Workshop
Introduction people smuggling & scenario „Amandus“

structure

- a few words to Hamburg and my office
- the Capone-Principle
- Introduction people smuggling
- Scenario Amandus
Federal Police District Office for Criminal Investigation - Hamburg

Main Tasks

- Criminal investigations in cases of organized Crime
  - Smuggling of human being
  - Abuse of Asylum
  - False Document
- Crime against the property of railway installations
combating organized crime
the Al Capone-Principle

„I have only the money in my pockets“
Alphonse „Al“ Capone
(1899 – 1947)

public enemy No 1 or just a tax evader?

„Follow the money!“
Giovanni Falcone
(1939 – 1992)
combating organized crime
the Al Capone-Principle

- Capone started his criminal career in Chicago in 1919
- In the 1920es he was the big mastermind of illegal bootlegging, racketeering and gambling business
- Capone also gave order for murder also for bribery and corruption of police and justice
- Capone was never convicted

„you already got this Capone?“
Herbert Hoover
(US-President 1929 – 1933)

- Capone duped the newly elected President
- Head of the Treasury's Special Intelligence Unit received the order to bring Capone behind bars
- He tasked his best investigator with the job
Frank J. Wilson  
(1887 – 1970)  
Special Agent of the Treasury

"Wilson will sit quietly looking at books eighteen hours a day, seven days a week, forever, if he wants to find something in those books"

"Wilson sweats ice water"

- Supreme Court:
  "Fifth Amendment's privilege against self incrimination did not protect a bootlegger convicted of failing to file a return showing profits of illegal business" (US v. Sullivan, 1927)

- In June 1931, Capone was charged with 22 counts of income tax related violations
- The jury found Capone guilty and he was sentenced to 11 years in prison
human beings as commercial goods

„Dover-Case“:
18 June 2000

58 Chinese people smothered
agonizing during the hidden
transport in an airtight
container on a ferry from
Calais/France to Dover/Great
Britain

migrant smuggling

ghost ships - a new dimension of crime?

Winter 2014/2015: people smugglers left about 1,700 migrants to their
fate on three ships without helmsman and crew in the Mediterranean
migrant smuggling
a deadly business

- 71 Migrants died on the nearly airtight loading area of a small truck, (27 August 2015)
- 5 Migrants per square meter

debate in the media about people smuggler altruistic escape agent or greedy felon?
phanomenological aspects

- organized cross-border crime
- control-related offences
- high number of unreported cases
- threat to the social order not always noticeably
- high criminal profits
- smuggled migrants commit a criminal offence under national aliens law
- but from a criminological view they are victims

- same ethnic background of the suspects
- mafia-style hierarchy not strictly necessary
- working in border-crossing criminal networks
- business relations like in legal economic cycles
- supply and demand determine the price
- acting like a travel or transport company
people smuggler's cell

counterfeiting business
forged visa
modus operandi using social media

- advertisement for people smuggling on facebook

modus operandi foreign prostitutes for the red-light district
phenomenological aspects
people smuggling and Trafficking in human beings (THB)

- people smuggling and THB are not the same
- legal differences
- THB-suspect exploit other persons for economic purposes
- people smugglers demand an excessive price to facilitate illegal entry to a foreign country
- but in practice, in most cases they are similar
- payment of the people smuggler after arrival in the destination country by working as prostitute, assistant cook, low-paid worker

modus operandi
fake adoptions

- migrant without a valid residence permit recognises the legal paternity for a child from a German mother, although he has no social or biological relationship to this child
- but due to the protection of the fundamental rights of marriage and family, the authorities are obligated to issue a residence permit
modus operandi
fake marriages

- based on marriage with a EU-citizen a foreigner acquires an independent right of residence
- cohabitation not required by family law
- marriage abroad can be accepted by German authorities
- specialized wedding agencies for migrants

modus operandi
identity fraud

- daughter of a suspect reports that her national passport got lost
- Application for a provisional passport with a photo from a similar woman from Syria (look a like method)
- woman from Syria enters Germany by air plane and shows the provisional passport at the border check point
- daughter of a suspect gives the passport back to the local authorities and get a new one
people smuggling as a door opener to serious crime
drug trafficking
people smuggling as a door opener to serious crime

piracy

people smuggling as a door opener to serious crime

terrorism

- investigations against a people smuggling student from Syria gives evidence that he showed off his martially activities for the so called Islamic State
criminological aspects

- migrant smuggling is organised crime (OK)
- detection of people smuggler prevents associated crime in Germany
- current life endangering transport of migrants must be stopped, even though there is a deterioration of evidence
- infiltration of criminal networks with informants
- border-crossing surveillance
- international police cooperation
- Joint Investigation Team (JIT)
- asset recovery investigations
Operation "Agency"

Marriage of convenience (fake marriage/sham marriage)
- No real partnership
- Typically one spouse is not EU citizen
- Aimed to obtain the right of permanent residence
- Even as "protection" against deportation
- Valid marriage

Fake marriage?
Heiraten leicht und billig!

