

Virtual Programme

Conducting Financial Investigations

OECD LATIN AMERICAN ACADEMY

18 OCTOBER 2022

ROLE OF THE FINANCIAL INTELLIGENCE UNIT (FIU)





Caso Marita Verón Presione para ampliar

**600
victims
freed**

Went missing on
3 April 2002
in San Miguel
de Tucuman

**2579
victims
rescued**



En el año 2007
gracias a la Fundación
María de los Ángeles,
creada por su madre

En el año 2008
por la ley 26.364 que tipificó
la trata de personas como
delito federal



La valiente y tenaz búsqueda de Trimarco fue
convirtiendo este caso en el emblema de la lucha
contra la trata de personas.



Las investigaciones realizadas principalmente
por su madre, Susana Trimarco, encontraron su
rastro en prostíbulos de La Rioja, pero nunca
dieron con ella.



CRIMINAL ORGANISATION CASE





SECCIONES

BUSCAR

LA NACION

SUSCRIBITE

INGRESAR

PUBLICIDAD



LA NACION - Seguridad

Ale brothers sentenced to 10 years in prison for money laundering and unlawful association

Los hermanos Rubén y Ángel Ale tienen embargos por ocho millones de pesos

19 de diciembre de 2017



Fabián López

PARA LA NACION



Rubén "La Chancha" Ale
Telam

SAN MIGUEL DE TUCUMAN.- Los hermanos Rubén "La Chancha" Ale y Ángel "El Mono" Ale fueron condenados este lunes a 10 años de prisión, al ser considerados culpables de liderar una asociación ilícita dedicada al lavado de

Más leídas de Seguridad



Juicio por Hope Funds: un imputado dijo que le ofrecieron sacarlo de la lista de acusados a cambio de información



El tesorero que robó US\$3,2 millones, fue preso y jamás entregó el dinero



CRIMINAL ORGANISATION CASE



RESUELVE:

I) **NO HACER LUGAR** a los planteos de nulidad y exclusión probatoria solicitados por las defensas (artículo 166 y cc. del Código Procesal Penal de la Nación).

II) **CONDENAR** a **RUBÉN EDUARDO ALE**, de las condiciones personales que constan en autos, como **autor** voluntario y responsable del delito de **lavado de dinero** previsto y reprimido en el artículo 303, inciso 1º del Código Penal consistente en disimular el origen proveniente de ilícitos penales –descriptos en la normativa vigente como delitos de **usura** (artículo 175 bis del Código Penal), **extorsión** (artículo 168 del Código Penal), **explotación económica del ejercicio de la prostitución** (artículo 127 del Código Penal) y **comercio de estupefacientes** (artículo 5 de la ley 23.737) - al ponerlos en circulación en el mercado con la consecuencia posible de que adquieran la apariencia de un origen lícito, en concurso real con el delito de **asociación ilícita en carácter de jefe**, previsto y reprimido en el artículo 210, 1º y 2º párrafo del Código Penal, a la pena de **DIEZ AÑOS DE PRISIÓN** y **MULTA DE OCHO MILLONES de PESOS (\$8.000.000)**, equivalente a dos veces el monto de la operación, **ACCESORIAS**

1

XVIII) **ORDENAR** el **DECOMISO DE BIENES** consistentes en cosas muebles e inmuebles registrables o no, dinero y derechos de contenido patrimonial, de propiedad de **RUBÉN EDUARDO ALE, FABIÁN ANTONIO GONZÁLEZ, VÍCTOR ALBERTO SUÁREZ, MARÍA**

6

JESÚS RIVERO, ENRIQUE SANTOS CATULO, MARÍA FLORENCIA CUÑO, VALERIA FERNANDA BESTÁN y JULIA ESTHER PICONE por la suma total de **CUATRO MILLONES de PESOS (\$4.000.000)**. **ORDENAR LA INHIBICIÓN GENERAL DE BIENES** en forma cautelar e inmediata de las personas mencionadas, por la suma de **CUATRO MILLONES de PESOS (\$4.000.000)** para garantizar la ejecución de la presente sentencia (artículo 23 del Código Penal). La ejecución del comiso se realizará en el orden sucesivo fijado en este artículo hasta alcanzar el monto establecido. En el caso de **RUBÉN EDUARDO**

Organised crime



CRIMINAL ORGANISATION CASE



1. WHAT ROLE DOES THE FIU PLAY IN MONEY LAUNDERING INVESTIGATIONS?

2. WHAT FINANCIAL INFORMATION CAN THE LOCAL FIU PROVIDE? INTELLIGENCE OR PROOF?

3. HOW TO REQUEST INFORMATION

THE INTERNATIONAL GLOBAL NETWORK:

Over 200 members



Full members
(Total: 39 –
37 member
jurisdictions and 2
regional
organizations)



FATF observers
(United
Nations, World
Bank,
International
Monetary
Fund)



Associate Members
(FATF style
regional bodies –
FSRBs)



