This Law shall define the legislative framework and regulate social relations for ensuring the protection of rights and legal interests for citizens, society, and state by establishing the legal mechanism of anti-money laundering and anti-terrorism financing.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic Definitions

This Law shall use the following basic definitions:

- **proceeds of crime** means cash or other property received as a result of socially dangerous predicate offense;

- **money laundering** means property deals or other transactions with proceeds received through knowingly criminal ways and concealment or hiding of true nature, source, location, disposal method, relocation, and rights with regard to property or its ownership as well as the use of such proceeds for entrepreneurial or other economic activities or in any other way;

- **property (funds)** means assets of any kind, identifiable or non-identifiable, tangible or intangible, irrespective of their procurement method as well as legal documents or acts in any form, including electronic or digital, that certify the right for such assets or participation therein, among them bank loans, traveler's checks, bank checks, shares, securities, bills, notes, letters of credit, and others;

- **terrorism (terrorist activity) financing** means extension or carrying out the collection of funds, directly or indirectly, with the purpose of their full or partial use, or with the knowledge of their use by the terrorist, terrorist organization and for organizing and committing a terrorist act, including the crimes specified in Articles 179, 179, 179, 181, 182, 184, 184, 184, 185, 193, 194, 194, 194, 194, 194, 194, 194, 194, 194, 194, 194, 310, and 402, Criminal Code, Republic of Tajikistan, and likewise if these funds were not actually used to commit the above acts;

- **authorized body** means the government body, the tasks, functions, and authorities of which in the field of anti-money laundering and anti-terrorism financing are defined by this Law and other regulations;

- **transaction (deal) with cash or other property** means the actions of individuals and legal entities aimed at establishing, modifying or terminating civil rights and liabilities regarding cash or other property;

- **suspicious deal and transaction** means a deal and transaction (attempt to enter into deal and transaction) with cash or other property, defined as suspicious deals and transactions in accordance with this Law and in accordance with the suspicious operation features list, approved by the authorized body;

- **financial monitoring** means the set of activities implemented by organizations (organizations conducting transactions with cash), authorized body and other government bodies in the field of anti-money laundering and anti-terrorism financing;
- **mandatory control** means the package of measures by authorized body to control transactions with cash or other property on the basis of information, received by organizations conducting these transactions, and to verify this information in accordance with the legislation of the Republic of Tajikistan;

- **internal control** means the activities of organizations, conducting the transactions with cash or other property, for identification of transactions (attempts to implement a suspicious deal), which are subject to mandatory control, other transactions with cash or other property transactions related to money laundering and financing of terrorism;

- **foreign politically exposed persons** means the citizens of foreign countries who were or are given considerable government functions in the foreign country (heads of state or governments, high ranking political persons, highest officials in government, courts, armed forces, and law enforcement and fiscal bodies as well as leaders and heads of political parties and religious associations), including persons, who acted in this capacity earlier, as well as their close relatives;

- **beneficial owner** means the individual or several individuals, who eventually possess the rights of ownership and actually control the client and/or the person, in whose interests the deal is implemented;

- **shell bank** means the bank that has been registered and has received the license as provided for by legislation but has no physical presence and is not affiliated to any regulated financial group subject to consolidated supervision;

- **offshore zones** means the states and territories, which provide preferential tax regime for non-residents (foreign individuals and legal entities) and/or do not stipulate disclosure and presentation of financial transactions with cash and other property; and

- **trust** means the transfer of cash or other property by one person (trust establisher) for purposes of trust management to another person (manager) provided the manager in her/his actions regarding this cash or other property follows the requirements and guidelines of the trust establisher.

**Article 2. Legislation of the Republic of Tajikistan on Anti-money Laundering and Anti-terrorism Financing**

The legislation of the Republic of Tajikistan on anti-money laundering and anti-terrorism financing shall be based on the Constitution of the Republic of Tajikistan and include this Law, other national legal instruments, and recognized international legal instruments.

**Article 3. Scope of this Law**

1. This Law shall regulate the relations among the citizens of the Republic of Tajikistan, foreign citizens, and stateless persons residing in the Republic of Tajikistan, and organizations conducting transactions with cash or other property as well as government bodies performing the control on the territory of the Republic of Tajikistan over transactions with cash or other property, with the purpose of preventing, identifying, and precluding the acts related to money laundering and financing of terrorism.

