

Moroccan AML/CFT legal system

Law No. 13.10, published in the Official Journal N° 5911 of January 24th, 2011, allowed to amend and complete certain provisions of the Criminal Code, the Criminal Procedure Code and Law N° 43.05 on the fight against money laundering.

The new provisions, incorporated in the three relevant laws, are taken into account in the following reminder of the main legal AML / CFT provisions.

Penal Code provisions

Chapter I bis of Part I of Book III:

Article 218-4:

The financing of terrorism is considered as an act of terrorism.

The following acts shall be considered as a financing of terrorism, regardless the occurrence of the act of terrorism, even if they are committed outside Morocco:

- providing, gathering and managing deliberately, by any means whatsoever, directly or indirectly, funds or properties, even lawful ones , with the intention of using them or knowing that they will be used, in whole or in part, in order to commit an act or acts of terrorism by one person or many people , or an organization or an organized criminal group;
- using funds by one person or many people, an organization or an organized criminal group, to commit an act or acts of terrorism;
- providing assistance or advice to this end;
- attempting to commit the aforementioned acts.

Offences under this shall be sanctioned:

- For natural persons, from five to twenty years of prison and a 500,000 to 2,000,000 Dirhams fine;

- For legal persons, a 1,000,000 to 5,000,000 Dirhams fine, without prejudice to penalties that may be imposed against their managers or agents involved in the offences.

The penalty shall be increased to ten years and to thirty years of prison and the fine shall be doubled:

- When the offences are committed using facilities afforded by the exercise of a professional activity;
- When the offences are committed by an organized criminal group;
- In case of recidivism.

Article 218.4.1:

In case of conviction for an offence of financing of terrorism or for an offence of terrorism, the total confiscation of all things, objects and properties used or had to be used to commit the offence and their products, or the total confiscation of the equivalent value of these things, objects, properties and products must be imposed, subject to the rights of bona fide of third parties.

Article 218.4.2:

For the implementation of provisions of articles 218.4 and 218.4.1 of this Law, shall be meant by:

- "*Products*": all properties resulting, directly or indirectly, from committing one of the offences under the two aforementioned articles;
- "*Properties*": all types of assets, tangible or intangible, movable or immovable, divided or undivided, as well as acts or legal documents certifying ownership of such properties or rights connected thereto, whatever is their support including electronic or digital documents.

Penal Procedure Code provisions

CHAPTER III: SPECIAL INVESTIGATION TECHNIQUES

SECTION 1: OF CONTROLLED DELIVERY

Article 82-1:

The controlled delivery is the method that allows the passage inside or through or outside Morocco of an illegal shipment or a shipment suspected of being so, without being seized or after being removed or replaced in whole or in part, under the supervision of the competent authorities, in order to identify its final destination, to investigate an offence, to identify and to arrest the offenders and those involved in.

For the purposes of this section, shall be meant by illegal shipment, things or funds whose detention is an offence, or which are the product of the offence or used or had to be used to commit the offence.

Article 82-2:

The controlled delivery shall be authorized by the General Public Prosecutor at the Court of Appeal.

The Judicial Police shall proceed to the execution of the authorization referred to above and inform the General Public Prosecutor of any taken measure.

At the end of the operation of the controlled delivery, the Judicial Police officers shall prepare a report or reports describing the taken measures, which are communicated to the Public Ministry that granted the authorization.

Judicial Police officers and agents shall be required to keep confidential the measures provided in this section.

Article 82-3:

The General Public Prosecutor who authorized the controlled delivery shall postpone any measure of investigation related to the controlled delivery operation or related to the arrest of the offenders and those involved in, until he ensures the arrival of the shipment to its final destination.

**CHAPTER VII
OF CONTROLLED DELIVERY**

Article 749-1:

A foreign State may request from the Moroccan competent authorities the execution of a controlled delivery operation inside the Kingdom of Morocco.

The controlled delivery requests submitted from a foreign State shall be executed within the territory of the Kingdom of Morocco in accordance with the provisions of the single section, Chapter III, Part II, Book I of this law, relative to the controlled delivery and in accordance with the national legislation.