INTERNATIONAL FINANCIAL ACTION TASK FORCE:



The Financial Action Task Force (FATF) is an intergovernmental body whose objective is:

- to establish standards to combat money laundering, terrorism financing and other threats to the integrity of the international financial system
- to promote the political will necessary to achieve legislative and regulatory reforms and monitor compliance, through the development of mutual evaluations, with the aim of protecting the international financial system from misuse by criminals



INTERNATIONAL FINANCIAL ACTION TASK FORCE:



- The 40 recommendations and their interpretative notes include preventive measures for the prevention and repression of money laundering, financing of terrorism and proliferation of weapons of mass destruction. They are intended for:
 - competent authorities (regulators), who are recognised as having powers and responsibilities
 - subjects required to report to the FIU that carry out financial activities as well as designated non-financial businesses and professions (DNFBPs)



INTERNATIONAL FINANCIAL ACTION TASK FORCE:



Members must undergo mutual evaluation of compliance.

If the country's rating in the mutual evaluation is not positive:

- it may be placed under intensive supervision (the "grey list"), or
- It may be deemed to be in serious non-compliance or lacking the political will and commitment to comply, and therefore be considered a high-risk jurisdiction subject to the implementation of measures (placed on the "black list")



INTERNATIONAL FINANCIAL ACTION TASK FORCE:



CURRENT RECOMMENDATION No. 29

Countries should establish a Financial Intelligence Unit (FIU) to serve as a national centre for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offences and financing of terrorism, and for the communication of the results of that analysis. The FIU should be able to obtain additional information from regulated entities and should have timely access to the financial, administrative and law-enforcement information it requires to properly carry out its functions.



The FIU's mission and vision



Mission

To prevent, detect and contribute to the control of money laundering and financing of terrorism and the recovery of proceeds of crime

Vision

To protect the integrity of the economic-financial system and contribute to domestic law and order and international peace and security





QUESTIONS

- HOW DO JUDICIAL AUTHORITIES ACCESS FIU INFORMATION?
- WHAT INFORMATION IS SHARED?
- ARE ALL SUSPICIOUS ACTIVITY REPORTS (SARs) ANALYSED?
- IS THE INFORMATION SHARED FOR EVIDENTIAL OR INTELLIGENCE PURPOSES?



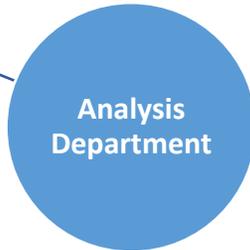
Faculties of FIU Argentina



- Oversees compliance



- Substantiates administrative summaries



- Receives, analyses and disseminates judicial collaborations



- Claimant in criminal proceedings

Preventive

Repressive



PREVENTIVE ASCPECT OF THE FIU



- Supervision of compliance with the obligations of the subjects obliged to report.

What are those obligations?

1. LA/FT PREVENTION POLICY
 2. CUSTOMER IDENTIFICATION POLICY (CDD)
 3. OBLIGATION TO REPORT (RSO-RFT)
- Non Compliance ➡ Administrative Summaries



PREVENTIVE ASPECT OF THE FIU

DEFINITION OF UNUSUAL OPERATION

Those operations attempted or carried out in an isolated or repeated manner, without economic and/or legal justification, that are not related to the economic-financial profile of the client, deviating from the uses and customs in market practices, either due to their frequency, habituality, amount, complexity, nature and/or particular characteristics.



