INDEX

Attp://www.phookshop.com

9 Special Recommendations on Terrorist Financing 7, 8, 71, 73–76, 186, 448, 453
40 recommendations 6, 371, 372, 379, 581, 582, 586
1991 Money Laundering Directive 1991 4532005 453
2004 Law 597–599, 602, 605, 606, 609, 610, 612

A

acceptable applicants 443 acceptance of cash, securities or precious metals 473 account 608 information 745 accountable institution 788, 792 accountants 421, 423, 428, 453, 458, 460, 461, 472, 582, 586, 587, 589, 591 Act Concerning Prevention of Transferring Profits related to Crimes (ACPTPC) 700, 701 active regret 361 activities 329 additional investigations 333 administrative fines 584, 590 liability 534 offence 479 sanctions 584, 590 administrators 301 advisers 601 affiliation 335 proceedings 335 agent 665, 789 agreement on the Swiss banks' code of conduct with regard to the exercise of due diligence (CDB 03 - Convention relative à l'obligation de diligence des banques) 332

Al-Qaida and the Taliban 41, 42, 46, 325 alternative fund remittance systems 66 amendments 772 AML/CFT 183, 185–191. 437, 438, 441, 447, 760, supervision 333 AML/CTF 741, 742, 750 - 760AML Module 655 Amsterdam Treaty 63 An Post 458 ancillary offences 654 Angola 120 annual audit 336 report 336 anonymous accounts 363 Anti-Drug Law (ADL) 685, 686, 688 Anti-Drugs Act (ADA) 183, 184 Anti-Money Laundering (AML) 1, 6, 8, 9, 111, 113, 117-19, 251, 25, 259, 453 455, 457, 459, 461, 463, 617–623, 663, 664 Act 516-518, 523-525, 531, 534-536, 538, 539 audit 335 Administrative Department of the State Council 711–713 and Suspicious Cases Unit (AMLSCU) 650 Authority (AMLA) 278-280, 283-286, 288, 289, 291 Code 437 1998 440 2006 443, 446 Commission 516–518, 520-522,525Committee 532 Control Authority (AMLCA) 327, 332, 336

Counter-Terrorism Financing Act 2006 751, 761 development 118 Information Center (AMLIC) 712, 713, 716 Law of the PRC 706, 711 legislation 309 (Money Service Businesses) Regulations 2002 440 (Online Gambling) Code 2002 440 Ordinance 516, 518, 520, 525 programs 118 rules 516-523, 525 sanctions 113 standards 6 Anti-Organized Crime Law (AOCL) 685-689, 700, Anti-Terrorism and Crime Act 2003 438 applicability of the Act 336 applicant for business 255-257, 442, 443 applications orders 448 Argentine Central Bank 159 arrestable offences 455 Article 218 502, 505 Asia Pacific Group on Money Laundering 674 assessment 76, 78 assets 578, 580 monies of illicit origin 502 assisting another to retain the benefit of his criminal conduct 438 Association of Banks (ABS) 674 associations 336 attorney 791 order 363 Attorney General 138, 439, 448

Index Index

Attorneys-at-Law 363 auctioneers 453, 458, 462 audit 523, 670, 673 process 335 trail 444 Auditor General 135 auditors 453, 458, 460, 609 independent 600 Australian Transaction Reports and Analysis Centre (AUSTRAC) 741-747, 751, 752, 756 - 761Austrian Banking Act (ABA) 361 Austrian Financial Intelligence Unit 357 Austrian Gambling Act 364 Austrian Insurance Surveillance Act 365 **Austrian Securities** Supervision Act 363 Austrian Stock Market Act 365 Austrian Trade Licence Act 364 authorities 515-518, 531-533, 536-538 Authority of Special Controls (ASC) 553 authorization 334, 335 Automated Processing of Service Information (TAIS – Tratamiento Automatizado de la Inforción del Servicio) 517, 525 automated surveillance system 365

B

BaFin 480 Banco Abrosiano 5 Bank of Credit and Commerce International (BCCI) 5

Bank of Italy (BOI) 531-533, 537, 539 Bank of Spain 516–518 banking 198, 204, 334 business 440, 470 regulations 510 secrecy 3, 191, 197, 200, 357, 363 secrecy protection 186 sector 328, 486, 491 Banking Act 328, 359, 663, 671, 673 Banking Consolidation Directive 372 Banking (General Practice) Regulatory Code 445 banks 4, 5, 8, 9, 130, 132, 133, 136, 197, 199–204, 343, 421, 425, 426, 429, 431, 458, 563, 569, 577, 582, 585, 589, 592, 599, 663, 664, 667, 671, 781, 788, 792 Banks Act 788 Basel Committee 585, 592 on Banking Supervision (BCBS) 8 beneficial owner 62, 238, 286, 324, 326, 331, 332, 347, 425, 442, 446, 489, 490, 493, 494, 549, 585, 605, 672 beneficiaries 789 benefits 664-666 best practice 441, 447, 448 guidelines 767, 768, 773 bilateral agreements 510 convention 510 Binyamin c/Ministère public 502 board of directors 136 bookmakers 441, 443 borders 791 branches 471, 601 subsidiaries abroad 333 breach of client confidentiality 438, 590 of duty 335

brokers 132, 133 and dealers 199, 205 building societies 458 burden of proof 463 bureaus de change 191 business relationship 441–443, 445, 446, 798, 790

\mathbf{C}

Canada Border Services Agency (CBSA) 131, 137, 138 Canada Revenue Agency (CRA) 131, 137, 139 Canadian Charter of Rights and Freedoms 134 Canadian Security Intelligence Service (CSIS) 130, 131, 136 - 139cantonal prosecuting authorities 337 Caribbean Financial Action Task Force (CFATF) 277, 278, 291, 297, 515 cash 583, 588, 589, 782, 784, 791 dealers 743, 744 cashing of coupons 582, 587 casinos 146, 149, 334, 441, 443, 453, 459, 462, 472, 508,601 central act governing money laundering 469 Central Bank of Chile 200 Central Bank of Cyprus (CBC) 425, 429, 431 Central Bank of Russia 619, 623 Central Bank of Uruguay (CBU) 183-190 central bank regulations central national agency certified copies 442