The General Public Prosecutor at the Court of Appeal cannot authorize the controlled delivery before the approval of the Minister of Justice.

However, controlled delivery requests cannot be executed if their execution is likely to affect the sovereignty of the Kingdom of Morocco, its security, its public order or its other fundamental interests.

Article 749-2:

The General Public Prosecutor who authorizes the controlled delivery shall postpone any measure of investigation, related to the controlled delivery operation authorized upon request of a foreign State or related to the arrest of the offenders and those involved in, until he makes sure of the arrival of the shipment to its final destination and, if need be, until the intervention of foreign authorities competent in this field.

To this end, the General Public Prosecutor may agree with the authorities of the foreign State on a common date and modalities of intervention.

The General Public Prosecutor may also entrust the competent Judicial Police services to coordinate with their foreign counterparts a common date and modalities of the intervention.

Law # 43-05 as amended and completed by Law #13-10.

Article one:

CHAPTER I: PENAL PROVISIONS

Chapter IX of Part I of Book III of the Penal Code, approved by Dahir # 1-59-413 of 26 November 1962, shall be completed by section VI bis as follows:

SECTION VI BIS: Of MONEY LAUNDERING

Article 574-1:

Shall be considered as money laundering, the following acts, when committed intentionally and knowingly:

- acquiring, holding, using, converting, transferring or transporting properties and their products with the aim to conceal or disguise the true nature or illegal origin of these properties, for the interest of the offender or a third party when they are the product of any offence under article 574-2 below;
- concealing or disguising the true nature, or origin, or location, or disposition, or movement or ownership of properties or rights thereto knowing that they are the products of the offences under article 574.2 below.
- helping any person involved in committing any offence under article 574-2 below to avoid the legal consequences of his actions;
- facilitating, by any means, false justification of the origin of properties or products of the offender who commits one of the offences under article 574-2 below, which has brought him a direct or indirect profit;
- Providing assistance or advice concerning an operation of guard, or placement, or concealment, or conversion, or transfer, or transport of the direct or indirect products of one of the offences under article 574-2 below.
- Attempting committing acts under this article.

Article 574-2:

The definition provided in article 574-1 above shall be applied to the following offences, even if they are committed outside Morocco:

- Illegal trafficking in narcotic drugs and psychotropic substances;

- Trafficking in human beings;
- Migrant smuggling;
- Illicit trafficking of arms and ammunitions;
- Corruption, bribery, influence peddling and embezzlement of public and private funds;
- Terrorism offences;
- Counterfeiting or forgery of currency or instruments of public credits and other means of payment;
- Belonging to an organized criminal group, formed or established for the purpose of preparing or committing an act or acts of terrorism;
- Sexual exploitation;
- Concealment of things originated from a crime or misdemeanor;
- Breach of trust;
- Fraud ;
- Offences impairing industrial property;
- Offences impairing copyright and neighboring rights;
- Environmental crime;
- Voluntary homicide, violence and assaults;
- Kidnapping, illegal restraint and hostage-taking;
- Theft and extortion;
- Smuggling;
- Fraud on goods and foodstuffs;
- Forgery, counterfeiting and usurpation professions, titles or names or their use with no right ;
- The diversion or the degradation of aircraft or ships or any other means of transport, or degradation of air, water and land navigation facilities, or the destruction, degradation or deterioration of communication means;

- The fact of having access during the performance of a profession or a function to inside information and the use of this information to realize or knowingly help the realization of on the market of one or more operations ;
- The infringement of the automated data treatment systems.

Article 574-3:

Without prejudice to other severer sanctions, money laundering shall be sanctioned:

- For natural persons, from two to five years of prison and a 20,000 to 100,000 Dirhams fine;
- For legal persons, a 500,000 to 3,000,000 Dirhams fine, without prejudice to other penalties that may be imposed on their managers and agents involved in the offences.

