

Bishkek
July 31, 2006 #135

THE LAW OF THE KYRGYZ REPUBLIC

On anti-money laundering and anti-terrorist financing

(As amended by the Laws of the Kyrgyz Republic of June 2, 2009 #179,
July 25, 2012 #123)

See also:

Order of the President of the Kyrgyz Republic of February 19, 2010 OP #58 "On the State Service of Financial Intelligence of the Kyrgyz Republic";

Decree of the Government of the Kyrgyz Republic of March 5, 2010 #135 "On measures on implementation of the Law of the Kyrgyz Republic "On anti-money laundering and anti-terrorist financing"

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Chapter I

General provisions

Article 1. Aim, objective and sphere of application of this Law

1. This Law is aimed at protecting the rights and legitimate interests of citizens, society and the state, as well as the integrity of the financial system of the Kyrgyz Republic from criminal attacks by creating a legal framework for anti-money laundering and anti-terrorist (extremism) financing.

2. The main objective of this Law is to create a legal framework for the prevention, detection, investigation activities related to the financing of terrorism (extremism) and the legalization (laundering) of proceeds from crime and the establishment of rule of law on the creation of the authorized state body charged with obtaining information, analysis and transmission of information concerning suspicious operations (transactions) and operations (transactions) subject to mandatory control in accordance with this Law. This body has the right to require the reporting persons, the adoption of measures aimed at anti-money laundering and anti-terrorist (extremism) financing, in accordance with this Law and other normative legal acts.

3. This Law regulates the relations of the citizens of the Kyrgyz Republic, foreign nationals and permanent residents of the Kyrgyz Republic of stateless persons and organizations engaged in the operations (transactions) with cash assets or property, as well as the state bodies exercising control in the territory of the Kyrgyz Republic for the conduct of operations (transactions) with cash assets or property, to prevent, detect and deter acts related to the financing of terrorism (extremism) and the legalization (laundering) of proceeds from crime.

4. If an international agreement to which the Kyrgyz Republic, which came in with the law in force, stipulates other rules than those contained in this Law, the rules of the international agreement are applied.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Article 2. Main terms and concepts, used in this Law

For the purposes of this Law the following terms and concepts:

proceeds of crime – cash assets and property acquired (received) in the commission of an offense under the Criminal Code of the Kyrgyz Republic;

legalization (laundering) of proceeds from crime, punishable socially dangerous act under article 183 of the Criminal Code of the Kyrgyz Republic;

property - things, objects and assets, expressed in things and rights representing the tangible value (movable and immovable property situated in the territory of the Kyrgyz Republic and abroad, securities, precious metals and stones, antiques and other property in accordance with the applicable legislation), and legal documents or acts evidencing title to or interest in the property in it;

suspicious operation(transaction) - operation (transaction), falling under the signs of suspicious operations (transactions) under this Law, that is, operations (transactions) in respect of cash assets or property that have no clear economic or apparent lawful purpose and not specific to activities of the legal entity or individual according to the list of suspicious operations approved by the authorized state body;

authorized state body - the state body established or designated in accordance with the legislation of the Kyrgyz Republic and authorized in accordance with this Law for the collection, analysis and storage of information on suspicious operations (transactions) and operations (transactions) subject to mandatory control, and conduct measures aimed at anti-money laundering and anti-terrorist (extremism) financing, in order to ensure the financial security of the country;

financing of terrorism - punishable socially dangerous act under article 226-1 of the Criminal Code of the Kyrgyz Republic;

mandatory control - a set of measures taken by the authorized body, regulated by this Law and normative legal acts adopted pursuant thereto, to control the operations with cash assets or property, based on the information provided to it by organizations performing such operations, as well as verification this information in accordance with the legislation of the Kyrgyz Republic;

internal control - a set of measures taken by persons representing the information to identify operations (transactions) are subject to mandatory control and suspicious operations (transactions), as well as to prevent other operations (transactions) involving cash assets or property directly related to the financing of terrorism (extremism) and the legalization (laundering) of proceeds from crime. General internal controls established by the authorized state body;

shell bank - a bank registered in countries or territories in which it is not physically present, and which is not affiliated with a regulated financial group;

