

Syrian Arab Republic

Legislative Decree No. 27 of 2011

President of the Republic;
Pursuant to Constitution's provisions,

Decreases the following:

Article 1:

A- The introduction of paragraph (C) of Article 1 of the Legislative Decree 33 of 2005 is amended as follows:

“Illicit funds: the funds yielded or resulted directly or indirectly from committing one of the crimes listed below; whether they are committed inside or outside Syria if the use of these funds in the commission of money laundering offences was proved.”

B- The following items are added to the end of the same paragraph:

14. Monopoly and market manipulation crimes.
15. environmental crimes
16. Terrorist financing crimes in accordance with the provisions of the articles (304) and (305) of the Syrian Penal Code issued by the legislative decree number (148) of 1949, laws, international and regional agreements in effect in the Syrian Arab republic.
17. Murder, grievous bodily injury.
18. Illicit trafficking in stolen goods.

Article 2:

A- The item (1) of paragraph (A) of Article 2 of the Legislative Decree 33 of 2005 is amended as follows:

“Concealing or disguising the true nature, source, location, disposition, movement or ownership of the rights with respect to property of funds, knowing that it is illicit.”

B- The paragraph (B) of the same article is amended as follows:

“Shall be deemed a terrorism financing crime any act aimed at presenting or collecting money by any way, directly or indirectly, totally or partially, from legal or illicit sources, in order to be used in a terrorist act or in the financing of a terrorist or terrorist organization inside or outside the Syrian Arab Republic, pursuant to laws and international, regional and bilateral agreements in effect in the Syrian Arab republic.”

Article 3:

The article 3 of the Legislative Decree 33 of 2005 is amended as follows:

“A- The commission suggests the executive instructions of this legislative decree that should include the details of obligations stipulated in articles 4,5,6,9, and should be issued by the Prime Minister.

B- The commission imposes the penalties of notification and ultimatum which are applied on all the violating institutions subjected to the obligations imposed by this legislative decree and its executive instructions.

C- The sanctions provided in the paragraph above don't affect the obligations, sanctions and penalties provided by other laws.”

Article 4:

The paragraph (A) of Article 4 of the Legislative Decree 33 of 2005 is amended as follows:

“A- Companies of building, promoting and selling real estates, real estate brokerage offices, merchants of luxury items such as jewelries, precious stones, gold, art masterpieces and rarities, and other non-financial institutions defined by resolution issued by the council of ministers, shall have to keep special registries for dealings of values exceeding the amount defined in a decision by the Commission. The same shall apply when establishing business relationship with permanent customers, and the transactions where there is doubts that one of the dealers is trying to handle money laundering or terrorism financing, or if there is doubt about the validity of the information declared previously, or if there are later changes in the dealer’s identity or that of the economic right owner.”

Article 5:

A- The phrase "registered with the Central Bank of Syria" in paragraph (a) of Article 5 of Legislative Decree No. 33 of 2005 is deleted.

B- The paragraph (C) of the same article is amended as follows:

“C- Internal controllers of operational banks and controllers of competent authorities shall have to check that the banking and financial institutions respect this legislative decree, executive instructions and its status provisions mentioned in Paragraph (B) of this article, and inform the Combating Money Laundering and Terrorism Financing Commission about any violation in this regard.”

C- The phrase "registered with the Central Bank of Syria" in paragraph (D) of the same Article is deleted, the words “corresponding banks”, also, replaced by corresponding banking and financial institutions

D: The introduction of Article 6 of the same Legislative Decree is amended as follows:

“Banking and financial institutions and bodies mentioned in article /4/ shall have to apply special measures and pay special attention if:”

Article 6:

The paragraph (A) of Article 8 of the Legislative Decree 33 of 2005 is amended as follows:

“A- The Commission shall have an Administration Committee consisting of:

- Central Bank of Syria Governor Chairman
- First deputy of Central Bank of Syria Governor Member, Vic-Chairman.
- Second deputy of Central Bank of Syria Governor, supervising Government Commission for the Banks, Member
(If he is absent, the Director of Government Commission for the Banks shall replace him).
- A judge appointed by Minister of Justice Member
- A representative of the Ministry of Finance of the rank of Director at least Member
- A representative of the Ministry of Foreign Affairs of the rank of Director at least Member
- A representative of the Ministry of Interior of the rank of Director at least Member
- A representative of the Ministry of Economy and Commerce of the rank of Director at least Member
- A representative of Syrian Authority for Financial Markets and securities of the rank of Director at least Member

- A representative of the General Customs Directorate of the rank of Director at least
Member
 - Two expert in legal, financial and banking affairs.
Members
- The competent minister nominates representatives of the ministries and public bodies of the Administration Committee.”

