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Secretariat for Multidimensional Security

**XLIV MEETING OF THE GROUP OF EXPERTS  
FOR THE CONTROL OF MONEY LAUNDERING  
September 25-26, 2017  
Asuncion, Paraguay**

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September 21, 2017  
Original: Spanish**

**PRESENTATION  
THE ESTABLISHMENT OF THE ASSET RECOVERY INTERAGENCY NETWORK OF THE CARIBBEAN  
(ARIN-CARIB)**



**XLIV MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING September 25-26, 2017**  
**Asuncion, Paraguay**

## ARIN-CARIB Asset Recovery and International Cooperation.

Grenville T. Williams  
Director  
Regional Security System  
Asset Recovery Unit  
Barbados



# RSS- ASSET RECOVERY UNIT



# RSS- ASSET RECOVERY UNIT



- **Funded by the UK's Department for International Development (DfID).**
- **Based in Barbados.**
- **Covers the seven countries of the Eastern Caribbean which are signatories to the Regional Security System treaty;**
- **Also provides some support to include key transit countries and the British OTs**

# RSS- ASSET RECOVERY UNIT



- **MISSION**

- To build capacity and capability within regional law enforcement agencies, Financial Intelligence Units (FIUs), Public Prosecutors, Magistracy and the Judiciary to deal with money laundering and criminal asset recovery.
- To enhance efforts in countering serious organised crime by utilising cash seizure, money laundering and confiscation legislation as key components in financial investigation and asset recovery.

# RSS- ASSET RECOVERY UNIT



- **MENTORING**

- RSS ARU Advisers travel to each of the RSS jurisdictions on a regular basis
- Meet face to face with investigators & prosecutors
- Provide detailed, specific advice and direction in respect of ongoing cases
- Assist in liaison and engagement with international law enforcement partners (NCA, DEA etc.)

# RSS- ASSET RECOVERY UNIT



- **TRAINING**

- Part of the capacity building remit
- Professional development for specialist Financial Investigators
- Money laundering and asset recovery ‘awareness’ training for frontline law enforcement
- Plans to coordinate financial investigation training delivered by other international donors



# RSS- ASSET RECOVERY UNIT



- **MODEL PROCEEDS OF CRIME LAW**

- ‘Tidy up’ existing money laundering laws
- Provide legislative interoperability between countries
- Allow better application of UK/Regional/Commonwealth case law
- Up to date powers & procedures with tried & tested practical effectiveness





