STANDARD OPERATING PROCEDURE (SOP)

FOR OFFICERS OF NATIONAL ACCOUNTABILITY BUREAU (NAB), PAKISTAN ON INVESTIGATION AND PROSECUTION OF OFFENCES UNDER THE ANTI-MONEY LAUNDERING ACT, 2010.

National Accountability Bureau, Pakistan

Edition 2025

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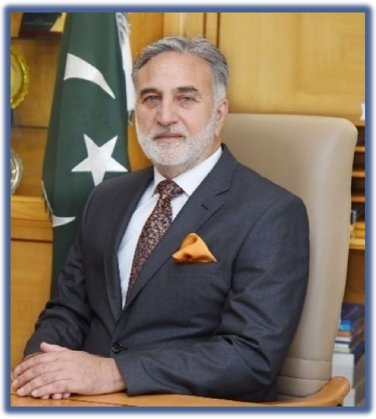
PREAMBLE



In an increasingly interconnected global financial landscape, the fight against Money Laundering and Terrorist Financing remains a festering concern for nations worldwide. Pakistan, as a responsible member of the international community, is steadfast in it's commitment to combating these illicit activities, a commitment underscored by the promulgation of the Anti-Money Laundering Act, (VII of 2010).

Financial Action Task Force (FATF) monitors implementation of AML/CFT framework globally. Pakistan was placed in grey list in 2018 by FATF due to certain legal and performance deficiencies. After comprehensive efforts by all stakeholders, Pakistan came out of grey list in 2022. A number of fiscal reforms and structural changes, have been successfully introduced. To maintain the ascending trajectory and to prevent the stalling of our earnest efforts, quantifiable work is required to be carried out under the Anti-Money Laundering Act, 2010.

NAB is one of the designated agencies, under section 2(xviii) of Anti-Money Laundering Act, 2010, to investigate and prosecute the offence of Money Laundering in relation to a "Predicate Offence" under the mandate of NAO, 1999. In order to standardize and streamline the process of investigation and prosecution under the Anti-Money Laundering Act, 2010, Standard Operating Procedure (SOP) has been drafted. By implementing these SOPs in letter and spirit, we have a collective obligation to embrace and promote transparent and legally compliant practices for safeguarding the financial system of Pakistan.

I urge all NAB officers to thoroughly familiarize themselves with the contents of this document and to apply it'sprinciples diligently in their daily activities pertaining to investigation and prosecution. Continuous vigilance and a proactive approach are essential in our shared endeavor to combat financial crime.

Lt. General, (Retd) Nazir Ahmed
Chairman
National Accountability Bureau, Pakistan

STANDARD OPERATING PROCEDURE (SOP)

FOR OFFICERS OF NATIONAL ACCOUNTABILITY BUREAU (NAB), PAKISTAN ON INVESTIGATION AND PROSECUTION OF OFFENCES UNDER THE ANTI-MONEY LAUNDERING ACT, 2010

1. PURPOSE

1. The purpose of this SOP is to establish a comprehensive and uniform framework and to provide general guidelines to officers of NAB[1] conducting investigation and prosecution under the Anti-Money Laundering Act, 2010 (Act No. VII of 2010) {***Act***}. It aims to standardize investigative practices, ensuring a systematic and effective approach for tracing, identifying, and seizing the "Proceeds of Crime"[2]. By defining clear roles, responsibilities and procedural guidelines, this document will enhance the efficiency and legal integrity of NAB's Anti-Money Laundering efforts. It also responses the most commonly raised questions regarding implementation of Anti-Money Laundering regime. The same is attached as **Annexure-A** (FAQs)[3] to this document. Templates of various applications to be drafted during investigation and to be submitted before the court, sample notices and thematic discussions are also attached at the end of this SOP.

2. SCOPE

2. This SOP applies to all Officers of NAB across Pakistan, particularly those designated/ authorized as Investigation Officers and Special Prosecutors[4] pursuant to the notification dated 16th February, 2024.

3. COGNIZANCE BY NATIONAL ACCOUNTABILITY BUREAU FOR THE OFFENCES UNDER MONEY LAUNDERING

3. The cognizance by NAB for the offences under the ***Act*** is dependent on the following elements: -

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[1] National Accountability Bureau.
[2] An offence specified in Schedule-I to the Act.
[3] Frequently asked questions.
[4] See Section 22(2) & 24 of the ***Act***.

a. Commission of "Predicate Offence" as defined under Section 2(xxvi) and enlisted in Schedule-I to the ***Act***.

b. Generation of "Proceeds of Crime"as a direct result of the said "Predicate Offence"; and

c. Commission of an act that constitutes the offence of Money Laundering within the meaning of Section 3 of the ***Act***.

4. Investigating officer must ensure that all three components, "Predicate Offence", "Proceeds of Crime", and act of "Money Laundering", are clearly established and documented to assume the jurisdiction under the framework of the ***Act***.

4. OFFENCE OF MONEY LAUNDERING

5. The offences under the ***Act***, are cognizable and non-bailable[5] which means that an investigating officer has the lawful authority to arrest an accused without a warrant and can also initiate an investigation immediately without any prior permission or an order from the court. However, arrest protocols elaborated in step-4 of this SOP must be observed strictly.

