

Ministerial Order 18/2002

Order No. (18) for the year 2002 with regard to specifying the power of the Enforcement Unit in the scope of implementing the provisions of the law of banning and combating Money Laundry.

The Minister of Interior:

Having read the law of penal litigation for the year 1966 and its amendments,

And the penal code issued by law decree No 15 for the year 1976 and its amendments,

And law by decree no (4) for the year 2001 regarding banning and combating money laundry,

And the Ministerial Order No (102) for the year 2001 for establishing an Enforcement Unit entrusted with implementing the provision of the law by decree No (4) for the year 2001 with regard to banning and combating money laundry.

And upon the submission of the Under Secretary of MOI.

Decided

Article – One

In accordance with code of banning and combating money laundry the power of the Enforcement Unit shall be concerned in the following:

- a. Receiving the statement of money laundry crimes and crimes related to it.
- b. Taking the procedures of investigation, collecting evidences and investigating the money laundry crimes and the crime connected to it.
- c. To carryout the procedures related to international co-operation as mentioned in the code of banning and money laundry combating.
- d. To implement the decisions, orders and the provisions passed by the competent courts in the crimes of money laundry and the crimes related to it.

Article Two

After passing a judicial order, the Enforcement Unit has to enforce anybody or side by the following:

- a. To surrender any documents, records or papers or giving any information for the benefit of the investigation.
- b. To give access to the public and private places for capturing anything or documents or records for the benefit of the investigation.
- c. To take care of any money during the investigation and collecting information in order to be sure of the legality of it source.

Article – Three

In case of emergency and fear of the disposition of the suspected money, the Enforcement Unit ofr fighting the money laundry crimes has to pass an order for taking custody on these money until the matter is shown to the investigation judge and within three days of passing this order.

Article – Four

The Enforcement Unit has to refer the cases' papers of the money laundry crimes or the crimes related to it to the public prosecution for taking the necessary action in this regard.

Article – Five

The Enforcement Unit has to ask the Committee of laying out policy of the ban and combat of money laundry and the competent parties to enforce the institutions to the following:

- a. Banning opening accounts or hiring safe for depositing or maintaining documents or financial papers or documents with secret, unanimous or illusive names.
- b. To check the identity of the clients depending on official papers in the beginning of dealing with these customers or when conducting commercial transactions with them or on their behalf or providing them with any other facilities.
- c. To maintain for not less than five years after closing the accounts with all documents showing the financial dealings and the commercial and money transactions whether local or foreigner as well as to maintain the account files, commercial correspondences and personal identity documents. These documents and files shall be handed to the Enforcement Unit when required.

- d. To provide the Enforcement Unit with any documents or information or any thing related to an incident for other sources inspire a crime suspicion of any money laundry crime or crimes related to it.
- e. On the provision of sufficient evidences in the cases of conducting commercial operations or complicated or huge transactions or that prompt doubts or suspicions about its nature or purpose you should take the initiative in taking the following procedures:
 - 1. Preparing a detailed report about it including all available data and information about these operations and the related parties.
 - 2. Informing the Enforcement Unit within 24 hours and once the above-mentioned report is completed and after checking with the concerned competent party.

Article – Six

In case of requesting information from any foreign state relating to suspected operations of artificial or nominal persons involved in those transaction or in money laundry crimes, the Enforcement Unit shall after getting a judicial order to compel any person or party to the following:

- a. To give access for inspecting any places or persons holding any documents or other materials for the benefit of the investigation.
- b. To surrender any documents or other materials which may help knowing any money, its place and quantity or for recognizing any other thing related to money transfer owned or possessed by the demanded person as well as to the available information about any process carried out by that person or for others during the period defined by the investigation judge.
- c. To take care of the money found in the possession or with the person mentioned in that request for a period specified by the Order and the money management and taking the necessary action for the purpose of putting an end to the dispute of its ownership or welfare or in any part of it or paying any expenses.

Article – Seven

Upon the demand of a foreign country accompanied by an Order Passed by one of its courts related to a person staying in Bahrain required to surrender himself or any document or material in his possession or ownership to that foreign country or for purposes related to the investigation conducted by that foreign country, the

Enforcement Unit shall pass an order from the court including the same contents of that attached Order of that foreign country to that person. The investigation judge shall conduct the investigation procedures for hearing that person. The Enforcement Unit shall afterwards send that report to that foreign country.

Article – Eight

With regard to the investigation course conducted by the Enforcement Unit, it is allowed to pass an order from the investigation judge addressed to that person available in the foreign country to surrender himself or documents or any thing in his possession to the investigation judge or to the competent court in that foreign country and after taking the approval of that country.

Article – Nine

The Enforcement Unit can exchange information of the general nature with the competent parties in the foreign countries in things related to money laundry crimes and it is allowed to respond to a suitable request from the competent parties in a foreign country to provide it with the required information about the suspected operation or the persons involved in such operations or in the investigation or the accusation related to a money laundry crime.

Article – Ten

Any one who violate any provision of this order of article (3 – 5) of the law by decree No (4) for the year 2001 pertaining to the ban and money laundry combat shall be penalized by the same penalty stated in this law.

Article – Eleven

The Under Secretary – MOI shall implement this order and shall be effective once it is published in the official gazette.

Minister of Interior Issued on

Moh'd Bin Khalifa Al-Khalifa 26.01.2002