

Law n°15-06 of 25 Rabie Ethani 1436 corresponding to 15 February 2015 modifying and supplementing the Law n°05-01 of 27 Dhou El Hidja 1425 corresponding to 6 February 2005 related to prevention and fight against money laundering and terrorism financing.

The President of the Republic,

- Considering the constitution especially its articles 28,119,120, 122 (7,9 and 15), 125 (2), 126 and 132;

- Considering the International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and political Rights ratified by the Presidential Decree N°89-67 of 16 May 1989;

- Considering Ordinance n°66-155 of 8 June 1966, as amended and supplemented, pertaining to the code of penal procedure;

- Considering Ordinance n°66-156 of 8 June 1966, as amended and supplemented, pertaining to the penal code;

- Considering legislative Decree n°93-10 of 2 Dhou El Hidja 1413 corresponding to 23 May 1993, as amended and supplemented, pertaining to the Stock Exchange;

- Considering the Law n°05-01 of 27 Dhou El Hidja 1425 corresponding to 6 February 2005 pertaining to the prevention and fight against Money Laundering and Terrorism Financing;

- Considering the law n°08-09 of 18 Safar 1429 corresponding to 25 of February 2008 pertaining to the Code of civil and administrative procedure.

- Considering the Law n°13-07 of 27 Dhou El Hidja 1434 corresponding to 30 of October 2013 pertaining to the organization of the lawyer profession;

After Opinion of the Council of State

After Adoption by the Parliament

Enacts the law with the following content:

Article 1: The hereby law has as object to modify and supplement certain provisions of the law n°05-01 of 27 Dhou El Hidja 1425 corresponding to 06 February 2005 pertaining to prevention and fight against Money Laundering and Terrorism Financing.

Article.2.—Article 3 of the Law n°05-01 of 27 Dhou El Hidja 1425 corresponding to 6 February 2005, aforementioned, is modified, supplemented and reads as follows:

«Art. 3. – Committing the offense of terrorism financing and is punishable by the sanctions contained in provisions of article 87 bis 4 of the Penal Code, whoever by means whatsoever, be it either directly or indirectly, in a licit or an illicit manner, supplies, collects or manages deliberately, funds with the intention to use them personally, wholly or partly, in order to commit or try to commit offenses defined as terrorist acts, or knowing they will be used:

1- By a terrorist or a terrorist group in order to commit or try to commit offenses defined as terrorist acts,

2- by or in the interest of a terrorist or a terrorist group.

The offense is established independently of the existence of a link between the financing and any precise terrorist act.

The offense is considered committed either that the terrorist act has taken place or not, or that the funds have been used or not for the commitment of the act.

Terrorism financing is a terrorist act. »

Article 3: the Law n°05-01 of 6 February 2005 above mentioned is modified and supplemented by Articles 3 bis, 3 bis 1, and 3 bis 2, which read as follows:

«Art 3 bis: It is punished by sanctions provided for in Article 87 bis 4 of the Penal Code, any participation, association, conspiracy, attempt, incitement or complicity by providing assistance, aid or advice in order to commit acts mentioned in Article 3 above ».

«Article 3 bis 1: without prejudice to sanctions provided for in the law, a legal entity that commits the offense of financing terrorism mentioned in Article 3 above is punished by sanctions of Article 18 bis of the Penal Code.

«Article 3 bis 2: Algerian tribunals are competent to recognize facts as terrorism financing:

- committed in Algeria even if the terrorist act has been committed abroad or that the terrorist or the terrorist organization is located abroad;

- Committed abroad by an Algerian or a foreigner, when the terrorist act to which the financing is destined is committed in Algeria or when the terrorist or the terrorist organization to whom the financing is destined is in Algeria;

- When the terrorist act to which the financing is destined is committed against the Algerian interests abroad or that the victim of the act is of an Algerian citizenship.”

Article 4:Provisions of Article 4 of the Law n°05-01 of 6 February 2005 mentioned above are modified, supplemented and read as follows:

«Article 4: according to the terms of the law hereby, it is meant by:

«Enterprises and non-financial professions»:

(...without change...)

- **«Terrorist Act»:**

Offenses defined as terrorist acts in accordance with article 87 bis and following of section IV bis of Chapter I in Title I of book three in the second part of the Penal

Code and in accordance with the legislation in force as well as the related International Conventions ratified by Algeria».

... (the rest without changes)...

- **«freezing and/or seizure»**: temporary ban of transfer, conversion, disposal or movement of properties or the fact of temporarily ensuring the custody or the control of the properties upon judicial or administrative decision».

