

Ninth Cycle of Sessions

Anti-Money Laundering/Combating the Financing of Terrorism Law of 2014

Pursuant to the provisions of the Interim Constitution of 2005 of the Republic of Sudan, the National Assembly passed, and the president of the Republic signed, the following law:

Section 1 - Preliminary Provisions

1. Title and effective date

The law shall be called the “Anti-Money Laundering /Combating the Financing of Terrorism Law of 2014.” It shall enter into force on the date on which it is signed.

2. Repeal and exception

The Anti-Money Laundering Law/Financing of Terrorism Law of 2010 shall be repealed. All regulations, measures, and decrees issued pursuant to that law shall remain in force until they are repealed or amended under the provisions of this law.

3. Interpretation

In this law, unless the context requires otherwise:

“Instrumentalities” shall mean all means and equipment of whatever kind that were used or intended to be used in any form, wholly or partially, to commit a money laundering, terrorism financing or a predicate offense.

“Bearer negotiable instruments” shall mean monetary instruments in the form of bearer instruments such as traveler’s checks, tradable instruments, checks, promissory notes, and payment orders which are either issued to the bearer, endorsed to him without restrictions, issued to a fictitious beneficiary, or in a form where the right is transferred upon delivery, or incomplete instruments including checks, promissory notes, and payment orders that are signed without mentioning the payee’s name.

“Terrorist” shall mean any natural person who: (1) knowingly and unlawfully commits or attempts to commit terrorist acts by any means, directly or indirectly;(2) participates as an accomplice in terrorist acts; (3) organizes or orders other persons to commit terrorist acts; or (4) contributes to the commission of terrorist acts by a group of persons with the objective of furthering the terrorist act or with knowledge of the group’s intention to commit a terrorist act.

“Politically exposed persons” shall mean persons who are or have been entrusted with:

- a. Prominent public functions domestically or in a foreign country, such as heads of state or governments, high-level politicians, high-level government officials, high-level judicial and military officials, senior executive officers in state-owned companies, and officials of key political parties.
- b. Prominent functions by international organizations, who are members of the senior administration, i.e., directors, deputy directors, members of the board, or equivalent posts.

“Funds” shall mean financial and non-financial assets and all types of property, whether tangible or intangible, movable or immovable, regardless of how they were acquired, legal instruments and documents in any form, including electronic or digital, that prove a claim to or benefit from such assets, including for example but not limited to bank credits, traveler’s checks, bank checks or payment orders, shares, securities, promissory notes, letters of credit, and any other interest, profit, or income derived from these funds or other assets

The “Central Bank” shall mean the Central Bank of Sudan.

“Shell bank” shall mean a bank which has no physical presence in the state in which it is established and from which it obtained a license, and which is not subordinate to any financial group subject to regulation and effective consolidated banking supervision.

“Freezing” shall mean the temporary impoundment of funds and instrumentalities, the prohibition of transport, transfer, conversion, disposal, or moving thereof based on a decision issued by the public prosecutor, the judiciary, or the Unit, whereby the management of the funds and instrumentalities may be left to the financial institution or entity that managed these before the issuance of the freeze decision.

“Wire transfer” shall mean any financial transaction carried out on behalf of an originator through a financial institution by electronic means to make an amount of money available to a beneficiary at another financial institution, irrespective of whether the originator and the beneficiary are the same person.

“Predicate offense” shall mean any act constituting an offense under any law in effect in Sudan, and any act committed outside Sudan if it constitutes an offense under the laws of the country where it occurred and under the laws of Sudan.

“Control and supervision entities” shall mean:

- a. The Central Bank;
- b. The Khartoum Stock Exchange;
- c. The Insurance Supervisory Authority;
- d. Any other entity which is granted, by decree of the Minister, jurisdiction to control or supervise any of the activities of the financial and non-financial institutions.

“Seizure” shall mean the impoundment of funds and instrumentalities temporarily based on a decision issued by the public prosecutor’s office, a judicial decision, or a decision issued by customs authorities. The authorities that issue the impoundment decision shall be responsible for managing such funds and instrumentalities.

“Competent authority” shall mean law enforcement authorities, all administrative authorities concerned with combating money laundering, related predicate offences, and terrorism financing, the Public Prosecutor’s Office, national security, the Unit, and control and supervisory bodies.

“Person” shall mean any natural person, legal person, or legal arrangement.

“Business relationship” shall mean a relationship which is established between a financial or non-financial institution and its client and which is connected to the activities or services which the institution provides to the client, whenever the concerned institution expects the relationship to continue for a period of time.

