## PROGRAMME

<table>
<thead>
<tr>
<th>Arrival day</th>
<th>Day 1</th>
<th>Day 2</th>
<th>Day 3</th>
<th>Day 4</th>
<th>Day 5</th>
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<tr>
<td></td>
<td>09:00 - 10:00 Course opening, introduction of CEPOL, tour de table</td>
<td>09:00 - 10:00 Europol supporting Financial Investigations related to Migrant Smuggling</td>
<td>09:00 - 10:00 Money remittance companies. Cooperation with Law Enforcement in FI</td>
<td>09:00 - 09:30 International cooperation regarding Financial Investigations</td>
<td>09:00 - 10:00 OSINT tools to address Social Media to combat migrant smuggling</td>
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<td>10:00 - 10:30 The European Migrant Smuggling Centre</td>
<td>10:00 - 11:00 Albanian experience addressing FI in cases of Migrant Smuggling</td>
<td>10:00 - 11:00 Money remittance companies. Online payments. Prevention to laundering money</td>
<td>09:30 - 11:00 Understanding the darkweb in the context of FI in cases of migrant smuggling</td>
<td>10:00 - 10:45 Opportunities to implement a FI in the context of migrant smuggling by participants</td>
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<td>10:30 - 11:00 The EU borders protection</td>
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<td>11:00 - 11:30 Coffee Break + Family Photo</td>
<td>11:00 - 11:30 Coffee Break</td>
<td>11:00 - 11:30 Coffee Break</td>
<td>11:00 - 11:30 Coffee Break</td>
<td>10:45 - 11:15 Coffee Break</td>
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<td>11:30 - 12:30 Frontex preventing Migrant smuggling. Debriefers and Screeners roles at the borders</td>
<td>11:30 - 12:30 Investigating, identifying, seizing and confiscating the proceeds of crime. Case study</td>
<td>11:30 - 12:30 Intelligence lead investigations.</td>
<td>11:30 - 12:30 Multi disciplinary cooperation investigating OCGs involved in migrant smuggling</td>
<td>11:15 - 12:30 Conclusions</td>
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<td>Arrival day</td>
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<td>Arrival of participants</td>
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<td>13:30</td>
<td>WORKSHOP.</td>
<td>13:30 Cross-border investigation techniques and investigation methods relevant to illegal migration</td>
<td>13:30 Investigations lead by the Prosecution office</td>
<td>13:30 Understanding the business model of OCGs involved in Migrant Smuggling. Following the money</td>
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<td>15:15</td>
<td>EU experience in combating Migrant Smuggling. Case study</td>
<td>14:45 15:30 Understanding the situation related to migrant smuggling in Albania</td>
<td>15:00 WORKSHOP</td>
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<td>19:00</td>
<td>Welcome dinner</td>
<td>19:00 Dinner</td>
<td>19:00 Dinner</td>
<td>19:00 Dinner</td>
<td>19:00 Farewell dinner</td>
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LIST OF PARTICIPANTS

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LIST OF TRAINERS / COURSE MANAGERS

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„155 years imprisonment for 71 lives”
- the „Parndorf” case
Difficulties in prosecuting international OCGs

- Translation costs and problems (international "trained" criminals speaking many languages and dialects)
- Difficulties regarding the gathering and the admissability of evidences (time consuming exchange in the trad. regime, identification, reluctance of witnesses to cooperate, admissability of wiretaps from 3rd states)
- Jurisdictional issues (which state should prosecute, avoiding parallel convictions)
- Legal unity of human smuggling committed in OCG – all conducts of our suspects should be prosecuted in one procedure (a foreign conviction of one smuggling would cause res iudicata for the whole organized crime)
- Conflict of interests: fair and speedy prosecution and charging – on the other hand: thorough investigation of the whole organized criminal group involving all human smuggling transports of the OCG
- Solution: efficient international cooperation (trad. regime or JIT)
Forms of international cooperation

