



**Lao's People Democratic Republic
Peace Independency Democracy Unity Prosperity**

**The National Coordination Committee on Anti-Money Laundering
And Counter-Financing of Terrorism**

No. 08/NCC

Vientiane Capital, Date: 30 March 2016

**Instruction
On Application of Provisional Measures on Properties Relating to Money
Laundering or Terrorist Financing**

- In pursuance to the Law on Criminal Procedure, No. 17/NA, dated 10 July 2012;
- In pursuance to the Law on Anti-Money Laundering and Counter-Financing of Terrorism, No. 50/NA, dated 21 July 2014;
- In pursuance to the decree on the organization and operation of the National Coordination Committee on Anti-Money Laundering and Anti-Financing of Terrorism, No. 264/PM, dated 13 October 2014;
- In accordance with the proposal by Anti-Money Laundering Intelligence Office, No. 244/AMLIO, dated 25 March 2016.

**The Chairman of the National Coordination Committee on Anti-Money Laundering
and Counter-Financing of Terrorism Issues this Instruction:**

Article 1 Objective

This issued instruction is to elaborate article 38 of the law on anti-money laundering and counter-financing of terrorism in order to ensure the effectiveness and the efficiency of the efforts to combat, prevent, limit and eradicate money laundering activities with an aim to define a mechanism and a procedure for a seizure or freezing of properties relating to money laundering or terrorist financing.

Article 2 Provisional measures

Provisional measures mean suspension of activity transactions, withholding, seizure or freezing on properties relating to money laundering or terrorist financing.

When the reporting entities and postal enterprises receiving notification regarding the lists of those associated with properties as defined in article 3 of this instruction from the investigation authorities or once there is evidence confirming that the properties of their customer whom wishes to do a transactions or establish a business relation with the former are connected to money laundering or terrorist financing shall suspension of activity transactions and in the meantime withhold such properties then immediately report to the Anti- Money Laundering Intelligence Office (AMLIO) and investigation authorities to concerned. After received reporting the investigation authorities shall issue an order to seize or freeze such properties immediately to legal proceedings. Reporting entities and postal enterprises able to withhold such properties not exceed 30 working days.

Reporting entities, postal enterprises and concerned parties shall strictly implement the order to seize or freeze of investigation authorities.

Article 3 Properties subject to seizure or freezing

Properties to seize or freeze are as follow:

1. Property from money laundering;
2. Proceeds of money laundering or predicate offences, instrumentalities used or intended for use in the offences;
3. Property that is the proceeds of, or used in, terrorism or terrorism financing and property that is the intended or allocated for use in, terrorism or terrorism financing;
4. Property of corresponding value from money laundering or related to money laundering which not possible to withhold, seizure or freezing such property at that time.

The seizure or freezing on properties shall implement defined in the relevant regulations and laws. With the seized or frozen properties competent authorities shall to take possession, control, administration or management of such property.

Article 4 Identification and Monitoring of properties

Investigation authorities shall use investigation techniques and preventive measures to identify and monitor properties as defined in article 3 of this instruction during the investigation of predicate offenses relating to money laundering.

Investigation authorities to concerned shall issue an order to seize or freeze properties as defined in article 3 of this instruction once receiving intelligence or related information suggesting an evidence of property as defined in article 3 of this instruction.

The Oder to seize or freeze issues by competent authorities as defined in the laws to concerned shall strictly implemented. Prohibit any activity by natural persons and legal persons to be void actions for the implementation of order to seize or order to freeze.

A competent authority shall issue an order to seize or order to freeze properties without a prior notice if traces of properties as defined in article 3 of this instruction are detected.

A seizure or freeing order shall to effective till a prosecution comes to an end.

Article 5 Seizure or freezing procedure for properties

A procedure to seize or freeze properties relating to money laundering or terrorist financing shall observe the law on criminal Procedure.

Article 6 Appeal on seized or frozen properties

An owner of or a person in association with the seized or frozen properties as defined in article 3 of this instruction shall present the Office of People`s Prosecutor evidence of ownership and legitimate origins of such properties within 30 working days .

Upon receiving the appeal, the Office of People`s Prosecutors will consider in accordance with the relevant regulations and laws.

Article 7 Storage of seized or frozen properties

Investigative authorities, concerned authorities and any parties relevant to withholding, seizure or freezing properties shall store such seized or frozen properties in compliance with relevant regulations or laws to ensure that the value of property is maintained.

Unofficial Translation

Article 8 Implementation

Reporting entities, postal enterprises, concerned parties, investigation authorities and concerned authorities shall be informed and strictly implement this instruction.

Article 9 Effectiveness

This instruction is effective from the date of signing and after 15 days after its publication on the Lao PDR's Official Gazette.

**The Chairman of the National Coordination
Committee on Anti-Money laundering and
Counter-Financing of Terrorism**

[Seal and signature]
Dr. Bounpone BOUTTANAVONG