FATF - an intergovernmental organization (the group) for the development and implementation of international standards to anti-money laundering and anti-terrorist (extremism) financing;

cash assets- money (notes and metal coins) in the currency of any country and electronic money;

foreign politically exposed persons - foreign nationals who have been granted or entrusted with prominent state and political functions in a foreign country (heads of state or of government, senior politicians, senior officials in the government, the courts, the military, law enforcement and fiscal authorities, leaders and heads of political parties and religious associations), including the former;

beneficial owner (the beneficiary) - a person who has the right of ownership of cash assets or property on behalf and / or on account of which the client performs operation (transaction) with

cash assets or property, or in accordance with the agreement between such person and the client has may directly or indirectly influence the commission of client operations (transactions) with cash assets or property;

identification - the establishment by persons in the information on the basis of individuals or legal entities of originals or duly certified copies of documents, the following data:

in respect of an individual – surname, name, patronymic (unless otherwise provided by the law or national custom), citizenship, data identification (passport) and proof of the right of a foreign citizen or stateless person to stay (reside) in the Kyrgyz Republic, address of the place of residence (registration) or place of residence, taxpayer identification number (if available) or a social security number of the identity, the authority to manage funds or assets, as well as other information required in accordance with the legislation of the Kyrgyz Republic;

in respect of a legal entity - name, legal form of organization, state registration number or registration number of the foreign legal entity, place of state registration and residence address, taxpayer identification number or code of a foreign organization, reports of officials and other data relating to the charter documents regulating the activities of the client;

verification - measures to clarify the due diligence results or identification undertaken by persons in the details, in order to implement internal controls;

blocking of operation (transaction) with cash assets or property - suspension of transfer, conversion, disposition or transfer of cash assets or property on the ground and on the validity of the decision of the authorized state body. Cash assets or property in respect of which the blocking of operations (transactions) carried out are owned by individuals or legal entities and may remain under the control of persons providing information;

reporting persons (in terms of this Law), legal entity and / or individual carrying out the operations (transactions) with cash assets or property:

- banks (including branches and representative offices);
- financial organizations and institutions (including branches and representative offices)

credit organizations (institutions) and their affiliates;

credit unions;

insurance / reinsurance companies;

professional participants of the securities market;

mortgage companies;

companies on pension asset management;

leasing companies (financial);

persons providing services to transfer cash assets or valuables in a professional manner, including specialized systems of money transfers without opening an account;

persons engaged in purchase or sale or conversion of foreign currency on a professional basis (exchange office);

pawn shops and buying-up centers;

commodity exchanges;

- non-financial structures:

gambling establishments, such as the bookmaker and totalizator;

persons organizing and conducting lotteries;

private pension funds;

organizations and agents (brokers) engaging in movable property or providing mediation services in transactions of sale and purchase of immovable property (realtors);

persons carrying out the operations (transactions) with precious metals and precious stones, jewels from them (and waste of these products), when they engage in any cash transaction (deals) with the client;

- other persons engaged in the operations (transactions) with cash assets or property:

persons providing trustee services, including trust companies (with the exception of professional activities in the securities market);

organization, document certifying or recording rights over immovable and movable property;

organization of postal and telegraph services, executing money transfers.

(As amended by the Laws of the Kyrgyz Republic of June 2, 2009 #179, July 25, 2012 #123)

Chapter II

Anti-money laundering and anti-terrorist (extremism) financing

Article 3. Measures aimed at anti-money laundering and anti-terrorist (extremism) financing

1. Banks and other financial institutions authorized to open and maintain bank accounts are not eligible to open anonymous bank accounts (deposits), numbered accounts (deposits) and carry out any operations without identification of contractors and / or clients in accordance with the normative legal acts of the Kyrgyz Republic.

Banks and other financial institutions authorized to open and maintain bank accounts have to refuse legal entity and individual to open a bank account (deposit) or the operation of the account, unless they are submitted by the related person of the documents necessary to fulfill the requirements to open a bank account (deposit), operations on it and identify the client, if the documents are clearly false, if that person reported to be involved in terrorist activities prepared in accordance with this Law. As specified in this paragraph cases, banks and other financial institutions authorized to open and maintain bank accounts, has the right to terminate the agreements entered into with clients (account holders) and depositors.