- Police cooperation:
  - direct information exchange and meetings between the investigative authorities
  - direct exchange through Interpol or Europol SIENA
  - benefit: rapid exchange, BUT problems in admissibility

- Judicial cooperation:
  - MLA (EIO or rogatory letters) according EU MLA Convention, Strasbourg Convention and other international instruments
  - benefit: admissibility of the obtained evidences, BUT slow exchange, bureaucracy, lack of mutual trust

- Improvements of EIO: sending and accepting through e-mail, electronic channels of EJN and Eurojust, unified form

- Setting up of JITs
JITs – the definition and the legal overview

- EU MLA Convention Article 13. and 2002 Framework Decision – the legal basis among MS of EU
- Definition of JIT: A joint investigation team (JIT) is an international judicial cooperation tool consisting of a team of judicial (prosecutors, investigative judges) and law enforcement authorities of several states, established for a limited duration and a specific purpose by way of a written agreement, in order to carry out criminal investigations in one or more of the involved states.
- JITs facilitate the coordination of investigations and prosecutions conducted in parallel in several countries or in cases with a cross-border dimension
- Best way of cooperation in international OCG cases, but no „wonder cure”
Added value of the JIT

- Strengthening of mutual trust among the participant states, more personal contacts
- Avoiding repeated rogatory letters to other affected states (only traditional regime: slow, time consuming exchange of informations, bureaucracy, legal difficulties and even less trust)
- Direct information exchange among the JIT participants in a legal way
- Efficient avoidance of jurisdictional problems
- Financial aid of Eurojust regarding translation costs and technical items necessary for a succesful and speedy prosecution
- Prosecution of even more members of the OCG as a result of legitime information exchange and task division
- Gathering experience and best practice for future cases
JITs and Third States

• The 2000 EU MLA Convention and the 2002 Framework Decision: JITs with third states not foreseen

• Possible legal basis for JITs with third states:
  – The Second Additional Protocol to the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters, 20 April 1959 (Article 20) – Council of Europe (HU – ratification completed 😊)
  – UN Convention against Transnational Organized Crime, 15 November 2000 (UNTOC Convention) – the UN legal instrument
  – Police Cooperation Convention for Southeast Europe, 5 May 2006 (Article 27)
  – Bilateral agreements: Agreement between Italy and Switzerland integrating the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application, 1998 (Article XXI); Agreement between Italy and Albania integrating the European Convention on Extradition (1957) and the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application, 2007 (Article X);
  – National legislation
Parndorf – overview of the case

• 27th August 2015 (2 pm): official notification from the Austrian authorities: in Austria, on the motorway A4, near Parndorf an abandoned Hungarian refrigerator lorry was found with many dead immigrants inside (71 dead people: 59 men, 8 women, 4 children)

• 27th August 2015: start of the Hungarian investigations: detection of the owner of the lorry and the claimant of the Hungarian registration number - three Bulgarian and one Afghani citizens were arrested on the same day, on the 29th August 2015: arrest of one more Bulgarian citizen

• Subject of the criminal proceedings: besides the „death lorry transport” of 26th August 30 other human smuggling transports linked to the OCG between February and 27th August 2015

• More than 1200 facilitated immigrants – 300.000 Euro financial gain

• Qualification of the crime: felony of qualified human smuggling (businesslike, with torture of the smuggled persons) committed in OCG – 2-16 years in prison and qualified murder regarding four perpetrators (particular cruelty, to the injury of more people, partly minors) – 10- 20 years or lifelong imprisonment
Parndorf – overview of the case

• The refrigerator lorry was purchased by the defendant S (Bulgarian) in Kecskemét, Hungary.

• The defendants L (Afghani) and M (Bulgarian) were also present at the purchase, the price was payed by L.

• S started the procedure to obtain a temporary registration number for the lorry. After receiving the registration – in the evening of 25th August – the three perpetrators took possession of the lorry, fixed the registration and drove the vehicle to a lorry parking place near Kecskemét.