## Restraint of assets



An injunction

Assets restrained pre-charge or after charge is laid

## Penalties

5yrs and or  
fine of  
\$500,000  
US\$185,000



Penalties of 20yrs  
and or unlimited  
fine

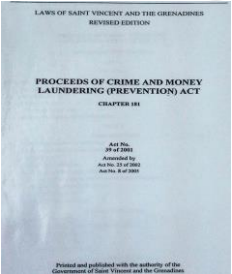
## Business Compliance measures



Regulated entities must  
put in place anti-money  
laundering measures



## Criminalizes money laundering



## Information



Entities must  
provide  
information

## Confiscation of assets



Court order

State takes assets

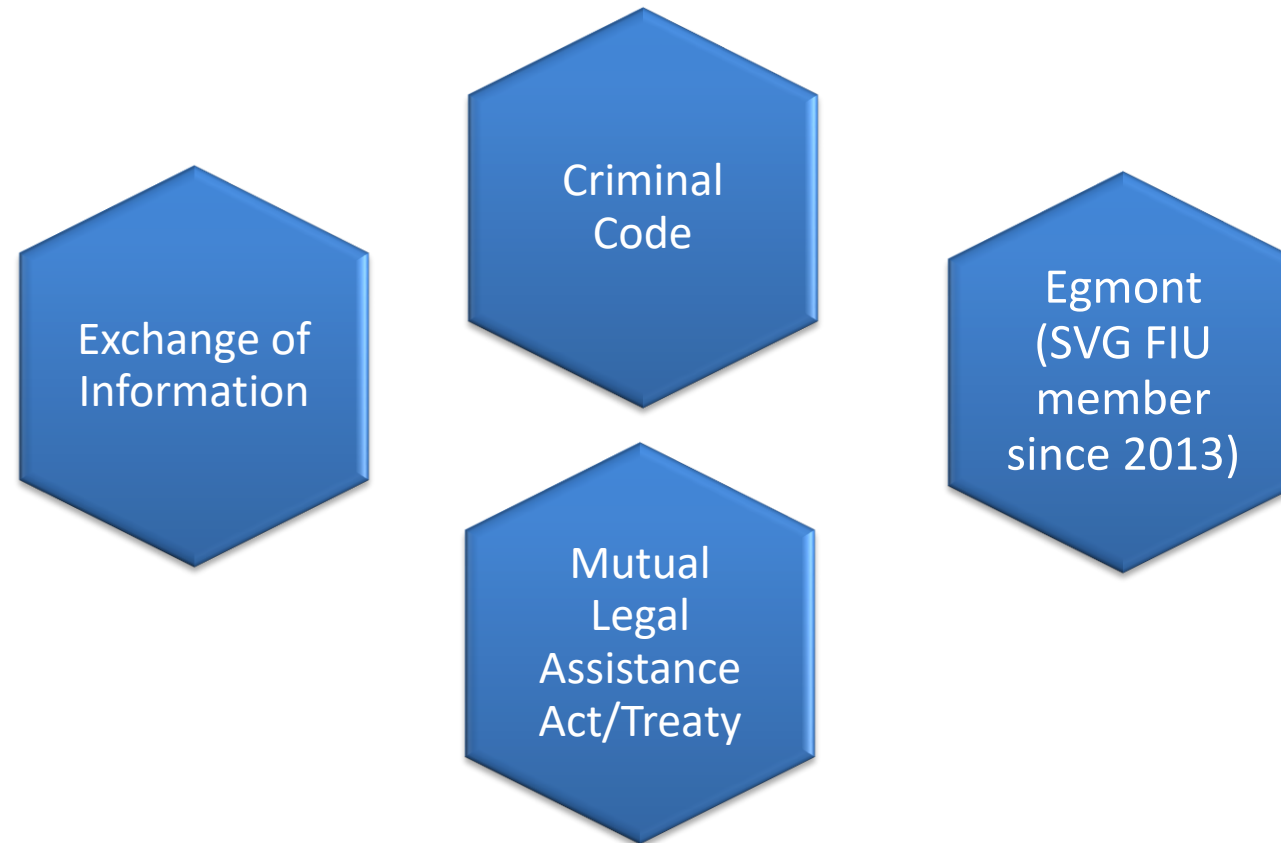
## Civil forfeitures



All property

No imprisonment

## Other legislation



- Money Laundering Matters, i.e. Criminal includes concealing, disguising, converting, transferring, and removing criminal property. Arrangements and Acquisition, Use and possession.
- 

### **Civil Recovery;** - *on a balance of probabilities*

- Property obtained through unlawful conduct; or
- Property that has been used in, or in connection with, or is intended to be used in, or in connection with, unlawful conduct, and;
- Cash which has is, or represents property obtained through unlawful conduct or which is intended to be used in unlawful conduct, to be forfeited in civil proceedings before the Magistrate's court.





# Operation Big Fish



# Facts



**RSVP operation. Location: Bequia**

**Yachts Orion and Jotobin searched**

**Yachts suspected to be owned by Antonio Gellizeau, a self  
professed business man.**

**Antonio Gellizeau met on board the Orion. Kent Andrews and  
Winston Robinson found onboard Jotobin**

**Mobile phones, documents, and other equipment seized**

**Nothing was found at the time and the yachts and the occupants  
were transported to the Coast Guard base at Calliaqua, St. Vincent**