Reporting persons must:

- identify the identity of the client (legal entities and individuals) and secure the data obtained in accordance with the normative legal acts of the Kyrgyz Republic;
- verify the identity of the client (legal entities and individuals) in accordance with the normative legal acts of the Kyrgyz Republic;
- verify the authenticity and authority of persons having the right to dispose of cash assets or property;
- take available and necessary measures to establish and identify the beneficial owner (the beneficiary);
- regularly update information about clients and beneficial owners (beneficiaries).

2. Banks and other financial institutions authorized to open and maintain bank accounts, have no right to establish direct correspondent relations with banks, which are registered in offshore zones, with their affiliates, subsidiaries, banks and separate units that are not independent legal entities and registered in the states or territories, offering preferential tax treatment, and (or) not requiring the disclosure, and (or) the provision of information to the supervisor.

This restriction does not apply to the establishment of direct correspondent relationships with affiliates registered in offshore zones, head offices are located (registered) outside the offshore zones.

The creation of shell banks is prohibited.

Banks and other financial institutions authorized to open and maintain bank accounts, do not have the right to establish or continue correspondent banking relationships with shell banks,

and should take precautions against the operations (transactions) with foreign financial institutions by the respondents, allowing shell banks to use their accounts.

2-1. Reporting persons, at service (implementation of the operation (transaction) with cash assets and property) of foreign politically exposed persons, in addition to the measures set out in this article shall:

- take available measures to detect foreign politically exposed persons among individuals received for services or in services;

- take service of foreign politically exposed persons based only on the written permission of the head of reporting persons;

- take available steps to identify the source of funds or property of foreign politically exposed persons;

- on a regular basis to update the available information about foreign politically exposed persons who are in their service;

- pay special attention to operations (transactions) with cash assets or property carried out by foreign politically exposed persons, their spouses, close relatives (ascendants and descendants (parents and children, grandparents and grandchildren), full and half (having the same father or mother) brothers and sisters, adoptive parents and adopted children), representatives and business partners.

2-2. Banks and other financial institutions and organizations have the right to open and maintain bank accounts and other accounts, the implementation of cross-border correspondent banking relationships must:

- identify and carry out verification of correspondent institutions with which they establish or implement a correspondent banking relationship;

- collect information on the nature of the agency correspondent;

- on the basis of publicly available information, evaluate the reputation of the institution and the correspondent to determine the presence of the supervisory body for anti-money laundering and anti-terrorist (extremism) financing;

- obtain the approval of the executive management before establishing correspondent banking relationships;

- evaluate the controls implemented by the corresponding institution (being a client of the bank) on anti-money laundering and anti-terrorist (extremism) financing.

2-3. The authorized state body is developing regulations aimed at anti-money laundering and anti-terrorist (extremism) financing, a non-profit organization that collects, receives, or is cash transfers as part of its charitable activities.

3. Legal entity with the status of the company (the company) registered in an offshore zone in accordance with the legislation of the state of its incorporation, cannot be founders or shareholders of a resident bank of the Kyrgyz Republic.

For the purpose of licensing and regulation of banks and other financial institutions of the National Bank of the Kyrgyz Republic shall determine the list of subjects, states and offshore territories and establishes the conditions and restrictions for transactions and operations with them.

4. Reporting persons must:

- develop rules of internal controls to anti-money laundering and anti-terrorist (extremism) financing and the procedures for its implementation, including appropriate mechanisms for monitoring their implementation and adequate screening procedures when hiring employees;

See:

Resolution of the Board of the National Bank of the Kyrgyz Republic of February 14, 2007 #7/2 "On approval of the Regulations "On minimum requirements for internal control in micro-finance organizations and credit unions with a view to anti-money laundering and anti-terrorist (extremism) financing"

- store for at least five years from the date of closure of the account information and records relating to the identification of the client, as well as information about the operations (transactions) with cash assets or property. The information in such records should be sufficient to be able to make a recovery of individual operations (transactions) in order to present relevant evidence for consideration and investigation;

- not to disclose information about the transmission of information to the authorized state body. Disclosure to third parties about the facts of the transfer of such information to the authorized state body is only possible in cases expressly provided for by the laws of the Kyrgyz Republic. Employees of organizations engaged in operations with cash assets or property shall not be entitled to inform the clients of these organizations or other entities to provide information to the authorized state body;

- submit a report (containing the suspicion) to the authorized state body in the event of a suspected or having reason to suspect that the cash assets or property is proceeds of crime or are connected with the financing of terrorism (extremism), or will be used for this purpose;

- appoint special officers responsible for compliance and implementation of internal controls to anti-money laundering and anti-terrorist (extremism) financing (at management level);

- on an ongoing basis, at least once a year, training and retraining of personnel to anti-money laundering and anti-terrorist (extremism) financing, in accordance with the normative legal acts of the Kyrgyz Republic.