Commercial Affairs

CFT 6-9, 453-455, 457, 459, 463 Chamber of Attorneys 358 Chamber of Chartered Accountants 358 Chamber of Notary Publics 358 charging order 416, 666 charities 134 Charter of the United Nations 40 Act 1945, 743, 750 (Terrorism and Dealings with Assets) Regulations 2002, 750 chartered accountants 600 checklist 335 checks 504, 507 Children and Young Persons Act 666 China 72, 73 Chinese Anti-Money Laundering Monitoring and Analysis Center (CAMLMAC) 708, 716 choice of supervision regimes 334 circumvention 474 Citizenship and Immigration Canada (CIC) 138 civil law notaries 582, 587, 589 civil liability 253 client 146–148, 577, 581-587, 589, 602 companies 445 confidentiality 267 identification 146, 577, 581, 583 profile 333 Code of Conduct 189, 577 Code of Practice 263–269 collective investment schemes 219, 458, 459 Colon Free Zone 146, 149, 150 Comisión Nacional del Mercaso de Valores (CNMV) 516, 518, 525

Department (CAD) 674 commercial banking 99, 103 papers 363 Undertaking 330 Commission, the 387, 388, 390, 392-395 Commission for the Supervision of the Financial Sector (CSSF) 597, 600, 602, 605, 608, 611, 612 Commissioner of Police 768, 769, 771 Commissioners for Customs & Excise 375 Committee of Accounting Standardization and Control for accountants. auditors, external auditors and auditorial companies Commodities Exchange Act common customer que diligence (CDD) standards 98 companies 421, 423, 424, 427, 428, 663, 664, 672 Companies Act 1981 222, 223, 226 2006 447 Companies Registry 447 Companies' Register 532 competence center 333 competent authorities 357 complex operation 507 compliance 75-78, 129, 131, 134, 136, 453–455. 457, 459, 462-464, 583-585, 590, 668, 672, report 756 Compliance Officer 147, 263, 269, 270, 284, 289, 290, 792 computer-based transaction monitoring 333 computerized screening 120

concealment 159, 665 conditional intent 578 confidentiality 187, 200, 204, 218, 251, 253, 522, 523, 663, 664, 667, 674, 791 confiscation 143, 144, 151, 235, 325, 456, 463, 464, 570, 580, 581, 666, 667, 670, 675, 781, 787 of assets 439, 546, 547 order 404, 416, 431, 666, 667, 675, 676 consensus 72 consolidated group 333 constable 439, 440, 444, 445 Constitution 501 Constitutional Court 197, 201 Consultation Paper 134, 136 Continuing Duty 442 Contract 665, 667, 668 contracting party 345 controlled delivery 185 self-regulation 327, 334 Convention 794 Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 41 for the Suppression of **Terrorist Bombings** 41 for the Suppression of the Financing of Terrorism 41, 45 no. 141 63, 64 no. 141 of 1990 from the Council of Europe 63 on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 448 on mutual assistance in criminal matters of 29 May 2000 65 cooperation 72, 77, 78, 607

core crimes 544, 545, 547,	Countering of financing of	Financial Investigation
553	terrorism 663, 664	581
corporate	court 663, 666, 667, 673,	Justice (Fraud
business 314	675	Investigation)
clients 442	Court of Appeals 199	(Bailiwick of
criminal liability 580	credit 543, 545–547, 549	Guernsey) Law 1991
entities 789	cards 507, 583	(the 1991 Fraud Law)
services 441	institutions 184, 186,	414
setting 580	190, 460, 469, 543,	Justice (Proceeds of
corporation 115, 580, 789	582, 585, 590	Crime) (Bailiwick of
correspondent banking 99	unions 132, 133, 441,	Guernsey) Law 1999
relationships 333	458, 460	(the 1999 Criminal
Corrosive and Explosive	Credit Institutes und	Justice Law) 404
Substances and Offensive	Financing Institutes	Justice (Terrorist
Weapons Act 666	(CIFI) 361	Offences) Act 2005
corruption 79, 80, 99, 598	crime 515, 531, 533, 534,	453, 455
and bribery 706, 710	537, 538, 697	Justice Act 1994
Corruption, Drug Trafficking	of money laundering	453–457, 460, 463
and Other Serious Crimes	145, 146	Law of the PRC
(Confiscation of Benefits)	proceeds 687, 688,	(People's Republic of
Act (CA) 664, 665	691	China) 705, 706
Council Decision of 17	Crimes Act 765, 768,	Penalties 177
October 2000	770	
(2000/642/JHA) 64	crimes destroying financial	Critical Appraisal 100 cross-border
Council Directive 89/646	administration order	
454, 458, 459	706	,
Council for the Control of	Criminal	transportation of
Financial Activities	Act 359	currency. 66
(COAF) 177	Asset: Bureau 464	Crown corporations that take
Council of Europe 485,	Chamber of the French	deposits 132
491, 501, 504, 509, 577	Supreme Court 487,	Cuba 112, 120
Convention no. 198 on	492	currency 424, 429
Laundering, Search,	• Code 129, 130, 138,	Currency Transaction
Seizure and	139, 469, 516, 524,	Reports (CTR) 122
Confiscation of the	597, 598	customer
Proceeds from Crime	Code Act 1995 742,	acceptance policies 585
and on the Financing of	743, 746, 749	due diligence 62, 67,
Terrorism 64	conduct 215–217, 226,	74, 582, 585
Council of Europe	404, 405, 408, 414,	identification 303, 421,
Convention on the	416, 665, 666, 672	424–426, 429, 631,
Laundering, Search,	intent 610	671, 672
Seizure, and Confiscation	liability 534	information 440, 663
of Proceeds from Crime	liability of legal	Customer Identification Law
323	entities 325	(CIL) 686, 689–691,
Counter Terrorist Financing	offence 360, 383,	695, 698–701
314	469, 516, 524, 525,	Customer Identification
Counter-Terrorism	578-581, 584	Programs (CIP) 117
Committee 44, 77, 78	organization 324,	customs 199, 200
Counter-Terrorism	486, 506, 579	area 448
Executive Directorate	prosecution 584,	offense 487, 488
78	590	officer 439

