

CRIMINAL CODE

Law 26268

**Amendment. Terrorist Criminal Associations and Financing of Terrorism.
Amendment to Law 25246 on Concealment and Laundering of Proceeds of Crime.**

Enacted: June 13, 2007

Promulgated: July 4, 2007

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The Senate and the Chamber of Deputies of the Argentine Nation
in Congress assembled, etc.,
enact with force of
law:

SECTION 1 — The following shall be added as Chapter VI to Title VIII, Book Two of the Criminal Code:

Chapter VI. Terrorist criminal associations and financing of terrorism.

SECTION 2 — Following section shall be added as section 213 ter, to Chapter VI, Title VIII, Book Two of the Criminal Code:

SECTION 213 ter — The penalty of confinement or imprisonment of FIVE (5) to TWENTY (20) years shall be imposed upon anyone who be part of a criminal association set up with the aim of, through the commission of crimes, terrorizing the population or compelling a government or an international organization to do or abstain from doing an act, provided that such criminal association has following features:

- a) An action plan aimed at spreading ethnic, religious or political hatred;
- b) Organized in international operative networks;
- c) Availability of war weapons, explosives, bacteriological or chemical agents or any other means capable of endangering the life or integrity of an indefinite number of persons;

The founders or heads of the association shall be punished with the minimum penalty of TEN (10) years of confinement or imprisonment.

SECTION 3 — Following section shall be added as section 213 quáter to Chapter VI, Title VIII, Book Two of the Criminal Code:

SECTION 213 quáter — The penalty of confinement or imprisonment of FIVE (5) to FIFTEEN (15) years, unless a more severe punishment were appropriate pursuant to provisions under sections 45 and 48, shall be imposed upon anyone who collects or provides property or money, in the knowledge that they are to be used, in full or in part, to finance a terrorist criminal association as described under section 213 ter or a member of such association in order to commit any of the crimes for which they have been set up, regardless of whether such crimes are ultimately committed or not.

SECTION 4 — Section 6 of Law 25246 is hereby replaced by the following one:

SECTION 6 — The Financial Information Unit shall be responsible for analyzing, handling and disclosing information with the purpose of preventing and deterring:

- 1) Laundering of proceeds (section 278, subsection (1) of the Criminal Code) arising from the commission of following crimes:
 - a) Crimes related to drug trafficking and trade (Law 23737);
 - b) Crimes related to gunrunning (Law 22415);
 - c) Crimes related to the activities of an aggravated criminal association pursuant to section 210 bis of the Criminal Code and of a terrorist criminal association pursuant to section 213 ter of the Criminal Code;
 - d) Illegal acts committed by criminal associations (section 210 of the Criminal Code) organized to commit crimes for political or racial purposes;
 - e) Crimes of fraud against the Public Administration (section 174 subsection (5) of the Criminal Code);
 - f) Crimes against the Public Administration as set forth by Chapters VI, VII, IX and IX bis, Title XI, Book Two of the Criminal Code;
 - g) Crimes related to the prostitution of minors and child pornography as set forth by sections 125, 125 bis, 127 bis and 128 of the Criminal Code;
 - h) Crimes related to terrorist financing (section 213 quáter of the Criminal Code).
- 2) Financing of terrorism (section 213 quáter of the Criminal Code).

SECTION 5 — Subsection 2 of Section 13 of Law 25246 is hereby replaced by the following one:

2. Perform and direct the analysis of acts, activities and transactions that according to the provisions of this law may constitute laundering of proceeds of crime or terrorist financing as stipulated by section 6 hereof and, if pertinent, shall make the elements of conviction gathered available to the Attorney General's Office so as to bring the appropriate actions.

SECTION 6 — Subsection 5 of Section 14 of Law 25246 is hereby replaced by the following one:

5. Request from the Attorney General's Office to ask the competent judge to order to suspend, for the term he decides, any transaction or act previously reported pursuant to subsection (b) of section 21 or any other act linked to them, before they are carried out, when suspicious activities are investigated and there exists circumstantial evidence that they constitute laundering of proceeds arising from any of the crimes under section 6 hereof or financing of terrorism. The appeal of this measure shall only be granted without a stay of execution.

SECTION 7 — Section 19 of Law 25246 is hereby replaced by the following one:

SECTION 19 — Where the Financial Information Unit completes the analysis of a reported transaction and sufficient grounds for confirming the suspicion of laundering of proceeds of crime or terrorist financing pursuant to this law arise, the Attorney General's Office shall be informed of the situation so that it may bring the criminal prosecution, if appropriate.

SECTION 8 — Subsection 1 and 2 of section 23 of Law 25246 is hereby replaced by the following ones:

1. Any legal person the executive or governing body of which had applied assets from a criminal source with the possible consequence of making them appear from a lawful source, pursuant to section 278, subsection (1) of the Criminal Code shall be punished with a fine of TWO (2) to TEN (10) times the value of the assets which are the subject matter of the crime. The crime shall be regarded as committed when the threshold set forth by aforesaid regulation is exceeded, even though the various interrelated acts, exceeding as a whole such threshold, had been committed by different natural persons, with no prior agreement among them, and that for such reason, cannot be subject to criminal prosecution.

Any legal person the executive or governing body of which had collected or provided property or money, regardless of their value, in the knowledge that they are to be used by any member of a terrorist criminal association, pursuant to section 213 quáter of the Criminal Code, shall be punished with a fine of FIVE (5) to TWENTY (20) times the value of the assets which are the subject matter of the crime.

2. Where any of the acts had been committed with recklessness or gross negligence by the executive or governing body of a legal person or by several executive or governing bodies thereof, the fine to be applied to the legal person shall be TWENTY PER CENT (20%) to SIXTY PER CENT (60%) of the value of the assets which are the subject matter of the crime.

SECTION 9 — Section 1 of Law 25241 is hereby replaced by the following one:

SECTION 1 — For the purposes of this law, the criminal actions under section 213 ter of the Criminal Code constitute terrorist acts.

SECTION 10 — Be it communicated to the Executive Branch.

GIVEN IN THE ROOM OF SESSIONS OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON THE THIRTEENTH DAY OF THE MONTH OF JUNE IN THE YEAR TWO THOUSAND AND SEVEN.

— RECORDED UNDER NUMBER 26268 —

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