“Terrorist act” shall mean any of the following acts: (a) an act that constitutes a crime within the scope of, and according to the definition appearing in, any of the treaties, conventions, and protocols on terrorism ratified by Sudan; (b) any act aimed at causing the death or serious bodily injury of a civilian or other person when such person is not participating in hostile acts in the event of armed conflict, or when the purpose of such act, owing to its nature or context, is to terrorize the population or force a

government or international organization to take action or abstain from taking such action; and (c) any act referred to as a terrorist act in the Law on Combating Terrorism of 2001.

“Customer” shall mean any person that undertakes or attempts to undertake any of the following with a financial or non-financial institution:

- a. Arranging, opening or undertaking a transaction, business relationship, or account,
- b. Participating in signing to a transaction, business relationship or account,
- c. Assigning or transferring an account, rights, or obligations under a transaction to such person,
- d. Authorizing such person to conduct a transaction, or to control a business relationship or an account.

“Casual customer” shall mean a customer that does not have a continuous business relationship with the financial or non-financial institution.

“False declaration” shall mean giving incorrect information on the value of a currency or bearer negotiable instruments being physically transferred across the border, or giving other incorrect related information required to be declared or provided through any other another means by the customs authorities. “False declaration” shall include failure to provide a declaration as required.

“Legal arrangement” shall mean a relationship established pursuant to a contract between two or more parties that does not result in the emergence of a legal person, such as trusts,

“National Committee” shall mean the National Committee established in accordance with the provisions of article 21.

“Financial group” shall mean any group comprising a parent company and its subsidiaries or any legal person that exercises control over its branches and subsidiaries.

“Proceeds” shall mean funds resulting, originating, or obtained directly or indirectly from the commission of a predicate offense, including returns, interest, gains, or other profits stemming from such funds, whether they remain as they are or are converted wholly or partially into other funds.

“Governor” shall mean the Governor of the Central Bank.

“Public Prosecutor” shall mean the Public Prosecutor of the Republic of Sudan.

“Beneficial owner” shall mean the natural person who ultimately owns or exercises direct or indirect control over a customer including the natural person on whose behalf a transaction is conducted and any natural person who exercises ultimate, actual control over a legal person or legal arrangement.

“Confiscation” shall mean the expropriation of funds and instrumentalities by order of the competent court, and the transfer of ownership thereof to the state.

“Terrorist organization” shall mean any group of terrorists that: (a) intentionally and unlawfully commits or attempts to commit terrorist acts by any means whatsoever, directly or indirectly; (b) participates as an accomplice in terrorist acts; (c) organizes or orders other persons to commit terrorist acts; or (d) contributes willfully to the commission of terrorist acts by a group of persons acting with a common purpose with the aim of furthering the criminal act or with the knowledge of the group’s intention to commit a terrorist act or (e) any organization referred to as a terrorist organization in the provisions of the Law on Combating Terrorism of 2001.

“Financial institutions” shall mean any person that carries out on a regular and commercial basis any of the following activities or operations on behalf of or for the benefit of their customers:

- a. accepting deposits and other funds to be paid to a third party;
- b. granting credit of all types;
- c. lease sale;
- d. money or value transfers;
- e. issuing payment instruments of all types, including debit and credit cards, travellers’ checks, personal and bank checks and electronic money;
- f. financial guarantees and commitments;
- g. buying and selling money market and capital market instruments, including spot and forward exchange markets;
- h. participating in the issue of securities and providing related financial services;
- i. investment portfolio management and investment trustee services;
- j. safeguarding and administration of cash, securities and valuables;
- k. mutual liability or life insurance and any other insurance products with an investment element;
- l. money and currency exchange
- m. any other activity practiced by any other entity to which the provisions of this law are applied by decree of the Minister;

“Non-financial institutions” shall mean persons who engage in any of the following activities:

- a. real estate commerce when concluding real estate purchase and sale transactions for a customer;
- b. trade in precious minerals and gems when concluding any cash transactions which value exceeds the limit set by the Minister pursuant to a decree;
- c. the practice of law and accounting when preparing, executing, or conducting transactions for customers regarding any of the following activities:
 - i. the purchase or sale of real estate;
 - ii. management of a customer’s funds, including the customer’s securities, bank accounts, and other assets;
 - iii. establishment, operation, or management of legal persons or legal entities, and the organization of relevant subscriptions;
 - iv. the purchase and sale of legal persons;
- d. services relating to the establishment and management of companies and activities related thereto;
- e. any other activity exercised by any other institution to which the provisions of this law are applied by decree of the Minister.