Index E

D

Data Protection Act 337 dealers in high value goods 453, 459, 462 declaration of cash 144 Decree 86/005, 187, 188 defence 665, 770 definition 518 delegate the maintenance 258 delegation 606 denunciation 608 Department of Finance 134, 136 Home Affairs 440 Justice 138, 463 Deputy MLRO 444, 446 designated bodies 453, 454, 455, 457, 458, 460-462 service 752, 754-758 direct banking 583 insurance 583 state supervision 334 subordination 335 supervision 335 taxation 437 directive 516, 597 Directive 91/308/EEC 61 Director of Public Prosecutions (DPP) 456, 463 directors 313-315, 524, 665, 789 or secretaries of client companies 445 disclosure 200, 204, 205, 405, 407, 410-415, 438, 444, 663, 665, 667, 670, 673 of information 455 dissipation of property distribution of the trust property 443 documentation 453 draw up and retain documents 331

drug crimes 705 trafficking 501, 597, 598, 664-667, 672, 674, 721, 726 Drug Trafficking (Bailiwick of Guernsey) Law 2000 (the 2000 Drug Trafficking Law) 404 **Drug Trafficking Offences** Act 1992 263 Drug Trafficking Offences Law 383-386, 396 drugs 143-145, 150-152, 197, 198 dual criminality 254, 324, 794 **Dubai International** Financial Centre (DIFC) 647 due diligence 7, 143, 146, 148, 279, 280, 284, 287, 409, 442 obligations 327, 330 Due Diligence Act 343 dummy transactions 476 duties 170 duty for care



Eastern and Southern African Anti-Money Laundering Group 781 Eastern Caribbean Central Bank 310, 312 EC Money Laundering Directives 371-373, 375, 379 economic embargoes 111 EDOK group 357 EGMONT 624 Egmont Group 2, 7, 8, 138, 198, 277, 337, 357, 395, 448, 552, 591, 674, 793 electronic money institutions eligible introducer 257

employee 518, 522, 523, 665, 667, 673 employer 665, 672 enforcement 463 enhancement Act 183-188 enterprises in the financial services sector 469 equivalent money laundering rules 604 established low tax area 437 estate agent 441, 453, 458, European Union (EU) 74, 437, 448, 604 Anti-Money-Laundering Directive 359, 469 Framework Decision on Combating Terrorism 457 Money Laundering Directive 437 Euro dollars 4 Eurojust 64 European Directive 487 Europol 64 evidence of the identity 473 examination orders 748 exception to the rule of identification 475 exchange control 515 of information 90 provisions 117 exculpation reasons 360 Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offences (SEPBLAC) 517, 518, 521-523, 525, exempted clients 287 exemptions 328, 583, 604 from punishment 361 existing business relationships 443 exposure draft AML/CTF Bill 2005, 750 extraditable crime 677

F Index

183, 185–188, 198,

Financial Analysis Unit

extradition 666, 670, 781,

794 (FAU) 145-150, 515, 525 Extradition Act (EA) 670, 197-201, 203, 206 crime 38, 44, 85 677,678 Financial Crime Unit (FCU) Crimes Enforcement 444, 447 Network (FINCen) Federal enterprises 149, 471 authorities 338 F entities 129, 131, 132, Bureau of Criminal 135, 161, 490, 493, 495 Investigation 478 establishments 505, Criminal Court 338 face-to-face contact 583 507 facility holder 766, 767, Criminal Police 338, fraud 706, 710 357 769 futures 458, 459 fail to report 284, 386 Institute for the Information Unit 159 Supervision of failure institutions 453, 457, Financial Services to act 631 458-460, 543, 577, 471, 480 to disclose knowledge or 581-583, 589, 649, jurisdiction 337 suspicion of money 663, 667, 668, 669, Ministry of Finance 480 laundering 438 671-673,706-709,Office of Police 338 false 711–715, 765, 766, Office of Private notification 645, 654 768, 770, 772, 774, Insurance (FOPI) positives 117 781, 788, 792 332, 333 Federal Criminal Police Intelligence Centre 781, Security Service 623 Office, Austria 357 792, 793 Service for the Financial Action Force Task Intelligence Centre Act supervision of the (FAFT) 501, 504, 506, 781, 788-793 insurance business 509, 515 Intelligence Service (FIS) 623 Financial Action Task Force 408 Services of the Russian (FATF) 2, 6–8, 60, 61, Intelligence Unit (FIU) Federation on Financial 64, 66, 67, 134, 136, 138, 2, 7-9, 64, 74, 77,Monitoring (FSFM) 139, 297, 309, 371, 372, 85-90, 198, 219, 221, 379, 437, 448, 453, 485, 619,622-624223-225, 243, 279, 515, 543, 554, 581, 582, federally regulated financial 310, 311, 315, 316, 588-591, 604, 617, 619, institution 136 327, 337, 351, 371, 620, 671, 674, 765, 741, Federated Republic of 375, 379, 463, 532, 742, 747, 761, 772, 781 Yugoslavia 120 552, 650, 743, 761, federation 132, 139, 309, 9 special 767, 773781, 790, 312, 314 recommendations 792 fiduciaries 672 741, 742, 750 Intermediary Act 186 fiduciary services 40 recommendations 279, 314 intermediaries 315, 448, 741, 742, 750 acts 447 532-534, 549 40 + 9 recommendations filing of suspicions 337 Intermediaries 251 final economic beneficiaries Institutions (FIs) FATF-Style Regional 277-279, 284, 285, Bodies (FSRB) 8, 77, Finance Companies Act 287 - 28978 663 investigation unit 447 guidelines 359 Financial Market Authority (FMA) measures 326 Action Task Force of 352, 357 recommendations 26. South America against Police 623 186, 188, 328 Money Laundering records 668 Report 765 Group (GAFISUD) sector 329

