

c) That the confidentiality provisions apply to financial institutions and designated nonfinancial businesses

and professions without prejudice to the legislations applicable in the UAE.

d) That the request is connected to a crime under investigation or judicial prosecution in the UAE unless the request will impede on the investigation or prosecution.

e) Any other cases mentioned in the Implementing Regulation hereof.

3- The rules, controls and procedures governing international cooperation are contained in the Implementing Regulation of this Decree-Law.

#### **Article (20)**

Any court injunction or court decision providing for the confiscation of funds, proceeds or instrumentalities relating to money-laundering, terrorist financing or financing of illegal organisations may be recognized if issued by a court or judicial authority of another State with which the State has entered into a ratified Convention.

#### **Article (21)**

The imposition of penalties provided for in this Decree-Law shall not prejudice any harsher penalty provided for in any other law.

#### **Article (22)**

1- Any person who commits or attempts to commit any of the acts set forth in Clause (1) of Article 2 of this Decree-Law shall be sentenced to imprisonment for a period not exceeding ten years and to a fine of no less than (100,000) AED one hundred thousand and not exceeding (5,000,000) AED five Million or either one of these two penalties.

A temporary imprisonment and a fine of no less than AED 300,000 (three hundred thousand dirham) and no more than AED 10,000,000 (ten million dirham) shall be applied if the perpetrator of a money laundering crime commits any of the following acts:

a) If he abuses his influence or the power granted to him by his profession or professional activities.

b) If the crime is committed through a non-profit organisation.

c) If the crime is committed through an organized crime group.

d) In case of Recidivism

2- An attempt to commit a money laundering offense shall be punishable by the full penalty prescribed for if

3- **A life imprisonment sanction** or temporary imprisonment of no less than (10) ten years and penalty of no less than AED 300,000 (three hundred thousand dirham) and no more than AED 10,000,000 (ten million dirham) is applied to anyone who uses Proceeds for terrorist financing.

4- A temporary imprisonment sanction and a penalty of no less than AED 300,000 (three hundred thousand dirham) shall be applicable to anyone who uses the Proceeds in financing illegal organisations.

5- The Court may commute or exempt from the sentence imposed on the offenders if they provide the judicial or administrative authorities with information relating to any of the offenses punishable in this article, when this leads to the disclosure, prosecution, or arrest of the perpetrators.

#### **Article (23)**

1- A penalty of no less than AED 500,000 (five hundred thousand) and no more than AED 50,000,000 (fifty million dirham) shall apply to any legal person whose representatives or managers or agents commit for its account or its name any of the crimes mentioned in this Decree-Law.

2- If the legal person is convicted with terrorism financing crime, the court will order its dissolution and closure of its offices where its activity is performed.

3- Upon issuance of the indictment, the court shall order the publishing of a summary of the judgment by the appropriate means at the expense of condemned party.

#### **Article (24)**

Imprisonment and a fine of no less than AED 100,000 (one hundred thousand) and no more than AED 1,000,000 (one million dirham) or any of those two sanctions is applied to anyone who violates on purpose or by gross negligence the provision Article (15) of this Decree Law.

#### **Article (25)**

Imprisonment for no less than six months and a penalty of no less than AED 100,000 (one hundred thousand dirham) and no more than AED 500,000 (five hundred thousand dirham) or any of these two sanctions shall apply to anyone who notifies or warns a person or reveals any transaction under review in relation to suspicious transactions or being investigated by the Competent Authorities.

#### **Article (26)**

1- The court shall, once the perpetration of the crime is verified, confiscate the following:

a) Funds from the crime site, proceeds and instrumentalities used or intended to be used in the crime.

b) Any funds owned by the perpetrator with an equivalent value to the funds and Proceeds mentioned in paragraph (a) of this clause if it fails to confiscate those funds.

2- The confiscation shall be imposed irrespective of whether the funds, Proceeds, or Instrumentalities are owned by or in possession of the perpetrator or a third party without prejudice to the rights of third party acting in good faith.

