



Training “Asset Recovery: Freezing and Seizing Assets” OECD

Practical Activity No. 2
MLAT: Prepare a request.

Each of the four work groups shall perform the following task:

1. **Work as investigators working in the same country as chosen previously for researching information on cooperation channels.**
2. **For the exercise, choose a cooperating jurisdiction from the channels identified in the first part of the exercise.** For example, if the chosen country was Mexico, and they identified that Mexico has signed an MLAT with Italy, they can make a request from Mexico to Italy.
3. **Based on the hypothetical case below, they should decide what they can request from the “REQUESTED JURISDICTION” and the utility of the request.**
4. **In addition, they should DRAW UP a DRAFT REQUEST to be processed by the authorities of the country they have chosen.**

Case:

Country A: This is the country where you are based and where the case is being conducted.

Country B: Is the REQUESTED jurisdiction to which the request for cooperation should be addressed.

The Prosecutor's Office has charged **Micaela Cruz, Javier López, Nicolás Gómez, Gustavo Ruiz** and **Valeria Castro** with membership of a criminal organisation involved in car theft and selling stolen car parts. The alleged offences include money laundering. The illicit activities under investigation cover the period from 2018 to 2021, during which the laundering of approximately USD 40 million from this criminal activity is being investigated. The Prosecutor's Office has reached the legal standard required to obtain search warrants in Country A. The warrants have been executed and the investigation is ongoing.

The money laundering offence is punishable under the Criminal Code of Country A, with a sentence ranging from 3 to 10 years in prison and a fine ranging from two to ten times the value of the proven money laundering operations.



Based on the investigation so far, the following facts have emerged:

1. A purchase invoice from a firm called "Cars & Co." was found in the home of one of the accused, **Micaela Cruz**. This company, according to what could be found on the Internet, is a high-end car dealership, located in Country B. The invoice is for USD 40 000 and the description reads "advance payment for the purchase of a 2022 Mercedes Benz S 500". In addition, a photograph was found on Micaela Cruz's phone in which she can be seen in a Mercedes Benz S 500, in a landscape that looks like Country B. The Migration office has reported that, between 2018 and 2022, Micaela travelled three times to Country B.

2. The search of an Interbank Bank safe deposit box owned by **Javier Lopez** revealed 2 certificates of ownership in the name of a Company called "Clean Art" which is a BVI Business Company. The certificates are for 2 paintings by the Uruguayan artist Roy Wilmer Calatraba, valued at USD 400 000 each. Through the Internet, the investigators have found that both paintings are currently on display in the permanent collection of the MOKA museum, in Country B.

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3. In a raid on **Nicolás Gómez's** office, police found documentation, in the form of photocopies of the contract of a Limited Liability Company, located in Country B, called "Real Fate". On the Internet, the registration of a company with that name was found on a Country B government website. Nicolás Gómez is listed as an "officer" at the company. Also found in the office were copies of a bank statement from a branch of "ING" Bank in Country B. The statements show movements of USD 600 000 over of one year. The account is owned by "Real Fate LLC".

Use this information to prepare a draft cooperation request to Country B, referring to the MLAT that countries A and B have ratified.

The draft request for co-operation should contain some of the following items.

1. Parties
 - i. Requested Party
 - ii. Requesting Party
2. Requested authority
3. Purpose of the request
4. Relevant information
5. Subjects of the request
6. Information requested
7. Legislation, rules and laws