

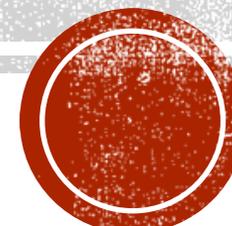
JOINT WORKING

Between prosecutor's offices and financial investigation agencies in Acussatory Criminal Proceedings



Federico Surá - Argentina

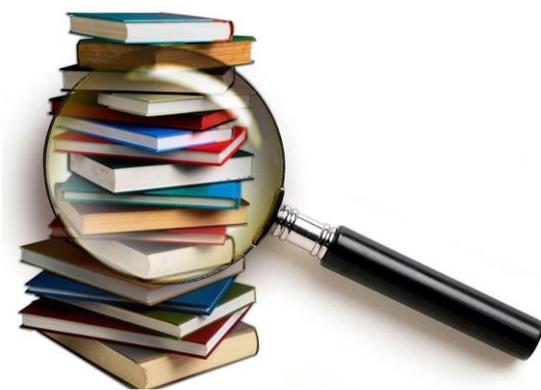
2025 – OECD Managing Financial Investigations Programme



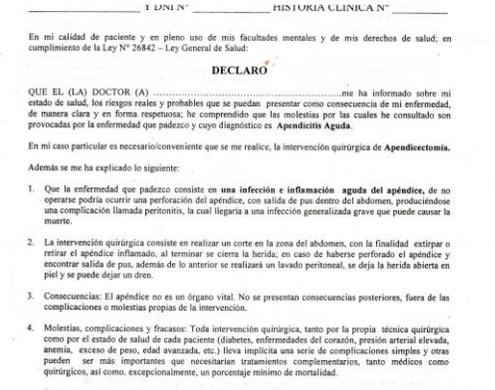
MAIN TOPICS



Criminal
Proceeding



Investigation

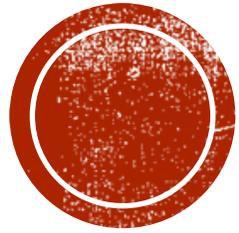


Reports



Statement





FIRST PART

Criminal Proceeding

CRIMINAL PROCEEDING'S PHASES

Investigation



Preliminary

Oral Trial



STANDARDS OF EVIDENCE

...-ENACOM- (ver fs. 660/666), ...
Luis Alberto Peruzzato (ver fs. 676/677) y D.
(fs. 686); lo informado por la División Alarmas de la I.
(694) y lo manifestado por la querrela (ver fs. 695/699),
arguyendo de dichas probanzas la posible existencia de nueva
interferencias perjudiciales provenientes del mismo domicilio
investigado en autos, dispónese el registro domiciliario del inmueble
ubicado en Av. Ángel Gallardo 752, Planta Baja, 1º piso, 2º piso y
terrazza de esta Ciudad, lugar donde funcionaría la "Cooperativa de
Trabajo Antena Negra TV LTDA.", con el objeto de proceder al
secuestro de todos aquellos equipos que generan interferencia en la
banda de frecuencia comprendida entre los 506 y 512 megahertz
(Mhz).-

En el mismo acto de la diligencia, deberá hacerse
al Ente Nacional de Comunicaciones (ENACOM), el
"sestrados, en carácter de depositario judicial, y l"
"se acta de estilo.-

Legality



Relevance



Credibility



Q&A – ¿WHICH KIND OF WITNESS DO YOU THINK THE INVESTIGATOR IS?