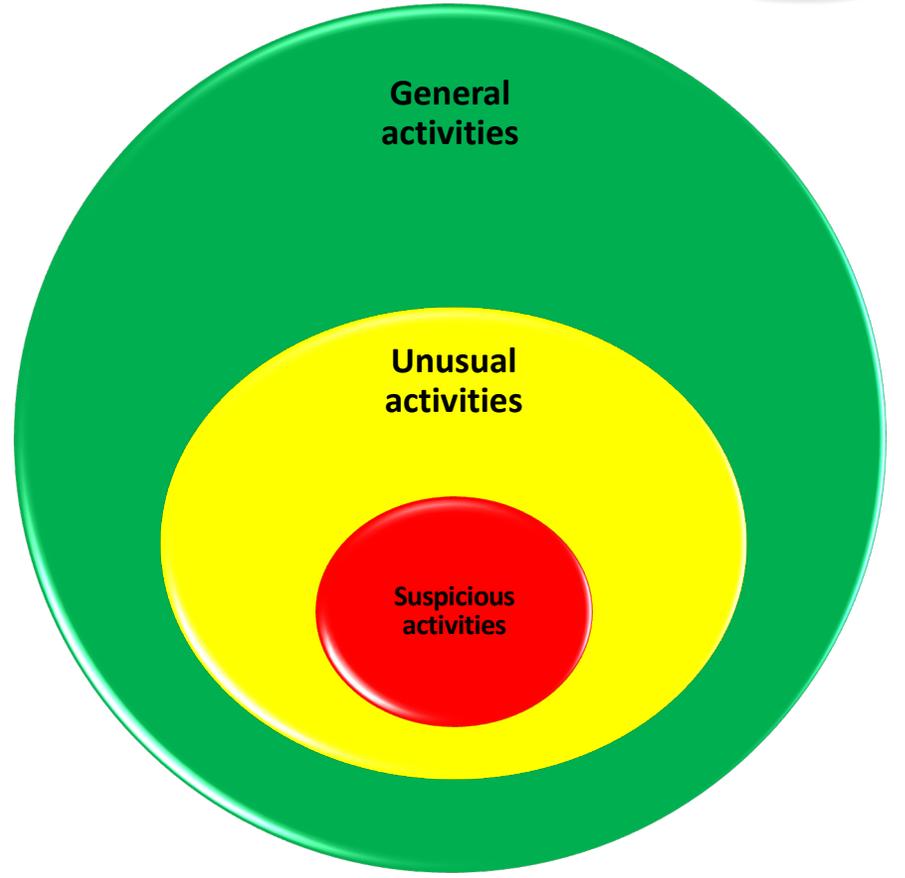
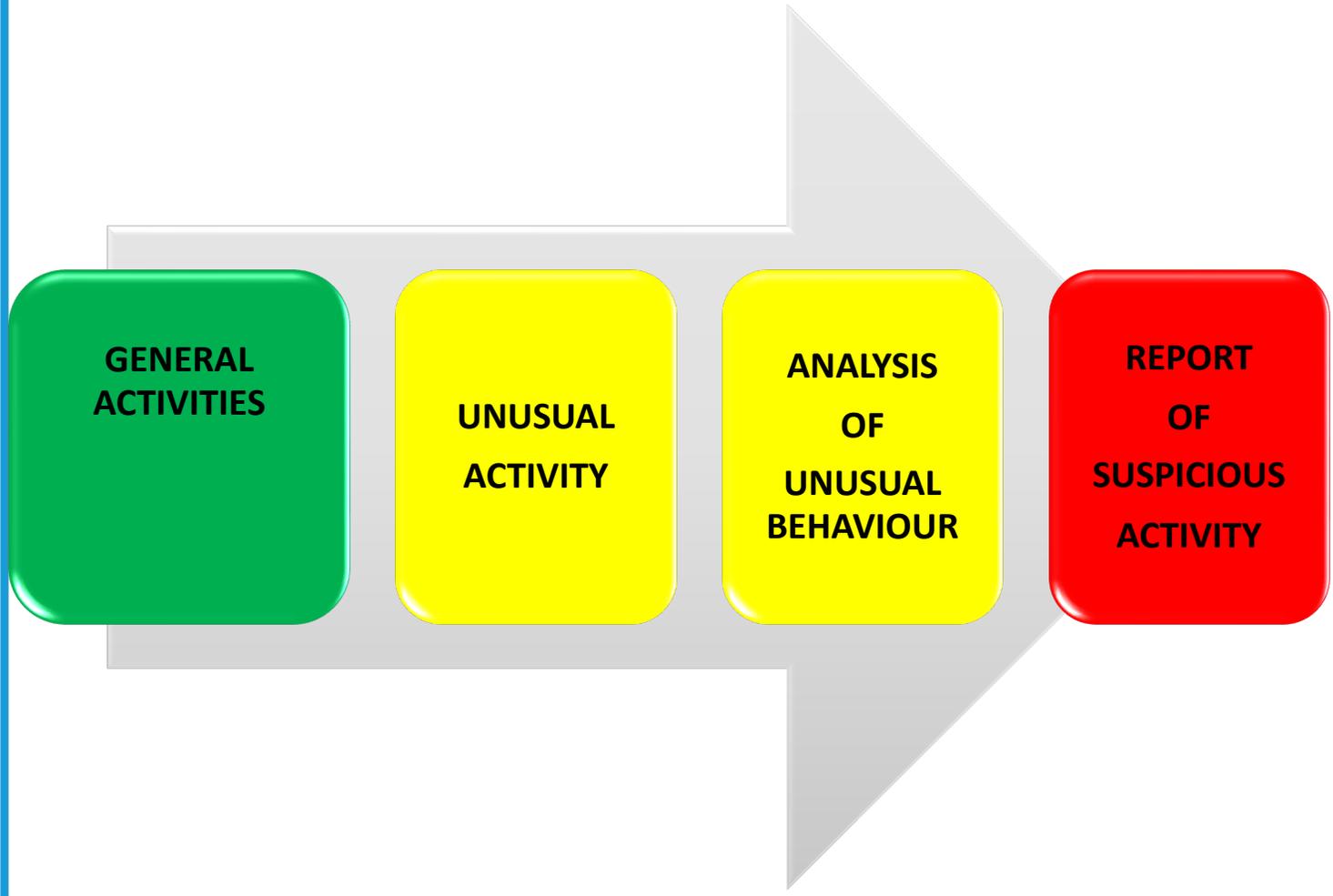
PREVENTIVE ASCPECT OF THE FIU

