

# Law No 4 of 2010 Promulgating the Law of Combating Money Laundering and Terrorism Financing 4 / 2010

Number of Articles: 86

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**We, Tameem Bin Hamad Al-Thani, Deputy-Amir of the State of Qatar**

Having reviewed the Constitution;

Law No 28 of 2002 on Combating Money Laundering as amended by Law No 21 of 2003;

The Customs Law issued by Law No 40 of 2002;

Law No 3 of 2004 on Combating Terrorism;

The Penal Code issued by Law No 11 of 2004, and amendments thereof;

The Criminal Procedures Law, issued by Law No 23 of 2004, as amended by Law No 24 of 2009 thereof;

The draft law submitted by the Council of Ministers;

After consulting the Shura Council

Decided the following:

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## **Issuance Articles**

### Article 1 - Introduction

Provisions of the Law of Combating Money Laundering and Terrorist Financing shall come into force.

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### Article 2 - Introduction

The aforesaid Law No 28 of 2002 is hereby repealed

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### Article 3 - Introduction

All competent authorities, each within its own competence, shall implement the provisions of this law, which shall be published in the Official Gazette.

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## **Chapter One**

### **Definitions**

#### Article 1

In the application of the provisions of this Law, the following words and phrases shall have the respective meaning assigned to them, in accordance to the concepts prevailing in the Banking Business, unless the context requires otherwise:

**“Competent Authority”**: CA means every administrative or law enforcement authority concerned with combating money laundering and terrorist financing, including the Unit and any regulatory authority.

**“Regulatory Authority”**: RA means the competent authority responsible for the licensing of financial institutions, DNFBNs and NPOs; monitoring and assuring the compliance with anti-money laundering and anti-terrorist financing requirements.

**“The Committee”**: means the National Committee for Anti-Money Laundering and Anti-Terrorist Financing.

**“The Unit”**: means the Financial Intelligence Unit.

**“Predicate Offence”**: PO means any of the offences provided for under sub-article 2-1 of this Law.

**“Instrument”**: means whatever is used or intended to be used, in any way whatsoever, wholly or partially, in committing one or more of the offences provided for under Articles 2 or 4 of this Law.

**“Proceeds of the Crime”**: PoC means any property, derived or realised, whether directly or indirectly, from committing offences provided for under Article 21; or has been transferred or exchanged, wholly or in part, into other assets or investment returns.

**“Funds” or “property”**: means assets or property of any kind; whether corporeal or incorporeal, movable or immovable, tangible or intangible, including all rights attached thereto and all legal documents and instruments in any form, including provable digital and electronic images thereof, whether situated inside or outside the State.

"Funds" or "property" shall include, but not limited to national or foreign currencies, negotiable instruments, bank credits, traveller's cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit, and any interest, profits or dividends thereof; or value accruing from or generated by such assets.

**Money Laundering** shall mean any of the following acts:

1. Conversion or transfer of property by any person who knows, or should have known, or suspects that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit source of such property, or of assisting any person involved in the commission of the Predicate Offence to escape the legal consequences thereof;
2. Concealing or disguising the property's real nature, source, or location; or disposition, movement, and ownership of the property or rights thereof; by any person who knows or should have known or suspects that such property is the proceeds of crime.
3. Acquisition, possession or utilization of a property by any person who knows or should have known or suspects that such property is the proceeds of crime.

**"Terrorist Act"**: TA means:

1- An act, which constitutes an offence within the scope of, and as defined in one of the following treaties: the Convention for the Suppression of Unlawful Seizure of Aircraft of 1970; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1970 - the Convention of 1973 for the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; the International Convention of 1979 Against the Taking of Hostages; the Convention for the Physical Protection of Nuclear Material of 1980; the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 1988; the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, of 1988; the Protocol on the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, of 1988; and the International Convention for the Suppression of Terrorist Bombings, of 1997.

2- Any other act intended to kill or cause severe bodily injury to civilians or any other person not taking an active part in the hostilities in the situations of armed conflict, when the purpose of such act, by its nature or context, is to terrify a group of people or to coerce a government or an international organisation to do or refrain from doing a certain act.

**"Terrorist"**: means any natural person who commits any of the following acts:

- 1- Intentionally commits or attempts to commit terrorist acts by any means, directly or indirectly;
- 2- Collusion for the execution of terrorist acts;
- 3- Organizes or directs others to commit terrorist acts; or
- 4- Collaborates to the commission of terrorist acts by a group of persons acting with a common purpose where the collaboration is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.

**"Terrorist Organisation"**: TO means any group of terrorists who commit any of the following acts:

- 1- Intentionally commits or attempts to commit terrorist acts by any means, directly or indirectly;
- 2- Collusion for the execution of terrorist acts;
- 3- Organize or direct others to commit terrorist acts; or
- 4- Collaborates to the commission of terrorist acts by a group of persons acting with a common purpose where the collaboration is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.

**"Terrorist Financing"**: TF means an act by any person who by any means, directly or indirectly, wilfully, provides or collects funds, or attempts thereto; with the intention of using such funds or in the knowledge of their use, wholly or partially in the execution of a terrorist act; by a terrorist or by a terrorist organisation.

**"Freezing"**: means prohibiting, for the duration of the validity of a decision issued by a judicial or other competent authority, the conversion, exchange, disposition, movement or transfer of funds or other property.

**"Seizing"** means prohibiting, for the duration of the validity of a decision issued by a judicial competent authority, the conversion, exchange, disposition, movement or transfer of funds or other property.

**"Confiscation"**: means permanent deprivation of property by virtue of a judicial provision.

**"Financial Institution"**: FI means any person acting in the course of business who performs one or more of the following activities or operations for or on behalf of a client:

- 1- Accepting deposits and other repayable funds such as private banking services;
- 2- Lending;
- 3- Financial leasing;
- 4- Transfer of money or value;
- 5- Issuance of payment facilities such as credit and debit cards, cheques, travellers cheques, financial transfers, bank cheques and electronic money, or management thereof;
- 6- Financial obligations and guarantees;
- 7- Trading in financial market instruments such as cheques, bills, bonds, certificates of deposit, financial derivatives, foreign exchange, and currency exchange instruments, interest rates, index instruments, transferable securities, and future commodity contracts;
- 8- Participating in securities issues and the provision of financial services related to such issues;
- 9- Management of individual and collective portfolios.
- 10- Keeping or managing cash or liquid securities on behalf of others.
- 11- Investing, managing or operating property or money on behalf of others.
- 12- Underwriting, or issuing as insurer or insurance broker, life insurance documents and other types of insurance pertaining to investment.
- 13- Exchanging cash or currencies.
- 14- Any other activity or transaction by virtue of a decision of the Prime Minister upon the recommendation of the Committee.

**"Designated Non-financial Businesses and Professions"**: DNFBPs means

- 1- Real estate brokers, whenever they conduct transactions relating to the sale and/or purchase of real estate for clients.
- 2- Traders of precious metals, precious stones whenever they participate with their clients in cash transactions equal to a minimum of fifty five thousand (55,000) Riyals.