2. This Law shall apply to the citizens of the Republic of Tajikistan, foreigners, and stateless persons as well as legal entities, their branches, representative offices, and other separate units, which ensure the implementation of transactions with cash or other property in, and outside of, the Republic of Tajikistan in accordance with international legal instruments recognized by Tajikistan.
CHAPTER 2. PREVENTION OF MONEY LAUNDERING AND TERRORISM FINANCING

Article 4. Organizations Conducting Transactions with Cash and Other Property
Organizations conducting transactions with cash and other property shall be as follows:

1) Credit organizations;
2) Professional participants of equity market;
3) Insurance and leasing (financial leasing) organizations;
4) Organizations of postal service;
5) Pawnshops;
6) Organizations engaged in sale and purchase of real estate, valuable metals and valuable stones, jewelry items, and relevant scrap;
7) Organizations holding pari-mutuels and bookmaker’s offices as well as conducting lotteries and other games where the organizer draws the prize fund between participants, including in e-form;
8) Organizations managing investment funds or non-government pension funds;
9) Advocates, persons involved in notary activities, other independent lawyers and accountants, individual entrepreneurs providing legal services when they prepare or carry out the deals for their clients to sell/purchase the real state, manage cash, securities or other client property, manage banking and savings accounts or accounts of securities as well as accumulate funds for establishing and supporting companies’ activities or management thereof and for establishing and supporting the activities or management of legal entities or formation and sale/purchase of enterprises;
10) Audit firms and individual auditors;
11) Organizations providing trust or business establishment services;
12) Private exchange offices owned by individuals; and
13) Customs services, which control the trafficking through the border of the Republic of Tajikistan of cash and negotiable documents to bearer by residents and non-residents.

Article 5. Measures of Anti-money Laundering and Anti-terrorism Financing
1. Measures of anti-money laundering and anti-terrorism financing shall include the following:
   1) Internal control;
   2) Mandatory control;
   3) Prohibition to inform the clients and other persons (except for staff of supervision bodies) about measures of anti-money laundering and anti-terrorism financing; and
   4) Other measures taken as provided for by legislation of the Republic of Tajikistan.

2. The organizations, conducting transactions with cash or other property, shall execute the following customer due diligence procedures:
   1) Identify and verify the client personality, that is engage in the number of activities to establish the client’s personality both in case of individual: (surname, name, and middle name, if not defined otherwise by the law or traditional customs), citizenship, ID details, migration card data, document attesting the right for the foreign citizen or stateless person to stay (live) in the Republic of Tajikistan, residential (registration) or location address, TIN, and account number (if any); and in case of legal entity: (name, TIN or code of foreign organization, state registration number, place of state registration, and location address);
2) Identify and verify the personality of beneficial owner;
3) Obtain information on purpose and assumed nature of business relations;
4) Continuously inspect business relations and carefully study transactions with cash or other property conducted over the period thereof to ensure the compliance of implemented operations with the data, available in the organization about this client, client’s activities and nature of risks, including information available at the time of transaction about the source of client’s funds; and
5) At least once every three years, update the data received about the client in accordance with Items 1-3, Part 2, Article 5.

6. The organizations, conducting transactions with cash or other property, shall have no right to rely on intermediaries or other third parties in implementing the provisions of Items 1-3 and 5, Part 2, Article 5 in customer due diligence process or when acting on behalf of the organization.

3. Procedures specified in Items 1-3, Part 2, Article 5 shall be implemented in the following cases:

1) When business relations are established;
2) When any incidental contracts are implemented exceeding the established threshold amount;
3) If a suspicion arises that money laundering or financing of terrorism takes place; and
4) If an individual/legal entity, submitting the data, has doubts about the reliability and consistence of previously obtained data on client’s personality.

4. The organization conducting transactions with cash or other property shall implement procedures, specified in Items 4 and 5, Part 2, Article 5, during the entire period of relationship with the client. The requirements listed in Item 2, Article 5, shall be mandatory to all new and existing clients.