350 €

Operation „Agency“
criminal investigations

- telephone surveillance
- observation
- eavesdropping operation

Operation „Agency“
cross-border crime

„match-maker“
- acts as a broker for EU-citizens willing to marry for cash
- takes care for registration in Germany
- procures fraudulent employment contract for the EU-citizen
Operation „Agency“
Joint Investigation Team

Modus operandi:
- Engagement of the Joint Investigation Team in Operation „Agency“

In cooperation with:
- MIoGIA (Federal Criminal Police Office)
- Belgian Federal Police Services
- National Police Service of the Netherlands
- Federal Police Service of Belgium
- Federal Police Service of the German Federal Republic
- Federal Police Service of Switzerland
- MAVEN (Italian Police Service)

1. Procedure:
- Identification of suspects
- Collection of evidence
- Preparation of arrests

2. Main objective:
- Expose illegal activities
- Seize evidence
- Prevent further illegal activities

3. Timeline:
- First meeting on 15 June 2017 at joint police centre Padborg/DK
- Meeting EUROJUST on 21 August 2017 in Den Haag
- Meeting to prepare JIT-Contract on 24 November 2017 in Hamburg
- JIT-contract was signed in January 2018
- Art. 13 European Mutual Assistance Convention
- Facilitation of legal assistance
- Participation EUROPOL & EUROJUST
- Joint Operation Day on 13 June 2018

Operation „Agency“
modus operandi

Organisation of fake marriages
- Wedding location:
  - Version 1: Denmark
  - Version 2: USA (Single-Proxy)
  - Version 3: Mexico (Double-Proxy)

Denmark-Marriage
Operation "Agency"

**Version 1 - Denmark**

- Low formal requirements for marriage of foreigners
- Submission documents in copy is sufficient
  - Application form
  - National ID-Card
  - Permit of stay

**Operation "Agency"**

**Version 1 - Denmark**

- Handover false documents
- Bribery of registrars and civil servants
- Arrival of the couple at the day before

**Operation "Agency"**

Proportion of marriages by the agency on "Røskolding"

**Operation "Agency"**

Criminal profiles

- 1,600 fake marriages
- Earnings of round about 1,040,000€
- Declared tax income: 250,000€
Operation „Agency“
criminal charge

- migrant smuggling
- forgery of documents
- bribery & corruption
- incitement and assistance to bigamy
- tax evasion

Operation „Agency“
Modus Operandi

Version 3 – Mexico (Double Proxy)

- none of the spouses takes place on site
- Written order for representation signed in Germany
- postal delivery to unknown suspect in Los Cabos
- marriage certificate by a Mexican registry office

Operation „Agency“
Modus Operandi

Version 2 – USA (Single-Proxy)

- suspect travels with the spouses from EU-member states to the USA
- No entry permit for the spouses from third countries
- But spouses from non-EU states can be represented by a commissioned fiduciary
- notarial certification
- issuance of marriage certificate by local authentic
Operation „Agency“
Joint Action Day on 13 June 2018

- Enforcement of 13 search warrants
- Houses of the suspects in Germany and Denmark
- Business premises of the agency

Operation „Agency“
the end of the danaah marriage?

- Flocking changed family law
- Central registration if one spouse is a foreigner
- Examination of the documents in cooperation with the police
- Subsequently distribution of marriages to various registry offices

Operation „Agency“
in the media

- Sie verkauften Bräute für 100.000 Euro
- Fragen, die einen Drehstrom und eine Kette auslösen konnten

EV „Agentur“
Questions?
Legal Tasks of Police in Germany

Criminal Procedure Investigations
- Initial suspicion of criminal conduct
- Public Prosecutor directs and controls the investigation
- Enforcements on fundamental rights controlled by a proceeding judge
- Last decision of direct force by the police

Risk Prevention and Emergency Response
- Original task of the police
- Threat to public policy or safety
- Run up period of criminal offences

Intelligence strategic analysis
- Situation report
- Without personal data
- Use of resources
- Policy consulting

Clandestine entries
Life endangering smuggling of Migrants

Joint Analysis and Strategy Centre on Illegal Migration

Partners
Joint Analysis and Strategy Centre on Illegal Migration

**Tasks**

- Collection and analysis of all available information
- Early warning function
- Policy advice
- Cooperation with similar partner institutions within the EU
- Development of recommendations

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Facebook Account

OSINT

Cunning police checks

Brothel

Nail spa
Financial investigation in connection with trafficking in human beings and migrant smuggling – International cooperation Assets recovery

All of you here are experienced professionals in your area, in your institutions, with many years of experience, and I am sure you are familiar with the subject topic - financial investigations, for which reason, I have conceptualized my presentation, looking at this issue only from the police side from the point of view, without going into prosecution and court proceedings, so this presentation is focused on measures and actions to be taken by authorized police officers.

In this way, I want to introduce to the representatives of other institutions and get closer to them the modalities of police work, among other concrete examples from the practice, and I remind the present colleagues the importance of carrying out financial investigations.