Article 574-4:

Imprisonment sentences and fines shall be doubled:

- When the offences are committed using facilities afforded by the exercise of a professional activity;
- When the person is usually engaged in money laundering operations;
- When the offences are committed by an organized criminal group;
- In case of recidivism.

Shall be in a recidivism situation, the offender, who commits the facts within five years after a judgment, which has the force of res judicata, relative to one of the offences stipulated in article 574-1 above.

Article 574-5:

In case of conviction for an offence of money laundering, the total confiscation of all things, objects and properties used or had to be used to commit the offence and their products, or the total confiscation of the equivalent value of these things, objects, properties and products, must always be imposed, subject to the rights of bona fide of third parties.

Persons convicted of money laundering can also be sentenced to one of the following additional sanctions or more:

- Dissolution of the legal person;
- Publication, by all appropriate means, of conviction judgments that have the force of res judicata, at the expense of the convicted offender.

the offender committing the offence of money laundering can also be prohibited temporarily or permanently from the direct or indirect exercise of a profession or many professions, activities or arts, that the exercise of which had been involved in the offence.

Article 574-6:

The penalties laid down in this Law shall concern, according to the case, the managers and the officials of legal persons involved in money laundering operations, when their personal responsibility is proved.

Article 574-7:

Shall be freeing them, under the conditions laid down in articles 143 to 145 of the Penal Code, the offender, the co-offender or the accomplice, who informs the competent

authorities, before they have been otherwise informed, of the constituents of an attempted offence of money laundering.

If the denouncement occurs after committing the offence, the penalty shall be reduced by half.

Article two

CHAPTER II: OF MONEY LAUNDERING PREVENTION

SECTION 1: DEFINITIONS

Article 1:

For the purposes of this law, shall be meant by:

- “Products”: any property resulting, directly or indirectly, from any offence under 574-2 of the Penal Code;
- “Properties”: all types of assets, tangible or intangible, movable or immovable, divided or undivided, as well as acts or legal documents certifying ownership of such properties or rights connected thereto, whatever is their support, including electronic or digital documents.

Article 2:

Shall be subjected to the provisions of this chapter, natural persons and legal persons under public or private law, designated hereafter:

1. Bank Al-Maghrib;
2. Credit institutions and bodies considered as credit institutions;
3. Banks and offshore holding companies;

4. Finance companies;
5. Intermediation companies in the transfer of funds;
6. Exchange offices;
7. Insurance and reinsurance companies and insurance and reinsurance intermediaries;
8. Financial assets managers;
9. stockbroking firms;
10. Auditors, external accountants and tax advisors;
11. members of an independent legal profession, when they participate for the interest of their customer and on his behalf, in a financial operation or a real estate property transaction, or when they assist their customer in the preparation or execution of transactions related to:
 - a) buying and selling real estate or business entities;
 - b) managing funds, securities or other assets of the customer;
 - c) opening or managing bank accounts, savings or securities accounts;
 - d) organizing contributions necessary for the creation, the management or the exploitation of companies or similar structures;
 - e) establishing, operating or managing trustees, companies or similar structures;
12. Persons operating or exploiting casinos or gaming establishments, including online casinos or gaming establishments;
13. Real estate agents and middlemen, when they carry out transactions for their customers regarding the purchase or sale of real estate properties;
14. Dealers in precious metals or gemstones when the transaction is in cash and its amount exceeds 150,000 DHs, in addition to people who usually engage in trade of antiquities and works of art;
15. Service providers involved in the creation, organization and localization of companies.

SECTION 2: OBLIGATIONS OF SUBJECTED PERSONS

SUB-SECTION 1: DUE DILIGENCE

Article 3:

Subjected persons shall be required to collect all pieces of information allowing the determination and verification of the identity of their usual or occasional customers and the beneficial owners.

Shall be meant in this law by beneficial owner any natural person, on whose behalf acts the customer or any natural person who controls or owns ultimately the customer, when the customer is a legal person.

When the customer is a legal person, the subjected persons must verify through the necessary documents and indications, all information regarding its name, legal form, activity, address of its registered office, capital, identity of its managers and powers granted to persons who can duly represent it vis-à-vis third parties or act on its behalf by virtue of power of attorney, in addition to beneficial owners.