5. Reporting persons are required to suspend operations (transactions) of individuals and legal entities, unless there is credible information about their involvement in terrorist or extremist activities (financing of terrorism or extremism) for three working days from the date when the client on its implementation should be performed, and no later than the date of suspension of operations (transactions) are required to provide information about it to the authorized state body.

If not received within the specified period the decision of the authorized body to block the operation (transaction) of individuals or legal entities in respect of whom there is evidence of involvement in terrorist or extremist activities (financing of terrorism or extremism) for a further period, reporting persons, carry out operation (transaction) with cash asserts or property by order of the client.

Blocking of operations (transactions) with cash assets and property of individuals and legal entities in respect of which there is evidence of involvement in terrorist or extremist activities (financing of terrorism or extremism), over the period specified in the decision of the authorized body or seizure of cash assets and property of these persons may be made only on the basis of the order of a prosecutor or investigator authorized by the prosecutor, in accordance with the legislation of the Kyrgyz Republic.

If not received by the date specified in the decision of the authorized body, the order of a prosecutor or investigator authorized by the prosecutor, to block the operation (transaction) for a further period, or the seizure of the cash assets or property of the person presenting information, carry out the operation (transaction) with cash assets or property by order of the client.

The procedure for determining the list of individuals and legal entities in respect of whom there is evidence of involvement in terrorist or extremist activities (financing of terrorism or extremism), and bring it to the attention of the reporting persons, established by the Government of the Kyrgyz Republic.

6. Reporting persons and their employees are not liable for damages, lost profit or non-pecuniary damage caused to individuals and legal entities by lawful performance of duties prescribed by this Law to submit to the established order information on suspicious operations (transactions), provided that there had been no violation of the established order of the commission of such acts.

Suspension of operations, failure to open a bank account (deposit) or the operation of the account, as well as termination of the agreement of bank accounts and closing the account

provided for in this article shall not constitute grounds for the emergence of civil liability and other persons providing information.

7. Reporting persons must pay special attention to business relationships and operations (transactions) with organizations and individuals from the states and territories that do not apply or insufficiently apply the FATF Recommendations, as well as subsidiaries, branches and representative offices, the head companies of which are registered in such countries and territories. A list of these countries and territories shall be approved by the authorized state body in conjunction with the National Bank of the Kyrgyz Republic and other regulatory authorities.

See:

List of states and territories that do not apply or insufficiently apply the FATF Recommendations and are not involved in international cooperation on anti-money laundering and anti-terrorist (extremism) financing

8. Monitoring the performance of individuals and legal entities of this Law with regard to fixation, storage and reporting of operations (transactions) subject to mandatory control over the organization of internal control by the relevant regulatory authorities in accordance with their competence and in accordance with the legislation of the Kyrgyz Republic, and as the authorized body in the absence of regulatory authorities in the activities of certain organizations carrying out operations (transactions) with cash assets or property.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Article 4. Requirements (conditions) of mandatory control

1. Reporting persons must:

- provide information on operations (transactions) with cash assets or property subject to mandatory control in accordance with the list of criteria defined in this Law, not later than the working day following the day of the operation (transaction) to the authorized state body in the prescribed form to them;

- detect suspicious operations (transactions) in accordance with the list of criteria for suspicious operations (transactions) and provide information about them to the authorized state body not later than the working day following the date of recognition operations (transactions) suspicious.

The list of criteria for suspicious operations (transactions), and procedure (form) of information about them are set by the authorized state body.

This information shall be documented and include:

- type of transaction (deal) and the base of the transaction;
- date of the operation (transaction), and the amount by which it is made;
- information obtained as a result of identification of an individual or legal entity;
- information necessary to identify an individual or legal entity on behalf of and on behalf of which the operation (transaction), taxpayer identification number (if applicable), place of residence or location of the individual or legal entity;
- information necessary to identify the individual or legal entity representative doing the operation (transaction) on behalf of another person by virtue of the power based on the power of attorney, law or act of the authorized state body or local self-government, place of residence of representative of an individual or legal entity;
- information necessary to identify the recipient of operation (transaction) with cash assets or property,
including the name of the recipient's account number.