Index H

Services Authority (FSA)
368, 371, 373, 374,
379, 685, 686, 701
Services Commission
(FSC) 264, 269–271,
440, 441, 443, 447,
448, 533, 537, 539
service provider 252,
255–259
Services Regulator 457
services 299, 300,
309-314, 316, 471
business 383,
386-394
institutions 471
Stability Forum (FSF)
678
Supervision Commission
447
transactions 344
connected to financing
of terrorism 638
subject to compulsory
financial monitoring
637
subject to financial
monitoring
procedures 635
subject to internal
financial monitoring
636
Transaction Reports Act
1988, 741, 742, 749,
761
Transactions and Reports
Analysis Centre of
Canada (FINTRAC)
129, 131, 132,
134-139
Transactions Reporting
Act 1996 (FTRA)
765–770, 772, 773
financing terrorism 39, 98,
251, 259, 278, 284, 453,
455, 456, 457, 463, 464,
577, 578
fines 335, 453, 455–457,
463, 464, 488, 489, 495,
597, 598, 653, 663–665,
668–671, 786, 792

first group of parties 519, 520, 522 fiscal offences 324 Fondacaro, Loffredi, Alonzo c/Minist'ere public 506 currency exchange services 458 exchange dealers 132 regulatory authorities 311 foreign assets 119 Foreign Exchange and Foreign Trade Law (FEL) 685, 686, 693, 696–700 Foreign Investment in Real Estate Property Act (FIRPTA) 5 forfeiture 439, 455, 670, 781, 787, 788, 794 order 416 founder 789 framework decision 2001/500/JHA 62 on confiscation of crime-related proceeds, instrume talities and property (2005/212/JHA) 65 on the freezing of property (2003/577/JHA) 65 Free Zone 654 freezable assets 332, 533, 546, 547, 750 bank accounts 279. 283, 439, 538 forfeiture of assets 280 funds 43, 456, 463, 464, measures 537, 713, 714 order 406, 407, 412, 416, 713 French Banking Federation French Criminal Code 487, 489 French legislator 490 French Monetary and Financial Code 485, 486, 490, 494, 495

French Public Prosecutor Office 496 French Supreme Court 487, 491, 492, 495 funds 504, 508

G

G-7 71 GAFI 501, 504, 509-511 GAFI/FAFT 198 gambling 359, 364 institutions 789 Gaming Act 329 Garda Síochána 453, 455, 457, 463, 464 General Assembly 40 general clause 329 concept 111 offense 488 offense of aggravated money laundering offense of money laundering 486 requirement 441 German Banking Act 470 gifts 439 Global Program against Money Laundering 78 Greek Constitution 543 Guernsey Financial Services Commission (the GFSC) 405 guidance 455, 457, 458, 460-462, 461, 793 notes 215, 216, 218, 221-225, 229, 230, 263, 264, 268, 310, 311, 314, 315, 383, 387, 390-394, 396, 441 - 443guidance committee 301

Н

habitual money laundering 578

handling of stolen property	Immigration and Refugee
577	Protection Act 136
Hellenic Capital Market	immunity 492, 694, 699
Commission (HCMC)	from liability 654
551, 552	implementing regulations
hiding 578	332, 335
hierarchy 359	imprisonment 200, 204,
High Bailiff 439	208, 453, 455–457, 464,
high value goods 462, 577,	534, 536, 537, 597, 598,
582	663-665, 667-670, 786,
higher-risk business	792, 794
relationships 333	incremental penalty payment
Hijacking of Aircraft and	584, 590
Protection of Aircraft and	indemnities 590
International Airports Act	India 73
666	Indian Gaming Regulatory
HM Comptroller 415	Act 114
HM Procureur 406, 411,	indicators 299, 587–589
414-416	indictable offences 721,
HM Revenue & Customs	726, 729
368, 371, 375	indirect control 336
	International Monetary Fund
	(IMF) 8, 501, 503, 504,
I	509, 511
	information 337, 562, 564,
identification 359, 454,	566, 571
455, 460, 462, 464, 469,	exchange 35, 86, 88, 90
520, 521, 577, 582, 583,	system 715
585, 586, 602, 767, 768,	infringement 516, 523, 524
781, 788–790, 792	inquiries 349
and recording	inspection 523, 517, 521
requirements 534,	Institute of Certified Public
535	Accountants of Singapore
and verification 255	674
of corporate bodies 475	Institutional investor 304
of the beneficial owner	institutions 469, 582–585
476	insufficient diligence in
procedures 633	financial transactions
record 745	324
reference 745	insurance 421, 423, 600,
1616161166 /43	11150101100 721, 723, 000,

663

agents 458

brokers 458 business 441

companies 132, 133, 136, 197, 199, 205,

359, 472, 582, 585,

588, 590, 663, 668

intermediaries 460

Insurance Act 663, 671

Insurance Act 1978 218 - 220Insurance and Reinsurance Companies 191 Insurance Companies 219, Insurance Supervision Act integrated financial market supervisory authority 'Finma' 337 integration 664 integrity 577, 581, 585, 586 of the financial sector 577 risks 585 intent 360, 577–579, 783-785 to commit terrorist criminal offences 577, 579 intentional element 599 Inter-American Drug Abuse Control Commission (CICAD) 183-185, 187 CICAD Model Regulations 183 intermediaries 221, 237, 257, 672, 781, 788, 789 internal control body 522 control measures 522 control procedures 477, 494, 521 organization 333, 335, 607 policies 788 principles 477 regulations 336 rules 792 Internal Auditing Area 189, 190 international Association of Insurance Supervisors (IAIS) **Business Companies** 309