3- Advocates, attesters, notaries and other independent legal professionals and as partners or specialist employees at specialised companies when they arrange, implement or conduct transactions for their clients in connection to any of the following activities:

- a. Purchase or sale of real estate.
- b. Management of the client's property, securities or other assets.
- c. Management of bank accounts, saving accounts or securities accounts.
- d. Organising contributions to the establishment, operation or management of companies or other entities.
- e. Establishment, operation or management of JPs or legal arrangements.
- f. Purchase or sale of commercial entities.

4- Trust and company service providers, arranging or executing one of the following commercial transactions to clients:

- a. Acting as a promotion agent for JPs.
- b. Acting as, or arranging for other persons to act as, managers or trustee of companies or partners or similar positions in connection to other JPs.
- c. Provision of a registered office, place of business, contact address or administrative address for companies, partnerships or JPs or for any other arrangement.
- d. Acting as, or arranging for other persons to act in as, trustees for a direct credit fund.
- e. Acting in their capacity or arranging for other persons to act in their capacity, as shareholding agents for others persons.

5- Any other business or profession by virtue of a decision of the Prime Minister upon the recommendation of the Committee.

**“Non-profit organisation”**: NPO means any legal entity or organisation that collects or spends property for charitable, religious, cultural, educational, social, or solidarity purposes; or for the performance of any other form of charitable works.

**“Legal arrangements”**: means direct credit funds or any similar legal arrangements.

**“Financial instruments that are negotiable or payable to bearer”**: FINPB means cash instruments in the form of documents to bearer such as travellers cheques and negotiable instruments including cheques, promissory notes, payment orders which are either to bearer, unconditionally indorsed thereof; issued to a fictitious beneficiary, or in any other form whereby the beneficial title transfers upon delivery and incomplete instruments including cheques, promissory notes and signed payment orders with an unnamed payee.

**“Actual Beneficiary”**: means the natural person who owns or exercises substantial control on the client or the person on whose behalf the transactions are conducted, including a person exercising substantial control over a JP or a legal arrangement.

**“Politically Exposed Persons”**: PEP means individuals, a family member or closely related partner thereof, who are or have been entrusted with prominent public functions by a foreign country or territory.

**“Shell Bank”**: SB means a bank which has no physical presence in the country or territory in which it has been incorporated and licensed and is not affiliated to any financial services group which is subject to effective and unified regulation.

**“Physical presence”** in a country or territory means presence that entails meaningful decision-making and substantial management, and not mere presence of a local agent or low-ranking staff.

**“Bank Correspondence”**: means the provision of banking services by a bank “the correspondent bank” for another bank “the respondent bank”.

**“Commercial Relation”**: means any relation of commercial nature, including a relation between a NPO and the persons who fund or are funded by such organisations.

**“Customer”**: any person dealing with Financial Institutions (FIs), **Designated Non-financial Businesses and Professions** (DNFBPs) and **Non-Profit Organisation** (NPOs), including a person from whom or to whom a non-professional organisation receives or provides funds.

**“Law Enforcement Authority”**: LEU means the juridical enforcement officer provided for under Article 27 of the aforesaid Criminal Procedure Law.

**“Juridical Person”**: JP a legal person, company, partnership, institution, association; or a similar entity, which is capable of conducting a permanent commercial relation with a financial institution or of gaining ownership.

Abbreviations:

CA	<b>Competent Authority</b>
RA	<b>Regulatory Authority</b>
PO	<b>Predicate Offence</b>
PoC	Proceeds of the Crime
ML	<b>Money Laundering</b>
TA	<b>Terrorist Act</b>
TO	<b>Terrorist Organisation</b>
TF	<b>Terrorist Financing</b>
FI	<b>Financial Institution</b>
DNFBPs	<b>Designated Non-financial Businesses and Professions</b>
NPO	<b>Non-Profit Organisation</b>
PEP	<b>Politically Exposed Persons</b>
SB	<b>Shell Bank</b>
LEU	<b>Law Enforcement Authority</b>
JP	<b>Juridical Person</b>
BC	Banking Correspondence
FIU	Financial intelligence Unit
AB	<b>Actual Beneficiary</b>
FCA	foreign competent authorities

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## **Chapter Two**

### **Money Laundering (ML) and Terrorist Financing (TF)**

#### **Article 2**

The laundering of proceeds of any of the following Predicate offences is hereby prohibited:

1. All indictable offences An indictable offence is a felony, so you may use "felonies" if already used in Qatari official translations.
2. Offences included in the international conventions signed and ratified by the State.
3. Offences of swindling, illicit traffic in narcotic drugs and psychotropic substances, deception, forgery, blackmailing, burglary, theft, trading in stolen property, illegal trading in any other commodity, forfeiting or piracy of products, smuggling, sexual exploitation, environmental offences, tax evasion, sale or trading in monuments, market manipulation and commercial cover up. Equally prohibited is the participation by way of agreement, assistance, incitement, facilitation, advising, cooperation, contribution, conspiracy to commit or attempting to commit any of the types of money laundering offence under this Law.

Predicate crimes shall include predicate crimes committed outside the State where such predicate crime is an offence under the laws of the country where it has been committed and under the laws of the State of Qatar.

No conviction on the predicate crime shall be necessary for proving the illegal source of the proceeds of crime.

The money laundering offence shall be independent of the predicate offence and punishment of an offender for the predicate offence shall not preclude punishment for the money laundering offence.

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#### **Article 3**

Whoever intentionally commits any of the following acts shall be deemed to have committed an offence related to Money Laundering (ML) and Terrorist Financing (TF):

- 1- Establishing or maintaining by a financial institution of a Banking Correspondence (BC) relation with a SB.
  - 2- Establishing or maintaining by a Financial Institution (FI) of a BC relation with a FI in a foreign country, except where such institution has assured that the foreign institution does not allow shell banks (SBs) to use its accounts.
  - 3- Failure to keep sufficient, accurate and updated information on the actual beneficiary, being a Juridical Person JP, Legal Arrangement (LA) or whoever exercises control under the provisions of this Law.
  - 4- Failure to take the following actions under this Law:
    - a. Detecting the identity of customers or verifying their identity.
    - b. Verifying a customer or collecting relevant information.
    - c. Identifying the actual beneficiaries of a customer or verifying their identity.
    - d. Exercising continuous examination and verification in relation to commercial relations, verifying transactions conducted in connection to commercial relations or verifying the updating and relevance of documents, data or information collected through the applicable examination and verification procedures.
    - e. Taking steps to correct specific risks relating to money laundering or terrorist financing.
    - f. Acquisition of risk management systems.
    - g. Compliance with the requirement relating to banking correspondence or wire transfers.
    - h. Exercising the required due diligence in connection to a transaction or a type of transactions or commercial relations.
    - i. Development or implementation of anti-money laundering or anti-terrorist financing programmes.
  - 5- Failure to keep records under this Law or the concealment or destruction of such records.
  - 6- Failure to make information/records available or failure to facilitate timely checking of the same upon demand by the authorised or regulatory bodies under this Law.
  - 7- Failure to deliver reports to the Unit under the provisions of this Law.
  - 8- Opening or facilitating the opening of an account for an anonymous holder in breach of this Law.
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#### **Article 4**

All acts of Terrorist Financing (TF) are hereby prohibited.