2. In the event that the employees representing information, there is a suspicion that some operations (transactions) are carried out on anti-money laundering and anti-terrorist (extremism) financing from crime, that person is required to communicate to the authorized state body on such information of operations (transactions), whether related or not they relate to operations (transactions), provided for in article 6 of this Law.

3. Reporting persons are required to document and transmit to the authorized state body actually circumstances of complex, unusual large operations (transactions) and operations (transactions) with unusual pattern, no obvious economic sense or apparent lawful purpose.

The list of attributes of such operations (transactions) is set by the authorized state body.

4. Reporting persons are required to submit to the authorized state body, upon its written request, additional information and documents related to operations (transactions), which became the subject of mandatory control in relation to suspicious operations (transactions), including components of the service, commercial, bank or other secrets, as well as the documents and information that are presented on the basis of an international agreement of the Kyrgyz Republic, no later than 10 working days from receipt of the request.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Chapter III

Organizing the activities on anti-money laundering and anti-terrorist (extremism) financing

Article 5. Authorized state body

1. The authorized state body is a body, tasks, functions and powers in the sphere of anti-money laundering and anti-terrorist (extremism) financing are established in accordance with this Law. Interference of government authorities in matters related to the conduct of this Law to control of the authorized state body shall not be permitted except as provided by this Law and other laws of the Kyrgyz Republic.

2. The authorized state body within its competence:

1) collects, processes and analyses of information related to operations (transactions) subject to mandatory control;

2) develops and implements measures to improve the prevention, detection and suppression of suspicious operations (transactions) and operations (transactions) in connection with anti-money laundering and anti-terrorist (extremism) financing, including providing clarification on the application of measures to anti-money laundering and anti-terrorist (extremism) financing, particularly in the identification of suspicious operations (transactions) and the direction of the report on them;

3) submits to the court (judge), in the investigation agencies and investigative bodies generalized materials related to the financing of terrorism (extremism) and the legalization (laundering) of proceeds from crime, on the basis of the formal written request to the excited affairs in accordance with the legislation of the Kyrgyz Republic. This information may be made available to the authorized state body in the law enforcement agencies and the courts on their own initiative;

4) carries out its activities on anti-money laundering and anti-terrorist (extremism) financing;

5) in accordance with the legislation has the right to access (use) to databases (registers), the formation and (or) maintained by the state bodies;

6) in the presence of sufficient evidence that the operation (transaction) is associated with the financing of terrorism (extremism) and the legalization (laundering) of proceeds from crime, sends the appropriate synthesis of the law enforcement agencies in accordance with their competence;

7) publishes the normative legal acts on matters within its competence under this Law and other normative legal acts necessary for the execution by persons in the information;

8) sends written requests to the providers of information, according to the information specified in article 4 of this Law, in respect of operations (transactions) subject to mandatory control, and in respect of information relating to clients and beneficial owners (beneficiaries);

9) with respect to any information obtained in accordance with the functions performed has the right to request and receive from the state bodies and the reporting persons, any further information related to anti-money laundering and anti-terrorist (extremism) financing. State bodies and reporting persons are required to submit to the authorized state body requested information in a timely manner and in the prescribed form.

3. The authorized state body blocks for up to five business days of execution of operations (transactions) with cash assets or property in the event that at least one of the parties involved in these operations (transactions), is an individual or legal entity against whom there is evidence of involvement in terrorist or extremist activities (financing of terrorism or extremism); if the information obtained by it in accordance with paragraph 5 of article 3 of this Law, the results of the screening is recognized them grounded.

Blocking of operations (transactions) with cash assets and property of individuals and legal entities in respect of whom there are credible reports of terrorist or extremist activities (financing of terrorism or extremism) is not the basis of a civil or other liability of the authorized state body.

4. The management and employees of the authorized state body, the National Bank of the Kyrgyz Republic and other government officials, including the former, which in accordance with this Law have or had access to information from the reporting persons are subject to criminal and other responsibility for the unlawful disclosure of use of commercial or other secret, malpractice in accordance with the legislation of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Article 6. List of criteria, in accordance with which operations (transactions) are subject to mandatory control

1. Operation (transaction) with cash assets or property shall be subject to mandatory control, if the amount for which it is equal to or exceeds KGS 1000000 (equivalent in foreign currency), while in character, this operation (transaction) is related to one of the types of operations (transactions), provided for in paragraph 2 of this article.