TYPES OF WITNESSES

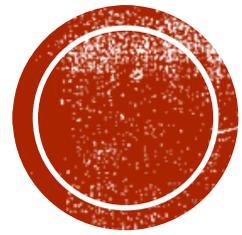


COMMON



EXPERTS





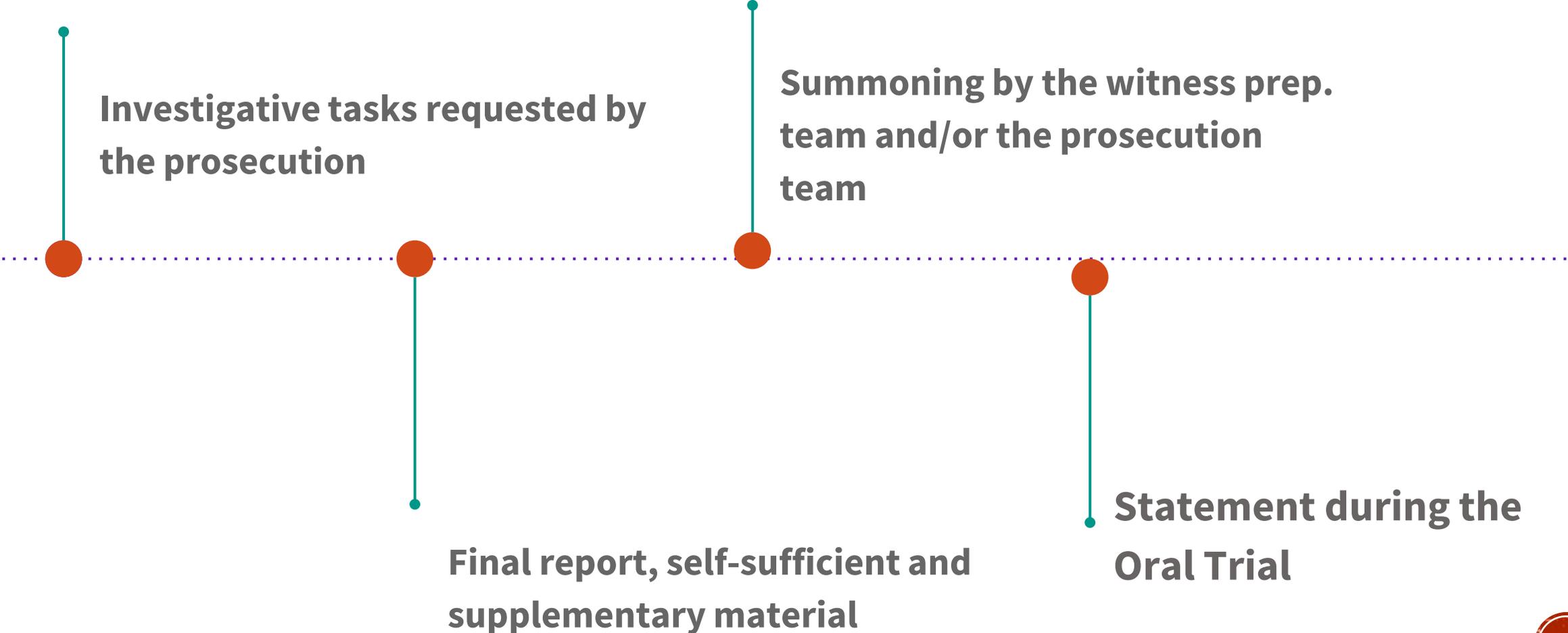
SECOND PART

The Investigator's Job

DISCUSSION: WHEN DOES THE INVESTIGATOR'S JOB END?



PHASES IN THE INVESTIGATION



Investigative tasks requested by the prosecution

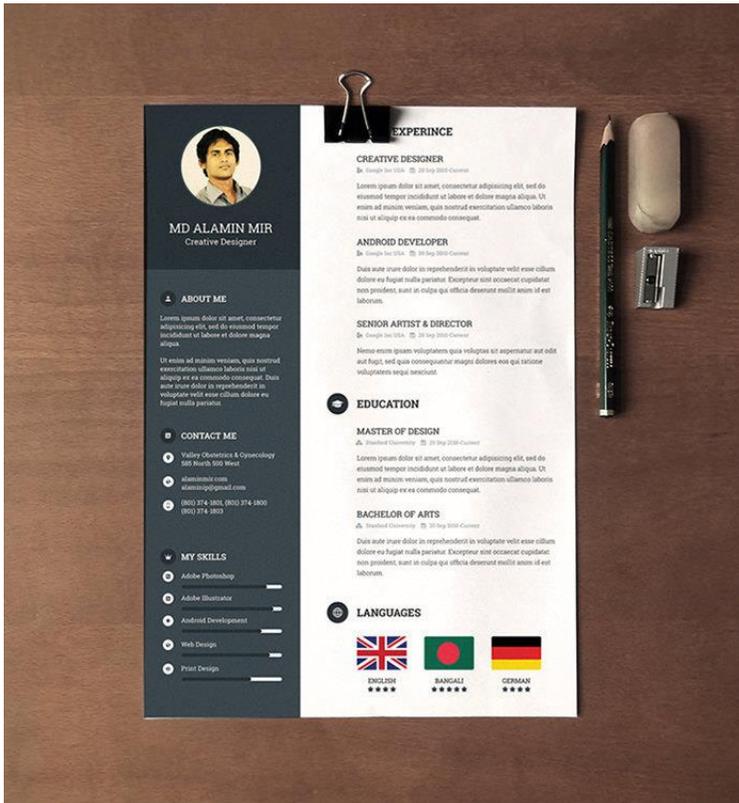
Summoning by the witness prep. team and/or the prosecution team