Article 4:

Subjected persons must carry out no operation when the identity of the persons concerned can't be verified or when it is incomplete or obviously fictitious.

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Article 5:

The subjected persons must:

- verify the object and nature of the intended business relationship;
- verify the identity of the ordering parties for the execution of operations, of which the beneficiary is a third party;

- determine and verify the identity of persons acting on behalf of their customers pursuant to a power of attorney;
- obtain information on the origin of funds.
- pay special attention to business relationships and transactions carried out by or for the benefit of persons from countries presenting a high risk of money laundering and terrorism financing;
- verify that the obligations defined by this law are applied by their subsidiaries or branches whose headquarters are abroad, unless the domestic law precludes it, in which case they shall inform the Unit referred to in 14 below;
- Setting up risk management systems;
- Implement enhanced due diligence measures when dealing with high risk customers, business relationships or transactions, particularly regarding operations executed by non-residents or on their behalf;
- Setting up measures to prevent from risks related to the use of new technologies for the purpose of money laundering;
- Ensure the regular updating of their customers' files;
- verify that operations carried out by their customers are fully consistent with what they already know about these customers, their activities and their risk profiles;
- Ensure special surveillance and set up appropriate due diligence measures for operations made by high risk customers.

When the subjected persons are not able to determine and verify the identity of their customers and beneficial owners or to obtain information on the purpose and nature of the business relationship, this relation should not be established or pursued.

Article 6:

Subjected persons legally entitled to open accounts must, before opening an account, verify the applicant's identity, in accordance with the provisions of article 488 of the Commercial Law.

They must also:

- verify, before opening an account, if the applicant has other accounts opened on their books.
- obtain information on the reasons why an application to open a new account is submitted;
- determine and verify the identity of the persons for whose benefit an account is to be opened when it appears to them that those who apply to open the account would not have acted on their own behalf;
- refrain from opening anonymous accounts or accounts with fictitious names;

- refrain from establishing or maintaining correspondent banking relationships with any fictitious financial institution and verify that their correspondents abroad are subject to the same obligation.

Article 7:

Without prejudice to other provisions with more constraining obligations, the subjected persons shall keep records of the documents relative to the operations of their customers for ten years, starting from the date of their execution.

They shall also keep records, for ten years, of documents related to the identity of their regular or occasional customers, starting from the closing date of their accounts or the date on which their relations stop, including the ordering parties, referred to in article 5 above, and the beneficial owners.

Article 8:

Any operation that, without getting into the application scope of the provisions of the suspicious transaction report stipulated in article 9 below, is presented in unusual or complex conditions and appears to have no apparent economic justification or lawful purpose, must be subject to a special examination by the subjected person.

In this case, the subjected persons shall obtain information from the customer about the origin and destination of such amounts and the identity of the beneficiaries.

The characteristics of the operation shall be recorded in a document and stored by the subjected persons under the conditions laid down in article 7 above.

SUBSECTION 2: Suspicious Transaction Report

Article 9:

The subjected persons shall make a suspicious transaction report to the Unit on:

- 1) All amounts, operations or attempts to carry out operations suspected of being related to one or many offences laid down in articles 574-1 and 574-2 above ;
- 2) Any operation which the identity of its ordering party or the beneficiary is doubtful.

The indications to be on the suspicious transaction report shall be defined by the Unit referred to in article 14 below.

Subjected persons must provide the Unit with the identity of managers and agents duly entitled to make suspicious transaction reports and to ensure contact with the said Unit, in addition to a description of the internal diligence system they implement to ensure compliance with the provisions of this chapter.

Article 10:

The suspicious transaction report, referred to in article 9 above, shall be in writing. However, in an emergency, it can be made orally, but subject to a written confirmation.

The Unit shall acknowledge receipt of the suspicious transaction report in writing.

When the suspicious transaction report involves an operation that has not yet been executed, it must include an indication of the deadline of execution of the transaction, which cannot be, in any case, lower than the deadline laid down in article 17 below.