5. In cases when the organization conducting transactions with cash or other property is not able to implement the provisions stipulated in Items 1-3 and 5, Part 2, Article 5, it shall have no right to open an account, establish business relations, and conduct transactions and shall terminate business relations as well as consider the notification on suspicious deal with regard to this client.

6. The requirements to the organizations, conducting transactions with cash or other property, specified herewith shall apply to their branches and subsidiaries with predominant shares located abroad to the extent permitted by the regulations of location countries thereof. When active laws and other regulations of branches and subsidiaries in location countries prohibit or prevent the application of requirements herein then the organizations, conducting transactions with cash or other property, shall be obliged to inform the competent bodies of the Republic of Tajikistan in charge of state regulation and supervision that their branches or subsidiaries are not able to implement the requirements herein in the country of their location.

7. It shall be prohibited to establish shell banks in the Republic of Tajikistan.

8. The credit organizations entitled to open and maintain bank accounts shall have no right to establish or continue direct correspondent relations with shell banks and must take precaution measures against deals and transactions with foreign financial organizations-correspondents, which permit the shell banks to use their accounts.

9. For purposes of licensing and regulating the activities of banks and other credit organizations, the National Bank of Tajikistan shall define the list of entities, states,
Article 6. Transactions with Cash and Other Property Subject to Mandatory Control

1. The transaction with cash and/or other property shall be subject to mandatory control if by its nature it falls under one of the transaction types stipulated by Part 2, Article 6 and is conducted in cash form and if transactions stipulated by Items 6, 7, 9, 11, and 18, Part 2, Article 6 are conducted in kind, in the following amounts:

1) For the transaction specified in Items 1 and 2, Part 2, Article 6 – in the amount equal to, or higher than, 14,000 Somoni or equal to foreign currency equivalent of 14,000 Somoni and more;

2) For the transaction specified in Items 6, 7, and 9, Part 2, Article 6 – in the amount equal to, or higher than, 70,000 Somoni or equal to foreign currency equivalent of 70,000 Somoni and more;

3) For the transaction specified in Items 3-5, 8, and 10-17 Part 2, Article 6 – in the amount equal to, or higher than, 70,000 Somoni or equal to foreign currency equivalent of 70,000 Somoni and more; and

4) For the transaction specified in Items 18 and 19, Part 2, Article 6 – in the amount equal to, or higher than, 500,000 Somoni or equal to foreign currency equivalent of 500,000 Somoni and more;

2. Transactions with cash or other property, subject to mandatory control, shall include the following:

1) Receiving the prize fund by results of gaming contract, gambling, and lottery, including in e-form;

2) Procurement, sale, and exchange of foreign currency in cash through exchange offices;

3) Cashing out a check or bill of exchange, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;

4) Exchanging the bills of one value to the bills of another value, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;

5) Withdrawing or depositing cash to client’s bank account, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;

6) Depositing or transferring cash to client’s account by individual or legal entity with relevant registration, residence place or location place in the offshore zone and holding an account in the bank registered in the offshore zone, or transferring money by the client to the benefit of the above category, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;

7) Transferring money abroad to accounts (deposits) opened to anonymous holder, receipt of funds from abroad from account (deposit) opened by anonymous holder, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;

8) Opening a savings account (deposit) to the benefit of the third parties and/or depositing money to such an account, both in the form of incidental transaction and that of the transaction conducted during seven consecutive calendar days;
9) Payments and money transfers by the client to the benefit of another person on non-repayable basis;
10) Procuring (selling), importing to, or exporting from, the Republic of Tajikistan the cultural values;
11) Transactions conducted by legal entities within no less than three months from the moment of registration thereof;
12) Importing to, and exporting from, the Republic of Tajikistan the currency in cash, except for import or export performed by the National Bank of Tajikistan, commercial banks, and organizations providing postal services;
13) Insurance payments or receipt of insurance premium;
14) Paying and transferring voluntary pension contributions to accumulation pension funds and making pension payments therefrom at the cost of voluntary pension contributions;
15) Receiving or allocating the property under financial lease contracts;
16) Service provision contracts, including sub-contracting, transportation, transport forwarding, storage, commissioning, and trust management of property;
17) Sale/purchase and other transactions with valuable metals, valuable stones, and products thereof;
18) Deals with immovable and other estate subject to mandatory state registration; and
19) Deals with securities.