Final report, self-sufficient and supplementary material

Statement during the Oral Trial

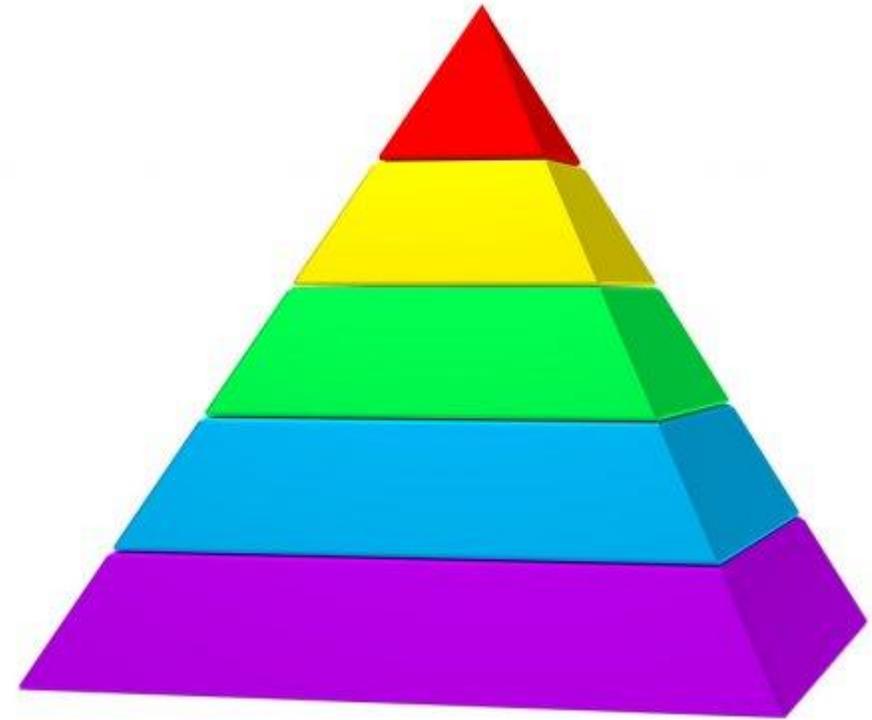


PREPARATION

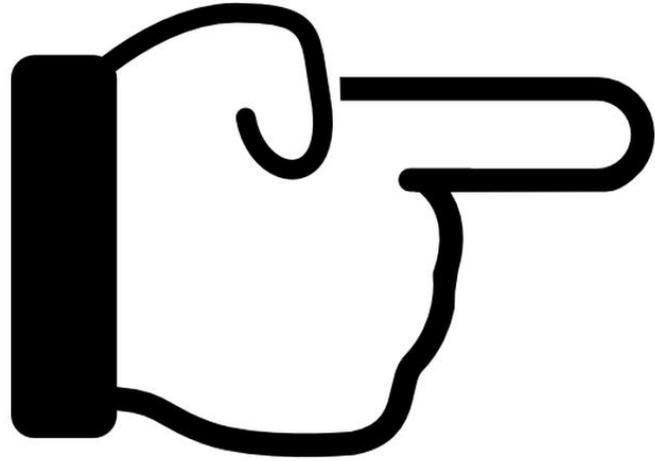


CHECK WHICH ARE THE CORRECT WAYS TO COOPERATE

- Understand the organisation you are going to work with
- Know their internal rules, and ways to communicate
- (is formalism an obstacle or something to deal with)
- know the hierarchical organization of the investigative agency



WORK ASSIGNMENT



INFORMATION PRODUCTION

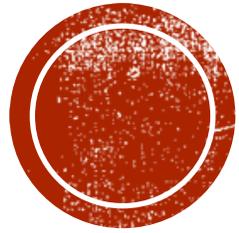
- Report:

1. Identification of the **author**
2. Individualization of **inputs** (previously corroborated data)
3. **Hypothesis or objective** of the work
4. Detailed explanation of the **work done + methods + procedures**
5. **Conclusions** you achieve
6. **Documentary** annexes: optional
7. Surrounded in **time and space**



KEEP IN TOUCH





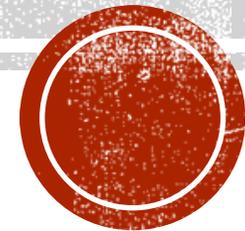
THIRD PART

Uses of Investigation Reports

REPORT'S USES



NATURE OF THE REPORT PREVIOUS STATEMENT VS. DOCUMENT



PREVIOUS STATEMENT VS. DOCUMENT

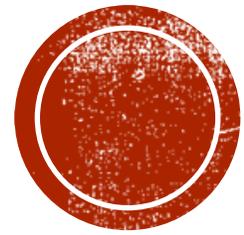
PREVIOUS STATEMENT	DOCUMENT
Record of statements of the witness or expert	Contains relevant background information to the case
Any means of recording pre-trial registries	Any means of reproduction is useful
Moment of use in trial: strictly adhered to the statement of the witness	Ideal witness + use
Use in court: refresh memory or highlight contradictions	Introduction as evidence + use + object of assessment by the judges
THEY DO NOT SUBSTITUTE THE TESTIMONY	THEY DO NOT SUBSTITUTE THE TESTIMONY
NOT PROOF	PROOF
MUST NOT BE OFFERED AS PROOF	MUST BE OFFERED AS PROOF