The suspicious transaction report must not be on file when it is communicated to the Public Ministry or to the investigating judge.

Article 11:

The suspicious transaction report shall also concern already executed transactions that were impossible to delay. Alike when it appeared, after the completion of the transaction that the amounts in question result from money laundering.

SUBSECTION 3: INTERNAL MONITORING OBLIGATIONS

Article 12:

The subjected persons must have internal measures of diligence, of detection, of surveillance and of risks' management linked to money laundering.

Persons entitled to make a suspicious transaction report referred to in paragraph 1 of article 9 above, shall:

- centralize information collected on transactions with an unusual or complex characteristic;
- inform regularly their managers, in writing, on transactions carried out by customers presenting a high risk profile.

Article 13:

The subjected persons shall be required to report to the Unit and to the supervision and control authorities referred to in article 13-1 below, upon their request, within the deadlines they set, all documents and information necessary to accomplish their missions, laid down in this Law.

The professional secrecy cannot be brought by the subjected persons against the Unit or against the supervision and control authorities.

Article 13.1:

The supervision and control authorities referred to in article 13 above are:

- The government authority in charge of justice;
- Bank Al-Maghrib;

- Authority in charge of controlling insurance and social welfare;
- Authority in charge of controlling capital markets;
- Exchange Office;
- The Unit referred to in article 14 below, for subjected persons who don't have a supervision and control authority determined by virtue of law.

Without prejudice to their competences under this law, the supervision and control authorities are, vis-à-vis the subjected persons under their jurisdiction, in charge of:

- Ensuring compliance of the subjected persons with the provisions of this law ;
- Determining modalities for the enforcement of provisions of articles 3 to 8 and 12 of this law.

Article 13.2:

The supervisory authorities of nonprofit organizations and institutions must verify that these bodies are not used for terrorist financing or money laundering purposes.

SECTION 3: FINANCIAL INFORMATION PROCESSING UNIT

Article 14:

There shall be established by regulation, a Financial Information Processing Unit referred to in this Law by "the Unit". It shall be affiliated to the Prime minister.

Article 15:

The Unit shall be in charge of:

1. collecting, processing and requesting information related to acts suspected to be linked to money laundering and deciding over cases referred to it;

2. building a database on money laundering transactions;
3. collaborating and participating with other concerned divisions and institutions to the study of measures to be implemented to fight against money laundering;
4. ensuring compliance of the subjected persons with the provisions of this Law, without prejudice to missions assigned to each supervision and control authority laid down in 13.1 above;
5. ensuring the common representation of divisions and national institutions concerned by the fight against money laundering;
6. proposing to the government any required legislative, regulatory or administrative reform related to the fight against money laundering;
7. advising the government on the content of the enforcement measures of this chapter.

The Unit shall fix particular conditions relative to the operations that fall within the application scope of this Law.

The Unit shall prepare an annual report on its activities and submit it to the Prime Minister. In this report, which is published by the Unit, the said Unit shall report all its activities, mainly cases handled or transferred to judicial authorities, and the typology of money laundering transactions.

Article 16:

Any information, which would alter the already made conclusion of the subjected person in the suspicious transaction report, should be immediately reported in writing to the Unit.

Article 17:

The Unit may appeal against the execution of any transaction object of a suspicious transaction report. The execution of this transaction shall be postponed for a period not exceeding two working days, starting from the date the Unit receives the said report.

The President of the Court of First Instance of Rabat, upon request of the Unit and after the Public Prosecutor of the said court presents his conclusions, may extend the deadline specified in the first paragraph of this article, for a period not exceeding fifteen (15) days after the expiration of the first deadline. Such order shall be immediately enforceable.

If no objections are filed or if, after the expiration of the objection deadline, no order of the President of the Court is given to the subjected person who made the suspicious transaction report, the subjected person can execute the transaction.

Article 18:

Once the information collected by the Unit reveal facts that may constitute a money laundering offence, the Unit shall refer it to the Public Prosecutor at the Court of First Instance of Rabat, specifying, if need be, the administrations, public institutions and other legal persons of public or private law that provided the Unit with the relevant information or documents.

