' funds. The police and CBG staff are not trained on how to implement SR III. There is no effective measure in place to ensure prompt response to requests from other countries. There is no monitoring system in place to ensure compliance by reporting entities.		
SR.IV Suspicious transaction reporting	NC	 There is no obligation in law or regulation requiring reporting entities to submit STRs on transactions linked to terrorists financing. Terrorist financing is not directly referred to as a predicate offence of money	Partly resolved	The draft Bill now covers issues of Money Laundering and financing of Terrorism in greater detail.

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		laundering.		
SR.V International Co-operation	LC	□ Response to MLA requests in terrorism cases is not timely and effective. □ There is no comprehensive MLA legislation or procedure in the country. □ The law enforcement agencies should put a mechanism in place for coordinating asset seizure and confiscation with other countries. □ Cooperation is only restricted to those who have signed treaties with The Gambia.		
SR.VI AML requirements for money/value transfer services	NC	□ The CBG/FIU has not issued any guidance note to MVTs regarding their obligation under the ML Act. □ The MVTs have not been monitored for AML/CFT compliance. □ No MVT has been sanctioned for noncompliance with the ML Act.	Partly resolved	The new Bill and GCDD now incorporate the deficiencies cited herein.

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		□ There is no effective implementation of the SR VI obligations by the SA/FIU.		
SR.VII Wire transfer rules	NC	□ No legislation or guidance has been issued by the authorities to ensure compliance with Special Recommendation VII. □ No procedures have been put in place for the implementation of SRVII. □ The NFIs' implementation of the SR VII. is not supervised by the CBG. □ R.5 and other CDD measures do not apply to one off transactions relating to wire transfers.	Partly resolved	The new Bill and GCDD now incorporate the deficiencies cited herein.
SR.VIII Non-profit Organizations	PC	□ Outreach programmes have not been conducted to educate NGOs about threats and risks associated with terrorist financing. □ NGOs remain largely vulnerable to terrorists and terrorist groups. □ The NGO Agency is not aware of the nexus between its		

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		mandate and that of the FIU and other law enforcement agencies in the combating of terrorism and terrorist financing. The coordination between Government agencies is not effective.		
SR.IX Cross Border Declaration & Disclosure	NC	There is no effective disclosure/declaration system in operation for cross border currency transportation. There is no co-ordination between the relevant authorities as how to deal with cross border currency detections. Customs staff are not trained, equipped or directed to look for cross border currency transportation. There is no effective implementation of SR IX as provided under the ML Act. Customs department do not maintain statistics on declarations made at the borders.		

NINE SPECIAL RECOMMENDATIONS	RATING	SUMMARY OF FACTORS UNDERLYING RATINGS	WHETHER IDENTIFIED DEFICIENCY HAS BEEN RESOLVED	DESCRIPTION OF ACTIONS TAKEN OR BEING TAKEN TO RESOLVE DEFICIENCY
		There is no interface between the Customs and the FIU. No guidance has been issued regarding the implementation of SR IX.		