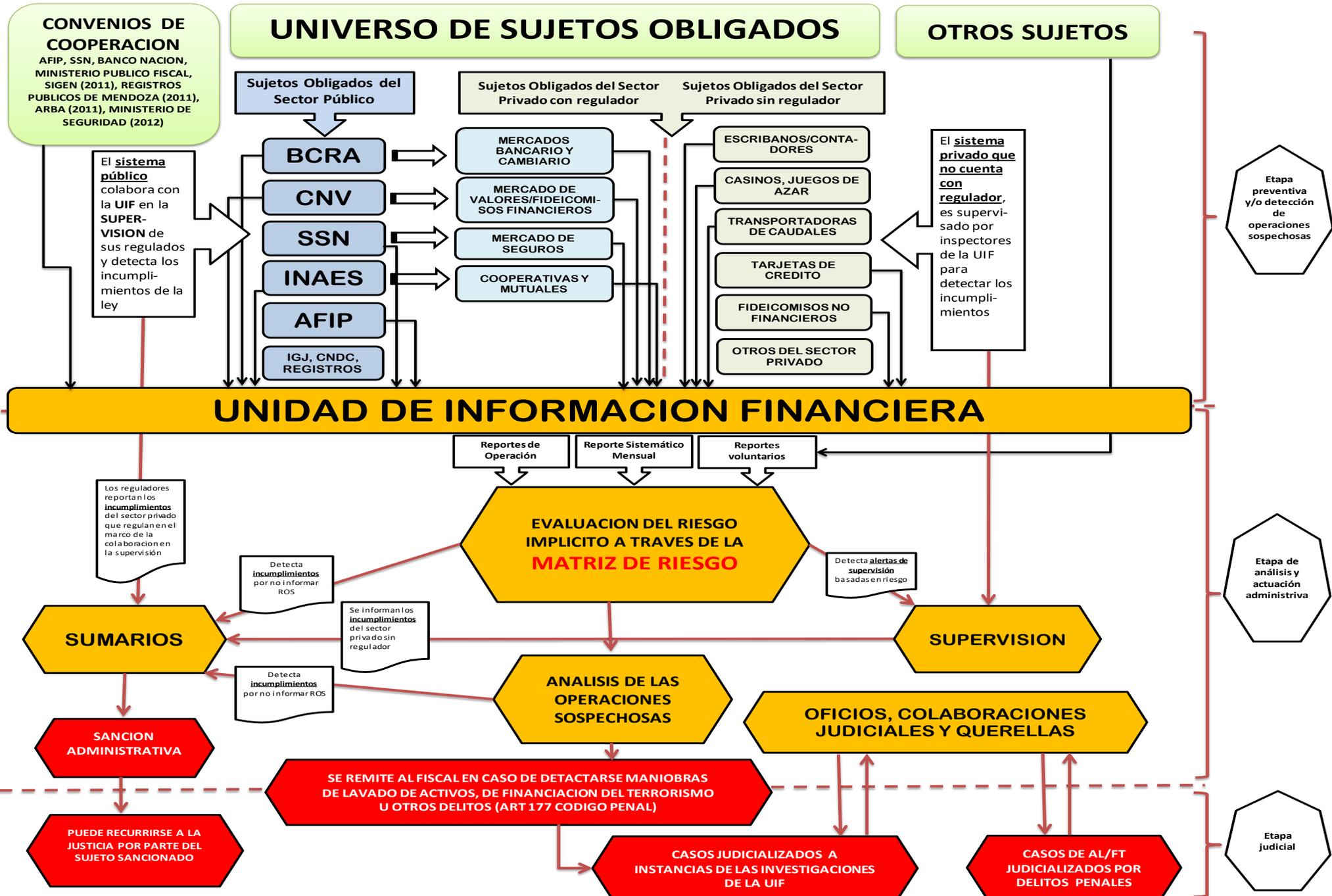


DEFINITION OF SUSPICIOUS OPERATION

Those operations attempted or carried out, which having previously been identified as unusual, after the analysis and evaluation carried out by the RI, are not related to the legal activities declared by the client, causing suspicion of Money Laundering or even in the case of operations related to activities lawful, there is suspicion that they are linked or that they are going to be used for the Financing of Terrorism.









