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CONTROL COMMISSION
CICAD

Secretariat for Multidimensional Security

XXXVI GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
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FUNDS FREEZING IN PERU
DANIEL LINARES
FIU, PERU

Freezing of funds

Superintendencia de Banca, Seguros y AFP

Unidad de Inteligencia Financiera

Mayo 2013

Regulatory framework

- ❖ Law of creation of the FIU-Peru – Law N°27693.
- ❖ Criminal law against money laundering – Law N° 27765.
- ❖ Law of the Incorporation of the FIU- Peru to the Superintendence of Banking, Insurance y AFP – Law N° 29038.
- ❖ Legislative Decree N° 1106 – Effective Fight against money laundering and other crimes related to the illegal mining and organized crime.
- ❖ First Complementary Amendment of the Legislative Decree N° 1106 that modifies the article N°3 of the law N° 27693 “Functions and Faculties of the UIF- Peru”.

Regulatory framework

❖ The section N°11 of the article N°3 indicates the following:

“Exceptionally, given the urgency of the circumstances or the danger in the delay, and whenever that is necessary by the scale and the nature of the investigation, may provide for the freezing in the cases related to the crime of money laundering and terrorism financing. In these cases must be reported to the Judge within twenty four (24) hours provided the measure, who in the same term may validate the measure or order its immediate revocation”.

Freezing Funds Proceeding

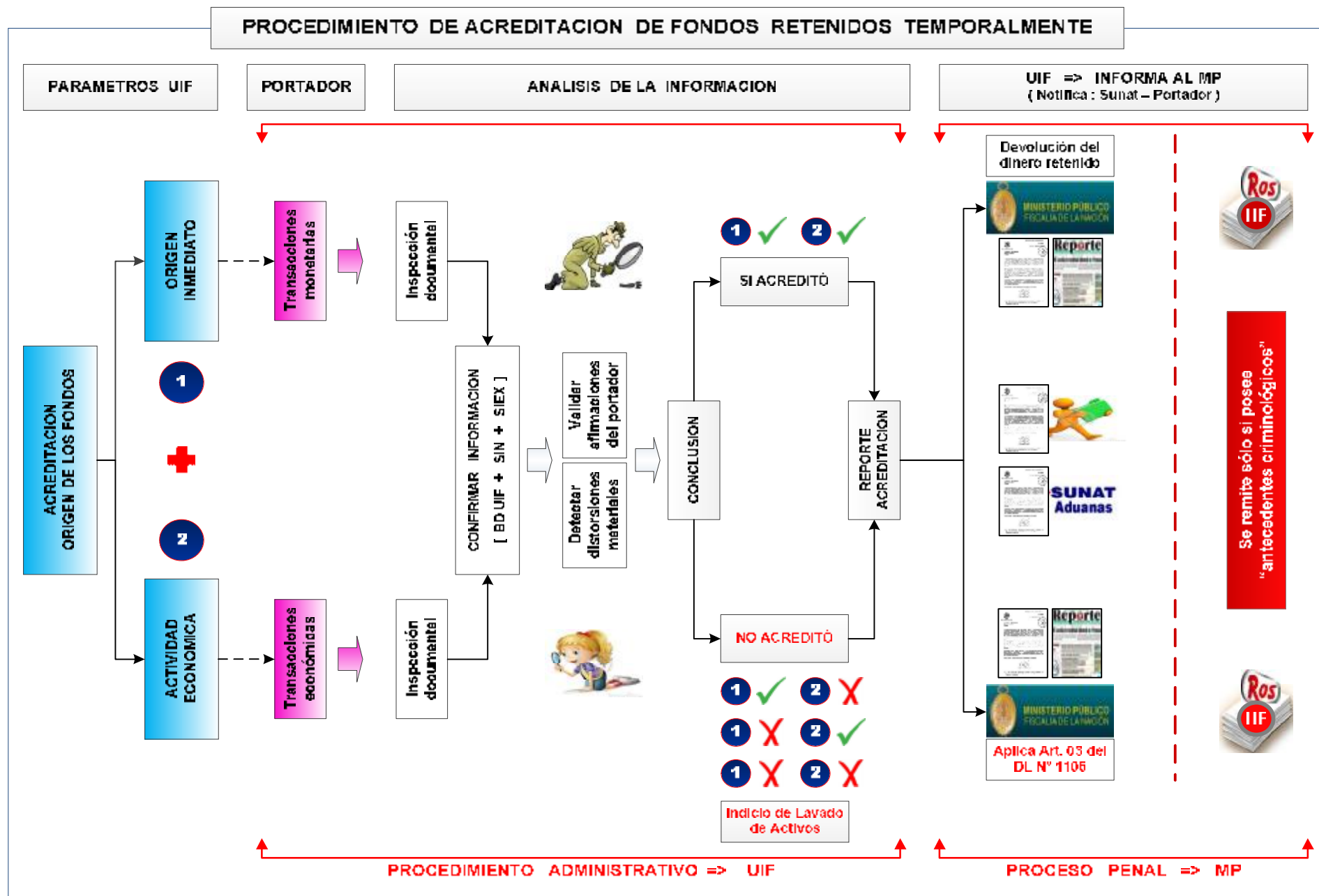
Freezing funds origin

- ❖ Investigation conducted by the Public Prosecutor Office.
- ❖ Investigation (financial intelligence) conducted by the Financial Intelligence Unit in Peru, regarding the presumed commission of the money laundering crime and/or terrorism financial.
- ❖ Investigation (financial intelligence) performed by homologous or similar entities (Financial Intelligence Units from abroad).

Cross- Border Withholding of Money

TRANSPORTE TRANSFRONTERIZO DE FONDOS => DINERO EN EFECTIVO Y TITULOS VALORES AL PORTADOR





Thank you

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