“Physical cross-border transport” shall mean any incoming or outgoing physical transport of currency or tradable bearer instruments from one country to another. This term includes the following methods of transport: (a) physical transport by a natural person, in his accompanying baggage, or in his vehicle; (b) the shipping of currency via cargo packed in containers; or (c) a natural or legal person’s use of the mail to transport currency or tradable bearer instruments.

“Unit” shall mean the Financial Information Unit established in accordance with Article 12.

“Minister” shall mean the Minister of Finance and National Economy.

Section 2 – Control and Supervision

Duties of control and supervision bodies

4. Control and supervision bodies shall control and supervise activities of financial and non-financial institutions affiliated to them or under their authority to ensure compliance with the provisions of the present law, by virtue of the law regulating each of these institutions. Without prejudice to the above, control and supervision bodies shall have the following duties and powers:

- a. Development of examination procedures and means and standards for monitoring the compliance of financial and non-financial institutions with the requirements of combating money laundering and terrorism financing under this law.
- b. Verification that the financial and non-financial institutions under their supervision and control fulfill their obligations under this law, for which purpose the control and supervision bodies may exercise all their control and supervision powers. Such bodies shall notify the Unit if, in the course of discharging their responsibilities, facts that could be related to money laundering, terrorism financing, or predicate offences become evident to them.
- c. Cooperation and sharing of information with competent authorities and with foreign counterparts concerned with combating money laundering or terrorism financing.
- d. Imposition of the penalties stipulated in article 41 or in regulations issued under the provisions of this law on a financial or non-financial institution that fails to meet its obligations under this law.
- e. Issuance of the implementing regulations for the provisions of this law, each within the scope of its authority over the financial and non-financial institutions subject to its control and supervision.
- f. Any other duties or powers given to such authorities with respect to combating money laundering and terrorism financing under this law or under the international and regional agreements to which Sudan is a party.

Section 3 – Financial and Non-financial Institutions **Due diligence measures**

5. Financial and non-financial institutions must undertake due diligence as indicated below:

(a) Identifying their customers in the following cases:

- i. When initiating a business relationship with a customer;
- ii. When executing a transaction whose amount exceeds the limit established by the regulations for a casual customer, whether executed as a single transaction or several transactions that appear to be linked to each other;.
- iii. When making wire transfers in the circumstances covered by article 7;
- iv. When there is doubt concerning the veracity or accuracy of the identification information previously recorded; or
- v. When there is suspicion of money laundering or terrorism financing.

(b) Measures that apply to all customers as follows:

- i. identify and verify a customer's identity using original documents or independent, reliable statements or information, and determine the identity of the beneficial owner and take reasonable measures to verify it.

- ii. Obtain and verify proof of the identity of any person acting on behalf of a customer, including evidence that such person is properly authorized to act in that capacity.
- iii. Understand and – where necessary – obtain information on the purpose and intended nature of a business relationship.
- iv. Understand the ownership and control structure of the customer.
- v. Monitor business relationships on an ongoing basis and examine any transactions conducted to ensure they are consistent with their knowledge of the customer, the customer's commercial activities and risk profile, and – where necessary – the source of the funds.
- vi. Continuously update information, data, and documents, particularly concerning high-risk customers.
- vii. Classify customers according to risks; and adopt the necessary level of due diligence measures accordingly.

Obligations of financial and non-financial institutions

6. (1) Financial and non-financial institutions must comply with the following measures:

- a. Assess the money laundering and terrorism financing risks to which the institution is exposed, including the risks of newly introduced products and technology.
- b. Provide the competent authorities with all records and information on customers and transactions in a timely manner.
- c. Promptly report to the Unit whenever they suspect or have reasonable grounds to suspect that any funds constitute proceeds or transactions or attempts linked to money laundering or terrorism financing.
- d. Establish bylaws, which must cover internal policies, and control, compliance, hiring, training and auditing systems according to the rules and controls developed by competent authorities, consistent with each institution's activity and risk level with respect to money laundering and terrorism financing.
- e. Maintain the following records and data with respect to their customers and transactions, and ensure that such records and underlying information are available to the competent authorities on a timely basis:

- i. Records and data obtained through the customer due diligence process— including documents evidencing the identities of customers and beneficial owners, accounting files, and business correspondence – for at least five years after the end of the business relationship or date of the occasional transaction, whichever is longer [sic].
- ii. Records and data on domestic and international transactions, attempted or executed, for a minimum period of five years following the attempted execution or execution of the transaction. Such records must be sufficiently detailed to permit the reconstruction of each individual transaction.
- iii. Records and data related to reports made to the Unit under paragraph (c) and documents related thereto for at least five years after the date the report was made; and documents related to a lawsuit until a decision is issued, even if the legally stipulated period has expired
- iv. Risk assessment and any underlying information, for a period of five years from the date the assessment was conducted or updated.

