



Government of the Republic of Trinidad and Tobago
Office of the Attorney General and Ministry of Legal Affairs

CORPORATE COMMUNICATIONS UNIT

For Immediate Release

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State wins landmark appeal using the Civil Asset Recovery and Management and Unexplained Wealth Act

The Office of the Attorney General and Ministry of Legal Affairs, is pleased to report, that today, the Court of Appeal delivered a landmark ruling in **Civil Appeal No. P 231 and P 232 of 2020** providing guidance in relation to the novel remedy of the Unexplained Wealth Orders provided for by the **Civil Asset Recovery and Management and Unexplained Wealth Act No.8 of 2019 (The UW Act)**.

The Court recognized this remedy as one of the strategies geared towards deterring criminality by ensuring that criminals are not only convicted but are also dispossessed of assets acquired through their criminal activities. The Financial Action Task Force (FATF) has been influential in getting the international community to recognize the importance of confiscation laws to combat money laundering and terrorism financing as well as the crime underlying money laundering. This remedy of unexplained wealth orders was introduced as part of Trinidad and Tobago's attempt to be FATF compliant and to be removed from the FATF grey list.

The Court further recognized that Trinidad and Tobago, by the introduction of this Unexplained Wealth Regime, is attempting to combat prolific criminality and its wide ranging repercussions affiliated with drug trafficking, serious crime and money laundering. Significantly, the court ruled on these very first applications for Preliminary Unexplained Wealth Orders (PUWO) under this landmark legislation and provided its interpretation of what is required in order to obtain such an order.

The Attorney General (Acting) wishes to inform, that the Applicants/Appellants applied for PUWOs against four persons, including one of whom is deceased, in respect of whom they had reasonable suspicion that their total wealth exceeded the value of their lawfully obtained wealth and that certain properties under their effective control were obtained through the commission of the offences of drug trafficking and money laundering. The Court of Appeal reinstated the Preliminary UWOs granted in the Court below in respect of three of these four persons and remitted the applications for further hearing by the High Court. The State was allowed 75% of the costs of the appeal. This now paves the way for the State to pursue similar applications under the UWO Act to deprive persons of the benefits of their criminal activities.

The Attorney General wishes to assure the public that today's decision is of great significance and assistance to the State in tackling the scourge of crime and taking profits out of crime.

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