



INTERNATIONAL ENQUIRIES



Intelligence – Evidence

What is the difference?



Intelligence vs Evidence

The methods to obtain intelligence – evidence ?

- By contract
- By MOU
- By Diplomatic request – without any contract
- Between countries
- Between organisations
- Between agencies
- Between friends 😊 – informal



Intelligence vs Evidence – Practical Exercise

What methods to obtain intelligence – evidence to you know / have you used?

- Describe the method
- Related Problems
- Upcoming Challenges
- Benefits of the method

– 15 min breakoutgroup discussion



Intelligence vs Evidence

The method you use to obtain information will determine how you can use it:

- Intelligence Requests cannot be used or referred to in court – but could be used for the further investigation/new leads/.....
- Mutual Administrative Assistance can provide intelligence or evidence depending on the understanding with international partners
- Mutual Legal Assistance is the method of requesting evidence from another jurisdiction for the purpose of criminal proceedings only



INTELLIGENCE REQUESTS

International organisations to facilitate the exchange of information between jurisdictions on an intelligence only basis in asset recovery cases:

- Egmont Group of FIUs
- Camden Asset Recovery Inter-agency Network (“CARIN”)
- Asset Recovery Offices (“ARO”)- Regional networks

Facilitated by Financial Intelligence Units (“FIU”) in each country



HMRC has a network of Fiscal Crime Liaison Officers throughout the world

Crown Prosecution Service CPS has a number of Liaison Magistrates seconded to Embassies worldwide





Egmont Group of FIUs

The Egmont Group is a platform for the secure exchange of expertise and financial intelligence to combat money laundering and terrorist financing. It has 155 member FIUs across the world:



<https://www.egmontgroup.org/>



Camden Asset Recovery Inter-agency Network

CARIN is an informal network of contacts and a cooperative group concerned with all aspects of confiscating the proceeds of crime. It is a network of practitioners from 54 jurisdictions and 9 international organisations. It is linked to similar asset recovery networks in Southern Africa, Latin America, Asia Pacific, Eastern Africa and Western Africa.

Why does CARIN exist?

The purpose of CARIN is to increase the effectiveness of its members' efforts, on a multi-agency basis, to deprive criminals of their illicit profits.

What are CARIN's key objectives?

In seeking to serve its stated purpose, CARIN:

- has set up a network of contact points across multiple jurisdictions;
- focuses on the proceeds of all crimes, within the scope of international obligations;
- works to establish itself as a centre of expertise on all aspects of tackling the proceeds of crime;
- promotes the exchange of information and good practices;
- makes recommendations to bodies such as the European Commission, the Council of the European Union and the Financial Action Task Force, for example, relating to all aspects of confiscating the proceeds of crime;
- acts as an advisory group to other appropriate authorities;
- facilitates, where possible, training in all aspects of confiscating the proceeds of crime;
- emphasises the importance of cooperation with the private sector; and
- encourages its members to establish national asset recovery offices.

Who can use CARIN?

You can request CARIN assistance if you are a law enforcement officer (police/customs/other law enforcement agency), a prosecutor, magistrate or judge, or an official from an asset recovery office or asset management office.

Who may benefit from CARIN?

- Are you an investigator, judicial authority, or administrative structure involved in asset recovery proceedings that identifies and traces assets and/or criminal proceeds?
- Are those assets potentially subject to confiscation or forfeiture?
- Are they located in another jurisdiction?
- Do your suspects have any connections with other jurisdictions that may include owning assets or conducting transactions abroad?
- Are you interested in freezing or seizing assets located in another jurisdiction that may be subject to confiscation or forfeiture?
- Would you like to request that another jurisdiction execute a freezing or confiscation/forfeiture order on your government's behalf?
- Are you concerned about how assets frozen on your government's behalf in another jurisdiction will be managed? Will the asset be sold, will your jurisdiction be required to bear the costs of taking care of the assets, or will you have to manage the assets using your domestic powers?
- Do you have questions about how confiscated assets will be shared between your own jurisdiction and jurisdictions that provided legal assistance resulting in confiscation or forfeiture? Do you want to ensure that assets confiscated abroad will be repatriated or returned to victims? Are you concerned about how such repatriation will work in your case?

If the answer to one or more of these questions is 'yes', you may seek assistance from the CARIN network, by locating your own CARIN contact and putting them to work for you in your financial investigations and confiscation or forfeiture proceedings.

Your own CARIN contact will work with other CARIN contacts to get answers to your questions. You may also be able to directly communicate with the correct authorities in another jurisdiction, with facilitation from your CARIN contact.

How can CARIN help you?

CARIN contacts can assist you during any stage of the asset recovery process.

ASSET TRACING

- Locating bank and investment accounts, real estate, companies, cars, boats, and aircraft, through law enforcement or public information.
- Discovering where and how assets associated with your suspects may be hidden or concealed through the use of corporate structures, nominees, trusts, etc.

ASSET FREEZING AND SEIZING

- How can I ask another jurisdiction to freeze or seize assets in my case or investigation?

ASSET MANAGEMENT

Will foreign authorities look after the frozen assets and preserve its value until my case has concluded?

- Will foreign authorities sell the asset before the final judgment?
- What happens to the money generated by a sale?