Equally prohibited is participation by way of agreement, assistance, incitement, facilitation, advising, cooperation, contribution, conspiracy to commit or attempting to commit any of the types of terrorist financing offence under the provisions of this Law.

The offence shall be deemed committed regardless of the occurrence or otherwise of the Terrorist Act (TA), its location, or whether or not the property has in fact been used in the commission of such act.

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## Article 5

A person commits an offence related to ML or TF if the person has information relating to ML or TF and fails to take the necessary legal action under this Law to inform the authorised bodies of such an offence.

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## **Chapter Three**

### **Customs Declaration**

## Article 6

Any person entering or exiting the State shall disclose any currencies, financial instruments which are negotiable to bearer, precious metals or precious stones, upon demand by the customs officer.

The customs authorities may demand additional information from such person on the sources of such currencies, financial instruments which are negotiable to bearer, precious metals or precious stones, or the purpose behind the same, whereupon the person shall provide such information.

Such information shall, together with an authenticated copy of the original disclosure form to the Unit which shall include such information in its database

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## Article 7

The customs authorities shall, upon suspicion of ML or TF or whenever the disclosure is untruthful or upon refusing disclosure of the required information; take necessary action to keep the details of the aforementioned person's identity, seize the currencies, financial instruments, which are negotiable to bearer, precious metals or precious stones that in the person's possession in order to discover any evidence of ML or TF. The customs authorities shall in connection to ML or TF suspicions, report the incident to the Public Prosecution, and may request from the Public Prosecution to apply precautionary measures under the provisions of Article 126 of the aforesaid Criminal Procedures Law.

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## Article 8

The customs officers shall observe the secrecy of information received in the course of their functions until the termination of their services. No such information shall be used except for the purposes provided for in this Law.

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## Article 9

The customs authorities may cooperate with the relevant Competent Authorities (CAs) at both national and international levels in relation to matters included in this Chapter, and the information relating to the discovery of unusual movement through customs circles, of precious metals or precious stones.

The customs authorities shall issue decisions, directives and guidelines necessary to implement the provisions of this chapter.

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## **Chapter Four**

### **National Committee for Anti-Money Laundering and Anti-Terrorist Financing**

#### **Article 10**

A committee shall be established at Qatar Central Bank to be called the National Committee for Anti-Money Laundering and Anti-Terrorist Financing (NCAMLATF) under the chairmanship of the Deputy Governor of Qatar Central Bank and the membership of the following:

1. Two representatives of the Ministry of Interior, one of which shall be a director of one of the specialised directorates of the Ministry and another shall be the Vice-Chairman.
2. The Head of the Unit.
3. Two representatives of the Ministry of the Economy and Finance, one of which shall be from the Customs General Directorate.
4. Representative of the Ministry of Business and Commerce.
5. Representative of the Ministry of Social Affairs.
6. Representative of the Ministry of Justice.
7. Representative of the National Security Authority.
8. Representative of Qatar Central Bank.
9. Representative of the Public Prosecution.
10. Representative of the Qatar Stock Exchange Corporation.
11. Representative of the General Secretariat for the Council of Ministers.

Every represented authority shall elect its representatives, provided that no representative shall be lower in rank than a director of a directorate or an equivalent thereof. The nomination of the Chairman, the Vice-Chairman and members of the Committee shall be decreed by the Prime Minister who may at his discretion add further members subject to the recommendation by the Committee.

The Committee shall have a rapporteur and a number of Qatar Central bank staff who shall undertake secretariat functions. The Governor of Qatar Central Bank shall decide on their deputation and the specification of their functions and remuneration.

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#### **Article 11**

The Committee shall have the following functions:

1. Setting up a national anti-money laundering and anti-terrorist financing strategy for the State.
  2. Facilitating coordination between ministries and authorities represented in the committee.
  3. Reviewing and following up international developments in the field of anti-money laundering and anti-terrorist financing, making recommendations for the development of instructions and regulatory controls issued by Regulatory Authorities (RAs) of the State, and proposing legislative amendments suitable with such developments.
  4. Following up the implementation by CAs of the anti-money laundering and anti-terrorist financing policies at the legal and institutional levels.
  5. Coordinating and hosting national training programmes intended to combat money laundering and terrorist financing.
  6. Participating in international meetings and conferences on anti-money laundering and anti-terrorist financing.
  7. Cooperating with the National Committee for Combating Terrorism, established by the decision of the Council of Ministers No 7 of 2007 on all bilateral, regional and international treaties relating to the combating of terrorist financing.
  8. Cooperating with the National Committee on Integrity and Transparency established by the decision of Emiri Decree No 84 of 2007 on the activities of the Committee.
  9. Preparing an annual report for the Governor of Qatar Central Bank which shall include a presentation of the Committee's activities and efforts; the national, regional and international anti-money laundering and anti-terrorist financing developments and its proposals for the activation of control and regulation systems within the State.
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#### **Article 12**

The Committee shall be convened as appropriate upon a call by its Chairman and shall meet outside office hours. However in cases of necessity some meetings may be concluded during office hours.

The Committee meetings shall be valid only upon the attendance of the Chairman or the Deputy Chairman. The Committee shall issue its resolutions by the majority of its attending members, the Chairman shall have a casting vote and the Vice-Chairman shall replace the Chairman upon the latter's absence.

The Committee shall issue regulations for the conduct of its business.

The Committee may establish working groups from its number or otherwise, assign any of its members to study any matter within its functions or seek the expert support, of any expert whether a government official or otherwise to carry out its functions.

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## **Chapter Five**

### **The Financial Intelligence Unit and Reporting Requirements**

#### **Article 13**

The Financial intelligence Unit (FIU) shall be an independent unit with juridical personality and an independent budget to be appended to the general budget of the State and shall be seated in Doha city.

The Chairman of the Unit shall be appointed by a decision of the Governor of the Qatar Central Bank upon the recommendation of the committee. There shall be a sufficient number of employees appointed at the Unit, experts and specialists in areas relating to the implementation of this Law.

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#### **Article 14**

The Unit shall function as a national central apparatus responsible for receiving, requesting, analysing and distributing information relating to suspected proceeds of crime or the likelihood of money laundering or terrorist financing operations according to this law.

The Unit shall maintain a database of any financial data and information made available thereto and shall set up such means as necessary to make the same available to the judiciary and law enforcement authorities for use in conducting investigations and measurements whenever reasons exist for suspicion of money laundering or terrorist financing.