• On the 26th August about 3.25 am the lorry was driven by the defendant l (Bulgarian) from Kecskemét near the Serbian-Hungarian border, where the migrants entered the lorry.

• They travelled along motorway M5, M0 and M1 through Hungary to Austria.
Parndorf – overview of the case

• The lorry crossed the Hungarian-Austrian border on the 26th August at 9.15 am and stopped shortly afterwards on the Austrian motorway A4 near Parndorf. The transport was secured by the perpetrator T (Bulgarian), who acted as forerunner.

• After discovering the death of the smuggled migrants the driver and the forerunner fled to Hungary.

• The refrigerator lorry lacked any kind of ventilation, therefore the death of the locked migrants occured on Hungarian territory within 3 hours from entering the lorry. The cause of death was suffocation.

• Takover of another Austrian procedure: case „Gols“ (On the 27th August 2015 the transport of 68 illegal migrants from Hungary to Austria, the vehicle was stopped by the police in Austria, area Gols, the driver fled – also life threatening circumstances during the transport!
Organized criminal group (OCG)

- Definition of the Hungarian CC (§ 459.): a coordinated acting group of three or more people organized for a longer time to commit premeditated crimes punishable by imprisonment of five years or more (internal hierarchy, coordinated and distinctive roles of the perpetrators)
- This case: a coordinated and well organized international criminal group: **L**: organizer, contact with the Serbian members of the OCG, who transported migrants from Serbia to Hungary, also securing the assets and organizing the transports from the Serbian border to Western Europe
  - **K**: organizer, boss of L, „bridge” between the Serbian and the Hungarian members of the OCG
  - **S**: organizer, procurement of the transport vehicles (purchase, technical inspection, obtaining registration numbers), proposing transporting routes
  - **M**: organizer, recruiting drivers, facilitators from Bulgaria to Hungary, securing accommodation and mobile phones, giving instructions to the drivers
Parndorf – overview of the case

- After charging (May 2017) one year long court proceedings with 44 trial days (11 accused persons and 9 witnesses interrogated, experts heared, testimonies of 273 witnesses read, more than 20 hours of wiretapped conversations played)
- 14th June 2018: verdict in first instance: all 14 defendants convicted according to the indictment!
- Four defendants charged with qualified murder: 25 years imprisonment each (maximum of fixed term imprisonment) and expulsion from Hungary (in case of Afghani defendants permanent, EU citizens: fixed term)
- other defendants: shorter (3-12 years) imprisonment and expulsion from Hungary
- In all: 155 years imprisonment – confiscation of property and of the seized smuggling and forerunner vehicles
- Appeal against the verdict: lifelong imprisonment (partly real lifelong) and longer fixed term imprisonments
Parndorf - international aspects and cooperation

- Related foreign procedures in Austria, Germany, Bulgaria and Serbia

- Result of the cooperation: all aspects and perpetrators of the international OCG covered
Parndorf - international aspects and cooperation

- Instrument of the cooperation: motion of Hungary to establish a JIT (coordination meeting in the Hague – 18th September 2015) – no success – evidence obtaining through MLAs
- Continuous information exchange with Austria, Germany and Bulgaria through SIENA (problem: admissability of the obtained information in the Hungarian proceedings – MLA required!)
- Very good cooperation with Austria and Germany: **Austria**: smooth and continuous contact (phone and e-mail), three personal meetings (in Kecskemét and at the Hungarian-Austrian border), MLAs, **Germany**: timely performance of the MLAs, possibility for the Hungarian police officers to participate in the interrogations in Germany
- Multilateral meeting on police level (March 2016 – Budapest) with participation of Hungarian and Serbian prosecutors – successful coordination
- Result: despite the obvious obstacles excellent cooperation in the traditional regime – 21 rogatory letters sent out, timely performance
Asset recovery in the „Parndorf” case