(2) Financial and non-financial institutions shall establish a risk management system conducive to determining whether a customer or beneficial owner is a person of influence according to the following:

(a) If a person of influence is a foreigner, the institution must:

- i. Obtain the approval of the institution's senior management before establishing or continuing a business relationship with the person.
- ii. Take appropriate measures to determine the source of the wealth and funds of the person.
- iii. Conduct ongoing enhanced monitoring of the business relationship.

(b) The measures stipulated in paragraph (a) shall be applied if the person of influence is a local or a person who holds a prominent position in an international organization and is a high-risk person.

(c) The measures stipulated in paragraphs (a) and (b) shall be applied to close family members and close associates of persons of influence.

(3) Attorneys shall not be required to report if the information related to their clients was obtained when assessing their clients' legal situation, or providing a legal opinion on a matter related to legal proceedings, as well as representing them in legal proceedings.

Wire transfer transactions

- 7- 1. Financial institutions that execute wire transfers must obtain basic information on the originator and the beneficiary of the transfer and ascertain that such information remains with the wire transfer or related messages throughout the payment chain.
2. A financial institution originating a wire transfer shall not execute the transfer when the basic information mentioned in paragraph (1) cannot be obtained.
3. For cross-border wire transfers, the intermediary or beneficiary financial institution adopts risk-based policies and procedures for stipulating: (a) the stopping, rejection, or suspension of the execution of a wire transfer that lacks the necessary information on the originator or recipient; and (b) the necessary follow-up measures.

Shell bank

- 8- 1. A shell bank may not be licensed or permitted to engage in activity in Sudan.
2. It shall be prohibited for financial institutions to transact, correspond, or establish a business relationship with a shell bank or a financial institution that permits the use of its accounts by a shell bank.

Confidentiality of information

- 9- 1. Financial institutions and non-financial institutions and their directors and employees shall be prohibited from disclosing directly or indirectly, by any means, that a report has been or is being filed with the Unit under the reporting obligations stipulated in this law. Nor may they disclose any information related to the Unit or to any money laundering or terrorism financing investigation.
2. The provisions of paragraph (1) notwithstanding, disclosures or communications among directors and employees of financial institution or non-financial institutions and the competent authorities are permitted.

Absence of liability

Any financial or non-financial institution and its directors or employees who in good faith report or provide information about a suspicious transaction under article 6 (c) shall not be subject to any civil, criminal, or administrative liability for violation of any prohibition on the disclosure of information required by a contract or law.

Scope of application of the obligations in this section

11. 1. Financial institutions must require its branches and subsidiaries outside Sudan in which the institution holds a majority share to implement the requirements of this section within the limits permitted by laws and regulations in effect in the country where the subsidiary or branch is located.
2. If the laws of that country prohibit compliance with these requirements, the financial institution must so notify the control and supervision bodies.
3. A financial institution shall apply these requirements at the level of the financial group, including policy and procedures for the exchange of information within the financial group.

Section 4 – The Unit

Establishment and headquarters of the Unit

- 12- 1. An independent unit called the Financial Information Unit shall be established as a legal person.
2. The headquarters of the Unit shall be in the state of Khartoum.
3. The unit shall submit periodic reports on its activities to the National Committee.

Composition of the Unit

- 13- 1. The Unit shall be formed of a director by decree of the Governor based on the National Committee's recommendation. The Unit shall have an appropriate number of employees appointed by decision of the National Committee based on the recommendation of the Unit's director.
2. The Central Bank of Sudan shall provide the unit with a budget that is approved by the National Committee.

Authorities and powers of the Unit

- 14- The unit shall have the following authorities and powers:
 - a. Receive, request, and analyze reports and information related to money laundering, predicate offences, and terrorism financing.
 - b. Request any financial or non-financial institution to provide any information that may be useful for discharging its function, or based on a request which the Unit receives from a foreign counterpart, without prejudice to the provisions of article 6(3). Financial and non-financial institutions must provide the Unit with such information and documents within the deadline and in the manner specified by the Unit.
 - c. Request competent and administrative authorities to provide additional information when the Unit considers such information useful for discharging its function, or upon a request which the Unit receives from foreign counterparts. The competent

authorities must provide the Unit with such information and documents within the deadline and in the manner specified by the Unit.

d. Disseminate, on its own accord or based on a request, information and analysis results to the public prosecutor's office or other competent authorities immediately when sufficient grounds exist for suspecting money laundering, predicate offences or terrorism financing, so that appropriate measures may be taken in regard thereto.

e. Notify the control and supervision bodies in the event that a financial or non-financial institution or any employee thereof violates the requirements of this law.

f. Issue bylaws providing the operational framework of the unit.