2. The operations (transactions) with cash assets or property subject to mandatory control include:

1) all internal and external operations (transactions) by banks and other financial and credit institutions entitled to open and maintain bank accounts (deposits), except operations (transactions), the list of which is determined by the authorized state body in consultation with the National Bank of the Kyrgyz Republic;

2) operations (transactions) in the case where at least one party is a person or entity having registration, place of residence or location in the state (in the territory), where (on which) no disclosure or provision of information on financial operations or one of the parties is a person who is the owner of a bank account registered in such state (at that territory).

The list of such countries (territories) is determined by the authorized state body in consultation with the National Bank of the Kyrgyz Republic on the basis of lists of approved by international organizations involved in anti-money laundering and anti-terrorist (extremism) financing;

3) other operations (transactions), over the threshold established by this Law:

- purchase or sale of cash foreign currency;
- purchase by an individual of securities for cash;
- exchange of banknotes of one denomination to another denomination banknotes;

- introduction of an individual in the charter capital of the organization of funds in cash;
 - cash flows of charities, public organizations and institutions, and foundations;
 - 4) other transactions with movable and immovable property:
 - placement of securities, precious metals, precious stones and other valuables to a pawn shop;
 - payment by an individual of insurance premiums or obtain its insurance premium for life insurance and other types of insurance savings and pensions;
 - deal with immovable property, if the amount for which it is equal to or greater than KGS 4500000;
 - deal with movable property;
 - receipt or provision of property under a finance lease agreement (leasing);
 - cash payment in the form of prize received from playing the lottery, totalizator (mutual betting) or other risk-based games;
 - 5) money transfer:
 - carried out by not financial organizations on behalf of clients;
 - on systems that allows to carry out such operations without opening the account, and to receive them.
3. Subject to mandatory control operations (transactions) with cash assets or property in the event that at least one of the parties involved in these operations (transactions), is an individual or legal entity against whom there is evidence of involvement in terrorist or extremist activity (financing terrorism or extremism), obtained in the manner prescribed by the laws or international agreements of the Kyrgyz Republic.
4. Require monitoring to be suspicious operations (transactions).
(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Chapter IV

International cooperation in the sphere of anti-money laundering and anti-terrorist (extremism) financing

Article 7. Information exchange and legal aid

1. The authorized state body in accordance with international agreements of the Kyrgyz Republic or on the principles of reciprocity or cooperation with the competent authorities of foreign states and international organizations recognized on the stages of data collection, a preliminary investigation, trial and execution of court decisions, as well as other forms of mutual legal assistance in anti-money laundering and anti-terrorist (extremism) financing.

2. The authorized state body and other state authorities of the Kyrgyz Republic engaged in activities related to anti-money laundering and anti-terrorist (extremism) financing, provide relevant information to the competent authorities of foreign countries, at their request or on its own initiative in order and on the grounds that under the international agreements of the Kyrgyz Republic, and on the principles of reciprocity.

The authorized state body shall be entitled to send to the competent authorities of foreign countries requests for necessary information in the field of anti-money laundering and anti-terrorist (extremism) financing.

3. Transfer to the competent authorities of the foreign state the information associated with the identification, seizure and confiscation of proceeds of crime and / or in connection with the financing of terrorism (extremism) is carried out in the event that this does not prejudice the national security interests of the Kyrgyz Republic.

4. Information related to the identification, seizure and confiscation of proceeds of crime and / or in connection with the financing of terrorism (extremism) is available on request of the competent authority of a foreign state under the condition that it not be used without prior consent of the state authorities of the Kyrgyz Republic who provided it, in a manner not specified in the request.

5. The state authorized body has sent a request to the competent authority of a foreign state shall ensure the confidentiality of information and use it only for the purposes specified in the request.

The state authorities of the Kyrgyz Republic engaged in activities related to anti-money laundering and anti-terrorist (extremism) financing in accordance with international agreements of the Kyrgyz Republic and the laws of the Kyrgyz Republic perform, within its jurisdiction, requests from the competent authorities of foreign states on confiscation of proceeds of crime, as well as on the production of certain proceedings for the identification of proceeds of crime, seizure of property, including conduct an examination, interrogation of suspects, defendants, witnesses, victims and other persons, searches, seizures, transfer material evidence, carry out delivery and transfer of documents.