IMPACT OF THE NATURE OF THE REPORT IN THE ORAL TRIAL

PREVIOUS STATEMENT	DOCUMENT
Its use will only be possible in case of oversights or contradictions	It may be used throughout the return once entered
Cannot have document to answer questions	The witness can help himself with the consultation of the document
It will not be valued by the judge	It will be subject to evaluation by the Judge once introduced





FOURTH PART

The statement

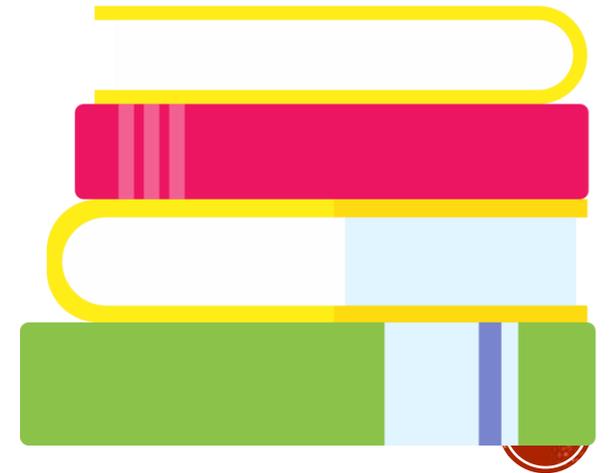
POST-DELIVERY WORK

1. Preparation Interview

1. Statement in oral trial

PREPARATION INTERVIEW

-
- ⌘ Summoning – features
 - ⌘ Preparation before the interview
 - ⌘ Importance and rationale
 - ⌘ Implication of the interview
 - ⌘ Summons before trial?
 - ⌘ Contact with the prosecutor



**DIRECT
EXAMINATION**

**CROSS
EXAMINATION**



METHODOLOGY FOR ORGANIZING THE STATEMENT

1. Accreditation
2. Facts

INTRODUCING EVIDENCE TO THE TRIAL



HM Revenue & Customs

W.A.N Smith
7 Avenue
W07 2TC

Your Annual Tax Summary 2013-14

How your tax was spent in 2013-14

The information on this page shows you how your Income Tax and National Insurance contributions were spent in 2013-14. This does not include indirect taxes such as VAT and other duties.

For more information about your tax and public spending, go to www.gov.uk/annual-tax-summary

Dear Mrs Smith

For the first time we are sending you an Annual Tax Summary. This is to show you how your Income Tax and National Insurance contributions (NICs) are calculated and how your money is spent by the government.

This is for your information. You do not need to contact us as this is not a demand for payment.

This is how we worked out your tax for 2013-14

Your taxable income
 2013-14 income from employment £23000.00
Your income before tax £23000.00
 Less your 2013-14 tax free amount £3460.00
You pay tax on £19540.00

Your tax was calculated as

Income Tax
 Basic rate income tax £19540.00 at 20% £3908.00
Total Income Tax £3908.00
National Insurance contributions (NICs) £1828.76
Total Income Tax and NICs £4441.76
Your income after tax and NICs £15098.24

Your employer pays

National Insurance contributions (NICs) £1212.48

For more information go to www.gov.uk/annual-tax-summary

Go to our website to find out more about your Tax Summary, and for a list of indirect taxes such as VAT.

Your taxable income
 £23000.00
 See how this figure is calculated and explore your total tax free amount for 2013-14 at www.gov.uk/annual-tax-summary. This is the amount you received in the 2013-14 tax year before paying tax.

Tax free amount
 £9440.00
 After your tax free amount, deductions and expenses your total tax free amount for 2013-14 is £9440.00. This is the amount you received in the 2013-14 tax year before paying tax.

Your tax and NICs
 £4541.76
 This is 20% of your taxable income. For every £1 of income, you paid 20p in Income Tax and NICs.

Your income after tax and NICs
 £15098.24
 This is your income after Income Tax and NICs.

How your tax contributed to public spending

Your contribution

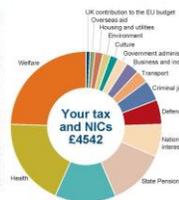
Welfare	£1113
Health	£957
Education	£957
State Pensions	£250
National debt interest	£316
Defence	£241
Criminal justice	£233
Transport	£134
Business and industry	£125
Government administration	£93
Culture eg sports, libraries, museums	£77
Environment	£75
Housing and utilities eg street lights	£75
Cherwell and	£62
UK contribution to the EU budget	£34
Total	£4542

All figures are rounded to the nearest pound.

The figures in the table above are intended as a guide to how your tax has been spent and not as a receipt for your income tax, National Insurance contributions and any specific expenditure.

If you would like to opt out of receiving future tax summaries please register at www.gov.uk/annual-tax-summary

Spending information is published by HM Treasury.



