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**INTER-AMERICAN DRUG ABUSE
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**XLI MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
OCTOBER 1-2, 2015
LIMA, PERU**

**CRITICAL PERSPECTIVE OF THE CURRENT PROBLEM OF MONEY LAUNDERING IN PERU
LUIS YSHII, PERU**



ORGANIZACIÓN DE LOS
ESTADOS AMERICANOS





COMISION INTERAMERICANA PARA EL
CONTROL DE ABUSO DE DROGAS

**XLI REUNIÓN DEL GRUPO DE EXPERTOS
PARA EL CONTROL DE LAVADO DE ACTIVOS**
1 y 2 de octubre de 2015
Lima, Perú


Critical Perspective of the Current Problem of money Laundering in Peru





EXPOSITOR: LUIS YSHII MEZA



**XLI REUNIÓN DEL GRUPO DE EXPERTOS
PARA EL CONTROL DE LAVADO DE ACTIVOS**
 1 y 2 de octubre de 2015
 Lima, Perú


I. Current Status on Money Laundering and Organized Crime in Peru



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I. PANORAMA ACTUAL DEL CRIMEN ORGANIZADO Y EL LAVADO DE ACTIVOS EN EL PERÚ



Contemporary Crime presents a different panorama increasingly distant from that which guided states to establish appropriate **preventive and repressive systems** to address it (**globalization of crime**).


It has been created a scenario and adequate space for **modern crime** to break into **new criminal activities**, but also enter into markets that until not long ago had been distant for them, establishing **strategic alliances** between **international and domestic criminal groups** and that, as an strategy of impunity in his criminal acts, seek to infiltrate into the **public spheres of power**.

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Criminal organizations have a **common element**: the **need to give an appearance of legality to those assets derived from crime**. This is why talking of **organized crime** means also talk about money laundering. However, an additional component associated with this modern form of crime is the **corruption of public servants**.

Therefore, the current **inseparable trilogy** of this **criminal manifestation** is constituted by: **Organized Crime, Money Laundering and corruption of public servants**. (UN conventions of Vienna/1988, Palermo/2000 and Merida/2003).

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I. Current Status on Money Laundering and Organized Crime in Peru

(Cases on the News)



I. Drug Trafficking



II. Illegal Mining



III. Corruption



IV. Human Trafficking




V. Common Crime




VI. Currency Counterfeiting

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COMISIÓN INTERAMERICANA PARA EL
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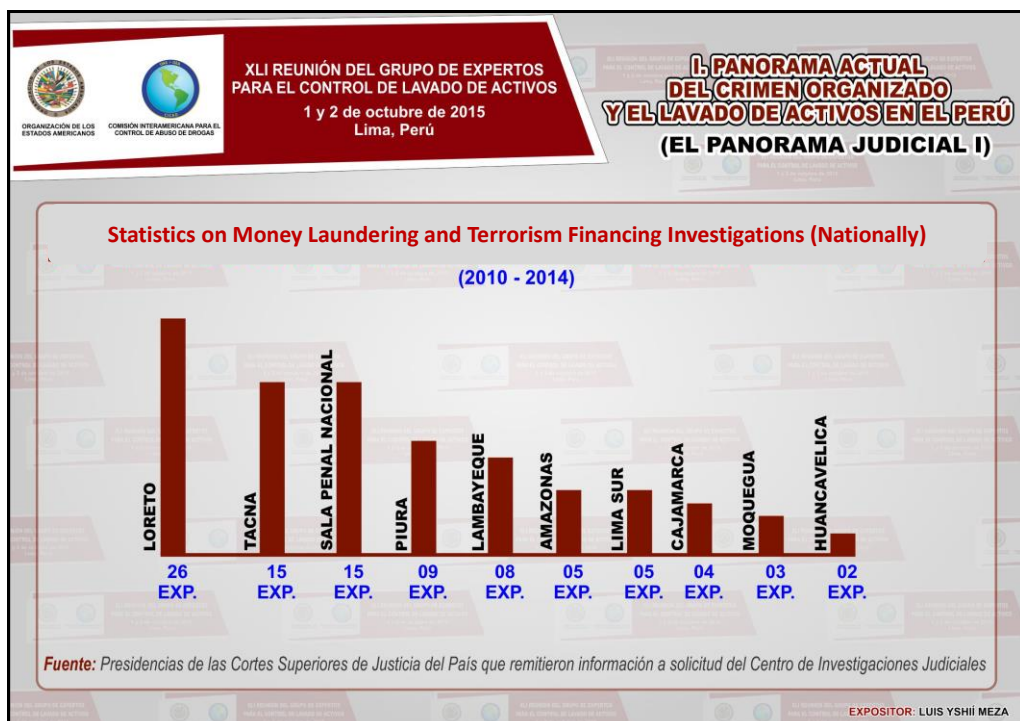
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**I. PANORAMA ACTUAL
DEL CRIMEN ORGANIZADO
Y EL LAVADO DE ACTIVOS EN EL PERÚ**