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#### **Article 15**

The Unit shall be entitled to receive information it deems necessary from any entity or person subject to reporting obligation under the provisions of this Law. Such information shall be delivered within the time and manner to be specified by the Unit, subject to the limits of professional obligations provided for under the Advocacy Law promulgated by Law No 23 of 2006.

The Unit may likewise review, directly or indirectly, any additional information relating to any report submitted to it by CAs and regulatory and law enforcement authorities which it deems beneficial for carrying out its functions.

In the case of failure by any FI, NPO or any of the DNFBPs to observe the obligations under this Law, the Unit may inform the relevant RA.

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#### **Article 16**

Subject to the principle of reciprocity and the provisions of international or bilateral treaties, the unit may either automatically or upon demand, exchange information with any foreign counterpart unit undertaking functions similar to those of the Unit and subject to the same confidentiality obligations regardless of the nature of such foreign unit.



## Article 17

The Unit staff shall undertake to observe the secrecy of any information they receive in the course of their functions and until after the termination of their services and no such information shall be used except for the purposes provided for in this Law.

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## Article 18

The FIs, DNFBs, NPOs and employees thereof, shall undertake to report to the Unit without any delay, any financial transactions, any attempted financial transactions regardless of value upon suspicion, availability of any indicators for suspicion that such transactions are conducted using proceeds of a crime; connected to or related to terrorist financing or intended to be used for the commission of Terrorist Acts (TAs) by Terrorist Organisations (TOs) or persons who finance terrorism.

Advocates, attestors and other independent legal professionals shall not be obliged to report information received or obtained from a client for assessing the legal position or discharging their duty to defend, represent such client or any information relating to legal claims or litigation thereon, whether such information is received or obtained before, during or after such claim.

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## Article 19

The Unit shall in coordination with RAs; issue instructions and guidelines for the FIs, NPOs and DNFBs in relation to the implementation of their respective anti-money laundering and anti-terrorist financing requirements, their observation of such requirements and all matters relating to reporting of suspicious transactions.

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## Article 20

The Unit shall inform the Public Prosecution of the results of examination and analysis where reasonable grounds exist for suspicion of ML or TF.

The Unit may request from the Public Prosecution to take precautionary measures relating to the proceeds of the suspected crime or the likelihood of money laundering or terrorist financing operations, in accordance to Article 126 of the aforesaid Criminal Procedures Law.

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## Article 21

The Unit shall prepare an annual report to be submitted to the Council of Ministers, after being reviewed by the Committee, which shall include a general analysis and assessment of the information reports received and the trends of ML or TF operations.

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**Preventative Procedures**

**Article 22**

The competent commercial registration systems shall maintain sufficient, accurate and updated information on the real beneficiaries, stakeholders and organisational structures of the JPs which are established or listed in the State.

CAs and RAs shall have the right to access such information.

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**Article 23**

The FIs and DNFBPs shall ascertain the identities of their customers, be they permanent or casual, natural or JPs, or Legal Arrangements. They shall verify such identities with documents, data or information from reliable, independent sources, upon the initiation of commercial relations therewith, or upon money transfer operations whether internal or external money transfers, or upon doubting the correctness or sufficiency of customer identification documents, data or information previously obtained; suspicion of ML or TF: upon conducting casual transactions; such as a one-off transaction or several, apparently structured transactions with a total value equalling or exceeding fifty five thousand 55,000 Riyals or their equivalent in foreign currencies, or a lesser amount as may be determined by the RAs; except for transactions of unknown value in which case Customer identification shall be ascertained, whenever such value becomes known, or reaches the specified threshold.

The FIs and DNFBPs shall likewise identify the purpose and nature of the initiated commercial relation and all information related thereto.

They shall further identify the Actual Beneficiary (AB) of the customer and take all reasonable measures to verify such identity using documents, information and data obtained from an independent and reliable source in a manner that enables them to ascertain the identity of the AB. Where the customer is a JP or a LA, such measures shall include taking additional reasonable procedures for identifying the AB of the ownership of such person or arrangement or whoever exercises control thereon and supervise it.

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**Article 24**

For the purposes of implementing the requirements under the previous Article the process of specifying and verifying the identity of natural persons shall include knowing the full name, the personal identification number for Qatari citizens and residents, and the passport numbers for visitors, of the State.

Ascertaining the identities of JPs shall include obtaining information on the name of the company, the address of its principal, registered office, proof of its incorporation or a similar proof of its form and legal position, together with the names of its directors and its memorandum of association. Such information shall be verified, as well as verifying that the person intending to act on behalf of the Customer is duly authorised to act so, after ascertaining and verifying identity thereof.

The ascertainment of LAs which are in the form of direct credit funds shall include the names of trustees, administrators, beneficiaries, and the verification thereof.

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**Article 25**

The RAs may, through the issuance of regulatory instructions and controls, specify the cases where the ascertainment of identity may be performed at a later stage, subject to the following conditions:

1. Where it is necessary to avoid obstructing the natural course of business.
  2. Where the ML or TF risks are limited and subjected to efficient management.
  3. Where verification would be conducted at the nearest possible time from the date when the relation was initiated with the customer.
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**Article 26**

The FIs and DNFBPs shall undertake to implement the following procedures:

1. Exercising ongoing due diligence with respect to any commercial relation connecting it to a Customer and verifying that any transactions resulting from such relation match what it knows of its Customer and his commercial activities, the risks involved in dealing therewith and the sources of his property and wealth as the case may be. Special due diligence shall be exercised in carrying out examination and verification connected to high risk Customers, transactions and commercial relations.
2. Ensure, by reviewing current records particularly the data and documents related to high risk customers and commercial relations, that documents, data and information obtained under the customer due diligence processes are updated and relevant.
3. Carrying out sufficient measures to deal with risks connected to ML or TF when initiating commercial relations or conducting transactions with a Customer with no physical existence, for the purpose of ascertaining his identity.
4. Setting up suitable risk management systems for identifying whether or not by virtue of his position, a Customer or AB is a politically Exposed Person (PEP). Where the same by virtue of his position is a PEP, the following procedures shall be carried out:
  - a) Obtaining approval from senior management before establishing or continuing a commercial relation with the Customer.
  - b) Carrying out all reasonable measures to ascertain the sources of the Customer wealth and identify the AB in connection to his property.
  - c) Providing additional and continuous scrutiny of such commercial relation.

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## Article 27

Upon conducting cross-border banking relations, the FIs shall carry out the following:

1. Ascertain and verify the identity of respondent institutions.
2. Collect information on the nature of respondent institutions.
3. Evaluate, using available information, the reputation of the respondent institutions and the nature of supervision they are subjected to.
4. Obtain approval from senior management before establishing a correspondence banking relation.
5. Evaluate the anti-money laundering and anti-terrorist financing controls used by the respondent institution and verify their suitability and efficiency.
6. Ensure that in the case of correspondence payment accounts the respondent institution has ascertained the identity of the Customer, executed its continuous customer scrutiny mechanism, and is capable of providing upon request information relevant to Customer identification.