ASSET CONFISCATION/FORFEITURE

- What do I need to ask another jurisdiction to execute my confiscation or forfeiture judgment or order?

ASSET SHARING

- How can I come to an arrangement about repatriating the assets or their value to my government from a jurisdiction that has confiscated and/or liquidated an asset in my case or investigation?

These are only some of the questions you may have regarding the tracing, freezing, seizure, management and confiscation or forfeiture of criminal proceeds or other assets belonging to a suspect. CARIN may be able to assist with these and other inquiries through its network of confiscation/forfeiture investigators and experts in key locations throughout the world.



Camden Asset Recovery Inter-agency Network

Member List:

Country	Membership Status	Country	Membership Status
Albania	Observer	Israel	Observer
ARIN-AP	Observer	Italy	Member
ARI-EA	Observer	Jersey	Member
ARINSA	Observer	Kosovo	Observer
ARINWA	Observer	Latvia	Member
Australia	Observer	Liechtenstein	Member
Austria	Member	Lithuania	Member
Belgium	Member	Luxembourg	Member
Bulgaria	Member	Malta	Member
Canada	Observer	Moldova	Observer
Croatia	Observer	Monaco	Observer
Cyprus	Member	Montenegro	Observer
Czech Republic	Member	Netherlands	Member
Denmark	Member	Norway	Member
Egmont Group	Observer	OLAF	Observer
Estonia	Member	Poland	Member
EUROJUST	Observer	Portugal	Member
Europol	Secretariat	RRAG Secretariat	Observer
Finland	Member	Romania	Member
France	Member	Russia	Observer
Georgia	Observer	Serbia	Observer
Germany	Member	Slovak Republic	Member
Gibraltar	Member	Slovenia	Member
Greece	Member	South Africa	Observer
Guernsey	Member	Spain	Member
Hungary	Member	Sweden	Member
Iceland	Observer	Switzerland	Member
Indonesia	Observer	Turkey	Member
International Criminal Court	Observer	Ukraine	Observer
International Monetary Fund	Associate	United Kingdom	Member
Interpol	Observer	UNODC	Observer
Ireland	Member	United States	Member
Isle of Man	Member	World Bank	Associate



Other networks



**Red de Recuperacion de
Activos de GAFISUD**
(RRAG) Secretariat located at
the GAFISUD Secretariat Office



Asset Recovery
Inter-Agency
Network for
West Africa



Asset Recovery
Inter-Agency
Network for
East Africa



Mutual Administrative Assistance

- Cooperation where coercive powers/judicial oversight are not required
- Treaties are usually basis
- Forms of MAA include:
 - Intelligence sharing
 - Identification and location of potential witnesses
 - Public records
 - Voluntary production of evidence



Tax Information Exchange Agreements

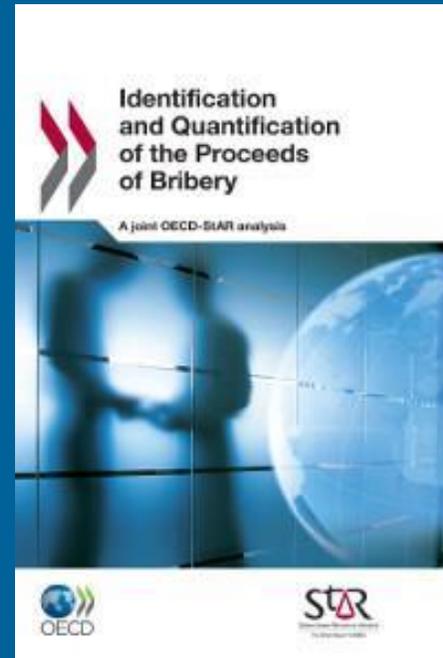
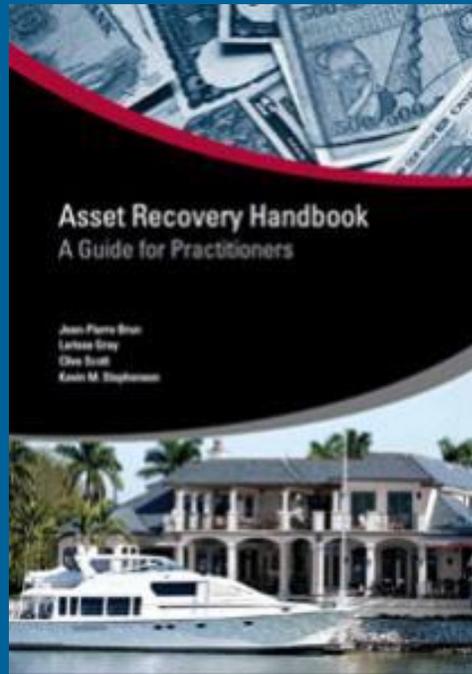
Bilateral or multi-lateral agreements between jurisdictions providing for the exchange of tax information, on request or spontaneously

- Limited to the taxes specifically covered in the agreement
- Use of the information depends upon the terms of the agreement (so may exclude use in criminal proceedings)
- Usually require that all other forms of enquiry should be exhausted
- Cannot lead to the exercise of criminal powers
- May require confidentiality

[List of Tax Information Exchange Agreements - OECD](#)



Resources





QUESTIONS?