The Public Ministry shall notify the Unit of all the decisions taken upon the cases referred to it in accordance with the provisions of the 1st paragraph of this article .

Article 19:

The Public Prosecutor may order, during the investigation phase for a period that does not exceed one month, renewable once:

- 1) the freeze by temporarily prohibiting the transfer, conversion, disposition or movement of properties, or
- 2) the designation of an institution or a private organization in order to ensure temporarily the custody or control of properties.

The investigating judge may designate an institution or a private organization in order to ensure temporarily the custody or control of properties.

The Public Prosecutor or the investigating judge may also order the seizure of properties belonging to the natural or legal persons suspected of being involved with persons, organizations or activities related to the money laundering offences, even if they are not committed inside the territories of the Kingdom.

Article 20:

All persons participating in the works of the Unit and more generally all persons that, in any capacity, are to know or use information related to the mission of the Unit, shall be strictly bound by the professional secrecy under the terms and conditions of article 446 of the Penal Code.

These persons cannot, even after leaving office, use the information they **may** have knowledge of, for purposes other than those stipulated in this chapter.

Article 21:

Information gathered by the Unit and the supervision and control authorities from the subjected persons cannot be used for purposes other than those stipulated in this chapter.

However, notwithstanding the previous paragraph, the Unit shall be entitled to send the documents and information collected during the performance of its missions to the

Public Prosecutor or the investigating judge, upon their request and for the execution of their duties, except the suspicious transaction report.

Article 22:

To achieve its missions, the Unit shall have a staff composed of agents especially authorized thereto by the Unit.

Administrations, public institutions and other legal persons governed by public or private law shall:

- provide the Unit, upon its request, with any documents and information likely to facilitate the accomplishment of its missions;
- Inform the Unit of any non-compliance with the provisions of this Law they may discover during the course of their missions.

Article 23:

The Unit must keep records for ten years, starting from the date it completes its work concerning a case referred to it, of all information or documents relative to the case, on hardcopy or electronic forms.

Article 24:

The Unit can exchange, within the framework of international conventions the Kingdom of Morocco ratified and duly published or under the principle of reciprocity, in compliance with the provisions in force, financial information related to money laundering with similar foreign competent authorities.

SECTION 4: PROTECTION OF SUBJECTED PERSONS, THEIR MANAGERS, THEIR AGENTS, THE UNIT AND ITS AGENTS

Article 25:

For the amounts or transactions having been subject to a suspicious transaction report, referred to in article 9 of this Chapter, no legal action based on article 446 of the Penal Code or on the special provisions related to professional secrecy, can be brought against the subjected person or against its managers and agents who made, in bona fide, this report.

Article 26:

No civil legal action can be brought and no sanction can be ordered, especially for false accusation, against a subjected person, its managers or agents, when the suspicious transaction report was made in bona fide.

The provisions of this article shall be applied even if the proof of the illegal characteristic of facts that were behind the suspicious transaction report is not provided or if the facts were subject to a dismissal or an acquittal decision.

When the operation is executed as provided in article 11 above and, except in connivance with the owner of the amounts or the author of the transaction, the subjected person shall be held free from any liability and no legal action can be brought against its managers or agents.

Article 27:

No action of penal responsibility or of civil liability shall be brought against:

- the Unit or its agents ;
- the supervision and control authorities or their agents ;

- the subjected persons or their agents ;
- the administrations, public institutions or other public or private legal persons or their agents ;

due to the accomplishment, in bona fide, of the missions assigned to them under this chapter.

SECTION 5: SANCTIONS AND MISCELLANEOUS PROVISIONS

Article 28:

Without prejudice to severer penal sanctions and sanctions applied to them by law they are subjected to, the subjected persons, or their managers and their agents, if need be, who do not respect the obligations of articles 3, 4, 5, 6, 7, 8, 9, 11, 13, 13.1, 16 and 33 of this chapter, may be sentenced to a pecuniary sanction ranging from 100,000 to 500,000 Dirhams imposed by the body under the control of which they are placed, following the procedure in force in case of dereliction of duty or violation of professional or ethical rules.