Base 802429 (546180) 1-96





## Facts

**Nothing was found on the Orion. It was discharged**

**Antonio Gellizeau was discharged**

**US\$1,733,463.000 found in Jotobin**

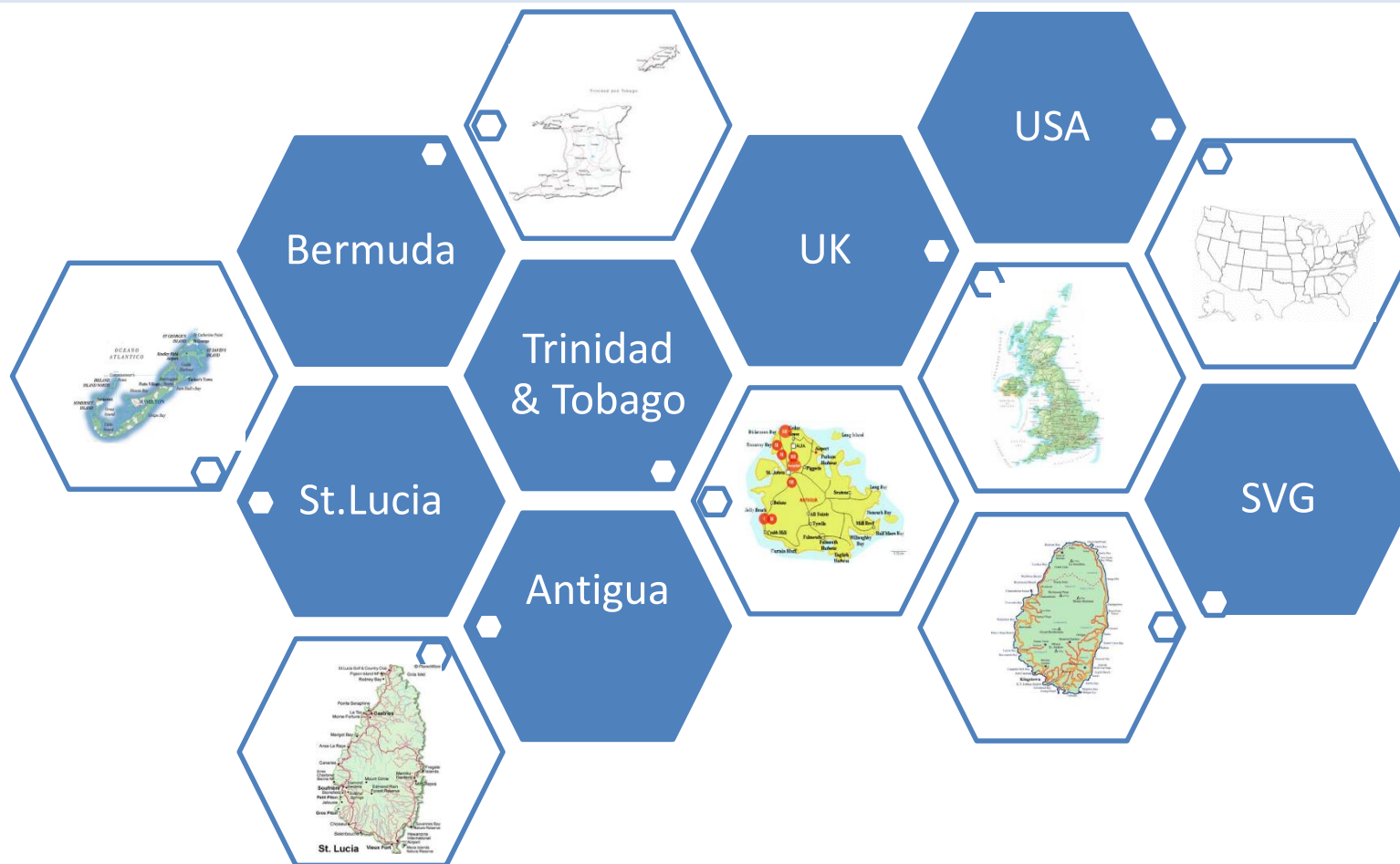
**Cash found in the two front cabins, sealed in plastic wrap and hidden around the water tanks with sealant foam.**