Faculties of FIU Argentina



REQUESTS FOR INFORMATION SENT

REQUESTS FOR INFORMATION ASKED FOR

SPONTANEOUS DISCLOSURES

www.youtube.com/watch?v=2fdQd6N6yrM

*FAFT of Latin America

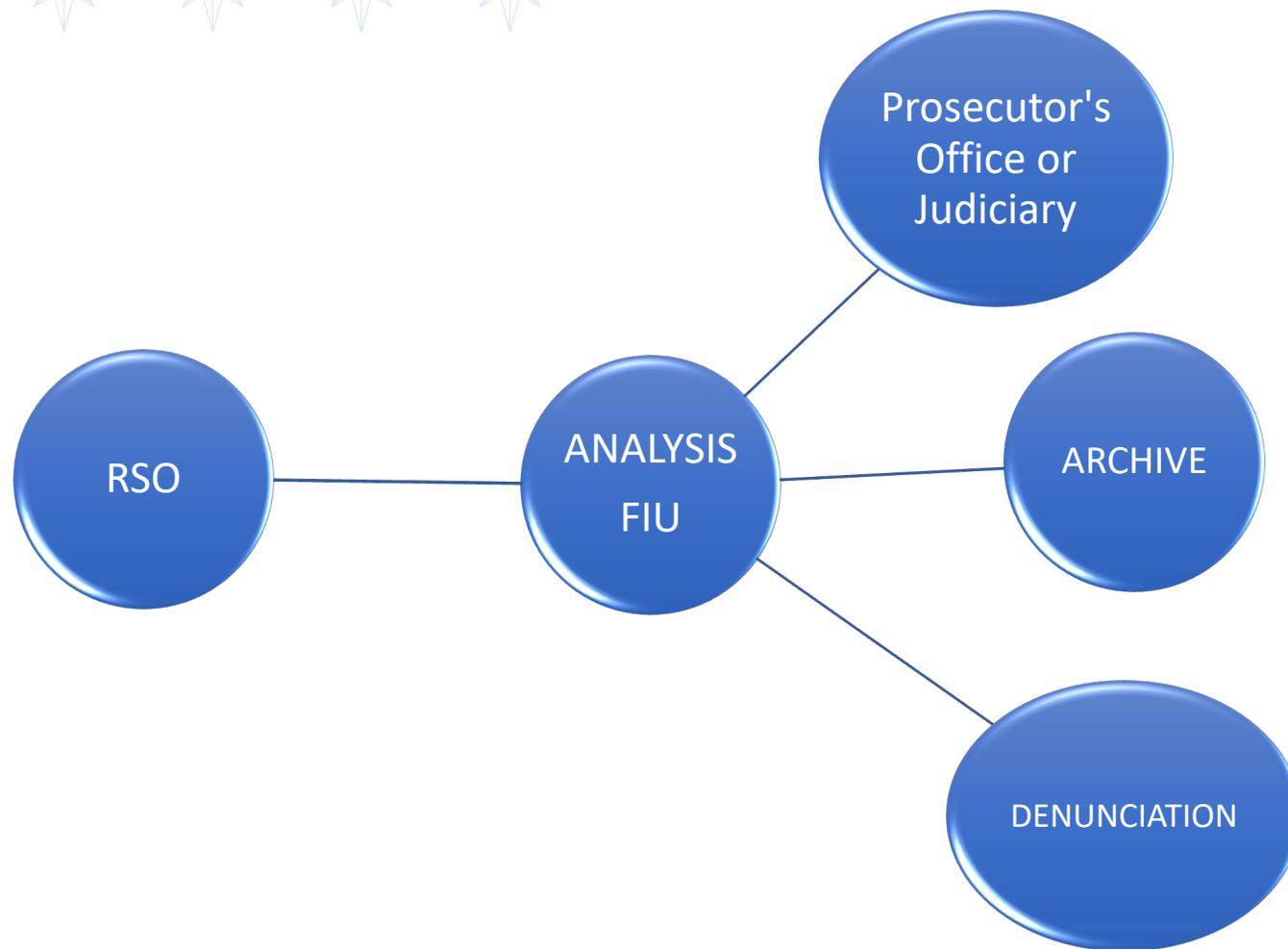


CHARACTERISTICS OF INFORMATION FROM FOREIGN SOURCES



- The requested FIU has complete discretion concerning the provision of information. The requesting FIU cannot impose deadlines and has no say in the response.
- The requested FIU has complete discretion concerning the scope of the information provided, and can stipulate that it may only be shared with the FIU, or also with the Public Prosecution Office, or with the judicial authorities, according to its criteria.
- The information provided by the FIU is generally only provided for intelligence purposes (to guide the acquisition of evidence). The FIU has only allowed for the information to be used as evidence in a few cases.
- Violation of the above by the administrative or judicial authorities incurs the international responsibility of the State.

REPRESIVE ASPECT



CRIMINAL ORGANISATION CASE



In this particular case, information obtained by federal security forces points to the existence of an organized group engaged in drug trafficking, on a large scale, by simulating foreign trade operations with the export of charcoal. The leader and their immediate entourage own several companies involved in building construction and film production, and a non-profit foundation. Through intermediaries and companies, members own land, high-end cars and urban real estate of significant value. The ringleader is also recorded as taking migratory trips to the United States.

Group 1

What information do you think you can find in the FIU's internal databases?

Group 2

What information would you request from financial organisations?

Group 3

What information would you request from non-financial organisations?

Group 4

What information would you request from outside sources?