Your tax and NICs £4542

UK contribution to the EU budget

Cherwell and

Housing and utilities

Environment

Government administration

Business and industry

Transport

Criminal justice

Defence

National debt interest

State Pensions

Education

Health

Welfare

REVENUES	NON-BOARD CONTRIBUTIONS*	BOARD CONTRIBUTIONS	TOTAL
Contributions	140.0	90.8	230.8
Net Gains on Board Donations Investments	—	10.5	10.5
Insurance Settlement Proceeds	1.1	—	1.1
Interest and Other Income	—	1.7	1.7
Capital Grants Reservations from P...	1.3	1.3	2.6
TOTAL REVENUES	143.4	104.3	246.7
EXPENSES	GRANTS PAID WITH NON-BOARD CONTRIBUTIONS*	COSTS COVERED BY BOARD MEMBERS**	TOTAL
PROGRAM			
Grants and Initiatives	94.9	29.6	134.5
Evaluations and Consulting Services for Grantees	—	0.3	0.3
Program Salaries and Overhead	—	7.9	7.9
SUPPORT — PROGRAM	94.9	47.8	142.7
FUNDRAISING AND PUBLIC INFORMATION			
Communications and Events Production	—	19.9	19.9
Development Salaries and Overhead	—	8.8	8.8
SUPPORT — FUNDRAISING AND PUBLIC INFORMATION	—	28.7	28.7
ADMINISTRATION SALARIES AND OVERHEAD			
—	—	3.7	3.7
TOTAL EXPENSES	94.9	80.2	175.1
CHANGE IN NET ASSETS	47.5	24.1	71.6
Total Net Assets, Beginning of Year			326.0
Total Net Assets, End of Year			397.6
Total Net Assets			397.6
Less: Board Designated for 2013 Core Grants			(11.3)
Less: Board Designated for High Schools			(106.0)
Less: Donor Restricted for Hurricane Sandy Relief Grants			(52.1)
Less: Donor Restricted for the Prize Fund			(18.7)
Less: Donor Restricted for the Veterans Initiative			(7.0)
Less: Donor Restricted for Future Capital Projects			(4.6)
Less: Donor Restricted for Early Childhood Initiative			(2.9)
Less: Donor Restrictions for Other (TIMING, PURPOSE)			(5.7)
Residual Spendable Net Assets at 12/31/12²⁰¹²			86.3

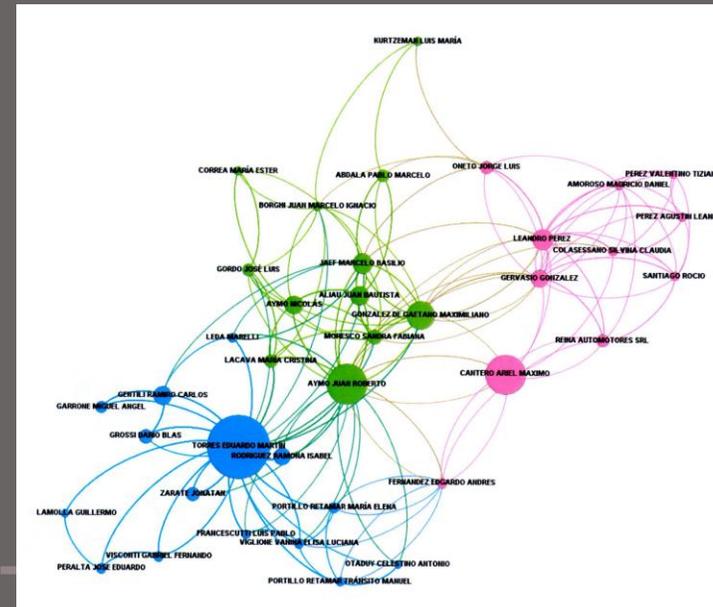
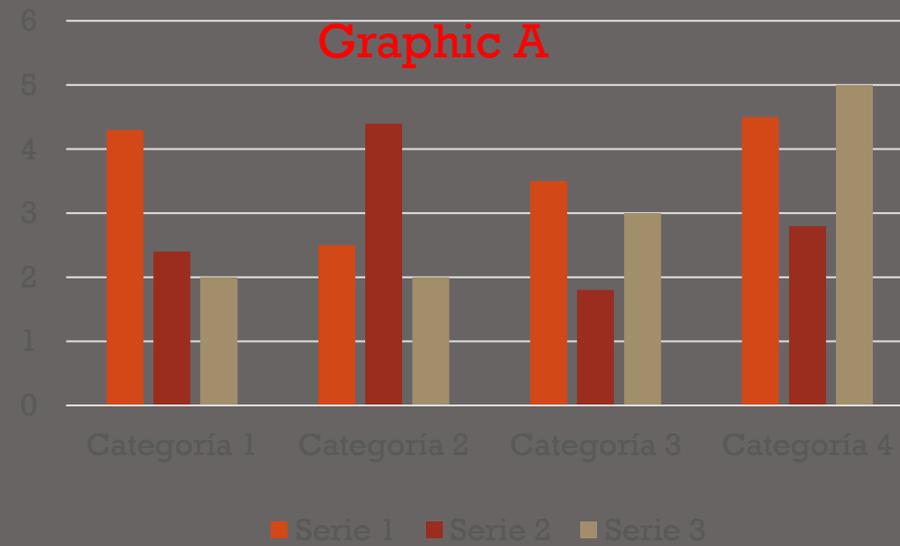
* 100% of unrestricted Non-Board contributions pay for grants and initiatives within one year; 2013 unrestricted contributions were used to pay for core grants in 2012.

