

# MONEY LAUNDERING INVESTIGATIONS - ENCROCHAT

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# OVERVIEW

## MONEY LAUNDERING INVESTIGATIONS LINKED TO ENCROCHAT

- EncroChat-Case
- Suspicion of Money Laundering
- Focus on non conviction-based confiscation under § 76a StPO

# Starting Point of the Investigation: EncroChat - Case

- **Surveillance of an EncroChat user**
- **Searches at relatives residences**
- **Incidental findings:**
  - Cash
  - Valuables
  - Safe deposit box keys



# Suspicion of Money Laundering

- Proceedings against multiple family members
- Suspicion: unclear origin of assets
- No concrete link to drug trafficking or predicate offense



## **Possibility:**

### **§ 76a StPO – non conviction-based confiscation**

- **Confiscation possible without conviction**
- **Requirements:**
  - Assets likely originate from a crime
  - Proceedings discontinued / conviction not possible due to different reasons, e.g. suspect absent
- **Relevance: confiscation possible without proving predicate offense**

# International Comparison

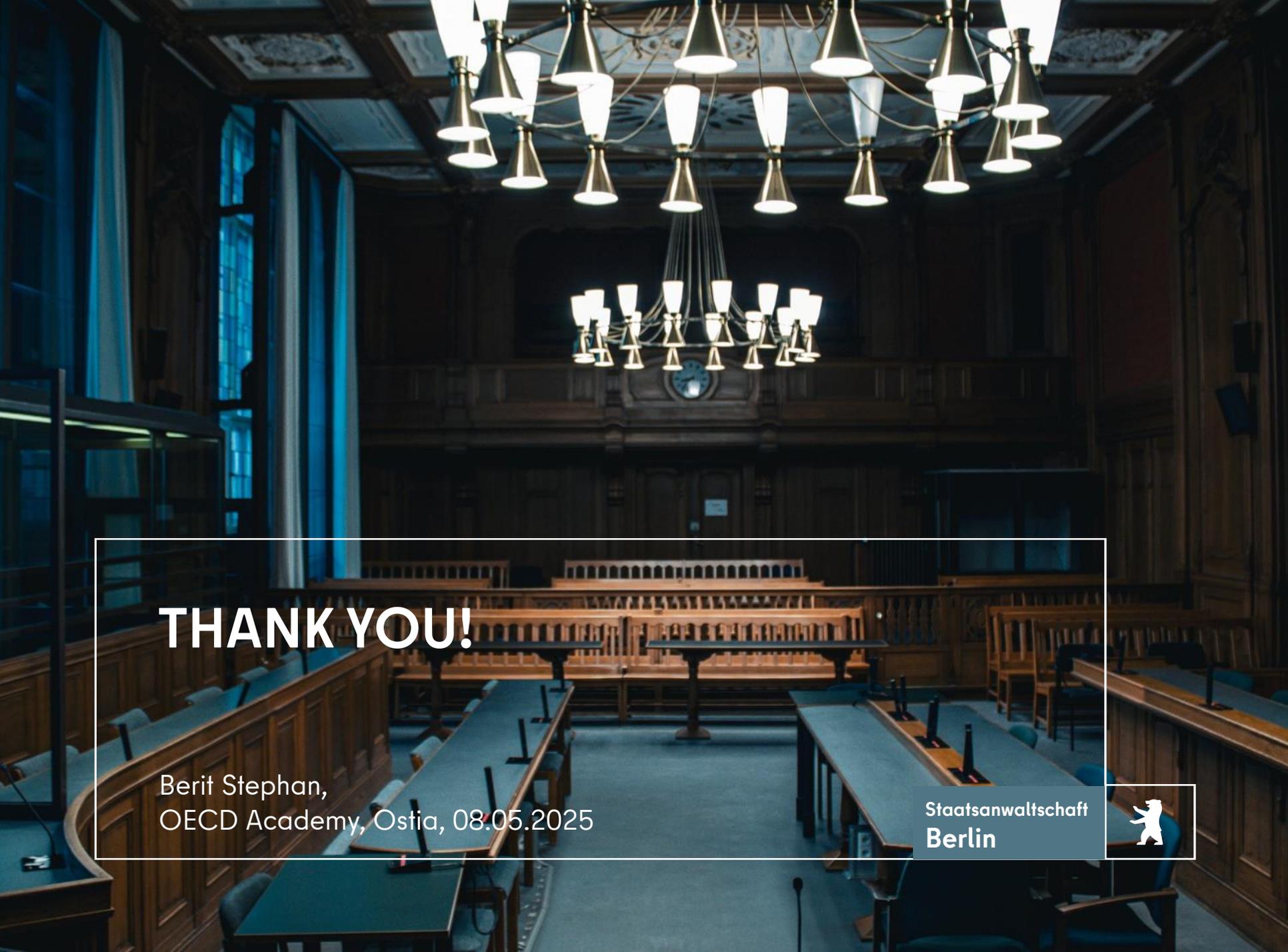
- No equivalent to § 76a StPO in many countries
- Confiscation usually tied to conviction
- Germany: effective tool against organized crime



# Investigation Strategy & Implementation

- **Comparison: legal income vs. secured assets**
- **Use of forensic financial analysis**
- **Confiscation possible despite lack of proof of predicate offense**



A grand, wood-paneled courtroom with a blue carpet and a large chandelier. The room is empty, with rows of wooden benches and desks. The lighting is warm, coming from the chandelier and wall sconces.

# THANK YOU!

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