upon a suspicion 474

identity 454, 766-769, 772

documents 583

reverification 755

intermediary 337

illegally operating financial

number 789 of clients 520

identifying entities

534-536

cooperation 39, 45,	J	1.161 of 7 July 1993
252, 316, 338, 705,	· ·	502
706, 708–711, 714,		1.162 of 7 July 1993
794	Japan Financial Intelligence	505-509
dimension 338	Office (JAFIO), the 686,	1.253 of 12 July 2002
funds transfer instruction	689, 700	505, 506, 508
744, 756, 758	Joint Action of Council	1.318 of 29 June 2006
funds transfers 744	98/733/JHA 61	504
law 297	Joint Financial Crimes Unit	1.318 of 29 June 2006
Monetary Fund 77, 78	(JFCU) 394–396	501
Organisation of	Joint Money Laundering	19,366 197
Securities Commission	Steering Group (JMLSG)	19,913 197, 199, 200
(IOSCO) 9	373, 374, 379	20,000 197
organizations 501, 503,	judicial precedent 647	Law Officers 415, 417
504, 515		Law Society 674
political exposure 202		laws 705, 710, 715
public figure 202	K	lawyers 132, 335, 344,
sanctions 501		421, 423, 472, 505, 507,
interpretative notes 73		557, 562, 582, 587, 589,
introducer 238, 265, 443	keeping period 476	601, 608, 663, 672
investigating authorities	Kidnapping Act 666	layering 664
793	know your client 143, 147.	legal
investigation 453, 455,	148, 189	adviser 376, 377
463, 464, 663, 666, 667,	obligations 652	assistance 395
670, 673, 674, 675, 676	know your customer (1 YC)	entity 298, 361, 602
investigation regime 713	7, 98, 114, 115, 118, 159,	liability 714
investment 359	201, 311, 601	person 488, 580, 582,
business 440	information 755	583, 584, 587, 590
business firms 458	principle 475	position 582
companies 458	profile 442	privilege 453460, 461,
limited partnership 458	knowiedge 665, 783-785	667
Investment Business Act	1/4	profession 486, 487,
1998 218–220	. ' '	489, 491, 492, 493, 494
Investment Companies Act	L	professional privilege
470	Y	791
Investment Share	large cash transaction 129,	professionals 486, 577,
Companies 472	132, 133	582, 586, 591
IOS 5, 6		legalization (laundering) of
Iran 112		proceeds 630
Iraq 112, 120	149, 150	letting of safe-deposit boxes
Ireland 451, 453–455,	law enforcement 338, 581,	582, 587
457, 459, 461–464	582, 586, 588, 589	liability 200, 205
Isle of Man Post Office	Law no.	Libya 112, 120
Authority 441	890 of 1 July 1970 501,	license 406, 415
Isle of Man Treasury 448	502 1.086 dated 20 June 1985	licensed trust company 664
Italian Criminal Code (ICC)	1.086 dated 20 June 1985 501	life assurance
531, 533, 534, 536, 537,		companies 460
539 Italian Evahanga Office	1.105 of 20 July 1987	
Italian Exchange Office	502	undertakings 454, 458 Life Assurance Directive
(UIC) 531–536, 538, 539	1.157 of 23 December 1992 502	454, 459
557	1772 302	ו דטד, דטי

N Index

life insurance 577, 582, 583, 587, 588, 600 limited supervision 328 list of terrorists 130 long-term business relationships 473

\mathbf{M}

main offense 487, 488 majority shareholders 789 managers 445 mandate 71-73, 75market conduct 585, 590 supervision 337 material element 599 meaning of identification 474 measures to restore legality 336 Medellín cartel 6 membership 73, 76, 77 memoranda of understanding 188 mens rea 283 merchants 601, 603 methodology 76, 78 methods and techniques 74 minimum standards 335 Ministère public c/Miani, Lanza, Eliard, Ragot Ministère public c/Pédicone 502, 506 Minister of Finance 781, 791 for Justice 462 Ministry of Economics and Labour 358 Economy and Finance (MEF) 188, 531-533, 535, 536, 539 Education and Culture Finance (MoF) 357, 552

Foreign Affairs 358 Interior, Austria 357 Justice 357, 552 National Economy 551 Misuse of Drugs Act 765, 770 Monaco 501-511 Monetary Authority of Singapore (Anti-Terrorism Measures) Regulations 2002, 664, 668, 671 money 298 Act 169 brokers 458 remittance services 458, 460, 663 services businesses 132, 134, 441 transfer systems 111 money laundering 3, 6, 7, 9, 85–89, 143, 145, 159, 183–191, 215, 216, 226, 228, 229, 235, 251, 252, 255, 256, 258, 259 277-285, 290-292, 343, 438, 453-457, 463, 543-546, 548, 577, 578, 581, 582, 586, 588-591, 663, 664, 666, 671, 673, 674, 678, 721–723, 726, 728, 731, 732, 741, 742, 747, 749–751, 755–758, 761, 781–784, 787, 788, 791 - 793offence 454 Laundering Act 327, 469, 543 Laundering and Financing of Terrorism (Prevention and Control) Act, 2001 (MLFTA) 278, 279-285, 287-290 Laundering Compliance Officer (MLCO) 421, 429, 430 Laundering Investigation Unit (MLIU) 463 Laundering Order 383, 386 - 394, 396

Laundering Ordinance 332 Laundering Prevention Officer 477 Laundering Reporting Office Switzerland (MROS) 9, 240, 263, 326, 334, 337, 443 Laundering Reporting Officer (MLRO) 374, 379, 443, 444, 446 Laundering Source Book Laundering Steering Committee 457, 458 MONEYVAL 501, 504, 509, 511 monitor accounts 440 monitoring 349, 495, 672 obligations 493-495 order 748 process 75 mortgage 443 Mortgage Bond Act 470 multistakeholder approach Mutual Assistance and Criminal Matters Act 670, 674, 765, 771 evaluation 75-77, 372, 379 Evaluation Reports 2, 8, 9, 453 legal assistance 324, 781, 794

N

narcotics 111
National
Agenda to Combat
Organized Crime 138
Anti-Money Laundering
Committee of Bermuda
(NAMLC) 215
Bank 357
Bar Association 489,
494, 496

