

31 MAYO
1 JUNIO

HOTEL HILTON
CARTAGENA

18°

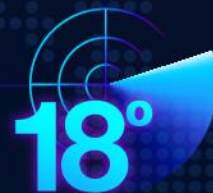
CONGRESO PANAMERICANO
DE RIESGO DE LAVADO DE ACTIVOS
Y FINANCIACIÓN DEL TERRORISMO

Visión multidimensional
del crimen organizado

Money Laundering and Bribery: Two Pieces of the Enforcement Puzzle

Prof. Andy Spalding

No Longer Just the U.S. . . .



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No Longer Just the U.S. . . .

Germany: 2008

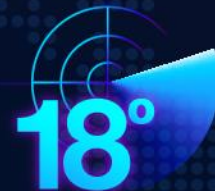


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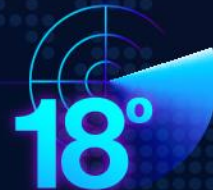
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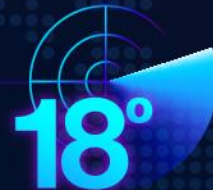
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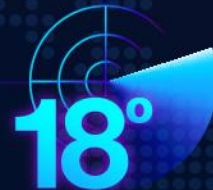
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France: 2017



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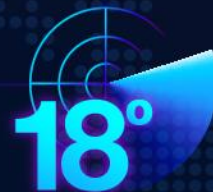
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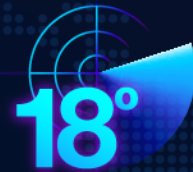
France: 2017

And especially . . . Colombia: 2018



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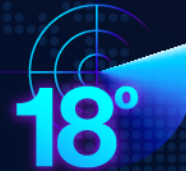
Three Features of OECD Foreign Bribery Laws



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Three Features of OECD Foreign Bribery Laws

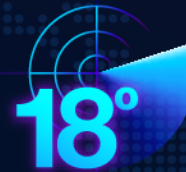
1.They are supply-side laws



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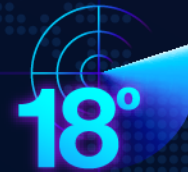
- 1.They are supply-side laws
- 2.The recipient typically must be a public official



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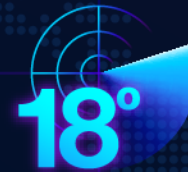
Three Features of OECD Foreign Bribery Laws

1. They are supply-side laws
2. The recipient typically must be a public official
3. Voluntary disclosure and settlements



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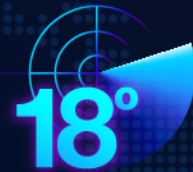
Three Illustrations, Three Dynamics:



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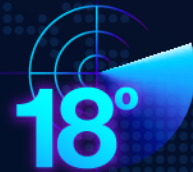
1. Esquenazi: using money laundering to indict public officials who received bribes



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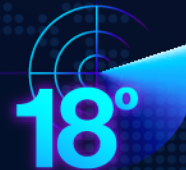
1. **Esquenazi**: using money laundering to indict public officials who received bribes
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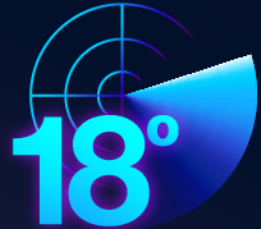
Three Illustrations, Three Dynamics:

1. **Esquenazi**: using money laundering to indict public officials who received bribes
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3. **Odebrecht**: a money-laundering matters becomes most far-reaching bribery investigation in history



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What You Should Know About Anti-Bribery Enforcement

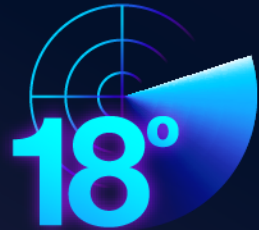


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What You Should Know About Anti-Bribery Enforcement

The elements:

1. Pay, promise, or offer
2. Directly or through a third party
3. Anything of value
4. To a foreign official
5. For a business purpose

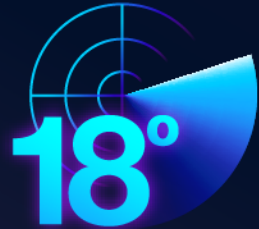


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What You Should Know About Anti-Bribery Enforcement

Liability:

- Both companies and individuals may be liable

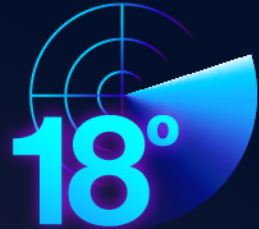


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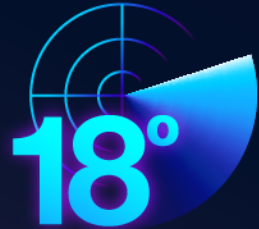
- Both companies and individuals may be liable
- An emerging focus on individual liability



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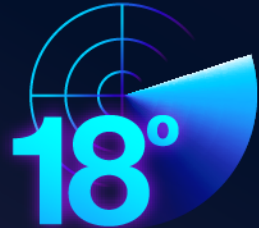
- Enforcement through settlements
DPAs, NPAs,
Leniency Agreements
Public Interest Agreements



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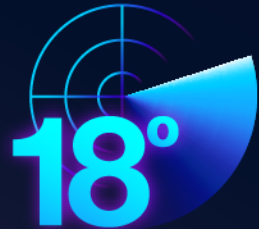
- Enforcement through settlements
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Public Interest Agreements
- Voluntary disclosure



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What You Should Know About Anti-Bribery Enforcement

- Enforcement through settlements
DPAs, NPAs,
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- Voluntary disclosure
- Information sharing across jurisdictions



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