3. Suspicious deals and transactions shall be subject to mandatory control irrespective of the actual or anticipated amount thereof.

4. If the transaction with cash or other property is conducted in foreign currency (type of currency shall be specified unconditionally), its value in foreign currency shall be defined at official exchange rate of the Central Bank of Tajikistan effective at the date of such a transaction.

5. The criteria to define such a suspicious deal and transaction shall be as follows:

1) Conducting the deal that has no obvious economic sense;
2) Performing actions aimed at evasion of financial monitoring procedures as stipulated by this Law; and
3) The presence of reasonable grounds or suspicions regarding the organization, conducting the transactions with cash or other property, that the deals are conducted with the purpose of money laundering or financing of terrorism.

6. The organizations, involved in transactions with cash or other property, shall be obliged to pay a special heed to business relations and transactions with individuals/entities, including companies and credit organizations, from countries that do not apply, or apply insufficiently, the international standards in the field of anti-money laundering or anti-terrorism financing. In all the cases, when these transactions have no obvious economic or apparent legal objective, the well thought and currently available measures need to be taken to study the grounds and purpose of these transactions as well as to document the received data in writing, store them for no less than five years from the time of client relationship termination, and present these data in case of relevant requests from law enforcement bodies.

7. Transactions with cash or other property shall be subject to mandatory control if at least one of the parties either is an individual or a legal entity in respect of whom/which the information is available, duly received in accordance with this Law, about the involvement
in terrorist activities, or is a legal entity directly or indirectly owned or controlled by such individuals or legal entities, or is an individual or legal entity acting for his/its account or by directions of such organizations or individuals/entities. The list of such individuals and legal entities shall be defined by the authorized body and disseminated for the information of the organizations, conducting transactions with cash or other property.

8. The grounds to include an individual or legal entity in the list, mentioned in Part 7 herein, shall be as follows:

1) Fully enacted sentence of the court of the Republic of Tajikistan on recognizing the individual/legal entity guilty in committing the crime of terrorist nature;

2) Fully enacted decision of the court of the Republic of Tajikistan on liquidation or prohibition for activities of the legal entity in connection with implementing criminal activities;

3) Submission from the Prosecutor General of the Republic of Tajikistan or his subordinate prosecutors to the court on suspending the operations of the legal entity and bringing to responsibility for criminal activities;

4) Order by investigator or prosecutor concerning the initiation of criminal proceedings against the individual committing the crime of terrorist nature;

5) Inclusion in the list of individuals and legal entities linked to terrorist organizations or terrorists approved by international organizations in charge of combating terrorism or the bodies authorized thereby and recognized in Tajikistan; and

6) Judiciary sentences (decisions), recognized in Tajikistan in accordance with international legal instruments, and the decisions of other competent bodies from foreign states in respect of the organization or individuals implementing terrorist activities.

**Article 7. Rights and Obligations of Organizations, Conducting Transactions with Cash or Other Property**

1. Organizations conducting transactions with cash and other property shall be obliged to do the following:

1) Identify the person serviced by the organization, which conducts transactions with cash or other property;

2) Documentarily confirm the following information when business relations are established or account is opened and in respect of transactions with cash or other property subject to mandatory control:

   a) Type of transaction and the grounds for conducting it;
   b) Date of the transaction with cash or other property and the relevant value thereof;
   c) Data needed to identify the individual, conducting the transaction with cash or other property (passport or other ID data, TIN (if any), residence address);
   d) Name, TIN (if any), registration number, registration place and location address for the legal entity, conducting a transaction with cash or other property;
   e) Data needed for identification of individual or legal entity, for and on behalf of which the transaction with cash or other property is conducted, TIN (if any), residence address for the individual or location address for the legal entity;
   f) Data needed to identify the representative of the individual or legal entity, conducting the transaction with cash or other property on behalf of another individual/legal entity by virtue of the authority confirmed by the power of attorney, law or another instrument from the duly authorized state or self-governance body, as well as residence address for the representative of individual or legal entity;
g) Data needed to identify the cash recipient under the transaction with cash or other property and her/his representative, including TIN (if any), recipient’s residence or location address if provided for by the rules of the relevant transaction; and

h) Submit, to the authorized body, data in respect of transactions subject to mandatory control as per Item 2, Part 1, Article 7. The National Bank of Tajikistan shall define the procedures and timelines for data presentation to the authorized body.