Temporary suspension and freezing of suspicious transactions

15- 1. While analyzing the reports and information it receives, the Unit may, in cases of emergency and if there are serious reasons to suspect money laundering, predicate offenses or terrorism financing, order the suspension of the transaction for up to five days. During this period, the Unit must refer the report and the information to the public prosecutor's office as soon as it has enough reasons to suspect money laundering, a related predicate offense or financing of terrorism.

2. If the Unit sees during the period stipulated in paragraph (1), based on analysis results, that there are not enough reasons for suspicion, it shall order the revocation of the transaction suspension mentioned in paragraph (1).

3. If the period stipulated in paragraph (1) lapses while the Unit did not complete its procedures, it may request that the public prosecutor issue an immediate order to freeze the suspicious funds. The public prosecutor may order the freezing of the funds for up to two weeks. The public prosecutor may petition the competent court to extend the freezing period beyond those two weeks to continue with the measures.

4. The Public Prosecutor may order the revocation of the freeze order when it is no more necessary or if the elements of suspicion have ceased to exist.

5. The competent court may, after hearing the statements of the concerned parties, order the extension of the public prosecutor's freeze order for up to a total of two months, or it may order its revocation and decide upon the petition summarily.
6. Any interested party may submit an objection before the competent court against any order issued under the provisions of paragraphs (3) and (5) within two weeks of the date on which the party was notified of the order.
7. The public prosecutor shall have the authority to issue the orders needed to manage funds that are frozen as he deems appropriate.

Reports on suspicion

16- The Unit must provide any institution that reports a suspicion to the Unit of the Unit's receipt of the report. The Unit must furnish feedback on the treatment of the report according to the rules contained in the regulations that it issues.

Information Exchange

17- 1. The Unit, on its own accord or at the request of foreign counterparts, may exchange information provided they are bound by the rules of confidentiality and provided that reciprocity is ensured. Such information may be used solely for purposes related to combating money laundering, predicate offences and terrorism financing.

2. The Unit can respond to the request for information that it receives from competent authorities according to the regulations or rules that it issues.

Publication of Reports

18- The Unit shall publish regular reports on its activities, including statistical data and analytical studies on combating money laundering and terrorism financing.

Compliance with confidentiality

19- Employees of the Unit must maintain the confidentiality of information which they examine during the performance of their duties and after the termination of their employment with the Unit. Such information may be used solely for the purposes of implementing the provisions of this law.

Absence of liability

20- Employees of the Unit shall not be subject to criminal, civil, or administrative liability for the consequences of their discharge of their duties in good faith.

Section 5 – The National Committee Establishment, headquarters, and supervision of the National Committee

21- 1. A committee called the National Committee for Combating Money Laundering and Terrorism Financing shall be established and it shall have a legal personality.

2. The committee's headquarters shall be in Khartoum state.

3. The committee shall be subject to the supervision of the president of the Republic.

Composition of the National Committee

- 22- 1. The National Committee shall comprise the:
- a. Deputy Minister of Justice, chairman
 - b. Deputy Governor of the Central Bank, vice chairman
 - c. Undersecretary, Ministry of Finance and National Economy, member.
 - d. Undersecretary, Ministry of Foreign Trade, member.
 - e. Undersecretary, Ministry of Foreign Affairs, member.
 - f. Undersecretary, Ministry of Investment, member.
 - g. Director, General Department of Criminal Investigations, member.
 - h. Director, Department of International and Regional Police (Interpol), member.
 - i. Director General, General Customs Police Department, member.
 - j. Public Prosecutor, member.
 - k. Tourism Police Director, [member].
 - l. Secretary General, Taxation Chamber, member.
 - m. Chief, Economic and Investment Security Department, member.

- n. Director General, National Information Center, member.
- o. Director, Khartoum Stock Exchange, member.
- p. Director, Insurance Supervision Authority, member.
- q. Director General, Unit, member and rapporteur.

2. The Minister may add any other bodies to the membership of the National Committee based on the committee's recommendation.

3. The National Committee shall have a Secretariat formed by decision of the National Committee chairman. The decision shall specify the secretariat's authorities and its operating procedures.