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## Article 28

The FIs and DNFBPs shall not establish or pursue a commercial relation where they are not capable of meeting the obligations provided for under Articles 23 to 27 of this Law; in which case they shall report the same to the Unit, in accordance with this Law.

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## Article 29

Every FIs or DNFBPs shall, in connection to its relevant specialisation, implement the obligations provided for under Articles 23 to 27 of this Law as regards every customer with which it is connected in a commercial relation or a cross-border banking correspondence that exists on the date this Law comes into force, within a period not exceeding six months from such date.

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## Article 30

FIs conducting internal or foreign wire transfers activity shall, in the case of transfers exceeding 4000 Riyals or its equivalent in other currencies, obtain and verify, in relation to transfer originators, the following information:

1. Full name.

2. Account number or in the absence of an account number, the identification number.
3. Address, personal identification card number, customer identification number or the date and place of birth.

This information shall be included in a letter or payment form accompanying the transfer.

The RAs may issue instructions with mandatory procedures in connection to certain wire transfers such as single package transfers, internal transfers and credit card and debit card transactions.

The institutions mentioned in the first paragraph of this Article shall, upon receiving wire transfers not including sufficient information on the transfer originator, take the necessary measures to obtain the unsupplied information and verify it with the institution executing the transfer or with the beneficiary. Where it is not possible to obtain the unsupplied information the institution shall refuse the transfer and inform the Unit of the same.

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## Article 31

Where no ML or TF suspicion exists the RAs may, through its regulatory instructions and controls, simplify the customer due diligence requirements obligations under this Law relating to the ascertainment or verification of the identity of the customer or AB, in the light of an assessment of the risk posed by the Customer, product, commercial relation or transactions.

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## Article 32

Where no ML or TF suspicion exists, the RAs may, through its regulatory instructions and controls, allow the FIs to rely on procedures implemented by others towards the Customer in compliance with the provisions of this Chapter.

In all circumstances, however, the FI shall remain responsible for the due implementation of the procedures provided under this Chapter and continually scrutinise customers.

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## Article 33

The FIs and DNFBPs shall apply special attention to the following matters:

1. Examination of the background and purpose behind all complex or unusually large transactions and all types of unusual transactions which have no apparent economic or visible lawful purpose.
2. Examination of the background and purpose of relations and commercial operations with personas including JPs and LAs subject to legal regulations which do not follow, or sufficiently implement international anti-money laundering and anti-terrorist financing standards.
3. Setting up of policies and procedures for dealing with risks posed by products and transactions involving anonymous identity.

The FIs and DNFBPs shall record in writing the information relating to transactions referred to in Sub-articles 33-1 and 33-2, and the identity of all parties involved therein, and shall keep such record in accordance with the provisions of this Law and provide it upon demand to the Unit, RAs and CAs.

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## Article 34

The FIs and DNFBPs shall keep records comprising the following information:

1. Copies of documents proving the identity of Customers and ABs obtained according to the provisions of this Chapter, the files of accounts and commercial correspondence for a minimum period of five years after the end of the commercial relation or any longer period as the CA may demand in circumstances thereby specified.
2. The information obtained under the provisions of this Chapter, which enable the tracking of transactions conducted or attempted by Customers and written reports thereon, under the provisions of this Law for a minimum period of five years after conducting or attempting the transaction or any longer period as the CA may demand in circumstances thereby specified.

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## Article 35

The FIs and DNFBPs shall undertake to provide such records and information therein included, upon demand, to the Unit and other CAs.

The FIs and DNFBPs shall set up anti-money laundering and anti-terrorist financing programmes comprising the following:

1. Internal policies, procedures and controls, including proper implementation of suitable programme management and investigation procedures on members of the staff in order to guarantee their recruitment in accordance with the highest criteria.
  2. Continuous training of the employees that enables them to discover transactions and activities that may be related to ML or TF, and inform them of procedures to be followed under such circumstances.
  3. Setting up auditing policies to ensure the inter-coordination of measures adopted for the efficient implementation of the provisions of this Law.
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## Article 36

The FIs and DNFBPs shall appoint an internal employee at the level of head department to be responsible for the implementation of the provisions of this Law.

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## Article 37

The RAs may, through their issued regulatory instructions and controls, specify the nature and extent of measures required to be implemented by the FIs and DNFBPs in connection to the requirements of this Chapter.

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## Article 38

The FIs shall obligate companies and foreign branches related thereto, in which it has the majority shareholding to implement the requirements under this Chapter, except such requirements, which are not permitted under applicable laws and regulations in the country in which such company or branch exists. Where such laws and regulations prevent the implementation of such requirements the FI shall inform the same to the RA.

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## Article 39

The FIs, NPO, DNFBPs and employees thereof; may not alert their Customers or third parties that information relating to such Customers has been delivered to the Unit or that a report has been, will be, or is currently being delivered to the Unit on a suspicion of ML or TF; that anti-money laundering or anti-terrorist financing investigations are underway or have been conducted, except for the disclosure of discussions on ML or TF suspicions between the managing directors of FIs and DNFBPs, officers, employees, legal departments and CAs, while performing their duties.

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## Article 40

Except for the professional obligations provided for under the Advocacy Law, promulgated under the Law No 23 of 2006, failure to provide the information and documents required under this Law may not be justified on grounds of professional confidentiality.

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## **Chapter Seven**

### **Regulatory Authorities**

#### **Article 41**

The RA may issue instructions, rules, directives, recommendations or any other instruments for the implementation of the provisions of this Law in order to ML or TF.

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#### **Article 42**

The RAs shall undertake the supervisions of commitment by FIs and DNFBPs to the requirements provided under the provisions of this Law and shall specifically carry out the following:

1. Adoption of measures necessary for setting suitable and proper standards on the acquisition, control, direct or indirect participation in the management or administration of the affairs or the operation of FIs.
  2. Organising and supervising the compliance by FIs, NPOs and DNFBPs with the requirements of the provisions of this Law, including field inspection operations and the requesting of documents, information or records.
  3. Cooperation and exchange of information with CAs, and assistance in relation to the collection of evidence, judicial investigations or filing of claims relating to predicate crimes, ML or TF.
  4. Cooperation with the Unit in the preparation of standards to be applied in the reporting of suspicious operations, bearing in mind the relevant national and international standards.
  5. Ensuring that FIs and foreign branches and companies related thereto in which it has the majority shareholding adopt and implement measures in accordance with the provisions of this Law, except such requirements, which are not permitted under applicable laws and regulations in the country in which such company or branch exists.
  6. Reporting to the Unit without delay, any information relating to suspicious operations or information that may be related to FIs.
  7. Expedient and efficient cooperation with counterpart authorities undertaking similar functions in other countries, including the exchange of information.
  8. Maintaining statistics on adopted measures and penalties imposed by way of implementing the provisions of this Law.
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#### **Article 43**

Subject to the special legal regulations for every business or profession, it is hereby prohibited to carry out DNFBPs without prior registration with the competent regulatory authority.