Index P

Criminal Intelligence occasional Service (NCIS) 371, 374, 379 natural persons 488, 494, 602, 789 negligence 502, 509, 783, 784 negligent money laundering Netherlands Antilles 4, 5 Nevis 309-312, 314-316 New Zealand Bankers' Association (NZBA) 774 New Zealand Police 768, 772, 773 NMV 447 no tipping off 332 nominees 672 non-banking sector 327, 329 Non Cooperative Countries and Territories (NCCT) 6, 74, 78, 79, 277, 326, 590 non face-to-face 583. 585 non-financial institutions 706, 711-714 non-profit organizations 66 sector 66 Non Traditional Financial Institutions 236 North Korea 120 notaries 335, 601 notification 359 obligations 469 0 obligations 518, 520-524

obligations 518, 520–524
of due diligence 473
of the Money Laundering
Act 335
institutions 171, 176
to draw up and retain
documents 476
to report 299

clients 602 customer 493-495 transaction 766 offence 421, 422, 431, 454-457, 463, 464, 559-561, 565, 566, 567, 598-570, 767-772 of money laundering 324 offences 263, 266, 421, 422, 453-456, 462-464. 479, 781, 782, 786, 792 Office central our la repression de la grande délinguance financière (OCRGDF) 486, 490 Office for the Disclosure of Unusual Transactions (ODUT)592 Office of Foreign Asset Control (OFAC) 111, 124 Office of the Attorney-General or Switzerland 337 Office of the Superintendent of Financial Institutions (OSFI) 130, 131, 136, 137, 139 OSFI's Guideline No. B-8 Deterring and **Detecting Money** Laundering and Terrorist Financing 136 officer 440, 441, 443, 445 offshore 3-7, 251, 252,256, 257, 259 banks 314 financial center 437 financing centers 357 Offshore Group of Banking Supervisors (OGBS) 8 one-off transactions 443 ongoing due diligence 755 monitoring 443 monitoring of accounts onus of proof 456

opening and administration of accounts 582, 587 order-in-council 448 organised crime 502, 598 crimes by criminal syndicates 705, 710 gang 488 Organisation for Economic Co-operation and Development (OECD) 72, 73, 77 Organizational measures 331, 477 origin of the funds 603 other regulated (and non-regulated) companies and persons 472 overseas offences 437

P

Palermo Convention 538 paper trail 582 parties 517-523 partnerships 115, 789 passport number 789 patrimonial advantages 565-567, 569 Penal Code 502, 505, 666 penalties 133, 134, 438, 455, 525, 653, 664, 674, 786, 792, 794 Pension funds 191, 600 People's Bank of China (PBOC) 706-709, 715, 716 personal declaration 221 identification record 693-695, 699 specific items 690, 691, 695, 698, 700 Personal Information Protection and Electronic Documents Act 134 persons and nations hostile to the United States. See USA PATRIOT Act 111

photo identification 364 placement 664	proceeds 578, 584, 590 of crime 630, 781–784,
plausibility 333	786, 790, 793
plenary 72, 73, 76	of criminal conduct
popular cases 132, 133	252, 253, 439, 440
Proceeds of Crime Act 1990	of unlawful activities
(POCA) 278, 371, 372,	781, 783–787, 792
375–377, 379	Proceeds Act 263, 266,
Proceeds of Crime Unit	267, 269–271
(PCU) 773	Proceeds of Crime (Money
Police 516–518, 663, 667,	Laundering) and Terrorist
668, 670, 674	Financing Act 129,
and judicial cooperation	131–139
64	Proceeds of Crime Act
Politically exposed persons	309, 316, 765, 771
(PEPs) 74, 98, 117, 120,	1987 747
205, 206, 259, 333, 428,	1996 463, 464
603, 673	1997 215, 216, 228,
portfolio management 132,	463
505	2002 741, 742, 747,
power of attorney 442	757, 761
predicate 422	Proceeds of Crime Law
offences 59, 61, 63,	383–386, 388, 392, 396,
324, 325, 421, 422,	397
431, 437, 630, 705,	production orders 673, 748
706, 710, 711, 782, 783	professional
premium 365	activity 330
preparation of a criminal	basis 324, 329, 330
offence 578	secrety 201, 335, 608
prescribed offence 439	professionals 533
Presidency 72	of the financial sector
prevention 559	599
Prevention of Organised	prohibition 3
Crime Act 781–784,	property 782–787, 790
786, 787	tracking documents 748
Prince Albert II 501, 511	values 363
principals 789	proscribed
Principle of Due Process of	organization 438
Law 185	person or entity 750
Principles for Information	prosecuting authority 337
Exchange 90	Prosecution 516, 518, 607
Privacy 134	Protected
private	information 664
equity funds 606	party 664
law 335	provincial regulatory bodies
sector 79, 80	136
Private Insurance	provincially-regulated
Supervision Committee	financial services
552	providers 136
procedures 453-455, 461	provision of a company or
manual 257	other structure 443

prudential supervision 328 public officer 663 Public Prosecutor 197, 198, 201, 490, 492, 493, Public Prosecutors Office 651 Public Safety and **Emergency Preparedness** Canada 128, 138 publication 580, 584, 590 Q

