



OECD International Academy for Tax Crime Investigation

Asset Recovery: Freezing and Seizing Assets



INTERNATIONAL CO-OPERATION

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Intelligence Requests through international organisations

There are a number of international organisations who facilitate the exchange of information between jurisdictions on an intelligence only basis. The main ones are:

- The Egmont Group of FIUs
- Regional Asset Recovery Inter-Agency Networks
e.g. ARIN-SA.



Intelligence Requests through international organisations

Other organisations include:

- The EU Asset Recovery Office
- Stolen Asset Recovery Initiative (StAR)
- Revenue Authorities



Financial Intelligence Units

- Each jurisdiction has its own FIU
- Communication is carried out FIU to FIU.
- Never apply directly to a foreign FIU.
- Third party requests are not accepted



Financial Intelligence Units

- The FIU is the single point of contact for all incoming and outgoing intelligence requests with FIUs in other jurisdictions
- Not all FIUs are the same, there are different models.
- The rules of engagement will differ from one FIU to another.



The Egmont Group of Financial Intelligence Units

- The Egmont Group is an International organisation comprising the Financial Intelligence Units (FIUs) of 166 countries worldwide.
- Secure communications channel to share sensitive information and a proven method of obtaining financial information
- Information acquired through the Egmont channel is for intelligence purposes only, can be used to help formulate an international letter of request (ILOR).
- May not be disseminated to a third party without written permission of the originator
- Intelligence exchanged between FIUs can be used only for the specific purpose that it was obtained



The Egmont Group of Financial Intelligence Units

The Primary documents that support the Egmont Group Mission are

- The Egmont Charter
- The Egmont Principles for Information Exchange between FIUs

Considered “soft law” but binding on all members.

Cooperation - Ensure conditions for communications between FIUs



Asset Recovery Inter-Agency Networks

- Promote international Co-operation through informal channels between requesting and request receiving states
- Bring together relevant competent authorities for all crimes – including practitioners
- Some have secure platforms only accessible to members



CARIN – Camden Asset Recovery Inter-Agency Network

- Informal Network of Law Enforcement and Judicial Partners
- 54 Members, plus associate members (including South Africa, Egmont Group) and Observers (UNODC)
- Aims to enhance effectiveness of efforts to deprive criminals of their illicit profits
- Linked to the other Asset Recovery Inter-Agency Networks



Asset Recovery Inter-Agency Networks

- Asset Recovery Inter-Agency Network - Southern Africa
- Asset Recovery Inter-Agency Network - Eastern Africa
- Asset Recovery Interagency Network - West Africa



Asset Recovery Inter-Agency Networks

- Asset Recovery Interagency Network – Asia Pacific
- Asset Recovery Interagency Network – CARIB
- Red Regional de Recuperación de Activos de GAFISUD



EU ASSET RECOVERY OFFICE

- The Asset Recovery Office is located within the UK Financial Intelligence Unit (UKFIU) at the National Crime Agency
- The Asset Recovery Office are central contacts, their objective is to facilitate EU wide tracing of assets
- Support CARIN (Camden Assets Recovery Inter-Agency Network) – global network
- Exchange information upon request and spontaneously



Stolen Asset Recovery Initiative (StAR)

Partnership between World Bank Group and UNODC

- Supports International efforts to end safe havens for **corrupt** funds.
- Works with developing countries and financial centres to prevent the laundering of the proceeds of corruption.
- Policy – Practical Advice
- Case Assistance – Provides a platform for dialogue and collaboration on specific cases
- Capacity Building – Developing the legal framework, institutional expertise and skills



INTERPOL/StAR Global Focal Point Network

- Each Interpol member countries has a designated “Focal Point” available to respond to immediate requests
- Secure Information Exchange has been an issue in the past and not all members had secure email systems – secom now introduced
- International Anti-Corruption Co-ordination Centre based in London - “Grand Corruption”



Fiscal Crime Liaison Officer Network



HMRC has a network of over 40 Fiscal Crime Liaison Officers based in 32 countries throughout the world.

Albania, Australia, Austria, Belgium, China, Cyprus, Dubai, France, Germany, Greece, Hong Kong, Hungary, Kosovo, India, Ireland, Italy, Lithuania, Madrid, Malaysia, Netherlands, Panama, Poland, Portugal, Romania, Sofia, Singapore, South Africa, Spain, Ukraine, United States



Role of FCLO – Competent Authority Status

Designated Competent Authority to exchange intelligence and information with host LE agencies, Tax administrations, Customs Authorities, Prosecuting Authorities and Security Services.

Covering

- Tobacco and Alcohol – evasion of duty & taxes
- MTIC VAT Fraud
- Hydrocarbon Oils
- Direct Taxes, Benefits & Credits
- Strategic exports and counter proliferation
- Criminal Finances/Offshore



FCLOs – What can we do?

Early engagement with the FCLO, clear background to the investigation and the offences under investigation, what do you want and when do you want it by – please be realistic with your time frames.

The intelligence and information from hosts varies dependant on the jurisdictions legislation and the appropriate legal gateway to exchange information.

I may be able to access information held in other countries covered by the network.



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ANY QUESTIONS?

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