CRIMINAL ORGANISATION CASE



CRIMINAL ORGANISATION CASE



Señales de Alerta

- The FIU has received 3 SARs from financial organisations, involving significant cash transactions.
- Transfers have been made abroad justified as foreign trade operations with extemporaneous invoices.
- The FIU has received 2 SARs in which property purchases and their subsequent sales were reported, for an amount substantially higher than the acquisition amount.
- There is a web of 25 companies of different trades susceptible to money laundering, in which addresses are duplicated and board of directors positions are held by different people with a degree of kinship.
- There are signs of a connection with drug smuggling.



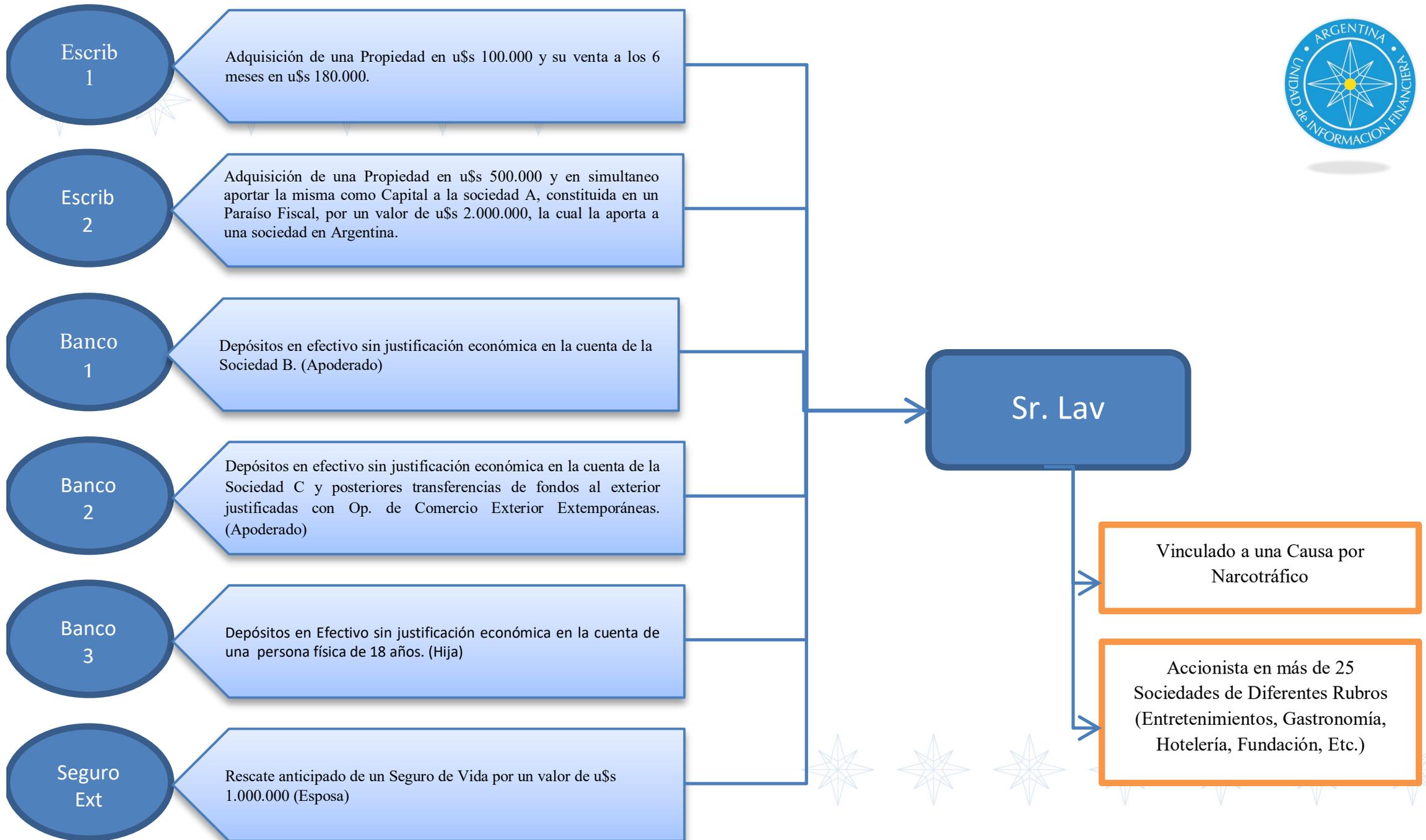
CRIMINAL ORGANISATION CASE



Mr. Lav's background

- According to journalistic notes, he had been a defense attorney for different drug traffickers.
- He had been prosecuted in 2008, as criminally responsible author of the crime of procedural fraud.
- He was arrested in the context of a case in which maneuvers consisting of concealing cocaine inside containers of bags containing charcoal, which were exported to the European Community (Spain – Portugal), were investigated.