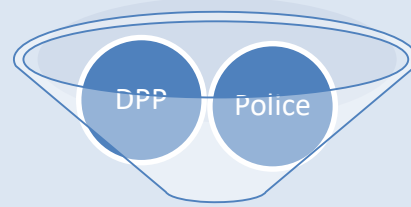




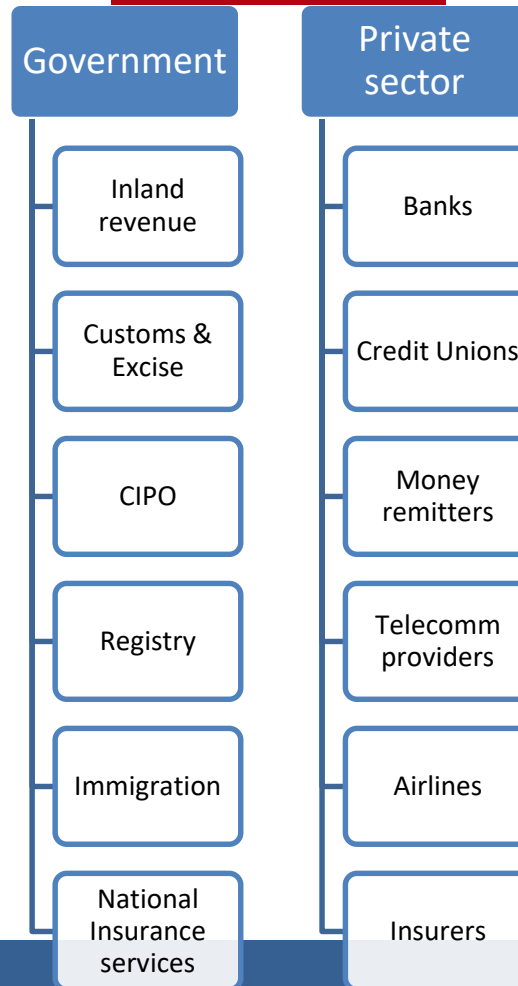


# Jurisdictions impacted





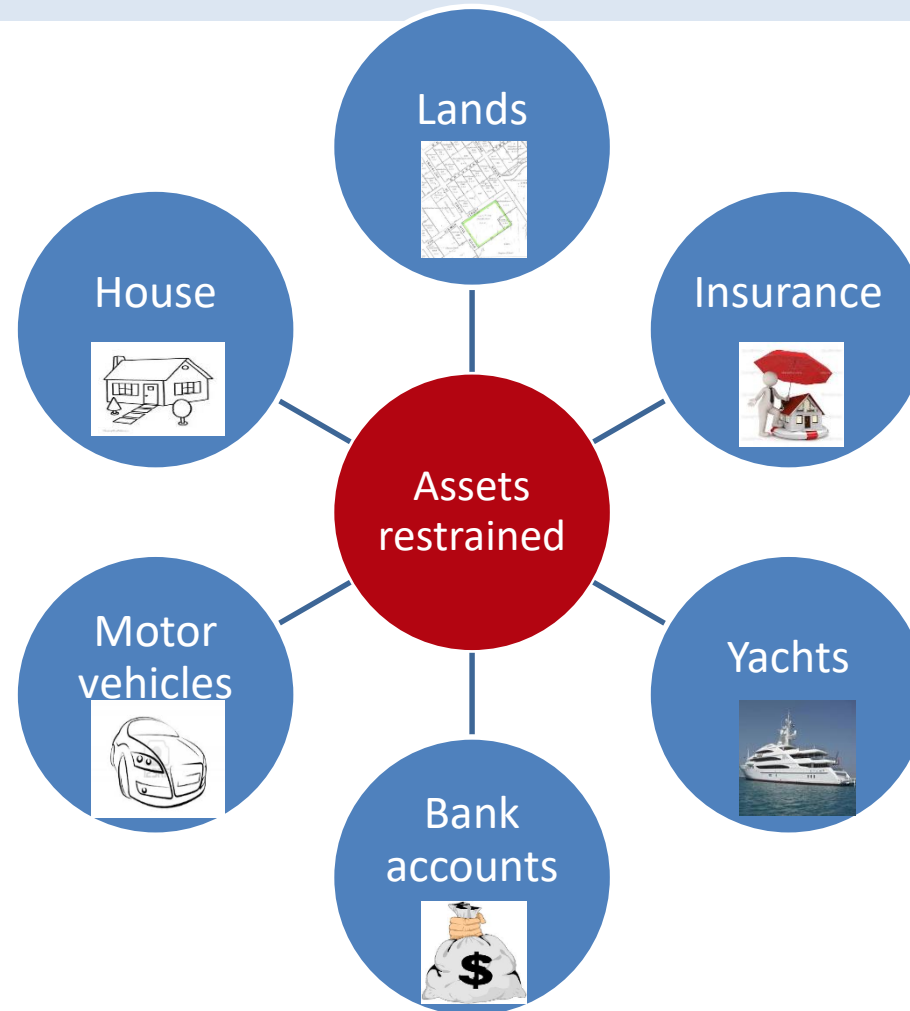
**Production orders**



# Yacht Orion



# Restraint orders



Assets were identified as belonging to the Defendant Antonio Gellizeau.

Most of these assets were registered in the names of third parties but were in the physical possession of Gellizeau.

The order was served on Gellizeau who applied to have the Order discharged and was unsuccessful.





Home Account Account & Control account Payments Mailbox

Account transactions Account statement

Display options

Account: Last month

Transactions: ☐ Display booking details

Display

Date	Description	Debit	Credit	Value date	Account balance
01.06.2008	Opening balance				8924.02
09.06.2008		295.35		09.06.2008	8919.37
09.06.2008		57.00		09.06.2008	8962.37
09.06.2008		250.00		09.06.2008	8962.37
09.06.2008		300.00		09.06.2008	8712.37
09.06.2008		930.00		09.06.2008	7482.37
09.06.2008		2100.00		09.06.2008	5482.37
16.06.2008		37.00		16.06.2008	5444.57
16.06.2008		100.70		16.06.2008	5343.87
16.06.2008		300.00		16.06.2008	5043.87