** 100% of all overhead costs are covered by Board donations unless specifically funded by restricted donations.

*** Spendable net assets are net assets that remain after subtracting all liabilities, commitments and illiquid assets. This is Robin Hood's reserve fund. Because all non-board donations are designated solely and directly for program grants, this reserve fund is comprised exclusively of board-donated dollars.

BOARD FINANCE COMMITTEE
 David Einhorn, Chair • Leo S. Austin III • Peter F. Borish • Glenn Dubin • John D. Clark

HOW TO PRESENT IT IN COURT



(Grafo N°5). Grafo k-core 7. Grafo nuclear, en donde color identifica comunidades, y tamaño en función de la centralidad de grado del nodo.

CROSS EXAMINATION

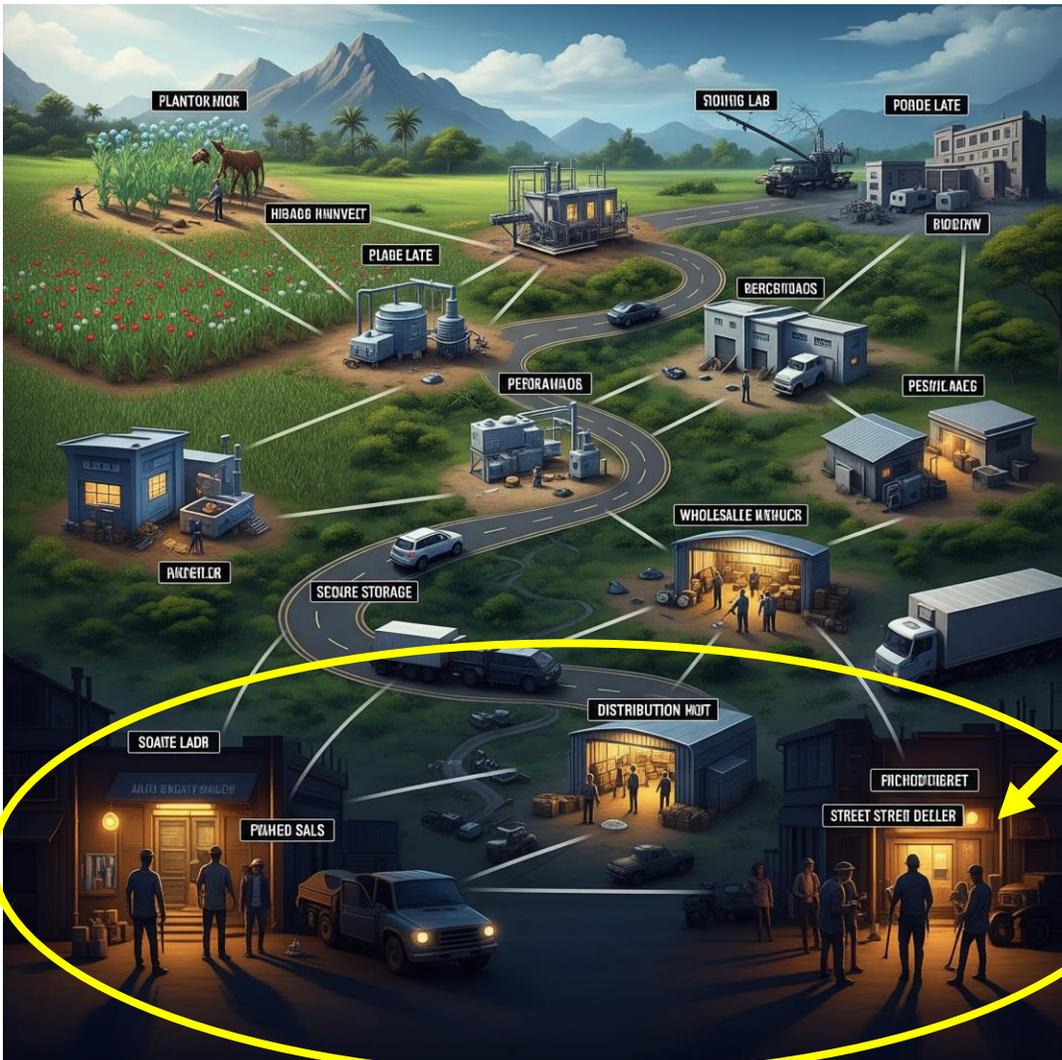
1. Identify a self interest in the case
2. Identify a work defect in work inputs
3. Identify an error in the work methodology
4. Identify a conclusion that is not consistent with the information gathered

AN EXAMPLE OF JOINT WORK

THE IMPLEMENTATION OF THE DEFEDERALIZATION OF MICRO-TRAFFIKING OF ILLEGAL DRUGS IN THE PROVINCE OF NEUQUÉN, ARGENTINA



WHAT IS DRUG MICROTRAFKING?