5. KINDS OF MONEY LAUNDERING

6. FATF[6] generally recognizes two kinds of Money Laundering and requires action against both. Therefore, while conducting an investigation and prosecution under the ***Act*** both kinds of money laundering, as mentioned below, must be focused:

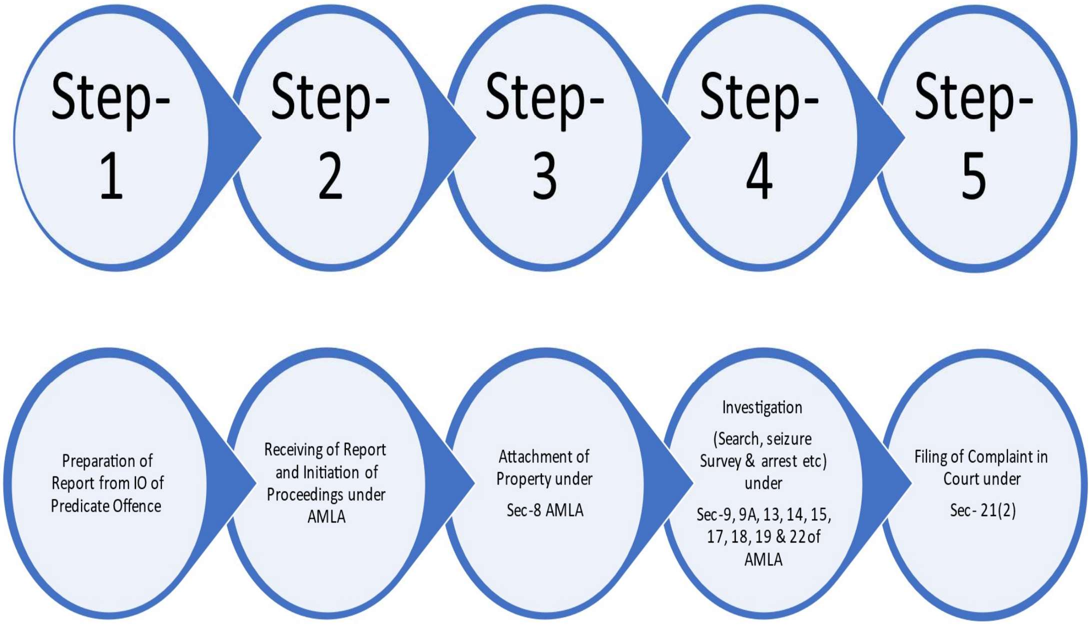
a. Self-laundering is the laundering of "Proceeds of Crime" by a person who was involvedin the commission of a "Predicate Offence".

b. Third-party money laundering is the laundering of "Proceeds of Crime" by a person who was not involved in the commission of a "Predicate Offence".

[5] See Section 21(1)(a) of the Act.
[6]Financial Action Task Force.

6. FIVE STEPS OF PROCEEDINGS UNDER THE ACT

COGNIZANCE AND INVESTIGATION UNDER AMLA -2010



Step-1

Preparation and Initiation of Report from Predicate Offence

7. Investigating officer**(IO)** while conducting the investigation of "Predicate Offence" having reason to believe on the basis of prima facie material/ evidence that the offence of Money Laundering has also been committed, shall prepare a report as mentioned in Section 8 of the ***Act*** and place before the respective Director General**(DG)** for authorization of investigation under the ***Act***. The DG, after having been satisfied with the report and material, may authorize the investigation and assign it to authorized/ notified officer, which shall be subject to final approval by the Chairman NAB.

8. NAB may also initiate proceedings under the ***Act*** when a case is: -

a. Referred by an agency or department not designated under the ***Act,*** provided that there is the "Predicate Offence" under the National Accountability Ordinance, 1999 ***{Ordinance}*** in the field.

b. Referred by other agencies designated under the ***Act***e.g., FIA[7], ANF[8], FBR[9] (I&I)[10](IR)[11], (Customs), and CTD[12], provided that there is the "Predicate Offence"under the ***Ordinance***in the field.

c. Report of "Foreign Serious Offence"[13]received through a certificate from any foreign state.

Step-2

Evaluation of Report and Initiation of Proceedings Under the Act

9. On authorization of investigation, the authorized/notified IO shall ensure that the following requirements are fully adhered to: -

a. Establishing the commission of "Predicate Offence".

b. Identification and quantification of "Proceeds of Crime".

c. Evidence-based links of "Proceeds of Crime" to properties(s)14 involved in money laundering and connecting the accused or third party/beneficiaries etc.; and

d. Preliminary evidence for reason to believe that money laundering as defined under Section 3 of the ***Act*** has been committed.

Step-3

Provisional Attachment of Property

10. For provisional attachment of property involved in money laundering, the proceedings shall be conducted in the following manner: -

a. The IO under the supervision and with consultation of regional prosecution shall draft a well worded/ well-reasoned application seeking permission for provisional attachment order of the property(ies) from the Accountability Court of the jurisdiction where "Predicate Offence" has to be tried.