QI system 7

raising funds 438 or recruiting members for a criminal organization 579 real estate 461, 462 agents 601 brokers 132, 472 real property 363 reciprocity 794 recognition 336 recognized stock exchange 222 recommendations 504, 506, 510, 511, 515, 523 recommendations 12 and 16, 187 40+9 recommendations 71, 73, 76, 77, 198, 453 record keeping 239, 421, 424, 671, 672, 781, 788, 790, 792 recording 469 records 200, 207, 584, 653 obligations 169 of all transactions 444 recycling 533 refraining 522 refresher training 446 register 299

registered	entities 150, 534–537,	revised exposure draft
agent 447	751, 752, 754–756,	AML/CTF Bill 2006,
banks 773, 774	758	741
Registration Office 358	obligation 351, 486,	revision 74
regulated persons 264,	489, 490, 492–494,	right to report 327
267–269	495, 521	risk 202, 203
on payer's information	officer 218, 219, 221,	based approach 97,
accompanying fund	223, 224	255, 333, 582, 586
transfers 66	requirements 534	categories 333
regulations 131, 132,	Reporting Authority 263,	classification 335
135–137, 139, 215,	264, 266–270	criteria 350
218-220, 222-224, 228,	reporting obligation 351,	oriented control intervals
229, 336, 371, 372, 373,	486, 489, 490, 492–494,	335
375, 459, 705–707, 715,	495, 521	Royal Canadian Mounted
789, 791	reports 674	Police (RCMP) 130,
Regulations Implementing	representation 583	131, 135, 137–139
the United Nations	representative 362, 522,	RCMP Integrated
Resolution on the	583	Proceeds of Crime Unit
Suppression of Terrorism	Republic of Korea 73	(IPOC) 137, 139
130	reputation 357	
Regulator 312, 315	requirements 121	rules 705, 706, 708, 711–714
Regulatory framework 655	in the United States 122	
relevant	reserve 200, 201, 204, 205	Rules for Prevention of
activities 422, 631	Reserve Bank of New	Usage of Financial
business 440, 437, 441,	Zealand (RBNZ) 765,	Institutions to Legitimate
443, 446	773, 774	Assets Obtained in
financial business 254,	residential address 789	Delinquent Activities
255, 257	resolution	189
persons 264, 265, 268,	1267 (1999) 42	Russian Administrative
440	1368 (2001) 42	Offenses Code 618
reliable third party 474	1373 326	Russian Ministry of Internal
remittance 671	1373 (2001) 42	Affairs 624
renewed verification and	1617 (2005) 44	
identification 331	2625 (XXV) 40	
repeat transaction 583	49/60 40	S
repetition 583	51/210 41	3
report 371, 374–378, 422,	Responsibility of Legal	
425, 430, 431, 663, 673,	Entities Act 361	S&L's 5
678	restrain property 439	State Administration of
of suspicious transactions	restraint order 416, 666,	Foreign Exchange
478	670	(SAFE) 707–709, 715,
suspicions 332	restrictions on the transfers	716
suspicious business	534	safekeeping 582, 587
relationships or	retention 454	sanction 42, 448, 502, 509,
transactions 3272004	of documentation 454,	516, 523, 524, 532–534,
Report of the Auditor	521	536, 559, 564, 568, 570
General 134, 135	retrieval of records 445	Santiago Court of Appeals
reporting 421, 425,	retrospective due diligence	201
429–431, 505, 507, 517,	255, 256	satisfactory evidence 442,
522, 523, 577, 781, 788,	Revenue Commissioners	443
790–792	453, 455, 463, 464	saving account 362
170 172	, , , , , , , , , , , , , , , , , , ,	saving account 302

S Index

C
Savings and Loan
Cooperative Associations
149
scope
of application 328, 329, 337, 469
of information 479
search warrant 673
Second Group of Parties
519, 521, 523
second money laundering
directive 61
secrecy 200, 201, 204,
663, 664
Secretariat 72, 77, 79
Securities and Exchange
Commission 113
securities institutions 582,
585, 590
Securities Intermediaries and
Investment Funds
Administrators 191
securities transfer systems
111
Security Council 39
resolutions 464
security systems 477
seizure 143, 144, 151, 325,
439, 463, 509
self administered investment
institutions 301
self-regulating organization 327
self-regulation 327
series of transactions 790
serious criminal offences
437, 666, 667
Serious Organised Crime
Agency (SOCA) 371,
375, 376, 379
service 577, 582–584,
586-590
provider 302, 359
Service of Information and
Control of Financial
Curcuits (SICCFIN)
505-511
Shari'ah 647
shell companies 605
signatory information 745
orginatory mirorimation , to

significant cash transactions 743, 746 single market in financial services 437 single transactions 789, 790 smuggling, 705, 710 soft-law 359 Solicitor General of Canada 137 solicitors 453, 459, 461 source of funds 115 financial institution knowledge of 115 Source of Funds and Wealth 442 South Africa 112 Sovereign Ordinance no. 10.201 of 3 July 1991 502, 509 11.160 of 24 January 1994 506, 509 11.246 of 12 April 1994 508 14.466 of 22 Atri) 2000 507 15.321 of 3 April 2002 504 15.453 of 8 August 2002 506 15.530 of 27 September 2002 509 special obligation to clarify special offense of money laundering 485, 487, 488 Specially Designated Nationals and Blocked Persons (SDN) 120 Specially Designated Terrorists (SDT) 120 specific facts 201 specific non-financial institutions 711, 712 Self Regulating Organization (SRO) 332, 333, 336 jurisdiction 336 regulations 333 staff screening 446

standards 71, 72, 74, 75, 77, 78, 80 of proof 439 Standing Committee 517 States Advisory and Finance Committee 407 statute of limitations 524 Stock Exchange Act 329 stock market 359 stockbrokers 460 stocks 458 Strafgesetzbuch (criminal code) 359 structure 357 study 357 subjective test 253 subsidiaries 333, 601 Sudan 120 Superintendency of Banks and Financial Institutions (SBFI) 201, 204 supervision 352, 607, 792 complete 334 Supervision and Control Committee for Gambling for casinos and gambling companies 552 supervision and control organizations 146, 150 Supervision limited to the Money Laundering Act 334 Supervisors 445 supervisory authorities 332, 480, 584, 585, 590 authorities set up by special acts 334 bodies 792, 793 support 438 supporting a proscribed organisation 438 Supreme Court 199 suspect transactions 743, 744 suspicion 252-254, 257, 283, 284, 362, 606 of money laundering 444 Suspicious Activity Reports