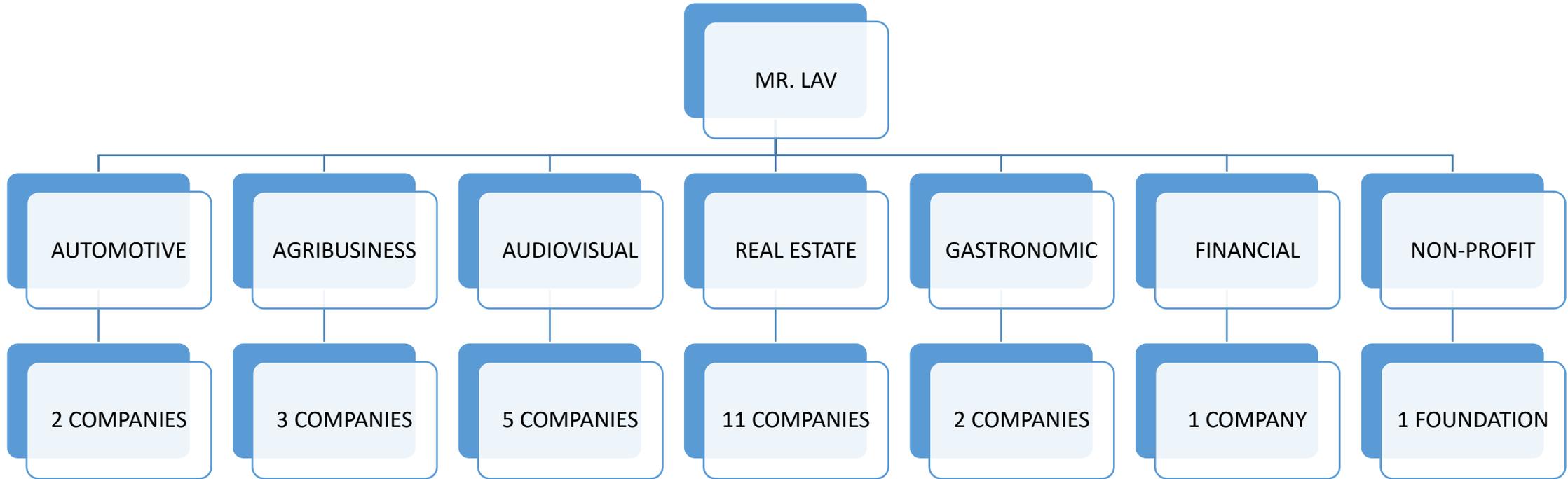




CRIMINAL ORGANISATION CASE



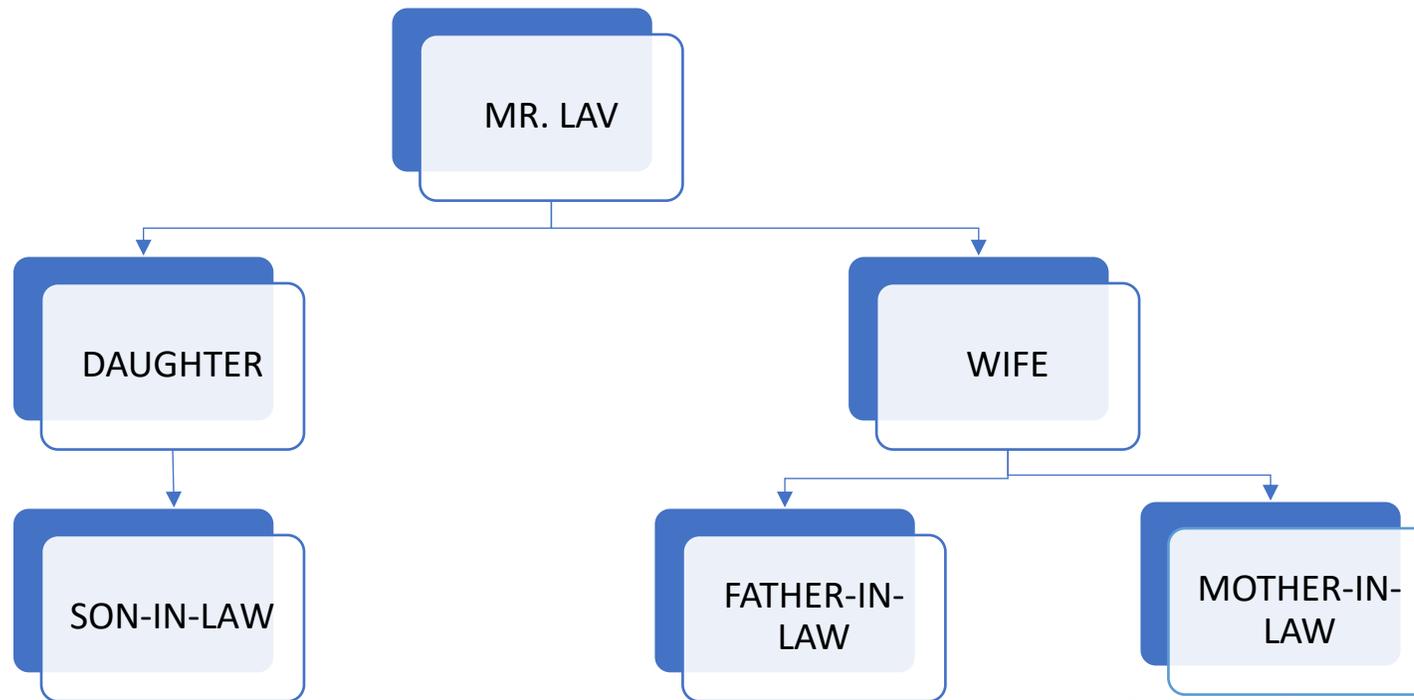
Corporate links



CRIMINAL ORGANISATION CASE



- Most of the companies have the same registered office.
- The powers of attorney were executed before the same notary.
- The companies' board of directors is made up of people in Mr. Lav's family circle:



CRIMINAL ORGANISATION CASE



WHEN LIFE IMITATES ART:

www.youtube.com/watch?v=RhsUHDJ0BFM

DUMMY CORPORATIONS. The companies have been used as fronts to disguise the proceeds of drug trafficking, facilitating money laundering via a so-called "commercial transaction", capital contributions and loans within the group.

CASH FLOW. Given that some of the activities identified, such as financial, automotive, real estate, and agricultural and livestock activities, generally involve large amounts of cash, these could have a money-laundering motive.

RISKY ACTIVITIES. Similarly, the foundation, audiovisual companies and gastronomic companies, could be being used to launder money through their "normal business".

CRIMINAL ORGANISATION CASE



INFORMATION FROM A FOREIGN SOURCE

- Information was obtained on assets and companies registered abroad by Mr. Lav. Notably, one of the partners abroad was detained for money laundering.
- It was discovered that Mr. Lav's wife had redeemed a life insurance policy abroad early, to the value of USD 1 million. This is a typical money laundering activity, since it lacks economic justification and the beneficiary receives the funds from the insurance company, which appears legal.





THE SYSTEM CASE:

SARs FROM THE
PREVENTION SYSTEM

ANALYSIS CARRIED OUT
BY THE FIU CONFIRMED
AND ADDED ELEMENTS
OF SUSPICION AND THE
CASE WAS SUBMITTED
TO THE PUBLIC
PROSECUTION OFFICE

THE JUDICIAL
INVESTIGATION HAD
THE FIU AS THE
CLAIMANT AND A
COLLABORATOR

JUSTICE CONDEMNED
THE MEMBERS OF A
CRIMINAL ASSOCIATION

- Drug trafficking
- Money laundering
- Forfeiture.

CRIMINAL ORGANISATION CASE



Secciones **▲** Multimedia Mapa de Noticias de 2021

Fiscales.gov.ar