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[7] Federal Investigating Agency
[8] Anti-Narcotics Force
[9] Federal Board of Revenue
[10] Intelligence and Investigation
[11] Inland Revenue
[12] Counter Terrorism Department
[13]as defined under Section 2 (xvi) of the ***Act***
[14] Section 2(xxxi) of the Act

b. The IO shall, within forty-eight hours immediately after attachment under Section 8(1) of the ***Act***, forward a copy of the order and report to the DG in a sealed envelope (Section 8{3}). It must be remembered that order of provisional attachment shall not prevent the person interested in the enjoyment of the immovable property from such enjoyment (Section 8{4}).

c. Monthly progress report (Section 8{5} of the ***Act***) of the investigation proceedings shall be submitted to the court by the IO after being vetted by the concerned DPGA[15] and approval of DG concerned.

d. Not later than seven days after the order of provisional attachment, the IO, serve a notice of not less than thirty days on the person **concerned**[16] and call upon him/ her to indicate the sources of his/her income, earning or assets, out of which or by means of which he/she has acquired the property attached, the evidence on which he relies and other relevant information and particulars, and to show cause that the property should not be declared to be the property involved in money laundering and forfeited to the Federal Government.

e. IO, after taking into account all the relevant material, records, facts and hearing the aggrieved person, shall record a finding, whether all or any other properties referred to in the notice are properties involved in the Money Laundering or otherwise.

Step-4

Investigation

Confirmation of Attachment

11. After recording the findings, following procedure shall be followed by the IO:-

a. To apply to the court for confirmation of attachment or retention of property, if found involved in Money Laundering.

b. The court may after hearing the persons concerned with the property, pass an appropriate order for confirmation or release of property, as the case may be.

c. If the attachment order is confirmed by the court, the IO shall forthwith take possession of the attached property (Section 9{4}).

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[15] Deputy Prosecutor General Accountability.
[16] Read carefully Section 9 of the Act with regard to person concerned.

d. If the property is perishable in nature or subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed it's value, the IO may seek an order from the court for immediate sale of the property in any manner deemed appropriate in the circumstances.

e. Monthly progress report by the IO through DG of the concerned region shall be forwarded to DG (Operations) Division of HQ.

Survey

f. IO may conduct survey (Section 13 of the ***ACT***) and enter any place subject to permission by the court. However, application for permission will be filed after approval of DG of the concerned region, with prior information to Chairman, NAB by DG in high profile and sensitive cases.

g. IO shall, after entering the place and within 48 hours immediately after completion of survey forward a copy of the report to DG in a sealed envelope who, after it's perusal shall forward the same with his comments to Chairman NAB through DG (Operations).

Search and Seizure

h. The powers of search and seizure of any building, place, vessel, vehicle or aircraft, break, open the door of any lock or examine any person (Section 14) can be exercised by the IO with the prior permission of court.

i. In case, where immediate action is required the power of search and seizure shall be exercised with prior permission of Director concerned who will take approval of DG concerned before or after such search and seizure.

j. In high profile and sensitive cases such permission shall be obtained from Chairman NAB.

k. IO, shall within 48 hours immediately after conducting the search and survey forward a copy of report to DG concerned in a sealed envelope who, after perusal shall forward the same with his comments to Chairman NAB through DG(Operations).

Investigation Techniques

l. The IO may with the permission of court, within sixty days of such permission, can use techniques including undercover operations, intercepting communications, assessing computer system and controlled delivery (Section 9A). Approval of Chairman NAB will be mandatory before filing such application.

Search of Persons

m. The IO shall conduct the search of person(Section 15) where deems necessary.

n. The IO shall, within 48 hours immediately after search and seizure (if any) forward a copy of the report to DG concerned in a sealed envelope who, after it's perusal shall forward the same with his comments to Chairman NAB through DG (Operations).

o. Under no circumstances a female shall be searched by a male officer.

Retention of Property or Record

p. With the prior approval of DG, the property or record seized under Section 14 or 15 of the ***Act*** may be retained by order in writing by the IO for the purpose of investigation for a period of 90 days from the time such property or record is seized. In the case of retention of property, IO shall inform the court and seek appropriate directions in this regard.

q. A copy of order of retention of property or record shall be forwarded to DG who shall forward the same with his comments to Chairman NAB through DG(Operations).

r. Monthly progress report regarding retention of property or record and facts associated with the property or record pertaining to its involvement in money laundering shall be put up to the Director concerned who may place the same with his comments to concerned DG for further retention or otherwise.

s. Retention of property or record beyond 90 days shall be made with the permission of the court.

Calling of Information

t. Provisions of calling information under the ***Act*** are in terms of Sections 9, 13, 14(1)(vi), 25(1) and 27.

Procedure for Arrest

u. As offences under the ***Act*** are non-bailable, therefore, the IO has lawful authority to arrest the accused without a warrant.

v. To ensure transparency, accountability, and to prevent misuse of this power, the approval shall be obtained from the Chairman NAB.

w. Provisions of the Code of Criminal Procedure, 1898, are applicable to arrests, bail, bonds, search, seizure, attachment, forfeiture, confiscation, investigation, prosecution, and all other proceedings conducted under the ***Act***.