- Separate financial investigation against all perpetrators parallel to the „normal” investigations
- Results: 3 bank accounts freezed, money and vehicles seized (15 vehicles – smuggling vans and forerunner cars)
- Timely and good cooperation with the Asset Recovery Offices (AROs) of Bulgaria, Austria and Germany
- MLA, rogatory letters to Bulgaria: detailed informations about the financial conditions of the Bulgarian defendants, but no assets in Bulgaria to confiscate
- Main problem: majority of the financial gain rescued to Afghanistan – judicial cooperation not working - no legal possibility to confiscate the assets
- Hawala system, private banks, money exchange networks – lack of efficient answer
Suggestions

- „Rethinking” of legal unity in illegal immigrant smuggling cases
- Setting up of JITs at an early stage is considered useful (even if at early stages the SIENA exchange looks promising)
- Early involvement of Europol and Eurojust is considered best practice in cases requiring close police and judicial cooperation
- Early involvement especially of Eurojust to provide legal advice and support
- Combination of JITs and MLAs with States that are not willing or not ready to join the JIT
- More personal contact among the prosecutors of the affected countries
- Real time evidence transfer among the affected states
- Simplifying of JIT signing procedures, model agreement for illegal immigrant smuggling cases
• Thank You for Your attention!
Understanding the business model of OCG involved in Migrant smuggling
Following the money
Table of content

- Basics
  - Responsibilities in Germany
- Operation Schmidham
- Network
- Modus operandi
- Summary of measures
- problems
24 IRQ / 14 IRN / 4 SYR / 3 SOM
In total 45 Migrants
OP Schmidham
06.03.2018 / till 22:00 Uhr; first steps

- 35 Migrants were interrogated
- Mobile communication analysis
- 45 individuals were searched

- Start in Romania
- Unsecured europallets on the lorry bed
  - Some migrants were injured
- Hints to licence plate
- Driver was turkish, small and corpulent
- EU CARIS negativ
- ZEVIS (german national license plate data base)

- Lorry brand KRONE – SD
- Holder: [redacted]
- Lorry was rent to [redacted] located in Mannheim

- Support by federal police Karlsruhe, directorate Mannheim, investigation Service
OP Schmidham
evidences on the lorry
OP Schmidham
evidences on the lorry
11:30 h Detention of driver
12:00 h acquire of heli / 6 Officers
15:00 – 17:00 h flight to MA
17:45 h:
  • Interrogation of driver
  • Analysis of secured evidences
  • Forensic on lorry and truck
21:00 h contact to public prosecutor
07.03.18 / 11:00 – 13:00 h return
07.03.18 / 14:00 h presented at court
07.03.18 / 15:00 h brought into jail
- TUR-phone number in radio cell
- Escort? Scout?
- Meanwhile driver was identified by border crossing data Hungary via EUROPOL
OP Schmidham

time of the crime

- Time of crime 05.03.2018
  - TUR number in radio cell
  - Various phone calls to german number
- Request to dispatcher of transport company
  - CEO disappeared for days
  - Handed out phone number of CEO
- Identic phone number

CEO was highly suspected in organizing
- Application for pretrial detention
- private domicil searching
- Searching of company and it's buildings/rooms
- Surveillance of suspect
OP Schmidham
searching of firm and private domicil
### OP Schmidham

11.04.2018 / result of enforcement measure/indicators of financial crimes

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<th>Betrag</th>
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**Summa:** 2,347,063.42
OP Schmidham
indicators of financial crimes?

Volksbank
Krachgau

Heidelberg, den 01.01.2020

Diese Kollision wird nicht unterzeichnet.