2. The organizations conducting transactions with cash or other property shall be obliged to develop internal control rules for anti-money laundering and anti-terrorism financing as well as the relevant action plan. These rules must include the following:

1) Internal procedure for customer due diligence and storage of data received as a result thereof;

2) Procedures and guidelines to identify the transactions with cash or other property subject to mandatory control;

3) Selection procedures when employing the staff;

4) Qualifying requirements to staff selection and training and staff training programs; and

5) Internal audit procedures to inspect the system of measures for anti-money laundering and anti-terrorism financing adopted by organizations. The organizations, conducting transactions with cash or other property, shall develop the internal control rules with consideration of recommendations approved by the authorized body in coordination with supervision bodies within the scope of their competence.

3. The organizations conducting transactions with cash or other property must appoint officers in charge of observing the internal control rules. They shall be appointed by the management decision of the organization, conducting transactions with cash or other property.

4. The documents, that confirm data specified herein, the copies of documents required for personality identification, account record folders, and business correspondence shall be subject to storage for no less than five years after termination of business relationship and account closure (that said the storage period could be extended by the authorized body after consultations with relevant government bodies).

5. The requirements for customer due diligence shall apply to the following individuals/legal entities conducting transactions with cash and other property:

1) Real estate agents – when engaged in transactions for their clients on real estate sale or purchase;

2) Valuable metal and valuable stone dealers – when engaged, for their clients, in any cash transactions, the value of which equals or exceeds the threshold amount;

3) Advocates, notaries, other independent lawyers and accountants – when preparing or implementing transactions for their clients in respect of the following activities:
   a) Real estate sale and purchase;
   b) Management of cash, securities or other client property;
   c) Management of bank and savings accounts or securities accounts;
   d) Organizing deposits for establishment, activities or management of companies; and
   e) Establishment, activities or management of legal entities or organizations as well as the sale and purchase of enterprises; and

4) Organizations, representing trust or business start-up services – when preparing or implementing financial transactions for the client in respect of the following activities:
   a) Acting as agents for establishment of legal entities;
b) Acting in capacity (or providing opportunities to other individuals to act in such a capacity) of company director or secretary and partner in partnership company or holding a similar position in respect of other legal entities;

c) Providing a registered office, legal address or premises, correspondence or administrative address for the company, partnership company or any other legal entity or organization;

d) Acting in capacity (or providing opportunities to other individuals to act in such a capacity) of trust fund manager; and

e) Acting in capacity (or providing opportunities to other individuals to act in such a capacity) of nominal shareholder for another person.

6. Credit organizations shall be prohibited to open or to maintain already available accounts (deposits) for anonymous owners and for fictitious names, that is without presentation of the necessary ID by the individual or legal entity, opening the account (deposit).

7. Credit organizations shall be entitled to waive the conclusion of bank account (deposit) agreement with an individual or legal entity if being presented unreliable documents and if with respect thereof the data, received in accordance with this Law, are available about engagement in terrorist activities.

8. The organizations, conducting transactions with cash or other property, their managers and staff (permanent and temporary), when submitting information to the authorized body, shall have no right to inform thereof their clients or other individuals.

9. The submission of information and documents to the authorized body with respect of transactions and for purposes and in manner stipulated by this Law by organizations, conducting transactions with cash or other property, their managers and staff shall not be the violation of official, banking, tax, and commercial secret and communications secret (in so far as information relates to postal remittances) and shall not entail any civil, disciplinary, administrative, and legal responsibility.

10. The control for execution of this Law by individuals and legal entities in terms of stating, storing, and presenting the information subject to mandatory control, as well as the organization of internal control shall be maintained by relevant supervision bodies in accordance with their competence and in manner established by the legislation of the Republic of Tajikistan and by the authorized body if no supervision bodies are available covering the activities of particular organizations, conducting transactions with cash or other property.