Authority and powers of the National Committee

- 23- 1. The National Committee shall be authorized to formulate general policy, plans, and programs for combating money laundering, terrorism financing, and the proliferation of weapons of mass destruction, without prejudice to the generality of the preceding, the National Committee shall be authorized to:
- a. Formulate, develop, and monitor the implementation of a national strategy for combating money laundering, terrorism financing, and the financing of the proliferation of weapons of mass destruction.
 - b. Assess the risks of money laundering, terrorism financing, and financing the proliferation of weapons of mass destruction at the national level.
 - c. Create and monitor the implementation of efficient mechanisms for cooperation and coordination at the national level among the competent authorities concerning the formulation and development of policies and activities for combating money laundering, terrorism financing, and the financing of the proliferation of weapons of mass destruction.
 - d. Monitor international and regional developments, including the standards of the financial action task force and international agreements and treaties related to the combating of money laundering, terrorism financing, and the financing of the proliferation of weapons of mass destruction.
 - e. Formulate recommendations on the development of general policies and best practices; and propose appropriate laws or amendments of relevant legislation.
 - f. Develop programs to qualify and train workers in the field of combating money laundering, terrorism financing, and the financing of the proliferation of weapons of mass destruction; and cooperate and coordinate with relevant authorities in this regard.

- g. Coordinate with the competent, relevant authorities to develop public policies and prepare statistics in the field of combating money laundering, terrorism financing, and financing of the proliferation of weapons of mass destruction.
 - h. Coordinate with other national committees, foreign counterparts and international organizations related to the combating of money laundering, terrorism financing, and financing of the proliferation of weapons of mass destruction.
 - i. Appoint the staff of the Unit based on the recommendation of its Director
 - j. Prepare its general annual budget and submit it to the Director for approval
 - k. Approve the budget of the Unit and the general terms of service of its staff prepared by the Unit
 - l. Form committees to assist the Committee in exercising its powers
 - m. Any other powers or authorities necessary for the Committee to carry out its function
2. The committee may delegate any of its authorities to its chairman or to any of its members or to any committee it forms, or to the Unit based on conditions which it deems appropriate.
3. The chairman and members of the committee shall take the oath attached to this law before assuming their functions. They shall take the oath before the Minister.

Section 6 – Financial Provisions

Financial resources of the National Committee

- 24- The National Committee shall have the following financial resources:
- a. Appropriations allocated by the government.
 - b. Any other financial resources approved by the Minister.

Use of the National Committee's resources

- 25 - The Committee's resources shall be used to conduct its proceedings and discharge its functions under this law.

The Committee's budget

- 26- The committee shall have an independent budget, prepared in accordance with sound accounting principles. The committee shall submit its budget to the Council of Ministers, through the Minister, sufficiently before the end of each fiscal year.

Account, book, and record keeping and the deposit of funds

28- 1. The Committee must keep accurate, detailed accounts of its activities according to sound accounting principles, and it must keep the books and records pertaining thereto.

2. The Committee shall deposit its funds with the Central Bank in current accounts or as investment deposits. The committee shall determine the transaction withdrawal method and disposition for these accounts.

Audit

28- Following the end of each fiscal year, the Committee's accounts shall be audited by the National Audit Bureau or any other certified auditor whom the Auditor General approves and supervises.

Final Account and report of the National Audit Bureau

1. The Committee shall submit to the Minister, within three months of the end of the fiscal year, the following statements and reports:

- a. The final account statement.
- b. The report of the auditor general.
- c. A progress report on the work of the Committee.

2. The statements and reports mentioned in paragraph 1 above shall be discussed for approval and adoption in a meeting chaired by the Minister and attended by the Auditor General and the chairman or a representative of the Committee.

Financial Provisions of the Unit

- 30- 1. The Unit's financial resources shall consist of appropriations allocated by the Central Bank.
2. The Unit's resources shall be used to conduct its proceedings and discharge its functions under this law
 3. The Unit prepares an independent budget according to sound accounting principles and submits it to the National Committee for adoption.

4. Following the end of each fiscal year, the Committee's accounts shall be audited by the National Audit Bureau
5. The Unit must keep accurate, detailed accounts of its activities, and it must keep the books and records pertaining thereto.
6. The Unit shall deposit its funds at the Central Bank or any other bank as approved by the Central Bank.

Section 7 – Miscellaneous Provisions

Declaration

- 31- 1. Any person, upon entering or exiting the country must declare to the customs authorities the currencies or bearer negotiable instruments which are in his possession or which he is attempting to transport physically across the borders. Regulations shall specify the amounts to be declared.
2. The customs authorities may request additional information from the person mentioned in Paragraph (1) regarding the source or purpose of use of such currency and bearer negotiable instrument in the event of a false declaration.
 3. Customs authorities must refer this information, including a copy of the original declaration form, to the Unit.
 4. Customs authorities must keep the statements and information obtained through the application of its powers under paragraphs (1) and (2).