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#### **Article 44**

The RA may, where intentional or grossly negligent non-compliance by a FI or a DNFBPs of the obligations provided by this Law is established, impose one or more of the following sanctions:

1. Issue an order for the production of reports of measures adopted.
2. Issue an order commanding compliance with specific instructions.

3. Address written warnings.
4. Replace managers, board of directors or controlling owners, or restrict their powers, including the appointment of a special administrative supervisor.
5. Ban relevant individuals, on permanent or temporary basis, from working in the commercial business sector or carrying out any profession or activity.
6. Impose supervision, suspension of licenses, withdrawal or restriction of any other type of licences and banning the resumption of any work, profession or activity.
7. Impose a financial penalty not exceeding ten million 10, 000, 000 Riyals.
8. Take any other measures as it deem appropriate.

The RA shall inform the Unit of violations committed and measures or sanctions applied..

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## **Chapter Eight**

### **Investigation and Temporary Measures Proceedings**

#### **Article 45**

Investigation in money laundering offences may be conducted independently of predicate crimes.

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#### **Article 46**

The Attorney General or any Advocate General appointed as representative thereof, may order the inspection or access to any information or data relating to accounts, deposits, credit funds, any property or other transactions in the FI, DNFBPs or NPOs, which assist in the discovery of the particulars of any potential ML or TF offence, or any related predicate crime.

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#### **Article 47**

The Public Prosecutor or any Advocate General appointed as representative thereof, may order the seizure of all types of letters, printed matter, postal boxes and telegrams and may scrutinise all means of communication, record any activity carried out at public or private places if such an action assists in the discovery of the particulars of any potential ML or TF offence or any related predicate crime.

In all circumstances such seizure or recording order shall be reasoned and for a period not exceeding ninety days which shall not be extended except by order of the court of competent jurisdiction.

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#### **Article 48**

Without prejudice to the powers of the Public Prosecutor as provided by law, the Governor of Qatar Central Bank may, in cases where there is a concern about the disposal of money laundering proceeds held at FIs, or upon suspicion of using property, funds or accounts in financing terrorism, issue a decision for the seizure of suspected property, funds or accounts for a period not exceeding ten working days, which decisions shall be informed to the Public Prosecutor within three days of its issuance, otherwise it shall be treated as and void. The Public Prosecutor may cancel the seizure decision or renew the same for a period not exceeding three months.

The seizure decisions shall not be renewed after the expiry of the aforesaid three months except by an order of the competent court upon application by the Public Prosecutor, whereupon the renewal shall be for a similar period or periods until a final verdict on the claim is issued.

In all cases, any interested party may petition against the seizure decision, or renewal thereof, before the court of competent jurisdiction within thirty days of coming to know of the decision. The decision of the court on such petition shall be final.

## Article 49

Without prejudice to the rights of bona fide third parties the Public Prosecutor may, of his own accord, order the imposition of temporary measures including freezing or seizure for the purposes of attaching property and instruments used or to be used in the commission of a predicate offence, money laundering offence or terrorist financing offence, or any property of equivalent value.

The competent court may lift such measures at any time upon the application of the Attorney General, the suspects or persons pursuing their rights in such property.

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## Article 50

The Public Prosecutor shall issue decisions necessary to freeze the property of terrorists, persons who finance terrorism and persons specified by a decision of the Committee for Combating Terrorism, established by the Council of Ministers Decree No 7 of 2007, by virtue of the Security Council Resolution No 1373 of 2001, or subsequent resolutions.

The decision of the Public Prosecutor shall include the terms, conditions and time limitations applicable to the freezing and shall be published in the Official Gazette. The FIs and DNFBPs or any other person in possession of such property shall immediately freeze such property and inform the Unit or any CA.

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## Article 51

The property subject to freezing shall remain owned by the persons having interest therein at the time when such freezing was imposed, and the FI may continue to administer such property.

The property subject to seizure shall likewise remain owned by the persons having interest therein at the time such freezing was imposed and the judiciary shall administer such property.

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## **Chapter Nine**

### **International Cooperation**

#### **Section 1**

##### **General Rules**

## Article 52

The CAs shall extend assistance to counterpart authorities in other countries for the extradition of criminals and the provision of mutual legal assistance in investigations and criminal proceedings relating to ML or TF, according to the rules provided by the aforesaid Criminal Procedures Law, bilateral and multilateral treaties in which the State is party or the principle of reciprocity, without prejudice to the basic principles of the legal regulation on the State.

The extradition request shall not be implemented under the provisions of this Law except where the laws of the requesting state and the laws of the state of Qatar provide for the punishment of the offence the subject of such request or a similar offence, provided that double criminality shall be satisfied regardless of whether or not the laws of the requesting country adopt the same classification for the offence or use the same terminology for such offence as the case in the State, provided that the criminal act in the request is criminalised under the laws of the requesting state.

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## Article 53



The Public Prosecutor shall undertake the function and responsibility for receiving mutual legal assistance and extradition requests relating to ML or TF from the foreign competent authorities (FCA), whereupon the Public Prosecutor shall either implement such requests or transfer them to the CAs for implementation as soon as possible.

In urgent cases, such requests may be sent through the International Police Organisation Interpol or directly from the FCA to the CAs in the State, in which case the body receiving the request shall inform the Public Prosecutor therewith.

Requests and responses shall be sent by post or any other more expedient means that provides access to a written record of receipt or an equivalent thereto, in a manner enabling the State to verify its correctness.

Requests and their attachments shall in all cases be accompanied by an Arabic translation thereof.

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## Article 54

The legal assistance and extradition requests shall include the following:

1. Identification of the entity requesting the measure.
2. The name and function of the entity undertaking the investigation or prosecution related to the claim.
3. Specification of the entity to which the request is to be directed.
4. Statement of purpose behind the request and any related remarks.
5. Supporting documentation to the Request.
6. Any known details which may facilitate the ascertainment of the identity of the relevant persons, particularly their names, social status, nationalities, addresses, locations and occupations.
7. Any known details which may facilitate the ascertainment of the identity of the relevant persons, instruments, property or belongings.
8. The legal text criminalising the act or a statement of the law applicable to the offence, as the case may be, together with any statement of the penalty that might be imposed on the perpetrator of the offence.
9. Details of the required assistance and any special procedures the requesting country may desire to be implemented.