6. The costs associated with the execution of these requests shall be compensated in accordance with the international agreements of the Kyrgyz Republic.

7. For the purpose of anti-money laundering and anti-terrorist (extremism) financing, the banking supervision and regulation of banks and other financial institutions shall have the right to request, receive and provide relevant information to the supervisor of foreign countries as requested, or on its own initiative.

8. The requirement to provide and provision of information (materials) in order to anti-money laundering and anti-terrorist (extremism) financing are presented and executed in the territory of the Kyrgyz Republic in accordance with the terms of this Law.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Chapter V Final provisions

Article 8. Responsibility for violation of this Law

1. Violation of persons representing the information, requirements, provided in this Law, shall be administratively liable in accordance with the legislation of the Kyrgyz Republic.

2. The management and employees of the authorized state body, the National Bank of the Kyrgyz Republic and other government officials, including the former, which in accordance with this Law has or has had access to the information obtained from the reporting persons are criminally responsible for the unlawful disclosure of the use of bank, commercial or other secret, malpractice under the criminal laws of the Kyrgyz Republic.

3. Employees of the reporting persons, including former are responsible for the disclosure of the execution of requests and sending information to the authorized state body in accordance with the legislation of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 #179)

Article 8-1. Delivery of information and documents to the authorized state body

1. State bodies and local self-government of the Kyrgyz Republic deliver to the authorized state body the information and documents necessary to carry out its functions (with the exception of information about the private life of citizens), in accordance with the legislation of the Kyrgyz Republic.

2. The National Bank of the Kyrgyz Republic, other supervisors, reporting persons, the General Directorate of Free Economic Zones of the Kyrgyz Republic, as well as associations and unions of entrepreneurs represent to the state authorized body, including at its request the information and documents necessary to carry out its functions in the prescribed manner.

3. Presentation to the authorized state body, including, upon request, information and documents to the state bodies and local self-government, the National Bank of the Kyrgyz Republic and other oversight bodies, as well as legal entities regardless of ownership in order and manner provided in this Law, not a violation of official, banking, tax, commercial, statistical secrets and confidential communication (in terms of information about postal money transfers).

4. The state bodies of the Kyrgyz Republic within its competence deliver to the state authorized body and providers of information, the information contained in the Unified State Register of Legal Entities, the Unified State Register of Statistical Units, the State Register of accredited on the territory of the Kyrgyz Republic of representative offices of foreign companies, as well as information on lost, invalid passports, passports of dead individuals on lost passport forms.

5. Representation of persons in the information, as well as associations and unions of businesses reporting of suspicious transactions (deals) with cash assets or property and operations (transactions) subject to mandatory control, the state authorized body in accordance with the requirements of this Law shall not constitute disclosure service, banking, tax, trade secrets, confidential communication (in terms of information about postal money transfers) or other secrets.

6. In the presence of an attorney, auditor, tax advisor, notary and the person engaged in business activities in the field of providing legal or accountancy services, reason to believe that the operations (transactions) with cash assets or property referred to in paragraph 2 of article 6 of this Law shall be carried out or can be implemented in order to finance terrorism (extremism) and legalization (laundering) of proceeds from crime, they are required to send information to the authorized state body, without notifying the client.

Submission of such persons to report suspicious operations (transactions) with cash assets or property is not a disclosure of a professional secret.

The order of transmission of information by such persons is set by the state authorized body.

(As amended by the Law of the Kyrgyz Republic of June 2, 2009 179)

Article 9. Entry into force of this Law

1. This Law shall take effect upon the expiration of three months from the date of publication.

It is published in the newspaper "Erkintoo" of August 8, 2006 #58

2. The Government of the Kyrgyz Republic:

- to prepare and submit to the Jogorku Kenesh of the Kyrgyz Republic on bringing legislation of the Kyrgyz Republic in accordance with this Law;
- to develop necessary normative legal acts for the implementation of this Law.

President of the Kyrgyz Republic K.Bakiev

Adopted by the Legislative Assembly
of the Jogorku Kenesh of Kyrgyz Republic June 16, 2006