Las Noticias del [Ministerio Público](#) **Q** **↓** **MENU** **≡**

OCULTAR **X**

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Veredicto del Tribunal Oral Federal de Resistencia

“White Charcoal” case: forfeiture and prison sentences of up to 9 years for laundering drug trafficking profits

8.03.2019 en [Criminalidad económica](#), [Fiscalías](#), [Narcocriminalidad](#)

Alcanzan al socio, la esposa y el suegro del abogado y empresario Carlos Salvatore, que también estaba acusado y falleció durante el juicio. El MPF había pedido para ellos penas de 18 y 15 años y 7 respectivamente a su hija, que resultó absuelta, tras identificar un “entramado de sociedades comerciales sin actividad real” constituido para disimular el origen ilegal del dinero.

EN ESTA NOTA:

El Tribunal Oral Federal de Resistencia (Chaco) condenó hoy a los integrantes de la organización criminal que fuera liderada por el abogado y empresario Carlos



CRIMINAL ORGANISATION CASE



CRIMEN Y JUSTICIA

Inside the mansion of Argentina's biggest cocaine trafficker, to be auctioned for over 2 million dollars

Carlos Salvatore, el fallecido abogado detrás de la cocaína del caso Carbón Blanco, vivió 15 años en la propiedad de la calle Melián que fue decomisada por la AABE. Los recuerdos que quedaron atrás

Por **Federico Fahsbender**
26 de Septiembre de 2020
ffahsbender@infobae.com



Así es la casa a la venta del narcotraficante Carlos Salvatore - #Informe

Uno compra una casa usada con todo lo que hay adentro. Quizás sea una buena oportunidad para los coleccionistas de memorabilia de historias del crimen. En **la vieja mansión del abogado Carlos Salvatore sobre la calle Melián al 2100 en Belgrano R**, donde vivió con su familia durante 15 años, hay **algunos recuerdos** entre los ambientes y la pileta con hidromasaje con hojas muertas y agua sucia. Queda **la vieja caja fuerte en uno de los pisos superiores, oculta en un mueble del playroom** con las marcas de fuego y soldadora: alguien, claramente, intentó abrirla a la fuerza. Está **el título de abogado de la**

PUBLICIDAD



Gracias!

Dr. Alberto Mendoza