(SAR) 114, 122

Index T

suspicious	criminal proceedings
activity 117, 200	476
attempted transactions	evasion 3, 5, 666, 791
134	fraud 324, 561, 564,
facts 479	566, 567, 569, 582
matter 754, 756, 757	offences 216
matter reporting	service 623
obligation 754, 756	Taxes Management Act
or unusual transactions	1976 216
89, 279, 790, 791	terminological differences
transactions 117, 129,	359
132, 138, 161, 172,	terrorism 6, 7, 39, 144,
200, 201, 222, 239,	145, 148, 150, 183, 184,
285, 288, 326, 421,	202, 236, 324, 406–408,
424, 425, 430, 443,	412, 469, 501, 503–511,
446, 486, 490, 493,	516, 518, 532, 534,
532, 536, 537, 539,	537-539, 577-579, 582,
673, 766, 768	588, 589, 597, 670, 671,
suspicious transaction report	674, 678
(STR) 326, 337, 443,	Act 2000 371, 372,
444, 448, 463	377–379
Suspicious Transactions	and Crime (Bailiwick of
Reporting Office (STRO)	Guernsey) Law 2002
674	(the 2002 Terrorism
SWIFT system 120	and Crime Law) 404
swindle 183	anti-terrorist finencing
Swiss banking secrecy rules	112
338	financing 86, 87, 89,
Swiss Criminal Code 323,	144, 150, 741, 742,
332	749, 750, 752, 757,
Swiss Federal Banking	758, 761
	Law 383–386, 392,
Commission (SFBC)	396, 397
332, 333	September 11, 2001 6,
Swiss Federal Gaming Board (SFGB) 332, 332	111
	Suppression Act 2002
Syria 120	(TSA) 771
	(Suppression of
	Financing) Act (TA)
T	669
	(United Nations
	Measures) (Channel
TAIS see Automated	Islands) Order 2001,
Processing of Service	403, 404, 406, 411,
Information	414, 416
Taliban Ordinance 326	weapon against terrorist
Tampere declaration 63	financing 112

tax

advisers 453, 459, 460,

582,601

avoidance 5

terrorist 404, 406, 407,

669,670

411-413, 415, 416, 577,

579, 582, 585, 589, 664,

activities 129-131, 135, 487, 492, 705, 710 activity suspects list 621, 622 cash 439 crimes 208, 360 financing 277, 279, 285, 290, 291, 325, 421, 453-455, 456, 457, 463, 664, 673, 678721-723, 790-793 intent 579 organizations 324 property 407, 413, 721, 723, 733 property reports 132 third directive 62 third money laundering directive 62, 64, 66, 67 third party 454 threshold transaction 756, 757 tipping off 282, 283, 376, 377, 385, 411, 422, 438, 455, 462, 609, 631, 651, 791 Traitment automatisé de l'information mis en oeuvre par la cellule TRACFIN (TRACINFO) 486 tracing 59 Traitment du renseignement et action contre les circuits financiers clandestins (TRACFIN) 490, 491, 493, 494 Trade License Act 359 trade licenses 359 training 239, 280, 286, 288–290, 421, 424, 425, 430, 431, 454, 784, 792 and awareness 255 obligations 522 transactions 143–148, 150, 152, 362, 583, 585-590 records 694, 766, 769, 772 transfer agents 534, 535 transfers 422, 429, 431 treaties 297

V Index

treaty 670, 675-678 Treaty of Accession 437 triable on information 437 Tribunal Suprème 507 trust 277-279, 287 and loan companies 132, 133, 136 clients 443 U company 664 control of trust companies 27 services 441 Trust Companies Act (TCA) 664 582 Trust (Regulation of Trust Business) Act 2001 218 - 220605 trustee 287, 389, 390, 671, 672, 789 savings banks 458 trusts 279, 285, 287, 606, 782, 789 and co-ownership 32 and Companies 31 beneficial owner 31, 32 456 beneficiaries 26 binding on trustee 26 definition 25 England and Wales 28 Joint Money Laundering Steering Group Guidance Notes 25 lack of understanding of 25 language 28 non-AML regulation 31 off-shore 28, 29 ownership of trust assets 26 Protectors 27 registers of beneficial 456 interests 32 settlor 25 shams 30 Third Money Laundering Directive 28, 32, 33 trustee 25

trustee's duties 26
trustees 27
use in ML 25
uses of 28, 32, 33
wills 33
Tynwald 438
typology 74, 75, 259, 589

UAE Penal Code 648 ultimate beneficial owners Undertakings for Collective Investment (UCI) 600, United Nations (UN) 39, 71, 75, 77, 78, 448, 502, 504, 506, 509, 511, 666 1267 Committee 750 1999 UN Convention on the Suppression of the Financing of Terrorism Act 130 Al-Qaida and Taliban Regulations 130, 139 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 185, 323 Convention against Transnational Organized Crime 185, 323 Convention on the Suppression of the Financing of Terrorism **International Convention** for the Suppression of the Financing of Terrorism 323 Security Council Resolutions 747, 750

Suppression of Financing of Terrorism Convention 747 Security Council 325 una via principle 584, 590 Undertakings for collective investments 605 Unidades de Fomento 200, Unit for Combating Money Laundering (MOKAS) 421, 425, 429-432 unit trust scheme 458 unlawful activity 283, 284 unusual or suspicious activity 443 transaction 299, 586, 587 reporting center 298, Uruguayan Center of AML Training 183, 188, Uruguayan Code of Criminal Procedures 185 Uruguayan Constitution 186 Uruguayan Criminal Code 184 US dollars 4 USA Patriot Act 7 USA PATRIOT Act correspondent account



116

value transfer systems
111
United States 111
see money transfer
systems and the
securities transfer
systems 111

Index W

verification 220–222, 224, 225, 228, 766–769, 772 of identity 310, 330, 332, 442 verify 766–770, 772 Vermögensdelikte (crimes against another person's patrimony) 357 Volstead Act 3

\mathbf{W}

wealth management 663
well-founded suspicion
332
wilful blindness 254, 284
Wolfsberg Academy 101
Forum 101

Group 95
World Bank 8, 77, 78
written internal reporting
procedures 443
written terms of business
266

ATTO: NAMAN TOOOKSHON