Bundespion

Staatssekretär

Staatssekretär

Ministerpräsident

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OP Schmidham
indicators of financial crimes
OP Schmidham
indicators of financial crimes
OP Schmidham summary

- Summary
- Searchings
- Mobile communication analysis
- Gps analysis
- Social media analysis
- Financial investigation
  - Deposit money transfers → WU/moneygram → delete accounts
  - Cryptocurrency → bitcoin, ethereum, litecoin
  - German national bank account analysis → block/freeze bank accounts
  - Fixed assets
- EUROPOL
  - Border crossing data
  - National crime databases
  - Information about companies / structure / financial balance
  - Cross match reports
- Cooperation tax authorities
OP Schmidham
Problems

- Timeframe to identify Organiser → hide/destroy evidences
  - As seen → transporting money to France
- Hard pressure on police forces concerning time
- Structure of processing
- Huge amount of data
- No experience in financial crime → German custom as responsible authority
Tank you for your attention!
Multi disciplinary cooperation investigating OCGs involved in migrant smuggling

Cooperation with different stakeholders
OP Sattelzug — liaison office; Prosecutor; French police
23.05.2017 — case 1
• 21 IRQ where indicated 02:00 a.m. walking as pedestrians next to state road
• Interrogation of 21 individuals
• Analysis of mobile phones
  • Location data
  • Photos
  • Communication → whatts app, viber, messenger a.s.o.
  • Videos
23.05.2017
ca. 01:15 Uhr
Crime scene

22.05.2017
18:44 Uhr
Autogrill Alland

Start 21.05.2017
ca. 22:00 Uhr

Border crossing
HUT AUT
22.05.2017
ca. 15:20 Uhr
OP Sattelzug
edited footage

original

mirrored
OP Sattelzug
details on image
OP Schmidham
truckload identified

- Truckload: Shirts (a migrant changed clothes)
- Recipient of load: [redacted]
- Request EUROPOL FRA
- Delivery documents received → license plate [redacted]
- Request to EUROPOL AUT, HUN, BGR; ROU, SRB
- answer BGR: [redacted]
OP Sattelzug
identify forwarder / company
OP Sattelzug identifying driver

Route revealed by EUROPOL requests

driver

G. R.
TUR citizen
OP Sattelzug case 2

- Apprehended due to information by habitants
  - 17 IRQ on 06.07.17 at 11:45 p.m.
  - 3 IRQ on 07.07.17 at 03:00 a.m.
  - 3 IRQ on 07.07.17 at 04:30 a.m.

- Assumption due to the closeness to case on 23.05.2017
  - Same OCG
  - Identical driver
  - Identical lorry and truck
  - Identical route and delivery to France
OP Sattelzug
schedule of detention

- **Fr. 07.07.17**
  - 14:00 Uhr confirmation public prosecutor LA about national arrest warrant
  - 14:50 Uhr – national searching for the truck and suspected driver
  - 16:00 Uhr – order national warrant „only for case 1“
  - 18:00 Uhr – suspected driver was identified by 3 migrants due to pictures of suspect were presented

- **Sa. 08.07.17**
  - Interrogation of migrants and mobile communication were/was finished

- **So. 09.07.17**
  - 12:00 Uhr - Dialog PP Landshut (OStA)
  - 13:00 Uhr – Preparation for international arrest warrant
OP Sattelzug
border crossing surveillance HUN – case 2
OP Sattelzug
Schedule of detention

- Mo 10.07.17
  - application for international arrest warrant
  - order of international arrest warrant case 1 and 2
  - SIS was running

- Do 27.07.17
  - suspect was overtaken by federal police officers at Charles de gaulle airport
  - suspect was presented at court in LA
  - suspect was brought to jail LA

source: OCRIEST immediate before arrest
OP Sattelzug problems

- Significant time pressure
- Judicial cooperation
  - Immediate order of national/international warrant unusual
  - Translation issues
- Acting only due to translated orders
- Confiscation of lorry failed
- Handover to company
- No immediate forensic possible
OP Gsenget - 2016
cooperation with social media and radio channel
FIU – tax investigation

Ministry of finance

Ministry of interior

ZOLL

Zentralstelle für Finanztransaktionsuntersuchungen
Tax investigation
Thank you for your attention