Seizure of currency and bearer negotiable instruments

- 32- 1. Customs authorities may seize some or all of any sum of currency or bearer negotiable instruments in the following cases:
- a. Whenever there is a suspicion that they are proceeds of or are related or connected to, or will be used for the conduct of, money laundering or terrorism financing.
 - b. In the event of a false declaration.
2. Customs authorities must refer the information pertaining to the cases in Paragraph 1 (a) and (b) above to the Unit immediately for analysis, within one week.

International cooperation

33- The Ministry of Justice shall exchange requests for international cooperation with foreign counterparts, according to national legislation, bilateral and multilateral agreements ratified by Sudan or according to the principle of reciprocity. These requests are:

- a. Requests for legal assistance and letters rogatory concerning offenses of money laundering, predicate offenses, and terrorism financing offenses.
- b. Requests for the extradition of suspects and persons convicted of money laundering and terrorism financing offenses.
- c. Requests for the tracking, identification, and seizure of funds and instrumentalities and for the execution of confiscation judgments.

2. The Minister of Justice shall issue the necessary rules of procedure to organize procedures related to international cooperation requests mentioned in Paragraph (1).

Security Council Resolutions

34- The Council of Ministers shall issue necessary decrees to implement UN Security Council Resolutions pursuant to Chapter VII, related to terrorism, terrorism financing and the financing of the proliferation of weapons of mass destruction.

Section 8 – Offenses, Penalties and Sanctions

Offense of money laundering

35- 1. A person shall be considered to have committed an offense of money laundering when knowing or having reason to believe that any funds are proceeds, if he deliberately:

- a. Transfers, moves, or exchanges funds for the purpose of illegally concealing or disguising its illegal source, or for the purpose of aiding any person who participates in the commission of a predicate offense resulting in funds or proceeds to evade legal accountability.

- b. Conceals or disguises the real nature, source, location, method of disposal, movement, or ownership of the funds or proceeds or rights pertaining thereto.
 - c. Acquires, possesses, or uses funds.
2. The punishment of a perpetrator of a predicate offense shall not preclude punishment of that perpetrator for the offense of money laundering.
3. The conviction of the perpetrator of a predicate offense shall not be required to prove that funds are proceeds.

Offense of terrorism financing

- 36- 1. A person shall be considered to have committed the offense of terrorism financing if he willfully undertakes or attempts, by any means, directly or indirectly, to provide or collect funds from a lawful or unlawful source with the intent of using them, or with the knowledge that they will be used, fully or partially, to commit a terrorist act or will be used by a terrorist organization or terrorist.
2. Any of the acts mentioned in paragraph (1) shall be considered an offense of terrorism financing even if a terrorist act does not occur, or the funds are not actually used to execute or attempt to execute a terrorist act, or the funds are not linked to a specific terrorist act, regardless of the country in which the commission or attempted commission of the terrorist act occurs.

Attempt, criminal conspiracy, complicity, and incitement

- 37- 1. Anyone who attempts, criminally conspires to, is complicit in, incites, or abets the commission of any of the offenses mentioned in article 35 shall be punished by the penalty established for the principal offender.
2. Anyone who attempts, criminally conspires to, is complicit in, incites, abets, organizes or directs others to commit any of the offenses mentioned in article 36 shall be punished by the penalty established for the principal offender.

Penalties

- 38- 1. Without prejudice to any more severe penalty prescribed in any other law, anyone who violates the provisions of articles 35 or 36 shall be punished upon conviction as follows:

- a. Natural persons shall be imprisoned for 5-10 years and shall pay a fine not to exceed twice the amount of the funds or proceeds subject of the offense.
- b. Legal persons shall be punished by a fine of SDG 50,000-500,000 or twice the amount of the funds or proceeds subject of the crime, whichever is higher. The court may also order the dissolution or liquidation of the legal persons or the total or partial suspension of its activity, or it may change its management. If the offense is repeated, the legal person's registration must be cancelled.
- c. A natural person who commits an offense on behalf of or for a legal person shall be punished by the same penalty stipulated in paragraph (a).

2. Without prejudice to the provisions of Paragraph (3), any chairman or member of a board of directors of a financial or non-financial institution, or any owner, authorized representative, or employee thereof who, acting in bad faith or with gross negligence in his capacity, violates the provisions of the articles of section 3 of this law shall be punished by imprisonment of 6 months to two years and/or a fine of SDG 5,000 – SDG 50,000. If the violation is repeated, the fine shall be doubled.