Article 8. Bodies of State Regulation and Supervision in the Field of Preventing and Combating Money Laundering and Financing of Terrorism

1. State regulation and supervision in the field of preventing and combating money laundering and financing of terrorism shall be implemented in respect of the following:

1) Credit organizations – by the National Bank of Tajikistan;

2) Professional participants of equity market, insurance organizations, organizations engaged in sale and purchase of valuable metals and valuable stones, jewelry and scrap thereof, audit companies and individual auditors, private accountants, pawnshops, organizations running pari-mutuels and bookmaker's office as well as conducting lotteries and other games where the organizer draws the prize fund among participants, including in e-form – by the Ministry of Finance of the Republic of Tajikistan;
3) Notaries, advocates, independent lawyers, and other individuals providing legal services – by the Ministry of Justice of the Republic of Tajikistan;

4) Organizations providing postal services (in so far as they relate to remittances thereby) – by the Ministry of Transport and Communications of the Republic of Tajikistan;

5) Commodity and other exchanges conducting financial transactions with commodities – by the Ministry of Economic Development and Trade of the Republic of Tajikistan;

6) Services of the Customs Committee controlling the trafficking of cash and turnover documents through the border of the Republic of Tajikistan – by Customs Service under the Government of the Republic of Tajikistan; and

7) Other entities of financial monitoring for which this Law does not define the government bodies regulating and supervising their activities - by the authorized body.

2. The authorized body shall establish the information submission procedures thereto by organizations conducting transactions with cash or other property.

3. For assisting the organizations, conducting operations with cash or other property, in adopting national legislation in the field of anti-money laundering and anti-terrorism financing, in particular in identifying and advising the notifications of suspicious deals, supervising and regulating competent bodies shall be obliged to develop relevant guidelines with feedback to be provided by the authorized body.

Article 9. Suspension of Transactions

1. In case of the transactions, which are subject to mandatory control, in accordance with Item 3, Part 5 and Part 7, Article 6 herein (except for deposit transactions of cash to the account of individual or legal entity), the organizations conducting transactions with cash or other property shall suspend them (in consultations with the authorized body) for three working days from the date of client order completion and the authorized body shall be relevantly notified within no later than 24 hours from the moment of transaction suspension.

2. If no order of the authorized body, specified in Part 1 herewith, is received about the suspension of the relevant transaction for additional period, the organizations shall conduct the transaction with cash or other property in accordance with client’s order, unless another decision on limiting its implementation is made as provided for by legislation of the Republic of Tajikistan.

3. The organizations conducting transactions with cash or other property shall be entitled to turn down the client order on implementation of the transaction (except for deposit transactions of cash to the account of the individual or legal entity) for which the data, required to confirm the information in accordance with requirements herein, are considered unreliable or are not supported by any documents.

4. The suspension of transactions in accordance with Parts 1 and 2, Article 9 and refusal to implement the transactions in accordance with Part 3, Article 9 shall not be the grounds for incidence of civil and legal liability in respect of the organizations, conducting transactions with cash and other property, for deviation from the conditions of relevant agreements.

5. The authorized body shall issue the order on suspension of transactions with cash or other property specified in Part 1, Article 9, for up to seven working days if the information, received about transactions subject to mandatory control in accordance with Item 3, Part 5 and Part 7, Article 6 herein, is found justified based on the results of preliminary investigation.
6. On the day when the order is issued about the suspension of transactions with cash or other property the authorized body shall inform the organization about the expiration date thereof.

7. The authorized body shall immediately cancel the order on suspension of transaction with cash or other property if the information, received thereby about the transactions subject to mandatory control in accordance with Item 3, Part 5 and Part 7, Article 6 herewith, is found unjustified based on the results of preliminary investigation.