Step- 5

Filing of Complaint

12. Under Section 21(2) of the ***Act*** the Court has to take cognizance of an offence punishable under Section 4 of the ***Act*** on a complaint in writing made by the authorized investigating officer, therefore, on conclusion of investigation a well worded complaint to be drafted with the consultation of Prosecution and to be approved by the DG and after final approval of Chairman NAB, shall be filed by the authorized IO before the Accountability Court concerned, which is the competent Court in terms of Section 20 of the ***Act***.

13. Each page of complaint will be numbered and signed by the IO.

Complaint to be supported by

- Statements of all witnesses recorded under Section 161 or Section 164 Cr.P.C.
- Chain of evidence link to link.
- Bank statements/ transactions.
- Property valuation certificate.
- Recovery memos.
- Seizure and search memos.

- Any other supporting document.

14. In Case, upon thorough investigation, it is established that the property(ies) under investigation are not connected with money laundering, the IO shall prepare and submit a report recommending closure of the investigation. The said report shall be forwarded to Ops Division NAB HQs, through RBM, for formal approval of EBM.

7. INTERNATIONAL CO-OPERATION UNDER THE ACT

15. Section 26 to 31 of the ***ACT*** deals with international Co-operation in Money Laundering cases.

Letter of Request to a Contracting State

16. In pursuance of Sec 27 of the ***Act***, if, in the course of an investigation into an offence under this ***Act***, the investigating officer or any officer superior in rank to the investigating officer believes that any evidence required in connection with investigation under this Act may be available at any place in the contracting State, the investigating officer will ensure the following:

a. Draft a letter of request to a court or an authority in the contracting State and get it vetted by Regional DPGA and approved by regional DG;

b. Issue a letter of request to a court or an authority in the contracting State, after approval of Chairman;

c. The case, after approval of Chairman, shall be processed by ICW (Ops Division);

d. Every document received, in response to above request, shall be deemed as the evidence collected during the course of investigation;

e. The documents received shall be evaluated with regard to its evidentiary value by Spl Prosecutor (AML) and shall be forwarded to concerned region within 3 x working days after perusal of Chairman NAB.

Attachment, Seizure and forfeiture of Property in a Contracting State

17. When, during the course of investigation of any offense under this ***ACT***, the investigating officer found any property suspected to be in a contracting state, he in pursuance to Section 30 of the ***ACT,*** *for execution of*an order of attachment of such property under section 8 to the ***Act***; or an order from the court for confirming such attachment or forfeiture of the property under section 9 to the ***Act***; shall ensure the following:

a. File a well worded/ well-reasoned application, after vetting by DPGA and approval of regional DG, before the Court concerned for issuance of a letter of request to a Court or an authority in the contracting state for execution of such order;

b. The Court, on such application, may issue a letter of request to a court or an authority in a contracting state for execution of such order;

c. The letter of request along with necessary enclosures including facts of the case, nexus between proceeds of crime and property attached, court orders etc shall be forwarded to DG (Ops) for further processing by ICW.

d. Director ICW shall ensure its onward submission after vetting by Ld PGA and approval of Chairman, within 14 x working days;

e. On receipt of any response from the contracting state, the same after analyses by Spl. Prosecutor (AML), shall be forwarded to regional bureau within 5 x working days, for necessary action.

8. THEMATIC DISCOURSE ON STAND-ALONE MONEY LAUNDERING

1. "**Stand-alone investigation**" means that on authorization of investigation under the ***Act***, it shall be an independent investigation, conclusion, filing of complaint, prosecution and decision. It is an incorrect approach that offence of money laundering be added in the investigation of "Predicate Offence" for the reason that both offences are under different and distinct laws with different procedure and powers.

2. In a stand-alone money laundering case, the focus is primarily on the act of money laundering only.

3. Stand-Alone money laundering investigation allows law enforcement agency to target intermediaries, such as accountants or financial institutions, who facilitate money laundering but are not directly involved in the "Predicate Offence". Stand-alone money laundering charges make it easier to pursue cross-border cases where "Predicate Offence" occur in different jurisdictions.

4. Clarification with reference to FATF's first scenario, the Hon'ble Supreme Court of Pakistan in PLD 2021 Supreme Court 1 was pleased to hold that: -

   - "A necessary element of the offence of money laundering is the commission of a predicate offence. These predicate offences are listed in the Schedule to the Anti-Money Laundering Act, 2010."
   - "The execution of the predicate offence gives rise to the proceeds of crime, the movement of which attracts the criminal conduct of money laundering."
   - "Without the commission of a predicate offence, there can be no offence of money laundering."
   - "The listed approach followed by Pakistan requires the prosecution to establish not only that the alleged assets constitute proceeds of crime but also that those proceeds were generated by a recognized predicate offence, consequently establishment of predicate offence becomes mandatory".

