

Money Laundering (ML) Offence

Countries should:

- > Criminalise ML based on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (Vienna Convention) and United Nations Convention against Transnational Organised Crime, 2000 (Palermo Convention).
- > Apply the crime of ML to all serious offences, with a view to including the widest range of all possible predicate offences, defined by reference to either all offences, a threshold / penalty linked to serious offences or a combination of offences. The class of predicate offences may be based on:
 - ✓ national law, that is laws existing domestically; or
 - ✓ international law, that is through applying the tests that:

- ✓ “Had the event occurred in another country would it have constituted a predicate offence?”; and/or
- ✓ “Had the event, constituting a predicate offence in another country, occurred domestically would the country constitute it as a predicate offence?”
- > Ensure that:
 - ✓ Intent and knowledge required may be inferred from objective factual circumstances to prove the ML offence.
 - ✓ It is possible to apply both domestic and international criminal, civil and/or administrative liabilities and sanctions to legal persons and without prejudice to liabilities and sanctions that apply to natural persons.
 - ✓ Appropriate additional offences related to the offence of ML are considered.
 - ✓ All sanctions, including criminal sanctions, should be effective, proportionate and dissuasive when

applied to natural persons and legal persons convicted of ML.

- ✓ The country considers ancillary offences to ML, including offences of participation in, association with or conspiracy to commit, attempt, aid and abet, facilitate and counsel the commission of the offence, unless this is already present in and not permitted by the fundamental principles of the domestic law.