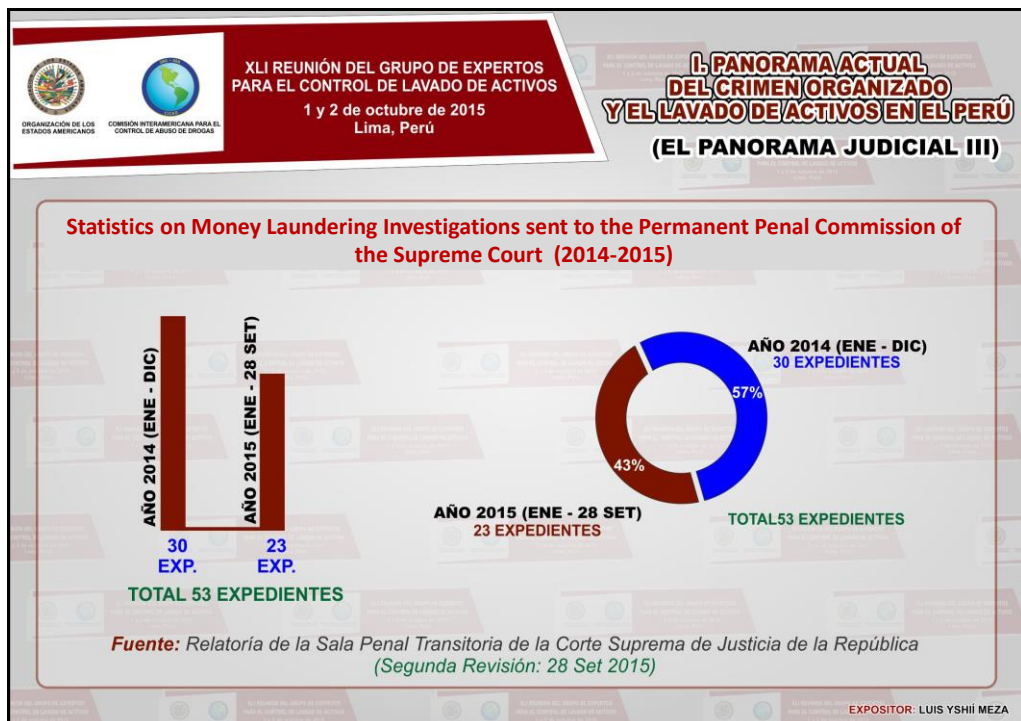
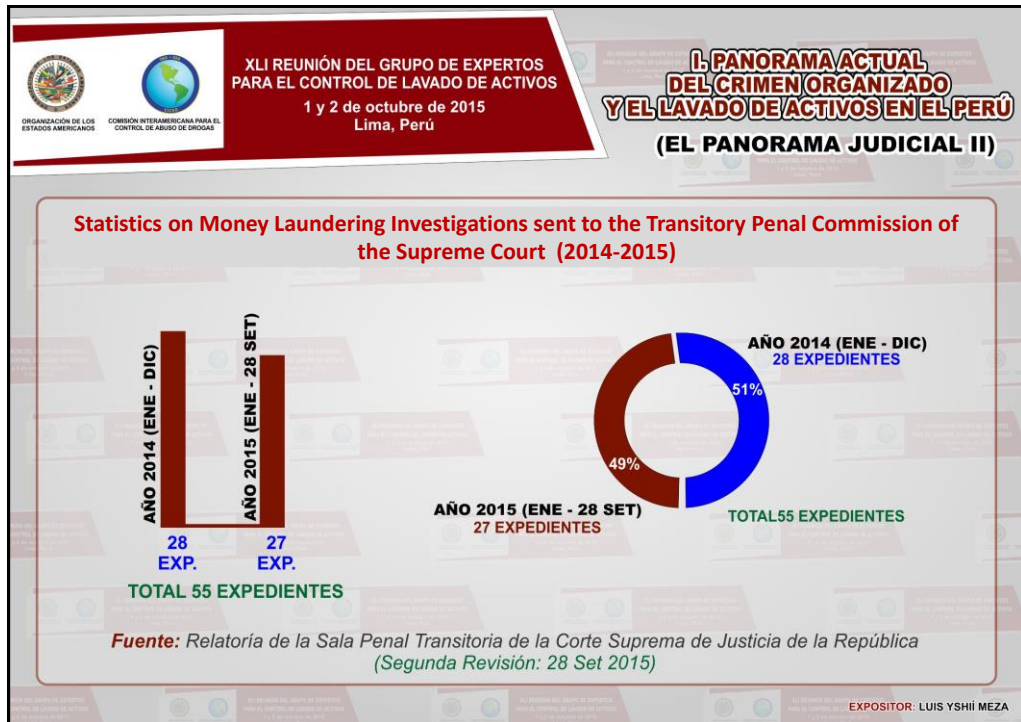