9. FREQUENTLY ASKED QUESTIONS (FAQs)

Q. No.1 ***Whether the AMLA, 2010 has retrospective effect?***

Ans. AMLA, was promulgated on 27.03.2010 having no retrospective effect. The investigation under the provisions of AMLA depends on Predicate Offence {S.2(xxvi)}. As the AMLA has no retrospective effect, so Predicate Offence committed before 27.03.2010, shall not be considered as such for initiation of investigation under the said law.

However, there can be certain eventualities in the light of Section 46 of AMLA, 2010, or Predicate Offence committed prior to 27.03.2010 and continuing thereafter, or offences during the period of AML Ordinance, 2007 and AML Ordinance, 2009, therefore, it is advisable that if any complex situation arises, the guidance may be solicited from HQ.

Q.No.2 ***There is no provision of CV/Inquiry in AMLA, 2010 whereas, the Regions have also included the provisions of AMLA while authorizing the inquiries and CVs under NAO, 1999. Is it a right procedure?***

Ans. There is no concept of complaint verification (CV) and inquiry under AMLA, 2010 as it simply says about the investigation. Therefore, in all the cases where CVs and inquiries have been authorized under the provisions of AMLA, 2010 the Regions are required to immediately rectify this procedural defect and seek the order of direct investigation under AMLA, 2010 from the Chairman or DG as the case may be.

Similarly, as under the provisions of AMLA, 2010 stand-alone investigation is the mandate of law, hence, in all the cases where investigations/inquiries under the provisions of NAO, 1999 and AMLA, 2010 are being conducted jointly, in those cases, the Regions will immediately move for separation and stand-alone investigations under AMLA, 2010, from the competent authority.

Q.No.3 ***Whether the Investigating Officer will register FIR under Section 154 Cr.P.C read with Sections 21(2) and 24 of AMLA, 2010?***

Ans. As there is no legal space available for registration of FIR by the National Accountability Bureau, so for that reason no FIR can be recorded even under the provisions of AMLA, 2010. On authorization of stand-alone investigation and on conclusion thereof, a complaint as provided under Section 21(2) of the AMLA, shall be filed in the Court. It is relevant to add here that the provisions of AMLA, 2010 in terms of Section 39(2) arein addition, and not in derogation to the provisions of NAO, 1999.

Q.No.4 ***How to call information while conducting investigation under AMLA, 2010?***

Ans. In order to call for information and examine the accused or any other person associated with the property or in possession of information, Sections 9, 13, 14(vi), 25, 27 of AMLA, 2010 may be invoked keeping in view facts and circumstances of each case. More over provisions of Cr.P.C in terms of Section 22(1) of AMLA, 2010 may also be exercised on case-to-case basis.

Q.No.5 ***Does the Investigation Officer conducting the investigation under AMLA, 2010 have the authority to arrest an accused?***

Ans. For the purpose of arrest, the procedure and requirements under NAO, 1999 and AMLA, 2010 are distinct and entirely different from each other. Under Section 24 of NAO, 1999, certain barriers are required to be crossed before issuance of warrant of arrest and that too by the Chairman. On the other hand, under Section 21 of AMLA, 2010, every offence under this Act is cognizable. As under the provisions of AMLA, 2010 there is no barrier to be crossed, and as every offence under the AMLA, 2010 is cognizable, therefore, Investigating Officer has the powers to arrest an accused without warrant. Recent examples are of Rawalpindi and Lahore Regions who have arrested the accused without any warrant and their physical remands were also granted by the Accountability Courts.

However, to ensure fair exercise of powers by the authorized Investigating Officer, it will be mandatory that before such action, the matter must be brought into the notice of Chairman NAB.

Q.No.6 ***On conclusion of investigation under AMLA, 2010 a Challan in terms of Section 173 Cr.P.C or a Reference has to be filed in Court?***

Ans. After the authorization of investigation, the Investigating Officer has to proceed for collection of evidence while confining himself under the provisions of AMLA, 2010. As Section 21(2) says that Court has to take cognizance on complaint, therefore, on conclusion of investigation, a complaint like any other complaint under the ordinary law, with supporting evidence has to be filed in court. (Manners to some extent can be adopted from a Reference to be filed under the provisions of NAO, 1999).

Q.No.7 ***If the Predicate Offence under NAO, 1999, is beyond the threshold especially financial threshold, how to proceed further with case of AMLA, 2010? Is it permissible to continue the stand-alone investigation under the provisions of AMLA, 2010?***

Ans. It is a settled proposition now that the investigation under AMLA, 2010 depends on Predicate Offence. It means that if there is no Predicate Offence of the same agency, no investigation can be conducted under AMLA, 2010.

If a case under NAO, 1999 is ousted from the jurisdiction of NAB because of absence of requisite threshold, it will also oust the jurisdiction for the offence of Money Laundering. However, if the Predicate Offence falls within the domain of NAB, the investigation under Money Laundering has to continue irrespective of volume of amount as no threshold for this purpose has been provided under AMLA, 2010.

Q.No.8 ***On the allegations of hampering of investigation against persons other than Federal Government, Provincial Governments, local authorities and reporting entities, who will initiate the proceedings and what procedure will be adopted?***

Ans. As there can be multiple eventualities, so it is advised that guidance may be solicited from the HQ on case-to-case basis, as the answer depends on the facts and circumstances of each case.