16.06.2008		471.00		16.06.2008	4572.87
25.06.2008			1759.00	25.06.2008	6331.87
25.06.2008			2400.55	25.06.2008	8931.47
30.06.2008	Closing balance				8931.47

Print (PDF) Export (CSV)



# Prosecution Witnesses



## **Police:**

Boarding and searching of vessel.  
Locating owner of Jotobin



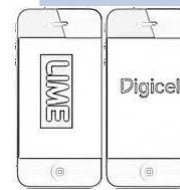
## **Customs:**

Clearance, declaration, record of movement



## **Compliance officer:**

Financial data



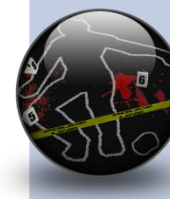
## **Telecom providers:**

Call data



## **Accountant:**

Purchases. Legitimacy of source of income



## **Evidence specialist:**

Chain of custody



## **Computer forensic examiner:**

Communication amongst defendants



## **Civilians:**

Sale of Jotobin. Receipt of monies

# Verdict

**ANTONIO “QUE PASA” GELLIZEAU  
FOUND GUILTY ON ALL COUNTS  
ON MARCH 9<sup>TH</sup> 2012**



“MY EMPIRE WAS  
BUILT WITHOUT  
PEOPLE BUT  
PEOPLE PULLED IT  
DOWN!”

GELLIZEAU WAS REMANDED INTO CUSTODY AND HIS MATTER SENT UP TO THE HIGH COURT FOR SENTENCING.

WINSTON ROBINSON WAS ALSO FOUND GUILTY ON ALL COUNTS OF MONEY LAUNDERING .