🔗 Drug Microtrafficking refers to the retail sale of narcotics, being this the last phase of the drug marketing chain



NATIONAL LEGAL BASIS

📌 Ley 23.737 – Drug Trafficking Law:

✿ It classifies crimes linked to the improper contact of the population with narcotics, including:

- Trafficking in any of its forms, art. 5 of the Law
- Possession of illegal drugs (Article 14, first part)
- Possession of illegal drugs for personal use (Article 14, second part)

📌 Law No. 26.052 – Defederalization of Drug Dealing

✿ Invite the Argentine Provinces and the Autonomous City of Buenos Aires to adhere to the law, which assigns jurisdiction to the provincial states to investigate and prosecute crimes related to drug microtrafficking or drug dealing



PROVINCIAL LEGAL BASIS

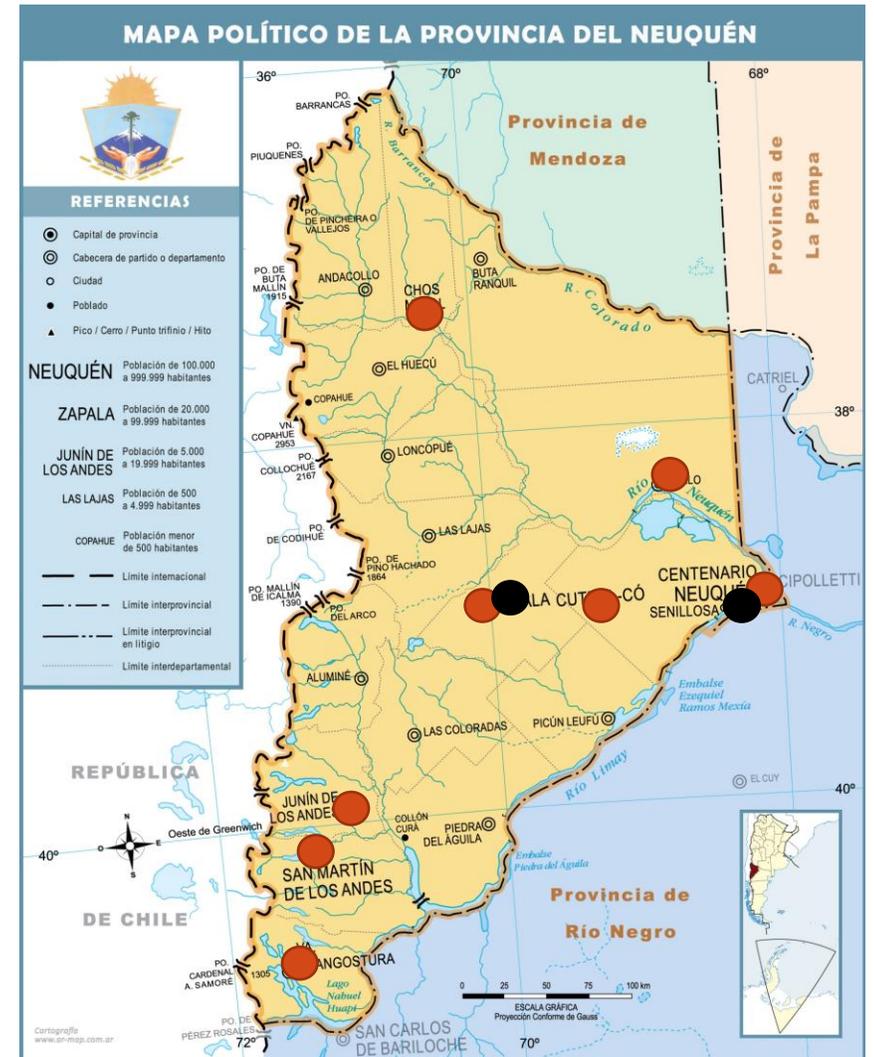
- ❧ Law 3488 of the Province of Neuquen, sanctioned in December 2024
 - ❧ Adheres to National Law No. 26052
 - ❧ Sets the effective date for February 28, 2025
 - ❧ Establishes a special form of distribution of resources

❧ **This law was sanctioned as a result of an agreement between the 3 Powers of the Provincial State**