Article 7:

A- The paragraph (A) of Article 9 of the Legislative Decree 33 of 2005 is amended as follows:

“A- Bodies mentioned in Articles (4, 5) of this Legislative Decree, in addition to internal controllers of operational banks, controllers of competent authorities and legal account inspectors, shall have to report immediately to the Commission chairman or his deputy about the details of operations suspected to hide illicit money laundering or terrorism financing or about funds suspected to be proceeds of one of the crimes mentioned in paragraph /c/ of article /1/ or money related to terrorism or can be used by terrorist organizations or terrorist financing.”

B- The paragraphs (B) (C) (D) (E) (F) of the same article are replaced by the following paragraphs:

“B- The executive instructions include the mechanism adopted by the commission for treating the report mentioned in the forgoing paragraph, and the mechanism of responding to the internal and external requests of assistance concerning the investigation in money laundering or terrorist financing offence or any offence whose proceeds constitute resource for illicit money.

C- The commission shall have the right to freeze the suspected accounts for six workdays, and to extend the freezing of the accounts for additional twelve workdays according to the approval of the Commission Administration Committee. If the commission request to prosecute, it shall have the right to freeze these accounts or extend the freezing without abiding by the previous durations of freezing, and the public prosecutor have the right to make the decision to free or extend freezing the accounts.

D- The public prosecution have the right to suit according to the common right in money laundering and terrorist financing offences according to the laws in effect, and the examining magistrate responsible for the action has the right to use his competences cited in the criminal procedures code, specially conducting investigations, collecting evidences, tracing money related to the crime and its proceeds wherever it be located, and taking necessary measures including seizing funds related to money laundering or terrorist financing offences, its proceeds, and all means used in committing these crimes, and seizing funds related to the crimes whose its proceeds constitute the source of illicit money, freeing or extend freezing the accounts had been frozen by the commission.”

Article 8:

The following paragraph is added to the Article 10 of the Legislative Decree 33 of 2005:

“C- The ministry of foreign affairs shall send the United Nations lists including the suspicion of names of persons involved in terrorist acts or operations of financing of terrorism, to the concerned authorities to verify the involvement of such persons and to take the necessary measures, and thereafter the prime minister shall be notified of these lists, in a manner consistent with the provisions of law, international agreements and conventions in effect in Syria.”

Article 9:

A- The paragraph (A) of Article 15 of the Legislative Decree 33 of 2005 is amended as follows:

“The competent court shall decide to confiscate the funds subject of crimes of money laundering and terrorism financing, its proceeds, and the means and tools used in these crimes.”

B- The paragraph (D) of the same Article is amended as follows:

“Syrian judiciaries shall have the right to order implementation of final judicial sentences issued by competent foreign juridical bodies regarding the money laundering offence, including the decisions of confiscation of funds yielded from crimes of money laundering and their returns and crimes of terrorism financing, and the means used in the money laundering and terrorism financing offences according to the rules and measures defined by Syrian laws in effect and regulations as well as international, regional and bilateral pacts to which Syria is a party, or according to reciprocity.”

Article 10:

A- The article 16 of the Legislative Decree 33 of 2005 is amended as follows:

“If the offence of money laundering or terrorism financing is committed by the director of the legal person or members of his administration or his representatives or employees, or one of its means, the legal person should be punished in accordance with the provisions of article (108) et seq of the Penal Code. This penalty doesn't affect the criminal liability of natural persons.”

B- The article 18 of the Legislative Decree 33 of 2005 is amended as follows:

“Through the ministry of justice and the ministry of Foreign Affairs, Syrian juridical bodies shall exchange cooperation with foreign juridical ones in the field of crimes of money laundering and terrorism financing including investigation, control of evidence and testimony, prosecution, and identification , freezing, and seizing of illicit funds and means used in the crimes of money laundering or terrorism financing, extradition and other relevant procedures, according to rules and measures defined by Syrian laws in effect and regulations as well as international, regional and bilateral agreements to which Syria is a party, or according to reciprocity.”

Article 11:

This Legislative Decree shall be published in the Official journal and shall be valid from the date of its issuance on.

Damascus 11/3/1432 H 14/02/2011

President of the Republic
Bashar Al-Assad