In addition, the requests shall in some specified cases include the following details:

- 1- Presentation of the requested measures where temporary measures are requested.
  - 2- Statement of the relevant facts and arguments which enable the judicial entities to issue a confiscation order according to the law, where a confiscation order is requested.
  - 3- Where the execution of an order relating to temporary measures or confiscation:
    - a) Attested copy of the order and a statement of the grounds for its issuance where such are not included in the order itself.
    - b) Document ensuring that the order is capable of being executed, and is not ordinarily appealable.
    - c) Statement of the required extent of execution of the order and the amount, relating to property value, required to be recovered.
    - d) Any information relating to the rights of the third party in the instruments, proceeds, property or other related things. Original copy of the judicial verdict, an attested copy thereof, or any other documents proving that the accused has been convicted. Furthermore the punishment imposed, that such verdict is mandatorily executable and the balance of the punishment term, where the extradition of a convicted person is requested.
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## Article 55

The Public Prosecutor or the CA shall in their own discretion or upon application by the Public Prosecutor, request additional information from the FCA where such additional information is necessary for the implementation or facilitation of the implementation of the request.

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## Article 56

Confidentiality shall be observed where the request made it a condition to observe its confidentiality. Where it is not possible to observe confidentiality the requesting authority shall be immediately notified..

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## Article 57

The Public Prosecutor may withhold the transfer of the request to the authorities responsible for its implementation where the measure or order therein requested could possibly substantially contradict the current investigations or claim. The Public Prosecutor shall immediately notify the authority making the application of such decision.

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## **Section 2**

### **Mutual Legal Assistance**

#### **Article 58**

Where a request is received from a foreign country for mutual legal assistance in connection with ML or TF, the implementation of such request shall be in accordance with the provisions of this Chapter.

The forms of mutual legal assistance shall in particular include the following:

1. Obtaining evidence and interrogating persons concerned.
  2. Assisting with the appearance of detainees, voluntary witnesses or others before the judicial authorities of the country making the request for the purpose of providing evidence or assisting with the investigations.
  3. Delivery of judicial papers.
  4. Execution of search and seizure operations.
  5. Inspection of property and places.
  6. Provision of information, expert reports and evidence proving the accusation.
  7. Provision of original documents or attested copies thereof including governmental, banking, financial, and/or business records
  8. Identification and tracking the proceeds of the crime, property, belongings, instruments or other things for the purposes of evidence or confiscation.
  9. Confiscation of assets.
  10. Execution of freezing of assets and other temporary measures.
  11. Any other forms of mutual legal assistance which do not contradict the laws applicable in the State.
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#### **Article 59**

The mutual legal assistance request shall not be refused except in the following cases:

1. Where the request is not issued by an authorised body under the laws of the country requesting assistance
  2. Where the request is not sent in accordance with the applicable laws or its content constitutes a substantial breach of Article 54 of this Law.
  3. Where the execution of the request is likely to affect the security, sovereignty, public order or basic interests of the State.
  4. Where the offence connected to the request is the subject-matter of a current criminal claim or has been settled in the State by a final verdict.
  5. Where there are substantial grounds to believe that the requested measure or order is addressed to the relevant person only because of his/her ethnicity, religion, nationality, race, political convictions, sex or other status.
  6. Where the offence mentioned in the request is not included in the laws of the State or has no common features with an offence therein included. However, assistance may nonetheless be granted if it does not involve coercive measures.
  7. Where it is not possible to issue an order for the execution of the requested measures by reason of limitation rules applicable on the money laundering or terrorist financing offence under the laws of the State or of the country requesting assistance.
  8. Where the order requested to be implemented cannot be implemented according to the law.
  9. Where the issuance of the decision in the requesting country has taken place in circumstances where no sufficient guarantees were available in connection with the rights of the accused.
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#### **Article 60**

The mutual legal assistance request shall not be refused on the basis of extremely restrictive conditions, mandatory confidentiality provisions of FIs or solely because the offence involves taxation funds.

The court's decision in connection with the mutual legal assistance request shall be subject to appeal according to the established legal rules.

Where the request is refused the Public Prosecutor or the CA in the State shall immediately inform and give reasons for such a refusal to the FCA ..

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## Article 61

Requests for investigation measures shall be implemented according to the rules and procedures applicable in the State, unless the FCA requests the application of specific procedures compatible with such rules. The implementation of measures may be attended by a public officer delegated by the FCA

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## Article 62

Requests for temporary measures shall be implemented according to the aforesaid Criminal Procedures Law and where the request is worded in general terms the measures most appropriate according to the law shall be implemented.

Should the requested measures not be provided for in the aforesaid Criminal Procedures Law, the authorised committee may substitute such measures with measures provided for in such Law which have an effect, as similar as possible, to that of the requested measures.

The rules relating to the lifting of temporary measures shall apply in the manner provided for in this Law, provided that the country requesting the measures is informed before lifting such temporary measures.

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## Article 63

In the case of receiving a mutual legal assistance request for the issuance of a confiscation order, the CAs shall approve the confiscation order issued by the court of the requesting country or transfer the request to the Public Prosecution for the issuance of the confiscation order where it has been issued, to execute such order.

The confiscation order shall apply to the property mentioned in the confiscation rules provided for in this Law and situated in the State.

The CAs shall, as they approve and execute the confiscation order, observe the particulars on the basis of which the order has been issued.

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## Article 64

Without prejudice to the rights of a bona fide owner, the State shall be authorised to dispose of the property confiscated on its territory upon the application of foreign authorities, unless a treaty signed with the requesting country otherwise provides.

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## Article 65

The CA of the State may sign bilateral or multilateral agreements or measures in connection with investigation matters or the procedures in one or more countries for the purpose of forming a joined investigation teams and conducting of joint investigations.

Where no such agreements or measures exist, joint investigations may be conducted separately on the basis of every individual case.

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### Section 3

#### Extradition

## Article 66

ML or TF offences shall be considered offences and the perpetrators of such crimes may be repatriated.

For the purposes of this Law, ML or TF offences shall not be considered political offences, offences connected to political offences nor offences with political motives.

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## Article 67

The extradition request shall not be accepted in the following cases:

1. Where substantial grounds exist for believing that the extradition request is made in order to accuse or punish a person because of his/her sex, race, religion, nationality, race, political convictions, or where the execution of the order would affect his status because of any of the aforesaid reasons.
2. Where the extradition offence is the subject-matter of a claim settled by virtue of a final verdict in the State.
3. Where a person requested to be repatriated under the laws in either of the two countries, is no longer subject to trial or punishment for whatever reason including limitation or pardon.
4. Where substantial grounds exist for believing that the person requested to be repatriated has been or would be subjected to torture, cruel, inhuman or demeaning treatment and where no minimum guarantees under recognised international standards would be available for such a person under the relevant criminal procedures.
5. Where the person requested to be repatriated is a Qatari national.

The extradition request shall not be refused solely because the offence involves taxation matters.

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## Article 68

Extradition of offenders may be refused in the following cases:

1. Where there is a current judicial investigation in the State against the person requested to be repatriated in connection to the extradition offence.
  2. Where the extradition offence was committed outside the territories of either of the two countries and the laws of the State do not provide for jurisdiction in the case of offences.,
  3. Where a judicial verdict has been issued against the person requested to be repatriated. Furthermore where such person would be subjected to an unfair trial and judgment in the requesting country..
  4. Where the State is of the opinion that extradition of the relevant person would be contrary to human considerations because of his age, health or other personal circumstances.
  5. Where the extradition request is based on a final verdict issued in absentia due to reasons beyond the person control i.e. the person did not have sufficient time before the trial to take necessary measures for his defence, consequently failed to have the opportunity to personally review his/her case..
  6. Where the State has assumed jurisdiction in respect of the offence.
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## Article 69

Where the extradition request is refused for reasons provided for under this Law, the case shall be transferred to the CAs to conduct the prosecution of the person being subjected to the extradition request.