BASIS FOR THE DECISION

- Greater presence of the public prosecutor's office of Neuquen, as opposed to the Federal Judiciary
- Procedural regulations that streamline processing times, thereby achieving more efficient results
- Allow the Federal Prosecutor's Office and its assistants to concentrate their resources on macro- trafficking investigations



- MPF Neuquen's Presence
- Federal Prosecutor's Office presence



PARADIGM CHANGE

GENERAL INSTRUCTION NO. 26

📌 Issued on February 28, 2025, by the General Prosecutor of the Province of Neuquen

PREVIOUS INTERVENTION	FROM G.I. 26
Prohibitionist model	Harm Reduction Model
Reactive and random criminal prosecution	Criminal Prosecution based on prioritization criteria
How to measure results: quantities of drugs seized, people arrested, etc.	How to measure results: Reduction or increase in the number of crimes committed in a given area



PRIORITIZATION CRITERIA — MARKET CLASSES



Vs.



PRIORITIZATION CRITERIA — LINK TO DRUGS



PRIORITIZATION CRITERIA – TYPE OF SUBSTANCE



JOINT WORKING

- ✂ Between Provincial Prosecutor's Office and Federal Prosecutor's Office
 - ✂ Creation of interjurisdictional working groups to share useful information for both parties
 - ✂ Two sides of the story:
 - Provincial Prosecutor's office as a Gateway for sophisticated criminal organizations that move up the drug trafficking chain
 - Database already collected years ago by the Federal Court based on its work in the field



JOINT WORKING WITH LAW ENFORCEMENT AGENCIES



CHALLENGES

- 1. Provincial Prosecutor's office officials who lack experience in drug trafficking investigations
- 2. Law enforcement personnel unfamiliar with the applicable procedural regulations
- 3. Law enforcement personnel accustomed to the prohibitionist approach – which clashes head – on with the harm reduction model
- 4. Demands for different results from the security forces than those demanded from the Prosecutor's Office
- 5. Lack of procedural legal regulations for relevant institutions to this type of investigation
- 6. Prison crisis in the province's penitentiary institutions + minimum sentences that, for the most part, make it impossible to impose conditional sentences or probations



ANY CHALLENGES CAN BE SOLVED BY WORKING TOGETHER

- What was done?
- 1. Officials from the Provincial Prosecutor's Office who have no experience in drug trafficking investigations

Public competitions to fill specific positions on the subject

Various training proposals were made available to officials

Meetings with security forces with experience in the subject



ANY CHALLENGES CAN BE SOLVED BY WORKING TOGETHER

- & What was done?
- & 2. LAW ENFORCEMENT PERSONNEL UNFAMILIAR WITH THE PROVINCIAL CRIMINAL PROCEDURE AND THE DIFFERENCES WITH WHICH THEY PREVIOUSLY WORKED
- & 3. LAW ENFORCEMENT PERSONNEL ACCUSTOMED TO THE PROHIBITIONIST APPROACH – PRACTICAR COLLISION WITH THE HARM REDUCTION MODEL

Communicate the bases of the procedural regulations that Will be worked on from the implementation

Gain knowledge about the paradigm shift in drug trafficking investigations

Working on joint approaches to adress the problem



ANY CHALLENGES CAN BE SOLVED BY WORKING TOGETHER

—& What was done?

& 4. DEMANDING DIFFERENT RESULTS FROM THE SECURITY FORCES IN COMPARISON WITH THE PROSECUTOR'S OFFICE

Meetings between the heads of the Prosecutor's Offices and the heads of the security forces to ensure work on the stated objectives

Zoning of major cities, thereby concentrating security forces' efforts



ANY CHALLENGES CAN BE SOLVED BY WORKING TOGETHER

- 🔗 What was done?
- 🔗 5. Lack of legal procedural regulation of relevant institutes to the type of investigation



ANONYMOUS REPORT

DATE: _____ DENY _____
TIME: _____ LOCATION: _____ TIME: _____
DETAILS: _____

WITNESS STATEMENT

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BREAKOUT – 30'





YOU

THANK

Gracias

Merci

Shukria

Tashakkur

bolzin

Mehrbani

Arigato

Dankscheen

atu

gozaimashita

Ekhmet

Yaqhanyelay

Efcharisto

suksama

Sikomo

Gri

Shukria

Merastawhy

Dhanyabaad

Chaltu

Biyangrazie

Snachalhuya

Juspaxar

Komapsumnida

Tingki

Medawagse

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Wabeeja

Paldies

Hatur

aniha

Maake

Denkauja

Fakaau

Spasibo

Spasibo

Spasibo

Baiika Yuspagaràtam

Minmonchar Atto

Gaejtho

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lah

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ANY QUESTIONS?



Contact me:

E-mail: federico.sura@gmail.com

Phone: +5493364206458

Institution: Ministerio Público Fiscal de la Provincia de Neuquén

City: San Martín de los Andes, Neuquén, Argentina