3. Any chairman or member of a board of directors of a financial or non-financial institution, or any owner, authorized representative, or employee thereof who, acting in bad faith or with gross negligence in his capacity, violates the provisions of article 6(c) or article 9 or article 14 (b) of this law shall be punished by imprisonment of six months to three years and/or a fine of SDG 10,000 – SDG 100,000. If the violation is repeated, the fine shall be doubled.

4. Any person who violates the provisions of article 31 shall be punished by a fine equaling double the declaration amount.

5. Any person who intentionally violates the provisions of article 19 shall be punished by imprisonment of six months to three years and a fine of SDG 10,000 – SDG 100,000.

Confiscation

39- 1. Without prejudice to the rights of any third party acting in good faith, the court may, in the event of a conviction for one of the offenses stipulated in this law, order the confiscation of:

- a. The funds that are the object of the money laundering and terrorism financing offense.
- b. The proceeds, including funds mixed with, stemming from, or exchanged with such proceeds.
- c. Income and other benefits stemming from the proceeds
- d. Instrumentalities.

2. If access to the funds or proceeds mentioned in paragraph (1) is not possible, or if such proceeds or funds are no longer available to be confiscated, the court may rule to confiscate the equivalent value of such funds or proceeds.
3. The funds mentioned in this article may not be confiscated if the owner of the funds proves his good faith or that he acquired the funds after paying an appropriate value for them, or that he obtained them in exchange for providing services commensurate with the value thereof, or based on another lawful reason, and that he was not cognizant of the unlawful source of the funds.
4. A special unit shall be established in the public prosecutor's office to manage funds confiscated under Paragraph (1). At least 40 percent of the total of such funds must be allocated to develop the anti-money laundering/terrorism financing system in Sudan.

Limitation

40- The offenses mentioned in this law shall not lapse upon the lapse of the period stated in article 38 of the Criminal Procedures Code for the year 1991.

Sanctions

41- Without prejudice to the authorities of the control and supervision bodies to impose any of the sanctions stipulated in any other laws, regulations, or circulars, control and supervision authorities may – if a financial or non-financial institution or any of its directors, board members, or executive or supervisory management members is found to have violated the provisions of this law, or the regulations issued pursuant to it, or ministerial decrees, circulars, or instructions – impose any of the following sanctions:

- a. a written warning regarding the violation.
- b. an order to comply with specific measures.
- c. an order to provide regular reports on the measures taken to address the identified violation.
- d. Imposition of a financial sanction on the violating financial or non-financial institution not to exceed SDG 500,000 per violation.
- e. Ban the person who committed the violation from employment within the relevant sector for a specific period.
- f. Restrict the powers of members of the board members, members or managers of the executive or supervisory management, and controlling owners, including appointing a temporary controller.

- g. Dismiss or replace the directors and members of the board of directors or of the executive or supervisory management.
- h. Suspend, restrict, or prohibit the continuation of the activity, business or profession.
- i. Revoke the license.
- j. Withdraw the license.

Section 9 – Final Provisions

The competent court

42- The General Criminal Court shall have jurisdiction to examine money laundering and terrorism financing offenses.

Nullification of disposal

43- Any disposal of funds undertaken to avoid freeze, seizure, or confiscation proceedings shall be null. In this case, the sum actually paid by the alienee in good faith shall be refunded.

Authority to issue regulations, rules and orders

44- The Minister, National Committee, Unit, control and supervision authorities, the Public Prosecutor or customs authorities may – each within their respective purview – issue the regulations, rules or orders needed to implement the provisions of this law.

Testimony

We hereby testify that the National Assembly has adopted the “Anti-Money Laundering/Combating the Financing of Terrorism Law” of 2014 in its 26th session of the 9th cycle of sessions held on June 18, 2014 the Permanent Joint Committee of Parliamentarians has decided on June 18, 2014 that this Law does not affect the interests of the states.

Dr. El Fateh Ezzedine Al Mansour
Speaker of the National Assembly
Head of the Permanent Joint Committee of Parliamentarians

Approved:
Marshall/Oman Hassan Ahmed Al Bachir
President of the Republic
Date: / /2014

Annex (See article 23, paragraph 3)
The Oath of the National Committee's President and Members

I, (President), (member) **swear by God Almighty** to carry out my duties faithfully and impartially, to maintain the confidentiality of all information and documents related to my work, and to disclose such information and documents only to the competent authorities, reconciling the confidentiality required to protect personal accounts and information with the transparency required to combat money laundering and terrorism financing offenses.

As God is my witness.