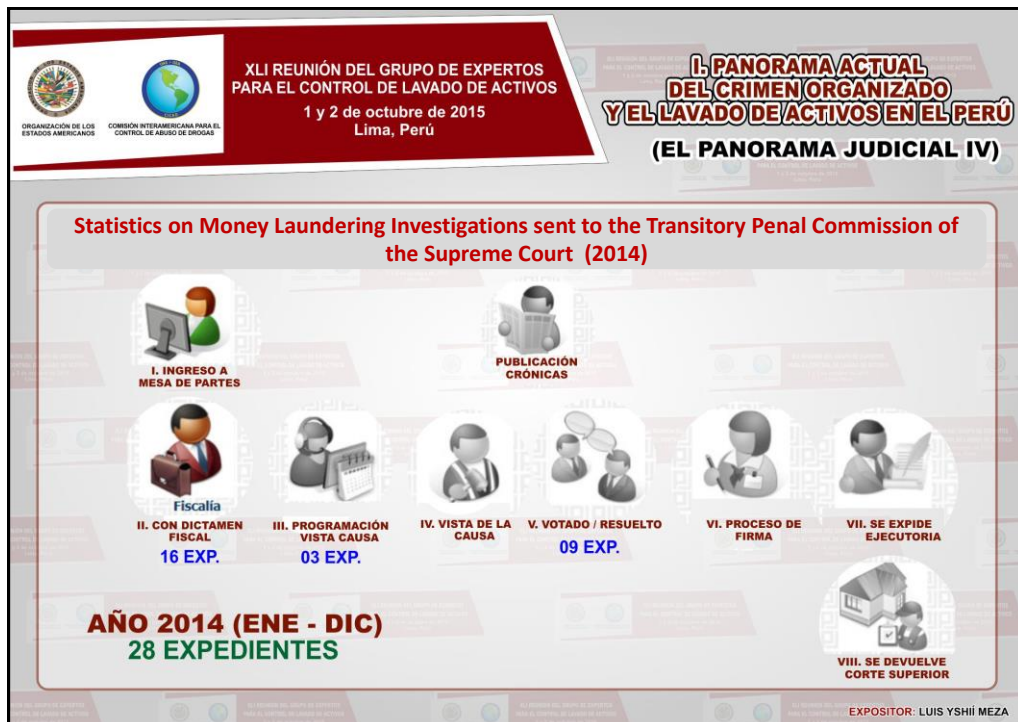
1. **Organized crime** and **money laundering** have been increasing in Peru, or the work of **control agencies** have allowed them to **identify their criminal activities** and "Modus Operandi"?
2. **Under the current circumstances**, it is possible to note that **they have longstanding presence in the country**.
3. **Money Laundering** and **Organized Crime** are **Transnational (Cross-Border and Inter-Continental)**
4. New strategic alliances are established, and they are not included on the **classic typologies** emitted by law enforcement agencies.
5. Money Laundering and Organized Crime are **not exclusively from Drug Trafficking**. (**Corruption, Illegal Mining, Smuggling, Land Trafficking, Human Trafficking, Tax Evasion, Counterfeiting, Kidnaping, Extortion, etc.**)
6. The use of **Shell Companies** has increased noticeably.
7. Presence of **white collar crimes** includes **all kind of professionals**. (**It is particularly important on cases of neutral or standard behaviors**)