Q.No.9 ***How to proceed in the case under AMLA 2010, where VR/PB/settlement has been approved under NAO, 1999?***

Ans. Under Explanation-II of Section 3 of AMLA, 2010 for proving an offence under the said provision, the conviction of accused for the respective Predicate offence shall not be required, therefore, VR/PB/settlement is not a legal ground for not initiating the investigation under AMLA, 2010. Recent example is of a case of Lahore Region, where despite settlement, investigation under

AMLA, 2010 has been started and accused was also arrested. The said course was adopted keeping in view some special features of the case. Therefore, it is advised that in such situations, guidance may be solicited from the HQ on case-to-case basis.

Q.No.10 ***On request for provisional attachment of properties under Section 8 of AMLA, 2010, the Courts insist to issue notices to the other side before any order is passed. Is it correct approach?***

Ans. Prosecution and investigating officers are requested to understand the scheme of AMLA, 2010 in the light of Sections 8 and 9.

The very first duty of an investigating officer is to find the dirty money (proceeds of crime (S. 2{xxviii}). Once succeeded in doing so, whether it is of any description, corporeal or incorporeal, movable or immovable, tangible or intangible, and includes deeds and instruments evidencing title to, regardless of the fact what who holds or has held it and derived or obtained directly or indirectly, immediately thereafter, the said properties are required to be secured/ preserved for the reason that on conviction, these have to be forfeited and to be used as evidence during trial. For this purpose, in terms of Section 8 of AMLA, 2010 a request has to be made to the Court, seeking provisional attachment of properties in question, which means prohibition of transfer, conversion, disposition or movement of property.

As an order of provisional attachment is interim in nature and it's confirmation has to be made under Section 9, so Court is not supposed to issue any notice to the other side at this stage. The intention of law is clear on plain reading of both Sections 8 and 9. Section 8 is completely silent about issuance of notice whereas, it is Section 9(3A), which says that before final order is passed the Court shall give opportunity of hearing to the person concerned with the property.

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
(Name of Region)

To: (***Name of IO)***

Subject: **AUTHORIZATION OF INVESTIGATION UNDER AMLA, 2010 AGAINST (NAME OF ACCUSED/ TITLE OF INVESTIGATION)**

(Name of accused/ title of investigation) is/are prime facie involved in the offence of money laundering within the meaning of Section 3 of AMLA, 2010 and that the proceeds of crime have been used to acquire the properties.

2. In this connection, you are directed to hold investigation under the provisions of AMLA, 2010 and submit Final Investigation Report together with the evidence and other material collected for the appraisal of the competent authority.

(*Name*)
Director General
National Accountability Bureau
(Name of Region)

No. ______ / AMLA / INV ______ Dated ______.

Copy forwarded to:

1. Director General (Operations Division) NAB HQ, Islamabad.
2. Desk Officer (*Region*), NAB HQ, Islamabad.
3. Additional Director (Staff), NAB (*Region)*.

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
(Name of Region)

<u>REFERENCE CONSTITUTION OF CIT - INVESTIGATION UNDER AMLA, 2010 AGAINST (NAME OF ACCUSED/ TITLE OF INVESTIGATION)</u>

Reference: NAB HQ Authorization Letter No. ……….

An investigation under AMLA, 2010 against (*Name of accused/ title of investigation*) was authorized vide letter at reference. The Director General, NAB (Name of *Region)* has been pleased to constitute a CIT comprising of following members to conduct investigation against the accused person(s):

S#	Name & Designation	Role
1.	Name, Additional Director	Case Officer
2.	Name of officer	Authorized Investigation Officer / AIO
3.	Name of officer	Associate IO

2. In this connection, the CIT is directed to prepare a comprehensive strategy and proceed with investigation as per relevant provisions of law and submit the report for perusal of DG NAB(*Name of Region*).

(Name)
Additional Director (Staff)
National Accountability Bureau
(Name of Region)

No.________________________/ AMLA / INV________________Dated__________.

Copy forwarded to:

1. Desk Officer (*Name of Region*), NAB HQ, Islamabad.
2. The Officers concerned.

IN THE ACCOUNTABILITY COURT (*Name of Court*)

The State
V/s
(Name of accused/ title of investigation)

APPLICATION FOR GRANT OF PERMISSION FOR PROVISIONAL ATTACHMENT UNDER SECTION 8 OF AML-ACT, 2010

Respectfully Sheweth:

