



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

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

No. 03 /NCC
Vientiane, Date 27 April 2022

**Instruction
on the Procedure of domestic and foreign listing and delisting of terrorists or
financing of terrorism**

- Pursuant to the Law on Anti-Money Laundering and Counter-Financing of Terrorism No. 50/NA, dated 21/07/2014;
- Pursuant to the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism No. 03/PM, dated 11/02/2016.

**The National Coordination Committee for
Anti-Money Laundering and Counter-Financing of Terrorism issues this
Instruction:**

**Section 1
General Provisions**

Article 1 Objectives

This issued instruction is to elaborate the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism in order to sets the principles, methods and procedures to designate the list of terrorists or financing of terrorism, including the claims of natural persons, legal persons or organizations affected to be listing and delisting and to ensure the effectiveness to implementation of combating the terrorist or counter financing of terrorism.

Article 2: Acts of terrorism

Acts of terrorism are an event in which natural persons, groups of people, organisations or terrorist organization within or outside of the territory of the Lao PDR receive finances to conduct an act of terrorism, with the details as follow:

1. Acts that effect the national security, socio-economic foundation, foreign and international organizations, cause difficulties to international relations of the Lao PDR or chaos to people in the society;
2. Acts that affect lives, health, freedom, or deemed as a physical and psychological coercion and threat;

3. Seizure, damaging properties, invasion, attack, obstruction, causing damages and chaos to computer communication and Internet systems or digital instruments of state organisations, legal persons and natural persons;

4. Processing, production, use, packaging, transportation, consolidation, and obtaining of explosives, radioactive substances, toxics, inflammables, and trading of weapons, equipment, vehicles including an offering of advice for certain act with an intention as defined in subparagraph 1, 2 and 3 of this article;

5. Disseminating, recruiting, encouraging, coercing, threatening, hiring or creating conditions, and aiding an act as defined in subparagraph 1, 2, 3, 4, 7 and 8 of this article;

6. Organizing, financing, participating and attempting to participate in the organisation, teaching, and training of selected individuals to conduct an act as defined in subparagraph 1, 2, 3, 4, 5, 7 and 8 of this article;

7. Acknowledgment of an act with an objective evidence to prove that it is an act of terrorism. 8. Other offences defined as acts of terrorism as per international agreements or treaties that the Lao PDR is a party to.

Article 3 Definition of financing of terrorism

The financing of terrorism is an intentional act both directly and indirectly by a natural person, legal person or an organisation that attempts to give, consolidate and mobilize funds or properties, legally or illegally, wholly or partially, to finance terrorism or terrorist or activities linked to a specific terrorism act regardless such funds or properties are used to finance the actual action.

Section 2

Designation the list of terrorists or financing of terrorism

Article 4 Designation the list of terrorists or financing of terrorism

Designation the list of terrorists or financing of terrorism means listing of natural person, legal person or organization which act any form of terrorism or financing of terrorism as indicated in this Instruction and relevant legislations.

Article 5 Conditions for designation the list of terrorists or financing of terrorism

Natural persons, legal persons or organisations that behave in accordance with article 2 and article 3 of this Instruction or there is a source as defined in clause 3.1 of the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism, the Ministry of Public Security is in charge of researching, gathering the evidence and coordinating with relevant sectors in proposing the National Coordination Committee for consideration to designate the list of terrorists or financing of terrorism immediately or request to relevant jurisdiction.

The National Coordination Committee will make a prompt determination but subject to the necessary due process. The determination of sufficient evidence may be on reasonable grounds, namely on the balance of probability and not necessarily that required for a criminal conviction.

After the National Coordination Committee adopted the natural person, legal person or organization into the list of terrorists or financing of terrorism or request to other jurisdiction,

the Ministry of Public Security will inform the litigation right and detail of request also publish on Anti Money Laundering Intelligence website regularly. In addition, the Anti Money Laundering Intelligence Office will disseminate the list to reporting entities immediately and the Ministry of Public Security will disseminate to the Postal Enterprises and other relevant sectors immediately as well as disseminate through government or related organizations websites regularly.

Article 6 Conditions for designation the list involved with terrorists or financing of terrorism made by, or to foreign jurisdiction

The request of a foreign jurisdiction to designate the domestic list of terrorists or financing of terrorism shall follow with Article 5 of this Instruction.

MOFA will act as a coordinator in all aspects in terms of the request to or made by a foreign jurisdiction regarding the terrorists or financing of terrorism designation.

Section 3

The request of any person affected by the listing of those associated with terrorists or the financing of terrorism

Article 7 The request of affected person

A natural person, legal person or organization which affected by the listing of this designation can request for appealing or adjustment to People's Prosecutor Office as indicated in Article 11 of this Instruction.

Article 8 Adjustment of false positive

A false positive is a natural person, legal person or organisation with the same or similar name as a designated list of associated with terrorists or the financing of terrorism where the reporting entities, postal enterprise, and other relevant sectors have taken the provisional measures to suspense or withhold as per the notification of Anti Money Laundering Intelligence Office and Ministry of Public Security.

Apart from the implementation with clause 5 of Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism, the reporting entities, postal enterprise and other relevant sectors shall conduct a regularly internal examination by checking name, surname, dates of birth and other identifying information to determine whether natural person, legal person or organisation is not match with the designated list.

In the event of the reporting entities, postal enterprise and other relevant sectors are unable to determine as defined in paragraph 2 of this article, shall seek assistance from the Anti Money Laundering Intelligence Office and Ministry of Public Security to verify whether the person is a designated person or entity.

Article 9 Protection

Natural persons, postal enterprise and associated sector withholding funds believing the funds are linked to terrorism financing because of a false positive shall not be liable for anything done or omitted to be done in good faith and without negligence in compliance or purported

compliance with Sub-section 5 of the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism No. 03/PM, dated 11/02/2016.

Article 10 Appeals for unfreezing funds

Natural person, legal person or organisation affected by the withholding, seizure and freeze of funds have the right to request to the Public Prosecutor's Office to take any remedial measures following the steps in article 7 of this Instruction and article 6 of the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism.

Article 11 Consideration of the evidence that natural person, legal person or organization requests for adjustment the list of terrorists or financing of terrorism

Natural person, legal person or organisation who affected by the designation the list of terrorist or financing of terrorism shall make request to the Public Prosecutor's Office within 7 working days. The consideration of Public Prosecutor's Office will take within seven working days from the date of receipt the request such as verification of evidence, retesting information, issuance of freeze or seizure order, etc.

In the consideration of the Public Prosecutor's Office, the owner of the request must be informed of the results of the consideration in writing.

If the Public Prosecutor's Office is unable to resolve or remedy within seven working days, the petitioner has the right to request to the National Coordination Committee (NCC) for consideration within fifteen working days.

Pursuant to the listing or delisting on terrorist or financing of terrorism list made by the UNSCR as indicated in clause 3.5 of the Order on the Withholding, Freezing or Seizure of Funds Relating to Terrorists or Financing of Terrorism, MOFA shall coordinate to UN's Focal Point for consideration of listing or delisting of the name list.

Section 4 Final provisions

Article 8 Implementation

Ministry of Public Security, Ministry of Foreign Affairs, Public Prosecutor's Office, Courts and other relevant organisation shall recognize and implement this Instruction effectively.

Article 9 Effectiveness

This instruction is entered into force from the date of signing.

**The National Coordination Committee
on Anti-Money laundering and Counter-Financing of Terrorism
(Signature)**