

**Executive Decree N°15-113 of May 12, 2015 pertaining to the procedure of freezing and/or seizure of funds and assets within the framework of prevention of terrorist financing.**

The Prime Minister,

On the report of the Minister of Justice, Attorney General

- Considering the Constitution, in particular Articles 28, 85-3 and 125 paragraph 2;
- Considering Law N° 05-01 of 27 Dhou Al Hidja 1425 corresponding to 6 February 2005 pertaining to the prevention and fight against money laundering and terrorism financing, as amended and supplemented,
- Considering Presidential Decree N° 14-145 of 28 Jomada Ethania 1435 corresponding to 28 April 2014 pertaining to the appointment of the Prime Minister,
- Considering Presidential Decree N° 14-154 of 5 Radjab 1435 corresponding to 5 May, 2014 containing the appointment of members of the government;
- Considering Executive Decree N°02-127 of 24 Moharram 1423 corresponding to 7 April 2002 containing creation, organization and functioning of the Financial Intelligence Processing Unit (CTRF), as amended and supplemented,
- Considering Executive Decree N°13-318 of 10 Dhou Al Kaada 1434 corresponding to 16 September, 2013 pertaining to the procedure of identifying, locating and freezing funds and other assets within the framework of the fight against terrorist financing.

After approval of the President of the Republic;

Orders the following:

**Article 1.** The hereby Decree has as object to determine the mode of implementing measures of freezing and/or seizure of funds and assets as in the provisions of the above mentioned Law N° 05-01, related to the prevention and the fight against money laundering and terrorist financing as amended and supplemented, within the framework of implementing UN Security Council Resolutions related thereto.

**Article 2.** As soon as it is published, the list of persons, groups and entities mentioned on the recapitulative list of sanctions imposed by the Security Council is transmitted by the Minister of Foreign Affairs to the Minister of Finance who immediately orders, by a Ministerial Order, the freezing and/or seizure of assets and funds of the persons, groups or entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their instructions.

The freezing and/or seizure order issued by the Minister of Finance, pursuant to the Law N° 05-01 of 6 February 2005 mentioned above, is immediately published on the institutional website of “the specialized organ”.

Without prejudice to other legal means of notification, the publication of the Order of the Minister of Finance is tantamount of notification, to the obliged persons, of the freezing order of funds and assets of persons, groups and entities on the list.

**Article 3.** Requests coming from States within the framework of resolution 1373 (2001) of the UN Security Council, leading to the freezing and/or seizure of assets and funds mentioned in Article 2 above, are addressed by the Ministry of Foreign Affairs to the "specialized organ" who immediately transmits them to the prosecutor at the Tribunal of Algiers.

The freezing and/or seizure order, issued by the President of the Tribunal of Algiers, pursuant to the Law N° 05-01 of 6 February 2005 mentioned above, is immediately published on the Institutional website of the "specialized organ".

Without prejudice to other legal means of notification, the publication of the order of the President of the Tribunal is tantamount to a notification to the obliged persons about the freezing and/or seizure order of funds and assets of persons, groups and entities concerned.

**Article 4.** The management of frozen and/or seized funds is entrusted to the Judicial Treasury Agency.

**Article 5.** The obliged persons have an obligation to check on the institutional website of the "specialized organ" if the persons, groups or entities listed are part of their customers.

In that case, they must implement the freezing measures and/or seizure and immediately inform "the specialized organ."

If the checking of the client files reveals a negative review, they must also inform the "specialized organ".

When entering into each business relationship, and when implementing a one-time transaction with new customers, there will be need to ensure that the customers, the possible nominee shareholders and beneficial owners are not persons whose names are listed on the institutional website of the "specialized organ".

In case their names occur on the list, they must abstain from executing any transaction related to them and inform immediately the «specialized organ».

**Article 6.** The designated persons, groups and entities are informed by the «the Specialised Organ» about the procedures of the Security Council resolutions relating to requests for delisting.

In case of removal from the list of sanctions, obliged persons are informed about the decision of removal. The procedure of lifting the freezing and/or seizure of funds and assets is immediately ordered in the same forms prescribed for the freezing and/or seizure.

**Article.7.** The authorization allowing persons, groups and entities to have access to part of the funds and assets in order to cover their basic needs and those of their family members, in accordance with the law N° 05-01 of 6 February 2005 mentioned above, concerns the payment of certain types of expenses, fees and service charges particularly food, clothing, the rent or mortgage for the family residence, medicines, healthcare fares and expenses, taxes and mandatory insurance premiums, gas, electricity and telecommunication fares and certain extraordinary expenses.

In any case, procedures applied are those provided by the related United Nations Security Council Resolutions.

**Art.8.** Without prejudice to criminal penalties, violation of the hereby Decree exposes the obliged persons to the other penalties provided by law and regulations in force.

**Art.9.** The provisions of the above mentioned Executive Decree N°13-318 of 10 Dhou Al Kaada 1434 corresponding to 16 September, 2013 are repealed.

**Article10.** The hereby Executive Decree shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Done in Algiers, May 12, 2015**

**Abdelmalek SELLAL**