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## Article 70

In cases relating to ML or TF, the State may assist in the extradition of offenders after receiving a temporary arrest warrant from the requesting country; provided that the person requested to be repatriated explicitly agree thereto before the authorised body.

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## **Chapter Ten**

### **Sanctions**

## Article 71

Money laundering offence shall not be subject to the provisions of Article 85 of the aforesaid Penal Code.

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## Article 72

Without prejudice to any stricter punishment under another law:

1. Whoever commits or attempts to commit any of the terrorist financing offences provided for under Article 4 of this Law, shall be punished by imprisonment for a term not exceeding ten years and a fine not exceeding two million (2,000,000) Riyals.
2. Whoever commits or attempts to commit any of the money laundering offences provided for under Article 2 of this Law, shall be punished by imprisonment for a term not exceeding seven years and a fine not exceeding two million (2,000,000) Riyals.
3. Whoever commits a breach of Articles 3, 5 or 39 of this Law, shall be punished by imprisonment for a term not exceeding three years and a fine not exceeding five hundred thousand (500,000) Riyals.

The penalties mentioned in the aforesaid paragraph shall be multiplied where the perpetrator commits the offence in participation with one or more persons through an organised criminal group, a terrorist organisation, where the offence is committed as part of other criminal activities, where the perpetrator commits the offence using his powers or influence in a FI NPO or a DNFBPs, in exploitation of facilities to which he is entitled by reason of his position professional or social activity, where the perpetrator has contributed primarily or as participant to the predicate crime and the proceeds of which are the subject-matter of the money laundering offence and where the perpetrator has committed the offence with the intention to impede money laundering or terrorist financing investigations. In addition to the penalties provided for in the aforesaid two paragraphs, the perpetrator may be permanently or temporarily banned from conducting any business, which contributed to the opportunity used in committing a crime under this Article.

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## Article 73

Without prejudice to any stricter punishment under any other law, whoever is found guilty to have breached the first or second paragraph of Article 6 or Article 17 of this Law, shall be imprisoned for a term not exceeding three years and a fine not exceeding five hundred thousand (500,000) Riyals.

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## Article 74

Without prejudice to any stricter punishment under any other law, whoever is found guilty to have breached Article 8 of this Law, shall be imprisoned for a term not exceeding one year and a fine not exceeding one hundred thousand (100,000) Riyals.

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## Article 75

Without prejudice to any stricter punishment under any other law, a a fine not less than five hundred thousand (500,000) Riyals or the equivalent of the total value of instruments and proceeds of the offence, whichever is higher, shall be imposed on any JP in whose interest or name money laundering or terrorist financing offence was committed. Whether by a natural person acting alone or as part of a body connected to such JP, assuming a leading position therein, relying on its representation, having the authority to make decisions on its behalf, duly authorised and is acting under such authorisation, regardless of whether or not such a natural person has been convicted for the offence.

The aforesaid shall not preclude the punishment, as provided under the law, of the natural person committing the offence.

The JP may be banned either permanently or temporarily from directly or indirectly resuming certain commercial activities. The authorities may decide to

place his/her facilities under judicial supervision, permanent or temporary closure of such facilities used in the commission of the offence, dissolution of business or publish the judgement issued in respect thereof.

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## Article 76

Without prejudice to any stricter punishment under any other law, any FI or DNFBPs which is found guilty to have breached Article 50 of this Law shall be fined an amount not exceeding one million (1,000,000) Riyals.

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## Article 77

Upon conviction of a predicate crime, ML or TF offence, or attempting the same, the court may without prejudice to the rights of bona fide third parties, in addition order the confiscation of the following:

1. Property that constitutes the proceeds of crime, including belongings mixed up, resulting from, or exchanged with such property, or belongings the value of which is equivalent to the value of such proceeds.
2. The property being the subject matter of the offence.
3. Property that form other revenue or benefits resulting from such property or belongings or from the proceeds of the crime.
4. The instruments used in the commission of the offence.
5. The property mentioned in this Article which has been disposed of to any party, unless the court finds that such party has earned such property in consideration of a reasonable price, obtained it for the provision of services with proportionate value, on the basis of other legitimate grounds or such a party was ignorant of its illegitimate origin.

Where an offence punishable under this Law is committed and the perpetrator is not convicted due to ignorance or death, the Public Prosecution may transfer the papers to the competent court to issue an order for the confiscation of the attached property. This is subject to sufficient evidence proving that the same is the proceeds of crime.

In all cases, the confiscation order shall specify the relevant property. Furthermore the order shall include the details necessary for the identification and location of such property.

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## Article 78

Without prejudice to the rights of bona fide third parties, any contract, agreement believed by authorities that is meant to obstruct the confiscation of instruments, revenue and proceeds of crime in connection with ML or TF, shall be null and void.

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## Article 79

Unless this Law otherwise provides, the confiscated property shall be credited to the State revenue and shall remain encumbered to the limits of its value with any rights that may legitimately accrue to bona fide third parties.

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## Article 80

The Freezing and Confiscation Office shall be established. The office shall be directly related to the Public Prosecutor and shall be responsible for the discovery and tracing of property that may be the subject of freezing and confiscation. The office shall be responsible for the collection and maintenance of all particulars relating to its functions according to the law. The Office shall also be responsible for the administration of assets under attachment.

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## Article 81

The Freezing and Confiscation Office shall be responsible for the administration of attached assets. This shall be subject to the possible means available thereto for the purpose of recovering such assets or their confiscation in a state reasonably similar to their state at the time of attachment. The Public Prosecutor may permit the sale of property or belongings which depreciates in value due to high administration and handling costs. , Should that be the case, the sale value shall be subject to the attachment.

The Office shall be responsible for the attached financial amounts unless they have previously been placed in the custody of a FI or a special administrator..

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## Article 82

Whoever reports in good faith any suspicious operations under the provisions of this Law and delivers any information on such operations shall be exonerated of any criminal or civil liability in connection to professional confidentiality requirements, including bank secrecy rules.

Criminal claims may not be filed on money laundering or terrorist financing against FI, DNFBPs, NPOs and their employees, for any suspicious operations if they deliver in good faith reports of such operations under this Law.

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## Article 83

Perpetrators of money laundering or terrorist financing offence shall be relieved of imprisonment and fine provided for under this Law if they promptly report any information regarding the offense and those participating in the offense to the authorised bodies...

The court may order a stay of execution of punishment where such reporting occurs after the authorities come to know of the offence and its perpetrators.

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