1. That during the course of investigation under the provisions of National Accountability Ordinance, 1999 (NAO), the investigating officers of (*title of case of predicate offence*) case (complete title of the case mentioned in para 4 below) were able to collect considerable material indicating the involvement of accused in the crime of money laundering within the meaning of Section 3 of the Anti-Money Laundering Act, 2010.
2. That the above said investigating officers submitted their reports to the Chairman NAB. As the offence under Section 9 of NAO, in the given circumstances, is a "Predicate Offence" within the meaning of Section 2(xxvi), therefore, the Chairman NAB, being the head of the Investigating Agency, as defined under Section 2 (xviii) entrusted the matter to the applicant as an Authorized Investigating Officer under Section 24 of the Act. (Copy of Notification is attached).
3. That the investigation has revealed that (name of accused) owned a (detail of property). (Facts pertaining to property).
4. That the investigation has revealed that (name of accused/ company) has been used as a company for laundering of the crime proceeds of predicate offences which are being dealt in following investigation(s) at NAB (Name of Region).
    a) Investigation against (title of case of predicate offence).
5. That as per the contents of the report of IO of investigation of case at para 4(a) above (the facts written in report by IO establishing money laundering).
6. That the Authorized Investigating Officer (applicant), on examination of entire material collected during the investigation of predicate offence, has come to a conclusion that the above-mentioned property i.e. (detail of property) was purchased and is being built from proceeds of crime being derived or obtained directly or indirectly from the commission of predicate offence as defined in NAO, 1999.
7. That for the reasons mentioned above, the Authorized Investigating Officer reasonably believes that the *(detail of property obtained through money laundering*) being outcome of proceeds of crime are liable to be forfeited under Section 4 of the AML-Act, 2010.
8. That as the property is an important piece of evidence and liable to be forfeited in due course, as well as required for further investigation in the manners provided under Section 9 of the AML-Act, 2010 therefore, the same have to be attached provisionally in terms of Section 8 of the AML-Act, 2010 otherwise there is every possibility that the accused or beneficiaries of the property may cause disappearance of such evidence which will defeat the process of justice.

It is, therefore, respectfully prayed that permission may kindly be granted for provisional attachment of property (*detail of property required to be attached)* for a period of 180 days in the best interest of justice and to ensure effective investigation in the case.

Name of AIO
Authorized Investigation Officer
through
Special Prosecutor, NAB *Region*

Date

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
(Name of Region)

Subject: **ATTACHMENT OF PROPERTY UNDER SECTION 8(1) OF THE AMLA, 2010 - INVESTIGATION UNDER AMLA, 2010 AGAINST NAME OF ACCUSED/ TITLE OF INVESTIGATION.**

ORDER

1. I, *Name of AIO*, being the Authorized Investigating Officer in terms of Section 24 of the Anti-Money Laundering Act, 2010, on the basis of report in my possession, reasonably believe that the property mentioned below is the property involved in money laundering and has been acquired from the proceeds of crime as defined under Section 2(xxviii) of the Act.

"Complete Property Address"

2. Therefore, in exercise of powers conferred upon under Section 8 of the Act, and with the prior permission granted by the learned Accountability Court *Region* vide an order dated ……. I, hereby, provisionally attach the above-mentioned property for a period of 180 days commencing from today with direction that transfer, conversion, and disposition of the said property shall remain prohibited.

Name of AIO
Authorized Investigation Officer

NAB *Region* No. NAB ____________ / AMLA / INV / ____________ dated ____________.

Copy to: -

(For information)

1. Accountability Court (*concerned*).
2. Chief of Staff to Chairman NAB.
3. The DG NAB (*concerned*).
4. DG (Ops) NAB HQ.

(With directions for implementation of order)

5. *The concerned authorities.*

IN THE ACCOUNTABILITY COURT

Region

The State

V/s

Name of accuse/ title of investigation

PROGRESS REPORT - INVESTIGATION UNDER AMLA, 2010 AGAINST NAME OF ACCUSED/ TITLE OF INVESTIGATION- PROVISIONAL ATTACHMENT UNDER SECTION 8 OF AMLA, 2010

Respectfully Sheweth:

1. That during the course of investigation, an application was submitted before this Honorable Court on (*Date*), for grant of permission for provisional attachment of (*detail of property attached*) for a period of 180 days under section 8 of Anti-Money Laundering Act, 2010.
2. That this Honorable Court vide order dated (*date*), allowed the said application and subsequently the Authorized Investigation Officer issued Provisional Attachment Order on (*date*) in respect of (*detail of property*) for a period of 180 days.
3. That in compliance of section 8(2) of the AML-Act, 2010 the attachment order dated (*date*) was sent to the worthy Chairman NAB being Head of the Investigating Agency, on (*date*).
4. That in compliance of section 9(1) of AML-Act, 2010 notices of show cause were issued, on (*date*), to the persons concerned with the property, for appearance within 30 days to show the sources of income, earning or assets, out of which or by means of which the property attached was acquired and also to show cause that why the said property should not be declared to be the property involved in money laundering and be forfeited to the Federal Government as provided under section 9 of AML-Act, 2010.
5. *Any other progress related to investigation*.
6. That this progress report is being submitted before the Honorable Court in compliance of section 8(5) of the AML-Act, 2010.

Authorized Investigation Officer
NAB *Region*

through

Special Prosecutor
NAB *Region*

GOVERNMENT OF PAKISTAN

NATIONAL ACCOUNTABILITY BUREAU

Region

NAB……./AMLA/INV/__

Date

Subject: **ATTACHMENT OF PROPERTY U/S SECTION 8 OF AMLA, 2010 – INVESTIGATION UNDER AMLA, 2010 AGAINST NAME OF ACCUSED/ TITLE OF INVESTIGATION.**

In compliance of Section 8(2) of AMLA, 2010 please find enclosed the subject order along with report in sealed envelope for perusal of worthy Chairman NAB, please.