Article 10. The Duties of the Organizations Conducting Transactions with Cash or Other Property, when Accepting Foreign Politically Exposed Persons for Service Delivery or Servicing

1. The organizations conducting transactions with cash or other property, in addition to customer due diligence as per Article 5 herein, shall be obliged to:

1) Take measures that are justified and accessible under the given circumstances to identify the foreign politically exposed persons among the entities, serviced or accepted for service provision;

2) Accept foreign politically exposed persons for servicing only on the basis of written permission from the head of the organization conducting the transactions with cash or other property or her/his deputy as well as the head of separate unit thereof conducting the transactions with cash or other property and being properly authorized by the head or deputy head of organization;

3) Take justified and accessible measures if the origin sources of cash or other property for foreign politically exposed purposes become known;

4) Regularly update the information available with the organization conducting transactions with cash or other property about politically exposed persons serviced thereby; and

5) Pay special heed to transactions with cash or other property conducted by foreign politically exposed persons, close relatives (wife (husband), children, father, mother, brothers, sisters; wife’ father, mother, brothers, sisters, and children; matchmakers; and other persons residing jointly and keeping house with the person, authorized to implement government functions, or equivalent person, adopters and adoptees) or on behalf of the listed persons, serviced by the organization conducting transactions with cash or other property.

Article 11. Measures in Respect of Trans-border Correspondence Relations

Credit organizations shall take measures to prevent the use of trans-border bank correspondent relations aimed at money laundering and financing of terrorism as provided for by the National Bank of Tajikistan.

CHAPTER 3. ORGANIZATION OF ACTIVITIES FOR ANTI-MONEY LAUNDERING AND ANTI-TERRORISM FINANCING

Article 12. Authorized Body

1. The President of the Republic of Tajikistan shall define the authorized body on anti-money laundering and anti-terrorism financing.
2. The authorized body shall control and coordinate the activities of relevant supervision bodies defined in accordance with Part 1, Article 8 herein.

3. The staff of authorized body, by implementing this Law, shall ensure the integrity of all information related to the activities of the authorized body and comprising official, bank, tax, and commercial secret or communications secret and shall bear the responsibility as provided for by legislation of the Republic of Tajikistan for the disclosure thereof.

4. The damage caused to individuals and legal entities following from the illegal activities of the authorized body or its staff in connection with implementation the duties thereof shall be compensated as provided for by legislation of the Republic of Tajikistan.

5. Given the sufficient grounds confirming that the transaction or deal is connected with money laundering or financing of terrorism, the authorized body shall advise the law enforcement agencies, within the scope of their competence, of the relevant information and materials.

6. The organizations conducting transactions with cash or other property shall present by request of the authorized body the information and documents, required to implement the functions thereof.

7. The presentation of the information and documents, by organizations conducting transactions with cash or other property, pursuant to the request of the authorized body shall not be the infringement of official, bank, tax, and commercial secret and communications secret (in so far as information relates to postal remittances).

Article 13. Rights and Duties of the Authorized Body

1. The authorized body shall be entitled to:

1) Request all information and documents, to be collected and stored in accordance with this Law, from organizations conducting the transactions with cash or other property and from government bodies of the Republic of Tajikistan;

2) Make decisions about suspension of transactions with cash and/or other property if money laundering and terrorism financing indicators are identified, for the period stipulated in Article 9 herein;

3) Participate in developing the draft regulations and international agreements of the Republic of Tajikistan on anti-money laundering and anti-terrorism financing;

4) By request or independently, exchange information with the body of foreign country acting in the field of anti-money laundering or anti-terrorism financing;

5) Attract to work, including on contractual basis, research and other organizations as well as particular specialists to conduct expert reviews, develop training programs, methodology materials, software and data support, develop information management systems in the field of financial monitoring, with observation of requirements on protection of state, official, commercial, bank, and other legally protected secret; and

6) Notify relevant government bodies about violation of the legislation of the Republic of Tajikistan on anti-money laundering and anti-terrorism financing.

2. The authorized body shall be obliged to:

1) Take measures on anti-money laundering and anti-terrorism financing;

2) Ensure the relevant storage, protection, and integrity regime of information received during the activities thereof and constituting official, commercial, bank, and other legally protected secret; and

3) Ensure the respect of rights and legal interests for humans and citizens, legal entities, and state in course of financial monitoring.