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Fuente: Presidencias de las Cortes Superiores de Justicia del País que remitieron información a solicitud del Centro de Investigaciones Judiciales





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I. PANORAMA ACTUAL DEL CRIMEN ORGANIZADO Y EL LAVADO DE ACTIVOS EN EL PERÚ
(EL PANORAMA JUDICIAL VI)

Statistics on Money Laundering Investigations sent to the Transitory Penal Commission of the Supreme Court 2015
(Criminal Procedure Code 2004 – Cassations)

AÑO 2015 (ENE - 28 SET)
06 EXPEDIENTES

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II. Strategy for combatting Money Laundering and Organized Crime in Peru
(Proposal)

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**II. Strategy for combatting Money
Laundering and Organized Crime
in Peru
(Proposal)**

OCLC
**Central Office for combatting Money Laundering and Organized
Crime in Peru**

**I. Office for Analysis on Crime and
Criminal Typologies**





II. Strategic Analysis Office



**III. Office for Liaison and Coordination
(National and International)**



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III. Known Issues



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III. Known Issues



I. Main Problem
There is no typical assessment of some facts such as: **Conversion, Transfer, Concealment and Possession** (ambiguous assessment)

I. Related Problems

1. Restricts the scope of the investigation
2. Lack of momentum of the process by the holder of prosecution
3. Excessive prolongation of the terms for the investigation (**extensions requested**)
4. The lack of evidence leads to the file of the process

III. Main Problem (In part Solved)
The establishment of **aggravating circumstances** relating to the **integration of a criminal organization** or the origin of money, assets or profits of the criminal offenses established in the law as **illicit drug trafficking**. (Law No. 30077 August 20/2013: Law Against Organized Crime).

IV. Main Problem
It is still recurrent the faults in content regarding the nature of the money laundering criminal offence and **its relationship to its source**.

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III. Known Issues



IV. Main Problem
Problems related with the **seizure and confiscation of illicit assets** (CONABI)

VI. Main Problem
Lack of jurisprudence regarding the **application of accessory penalties to legal persons** involved in case of money laundering investigations, especially with regard to **fines**
(Law No. 30077 August 20/2013: Law Against Organized Crime)
(Legislative Decree No. 1106: Money Laundering)

VII. Main Problem
No one should withdraw from a Money Laundering **investigation**, however, not everything may be qualified as money laundering.

VIII. Main Problem
There are problems with the preparation, analysis and understanding of the **expert reports** related to money laundering investigations.

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