- **«The Tribunal of Algiers»**: the tribunal of Sidi M'Hamed. »

Article 5: Provisions of Article 10 bis 3 of the Law n°05-01 of 6 February 2005 mentioned above are modified supplemented and read as follows:

«Article 10 bis 3. - regulations made by the council of currency and credits well as directives of Bank of Algeria in matter of preventing and fighting against money laundering and terrorism financing are applicable to banks, to financial corporations and to financial services of Algérie Poste and to Foreign Exchange Bureaus that are subject to control by the banking commission.

Article 6: the Law n°05-01 of 6 February 2005 mentioned above is supplemented by Article 10 bis 5 that reads as follows:

«Article 10 bis 5: obliged persons other than those designated in Article 10 bis 3 mentioned above, and particularly non-financial enterprises and professions and insurance companies are submitted to directives of the specialized organ».

Article 7: Article 18 bis of the Law n°05-01 of 6 February 2005 mentioned above is modified, supplemented and reads as follows:

«Article 18 bis: The public prosecutor of Algiers tribunal receives requests originating from the specialized organ, the judiciary police or the competent authorities as well as those conveyed by states within the framework of the International cooperation for the freezing and/or seizure of the funds and their proceeds related to the offenses

stated in the hereby law, belonging or destined to a terrorist or a terrorist organization».

The Public prosecutor transmits the request, supplemented with his commands, to the President of the Tribunal of Algiers.

When the request of freezing and/or seizure is backed up by motives or reasonable elements showing that the person concerned by the measure is a terrorist or a terrorist organization or a person who finances terrorism, the President of the tribunal of Algiers orders, immediately, the freezing and/or the seizure of the funds and assets object of the request, subject to the rights of bona fide third parties ».

The freezing and/or seizure also includes funds originating from assets belonging to or controlled, directly or indirectly, by them or by persons acting on their behalf or on their instructions.

That order could be contested in front of the same authority within two (02) days of its notification.

It is executed in accordance with provisions of paragraph 4 of Article 18 mentioned above.

The measure of freezing and/or seizure taken in accordance with the Paragraph 3 of the hereby Article keeps its effects until the Penal jurisdiction to whom the procedure was submitted orders their lifting or maintain them in accordance with the provisions of the Code of Penal Procedure».

Article 8: the Law n°05-01 of 6 February 2005 mentioned above is supplemented by Article 18 bis 1, 18 bis 2, 18 bis 3, 18 bis 4 that read as follows:

«Article 18 bis 1: The President of the Tribunal may authorize the person, being subject of the decision of freezing and/or seizure, and after opinion of the State prosecutor, to use part of those funds in order to meet his basic needs, those of his family as well as the persons at his charge».

«Article 18 bis 2: - subject to the rights of bona fide third parties, are immediately frozen and/or seized, funds of persons, groups and entities reported on recapitulative lists of the Security Council Committee created by Resolution 1267 (1999).

The freezing and/or seizure also includes funds originating from assets belonging or controlled, directly or indirectly, by them or by persons acting on their behalf or on their instructions.

The decision of freezing and/or seizure is taken by the Minister in charge of Finance.

The minister in charge of finance, when he decides the freezing and/or the seizure, designate the Authority in charge of managing the frozen and/or seized funds and may authorize the person, being subject of the decision of freezing and/or seizure, to use part of the funds in order to meet his basic needs, those of his family as well as the persons at his charge».

Modalities of application of the Article hereof are determined through regulations».

«Article 18 bis 3:the freezing and/or seizure of funds decided in application of Article 18 bis 2 mentioned above is lifted as soon as the person, the group, the entity is removed from the list mentioned in Article 18 bis 2 mentioned above».

«Article 18 bis4: any person concerned by the decision of administrative freezing and/or seizure as well as person having interests, may introduce an administrative appeal to the Minister in charge of finance within ten days from the date of notification that has been addressed to him or having known about the decision of freezing and/or seizure.

The silence kept by the Authority to whom the appeal has been made within a one-month period means a decision of rejection that may be object of appeal at the competent administrative jurisdiction.

Under no circumstances the said appeal may be based on motives related to reports on recapitulative lists established by the Sanctions Committee mentioned in Article 18 bis 2 mentioned above».

Article 9: Article 20 of the Law n°05-01 of 6 February 2005 mentioned above is modified, supplemented and reads as follows:

«Article 20:without prejudice to provisions of article 32 of the code of penal procedure, the obliged persons are required to report to the specialized organ any transaction when it involves capital seeming to originate from an offense or seems to be destined to money laundering and/or terrorism financing.

That report shall be made as soon as there is a suspicion, even if it has been impossible to postpone the execution of the transactions or after their implementation.

The obliged persons are required to inform the specialized organ of any attempts to carry out a suspicious transaction.

(...The rest with no changes...) »

Article 10 – the law hereof will be published in the Official Journal of the People’s Democratic Republic of Algeria.

Done in Algiers on 25 Rabie Ethani 1436 corresponding to 15 February 2015.

Abdelaziz BOUTEFLIKA