# Confiscation



# Benefits

Particulars	Amount (EC\$)
Cash Found on Jotobin	\$4,628,346.20
Fixed Account	\$417,482.75
Cash at Bank (1)	\$48,058.53
Cash on Hand	\$4,000.00
Land (1)	\$670,000
House	\$1,200,000
Yacht Orion	\$312,000.00
Lodgments to savings a/c at Bank (2)	\$333,599.49
Lodgments to loan a/c at Bank (2)	\$249,050.00
Lodgments to credit card a/c	\$528,697.26
Lodgments to savings A/c Bank (1)	\$168,192.47

Pursuant to Section 7 of (POCMLPA), Cap 181 of the Revised Edition of the Laws of St. Vincent and the Grenadines 2009, the Court was Required to determine at the time of sentencing whether Gellizeau would have benefitted from money laundering.

## Benefits Con'td

Particulars	Amount (EC\$)
Lodgments to savings a/c Bank (3)	\$160,596.00
Lodgments to chequing a/c Bank (3)	\$141,420.00
Payment for Toyota Corolla	\$30,000.00
Purchase of Toyota Tundra	\$141,612.47
Payment of Motor Vehicle Insurance	\$54,075.76
Purchase of Mercedes Benz	\$115,000.00
Purchase of Engine for Jotobin	\$41,344.95
Living Expenses (6 yrs)	\$482,400.00
Sale of Donzi speed boat	\$125,000.00
Sale of land at Harmony Hall	\$91,752.00
Purchase of Jotobin	\$173,550.00
<b>TOTAL BENEFITS</b>	<b>\$10,122,172.68</b>

The FIU prepared a Prosecution Statement to assist the Court in determining whether Gellizeau would have benefitted from money laundering and in assessing the value of his benefit from Money Laundering.





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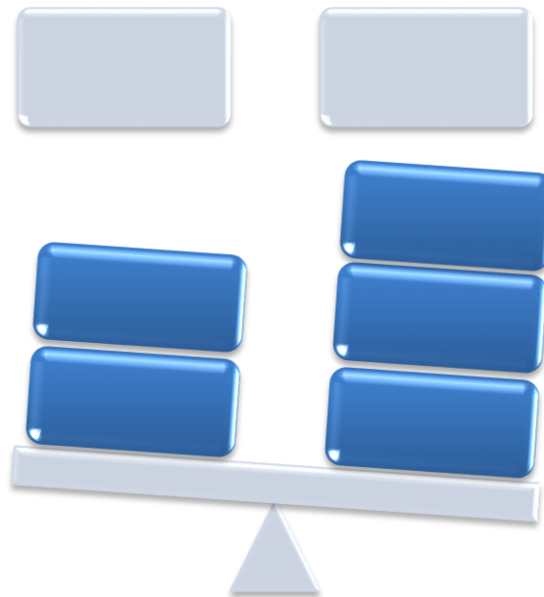
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16.06.2008		300.00		16.06.2008	5043.87
16.06.2008		471.00		16.06.2008	4572.87
25.06.2008		1759.00		25.06.2008	6231.92
25.06.2008		2400.55		25.06.2008	8931.47
30.06.2008		0.00		30.06.2008	8931.47
30.06.2008	Total spending	4746.50	4552.95		8931.47
30.06.2008	Closing balance				8931.47

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**Successful Money laundering prosecution requires cooperation between all domestic stakeholders and international counterparts**



# Challenges

1. Different legal traditions in the Caribbean: English, Dutch, Spanish and French
2. The law is at different stages in the various jurisdictions- Need for well developed and more effective asset recovery legislation and system.
3. Cumbersome, slow and inefficient judicial system to process applications.
4. No judicial or law enforcement points of contacts
5. . Request for information may go to persons who are not experienced in restraint and asset recovery
6. Delays in obtaining information from foreign jurisdictions
7. The Absence of Asset Sharing Agreements between States
-



**THANK YOU!**



# ARIN- CARIB



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