1. The government bodies of the Republic of Tajikistan which control, within the scope of their competence, the compliance of the organizations, conducting transactions with cash and other property, with national legislation on anti-money laundering and anti-terrorism financing shall be obliged to:

   1) Advise information required by the authorized body for financial monitoring and anti-money laundering/anti-terrorism financing as provided for by the authorized body;

   2) Ensure the relevant storage, protection, and integrity regime for information received during interaction with the authorized body and constituting official, commercial, bank, and other legally protected secrets; and

   3) Ensure the respect of rights and legal interests for humans and citizens, legal entities, and state while implementing control functions.

2. Government bodies of the Republic of Tajikistan shall be obliged to:

   1) When identifying independently, advise the authorized body of suspicious transactions connected with money laundering or financing of terrorism;

   2) When identifying independently, advise the authorized body of deviations from the provisions herein by organizations conducting transactions with cash or other property; and

   3) Provide access to in-house systems and databases for the authorized body.

3. The submission of information about suspicious transaction to the authorized body shall not be the disclosure of official, commercial, bank or any other legally protected secret.

CHAPTER 4. INTERNATIONAL COOPERATION IN THE FIELD OF ANTI-MONEY LAUNDERING AND ANTI-TERRORISM FINANCING

Article 15. Data Exchange and Legal Assistance

The authorized body and other government organizations of the Republic of Tajikistan engaged in activities in connection with anti-money laundering and anti-terrorism financing shall convey the relevant information to the competent bodies of foreign states by requests thereof or at their own initiative on the basis of data protection principles.

Article 16. International Cooperation of Authorized Bodies

1. Authorized bodies shall interact for the purpose of anti-money laundering and anti-terrorism financing in collecting, analyzing and, if authorized, investigating their relevant information with regard to any fact that could indicate the money laundering and financing of terrorism, within the scope of their competence.

2. For the purposes of Part 1, Article 16, the authorized bodies shall exchange, at their own initiative or by request, any accessible information that could relate to processing or analysis of data or investigation conducted by authorized bodies regarding the financial transaction in connection with money laundering or financing of terrorism and regarding the involved individuals or legal entities.

3. The authorized body shall exchange information with foreign authorized bodies, irrespective of whether they have administrative, law enforcement, judicial or another status.
4. Each request shall be accompanied by the summary of relevant facts known to the requesting authorized body. The authorized body shall specify in the request the purpose of the requested information.

5. When sending a request, the authorized body shall submit all relevant information, including available financial data and requested data of law enforcement agencies as specified in the request, without the need to submit an official request.

6. The authorized body shall be able to refuse disclosing the information, which could harm the criminal investigation conducted by the competent bodies of the Republic of Tajikistan or, under exceptional circumstances, clearly violate the legitimate interests of individuals or legal entities of the Republic of Tajikistan, or otherwise be inconsistent with basic legal principles. Such a refusal shall be respectively justified by the requesting authorized body.

7. The authorized body shall be able to use information or documents, submitted by the foreign competent body, solely for purposes specified in Part 1, Article 16. Without prior consent of the foreign competent body, the authorized body shall not be permitted to disclose the received information or documents to the third party as well as use this information or documents during preliminary investigation, criminal, administrative, and civil lawsuits.

8. When information or documents are handed over to the foreign competent body, the authorized body shall be able to introduce limitations or conditions in respect of information use for purposes not listed in Part 7, Article 16.

9. The authorized bodies shall take all necessary measures, including security measures, for ensuring the inaccessibility of transferred information to other bodies, services or agencies without prior consent of the foreign competent body.

CHAPTER 5. FINAL PROVISIONS

Article 17. Dispute Resolution
Disputes related to implementation of this Law shall be settled in a judicial procedure.

Article 18. Responsibility for Violation of this Law
Individuals and legal entities shall be held liable for violation of this Law as provided for by legislation of the Republic of Tajikistan.

Article 19. Enactment Procedure of this Law
1. This Law shall become effective after its official publication.
2. Part 2, Article 7; Part 3, Article 8; and Article 11 of this Law shall be enacted in 6 months after its official publication.

President
Republic of Tajikistan
Emomali Rahmon

Dushanbe, March 25, 2011, #684