3- In the cases of the death of the accused in a crime punishable under the Decree Law and not being able to identify the owner of the assets involved in the crime shall not prevent the public prosecution from referring the case file to the competent court to issue an order to confiscate the seized funds, proceeds and instrumentalities if it is established that they were related to the crime.

4- Without prejudice to the rights of bona fide third parties, any contract or act where the parties, or any one of them or otherwise are aware that such contract or act aims at impacting the ability of the competent authorities to enforce the seizure, freezing or the execution of the confiscation order, shall be void.

#### **Article (27)**

Supervisory authorities, FIU, Law Enforcement Authorities, designated nonfinancial businesses and professions, their board members, employees and legally authorized representatives are exempted from criminal, civil or administrative responsibility in relation to their providing any requested information or violating any obligation under legislative, contractual and administrative directives aimed at securing confidentiality of information unless the disclosure is made in bad faith or with the intent of causing damages to others.

#### **Article (28)**

Imprisonment or a fine of no less than AED 50,000 (fifty thousand dirham) and no more than AED 5,000,000 (five million dirham) shall be applied to any person who violates the instruction issued by the Competent authority in the UAE for the implementation of the directives of UN Security Council under Chapter (7) of UN Convention for the Suppression of the Financing of Terrorism and Proliferation of Weapons of Mass Destruction and other related decisions

#### **Article (29)**

1- If any foreigner is convicted of a money laundering crime or any offence mentioned in this Decree-Law, and is given a sanction restricting his freedom, he must be deported from the UAE.

2- Without prejudice to Clause (1) of this article, if any foreign person is convicted for other criminal offences provided hereunder this Decree-Law, and is given a sentence restricting his freedom, the court may decide to deport him from the UAE or order him to be deported instead of imposing a sanction restricting his freedom.

3- The criminal case shall not be subject to the statute of limitations for money laundering or financing terrorism or illegal organisations crimes. The sanctions shall not lapse with time or with the lapse of any related civil legal cases due to statute of limitations.

4- This Decree Law shall not prejudice the provisions of referred Federal Law (7) of 2014.

5- The Financing of illegal organisations is considered a crime if its purpose is to undermine the internal security of the State or its vital interests thereof and terrorism financing crime are considered as crimes intended to undermine the internal and external security of the State.

#### **Article (30)**

Imprisonment and a fine or one of the two penalties shall be imposed on anyone who intentionally fails to disclose or refrains from providing additional information upon request, from him or deliberately conceals information that must be disclosed or deliberately presents incorrect information, in violation of the provisions provided for in Article 8 of this Decree-Law. Upon conviction, the Court may rule on the confiscation of seized funds without prejudice to the rights of others acting in good faith

#### **Article (31)**

Imprisonment or a fine of no less than AED 10,000 (ten thousand dirhams) and no more than AED 100,000 (one hundred thousand dirhams) shall be applied to any person who violates any other provision of this Decree-Law.

#### **Article (32)**

Employees appointed by a decision of the Minister of Justice, in coordination with the Governor, shall have the status of law enforcement officers in proving acts that are in violation of the provisions of this Decree Law or its Implementing Regulations or the decisions issued thereunder.

#### **Article (33)**

The Cabinet shall issue the Implementing Regulation of this Decree-Law based upon the proposal of Minister.

#### **Article (34)**

- 1- Any provision that violates or conflicts with the provisions of this Decree-Law shall be revoked.
- 2- Federal Law no. (4) of 2002 on the criminalization of money laundering and combatting of the financing of terrorism shall be abrogated.

#### **Article (35)**

The present Decree-Law shall be published in the Official Gazette to be entered into effect one month from the date of publication.

**Khalifa Bin Zayed Al Nahyan**

**President of the United Arab Emirates**

Issued by us in the Presidential Palace in Abu Dhabi:

On 13 Muharram 1440 H

Corresponding to 23/09/2018