When the subjected person does have no supervision and control authority, the pecuniary sanction shall be imposed by the Unit.

Decisions taken by the Unit in accordance with this article may be appealed before the competent administrative court.

Article 29:

The managers or agents of the subjected persons who knowingly, either inform the person concerned, or a third party, about the suspicious transaction report on that person, or provide her with information on actions taken upon the report or who use deliberately information collected for purposes other than those of this chapter, shall be

subject to the sanctions laid down in article 446 of the Penal Code, except if the facts constitute an offence that is more severely sanctioned.

Article 30:

If afterward, either due to a serious lack of diligence, or to a deficiency in the internal control system, a subjected person does not execute the obligations of this chapter, the Unit shall refer its case to the competent body empowered to control and sanction the said person, to impose sanctions against it, on the basis of the law that applies to that person.

Article 31:

In order to facilitate international cooperation on money laundering, provisions of articles 595-6, 595-7 and 595-8 of the Penal Procedure Code shall also be applied in the fight against money laundering.

CHAPTER III: SPECIAL PROVISIONS OF TERRORISM OFFENCES

Article 32:

This Law shall be applied to acts and operations specified in article 574-1 of the Penal Code, when the origin of properties or products is related to a terrorism offence or when the said acts or operations are intended to finance terrorism as provided in Chapter I bis of Part I of Book III of the Penal Code, approved by *Dahir* No. 1-59-413 of 26 November 1962.

Article 33:

The subjected persons, in accordance with article 2 of Chapter II of this Law, shall ensure due diligence and internal monitoring and make suspicious transaction reports on acts and operations meeting the definition of article 32 above.

Article 34:

The suspicious transaction reports must be referred to the Financial Information Processing Unit. The Unit may receive information specified in articles 9, 15, 22 and 24 of this Law when it has to deal with cases referred to in article 32 above.

Once the information collected by the Unit reveal facts that may constitute an offence of terrorism financing, the Unit shall refer it to the General Public Prosecutor at the Court of Appeal of Rabat, specifying, if need be, the administrations, public institutions and other legal persons of public or private law that provided the Unit with the relevant information or documents.

The General Public Prosecutor shall notify the Unit of all the decisions taken upon the cases referred to it in accordance with the provisions of the 2st paragraph of this article.

The Unit may appeal against the execution of any transaction subject of a suspicious transaction report that can be related to one or many offences referred to in article 218-4 of the Penal Code. The execution of this transaction shall be postponed for a period not exceeding two working days, starting from the date the Unit receives the said report.

The first President at the Court of Appeal of Rabat, upon request of the Unit and after the General Public Prosecutor of the said court presents his conclusions, may extend the deadline specified in the 4th paragraph of this article, for a period not exceeding fifteen (15) days after the expiration of the first deadline. Such order shall be immediately enforceable.

If no objections are filed or if, after the expiration of the objection deadline, no order of the first President of the Court is given to the subjected person who made the suspicious transaction report, the subjected person can execute the transaction.

Article 35:

The subjected persons, their managers and agents are subject to the provisions of articles 28, 29 and 30 of this Law for the acts and operations referred to in article 32 above.

Article 36:

When the Unit, in accordance with article 14 above, deals with a case related to a terrorism offence, it may rely on persons of public law concerned by the subject.

Article 37:

In addition to its competences, laid down in article 15 above, the Unit can receive and process requests from international empowered bodies, to freeze properties, for a terrorism offence.

The Unit may order the freeze of the said properties.

Decisions taken by the Unit under this article may be appealed before the administrative court of Rabat.

CHAPTER IV: FINAL PROVISIONS

Article 38:

Notwithstanding the jurisdictional rules of the Penal Procedure Code or other laws, the courts of Rabat shall be competent for the prosecution, investigation and judgment of acts constituting money laundering offences.

The said courts may, for reasons of public security and exceptionally, hold their hearings in the headquarters of other courts.