Name of AIO
Authorized Investigation Officer
NAB *Region*

Addl Director Coord (Ops Div) NAB HQ

(Note:

I. *"Order" refers to the order of provisional attachment passed by the court.*

II. *"Report" refers to the report received from the I.O of predicate offence.)*

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
(Name of Region)

NAB/AMLA/INV/__
Date

To: ***Name of accused***
Particulars of accused

Subject: <u>**NOTICE UNDER SECTION 9 OF AMLA, 2010 – INVESTIGATION UNDER AMLA, 2010 AGAINST NAME OF ACCUSED/ TITLE OF INVESTIGATION.**</u>

Whereas, the National Accountability Bureau, during the investigation of following case on the allegations of ………. under Section 9 of the NAO, 1999, was able to collect sufficient material/evidences indicating the commission of offence of Money Laundering within the meaning under Section 3 of the Anti-Money Laundering Act, 2010 *(Act)*.

a. <u>*Title of Investigation of the Predicate Offence*</u>.

2. Whereas, the above material/evidences were produced before the Investigating Agency as defined under Section 2(xviii) of the *Act*. Whereas, the competent Authority being head of investigating agency finding the material/evidences convincing, entrusted the investigation to the undersigned being an Authorized officer duly notified in terms of Section 24 of the *Act*.

3. Whereas, the undersigned, after examination of entire material/evidences reasonably believe that the property mentioned below is the property involved in money laundering and has been acquired from the proceeds of crime as defined under Section 2(xxviii) of the Act.

a. <u>*Complete Property Address*</u>

4. Whereas, in exercise of the powers conferred upon under Section 8 of the *Act*, and with the prior permission granted by the learned Accountability Court, *Region* vide an order dated ………., I being the Authorized investigating officer have provisionally attached the above-mentioned property for a period of 180 days vide an order dated ………. with direction that transfer, conversion, and disposition of the said property shall remain prohibited.

5. Whereas, investigation has revealed that <u>*(complete facts of the case detailing the money trail that establishes acquisition of property through crime proceeds)*</u>.

6. Whereas, you, *(gist of allegations against the accused)*, are hereby called upon to appear before me within thirty days from the date of receipt of this notice and to show the sources of your income, earning or assets, out of which or by means of which you have acquired the property attached and also to show cause that why the said property should not be declared to be the property involved in money laundering and be forfeited to the Federal Government. You are further directed to explain through documentary evidence as to the genuineness / consideration / economic rationale of the aforementioned movement of funds and justify that these transactions are not proceeds of crime.

7. It is made clear that if you fail to appear within the prescribed period of thirty days, it will be presumed that you have no defence to offer and the matter shall be decided accordingly.

Name of AIO
Designation
Authorized Investigation Officer
NAB (*Name of Region)*

GOVERNMENT OF PAKISTAN
NATIONAL ACCOUNTABILITY BUREAU
(Name of Region)

NAB……./AMLA/INV/__
Date

To: (***Name of organization/ department***)

Subject: **PROVISION OF INFORMATION U/S SECTION 25 OF AMLA, 2010 – INVESTIGATION UNDER AMLA, 2010 AGAINST (NAME OF ACCUSED/ TITLE OF INVESTIGATION)**

The competent authority has taken cognizance of offences allegedly committed by the subject accused under the provisions of section 3 of AMLA, 2010.

2. In this connection, it is requested to provide the CTC / attested copies of the following documents pertaining to *(details of accused property or the required matter)*:

a. (*complete detail of documents/ information required*)

3. The requisite record is requested to be sent through an authorized officer to the **undersigned** at ***address of region*** at ***time*** on ***date***, please.

Name of AIO
Designation
Authorized Investigation Officer
NAB *(Name of Region)*

<u>IN THE ACCOUNTABILITY COURT, *Region*</u>

In Reference:

The State

Versus

Name of accused/ Title of case

<u>APPLICATION UNDER SECTION 30 OF THE ANTI-MONEY LAUNDERING ACT, 2010.</u>

It is humbly submitted as under: -

1. That vide an order dated ________, on the request of Investigating Officer, this Honorable Court was pleased to grant permission for provisional attachment of properties of accused persons under Section 8 of the Anti-Money Laundering Act, 2010 ***(Act) or*** *confirmation of attachment of properties of accused persons under section 9 of the**ACT** (as the case may be)*.

2. That thereafter, the Investigating Officer had issued order dated _______for provisional attachment of the said properties.

3. That properties are situated in (**name of country)**, therefore, for execution of such orders, only this Honorable Court in terms of Section 30 of the ***Act***, is competent to issue a letter of request to a Court or an Authority of the requesting country, hence the instant application.

It is therefore, respectfully prayed that a letter of request may kindly be issued for execution of orders of provisional attachment of the properties or order of confirmation of attachment (as the case may be), to the Ministry of Foreign Affairs for further processing to the requesting country in accordance with law.

Dated: ______

(Name of AIO)
Authorized Investigation Officer

Through

Special Prosecutor
NAB (*Name* of *Region*)