18.06.2019 Podgorica, Montenegro
Organized crime pose a serious threat to national security and the economic situation of Montenegro. In Montenegro, today, according to the Sustainable Dangerous and Organized Crime Situation (SOCTA), there are 11 active organized criminal groups. The fight against criminal activities of these groups includes, among other things, the conduct of financial investigations and confiscation of material gain. These activities are a priority at the national level and one of the most important requirements of the process of meeting the criteria for EU accession.

When it comes to organized crime, in theory it is emphasized that "the crime is the fastest transforming form" and therefore presents a special challenge to all modern societies and institutions in the fight against it.

Highly conducted financial investigations that result in the permanent seizure of the proceeds of criminal activity today in the world are one of the most effective means in the fight against organized crime, and in that direction, the work of all competent state bodies must be oriented in that direction.
POLICE DIRECTORATE - NEW SYSTEMATIZATION 2020

1. Sector of police of general jurisdiction
   1. Criminal Police Department
   2. Sector for Combating Criminal Offences of Organized Crime
   3. Border Police Sector
   4. Personnel Security and Office Department
   5. Special police department
   6. Sector for Prevention of Money Laundering and Financing of Terrorism
   7. Department for International Police Cooperation and Public Relations
   8. Department for Analytical and Improvement of Police Work
   9. Forensic Center
   10. Internal Audit Department
   11. Department of Telecommunication and Electronic Technologies
   12. Center for Information Security and Data Processing
   13. Human resources, human resources and legal affairs
   14. Service for financial, general and auxiliary affairs
   15. Security centers (8: PG, NR, BR, BD, BN, PV, BP and BA) and Security units (10: CT, DG, KI, UL, KO, TV.

Sector for Combating Organized Crime and Corruption (SCOE)

1. Special police unit
   - Investigation Group of Criminal Offenses of Organized Crime
   - Group for Investigating Crimes of High Corruption and Money Laundering
2. Department for the Suppression of Serious Crimes
   - Group for the Suppression of Serious Crimes of Economic Crime and Conducting Financial Investigations
   - Group for the Suppression of Serious Crimes of General Crime – Blood Delinquency and PEH carried out by criminal groups
   - Group for suppression of criminal offenses of high-tech crime
3. Department for Combating Drugs Smuggling
4. Witness Protection Section
5. Special Operations Support Section
LEGAL FRAMEWORK FOR CONDUCTING FINANCIAL INVESTIGATIONS IN CASES OF CRIMINAL OFFENSES WITH ELEMENTS OF ORGANIZED CRIME

According to Montenegro legislation, this legal regulation includes:
- Constitution
- Criminal Code
- Code of Criminal Procedure
- Law on Special State Prosecutor’s Office
- Law on confiscation of property gained through criminal activity
- Law on Prevention of Money Laundering and Financing of Terrorism
- Law on Courts
- Law on the State Prosecutor’s Office
- Law on the Judicial Council
- Law on Prosecutorial Council
- Law on Internal Affairs
- Law on Liability of Legal Persons for Criminal Offenses
- Law on Witnesses Protection
AS WELL AS MEMORANDA AND COOPERATION AGREEMENTS

- Memorandum on cooperation in the prevention, detection, and prosecution of perpetrators of criminal offenses in the field of organized crime and corruption, signed by the representatives of the Supreme State Prosecutor's Office, the Police Directorate, the Tax Administration, the Administration for the Prevention of Money Laundering and the Customs Administration.

- Memorandum on cooperation and exchange of data in the field of money laundering and terrorism financing signed by representatives of the Ministry of Internal Affairs, the Ministry of Finance, the Administration for the Prevention of Money Laundering and Terrorist Financing, the Central Bank of Montenegro, the Securities Commission of Montenegro and the Supervisory Agency for Insurance.

- Agreement on the establishment of the Joint Investigation Team for Combating Organized Crime and the most severe forms of corruptive offenses signed by representatives of the Supreme State Prosecutor's Office, the Police Directorate, the Customs Administration, the Administration for the Prevention of Money Laundering and Terrorist Financing and the Tax Administration.

LAW ON THE SEPARATION OF PROCEEDS FROM CRIME CRIMINAL ACTIVITY
(Official Gazette of Montenegro No: 58/15 of 09.10.2015)

IN ART. 2 PRESCRIBES FOR WHICH CRIMINAL OFFENSES A FINANCIAL INVESTIGATION CAN BE CARRIED OUT:

- THE OFFENDER MAY BE DEPRIVED OF THE MATERIAL GAIN FOR WHICH THERE IS A REASONABLE SUSPICION THAT HE HAS BEEN ACQUITTED OF CRIMINAL ACTIVITY
- AND THAT THE AUTHOR DOES NOT MAKE IT PROBABLE THAT HIS ORIGIN IS LAWFUL (EXTENDED EXPROPRIATION) AND
- IF THE CRIMINAL OFFENSE PRESCRIBED BY THE CRIMINAL CODE OF MONTENEGRO (FOR A TOTAL OF 10 CRIMINAL OFFENSES) HAS BEEN IMPounded IN A LEGALLY BINDING MANNER.
1. The abduction article 264.
2. Criminal offenses against sexual freedom referred to in Art. 210:
   210. The fraud of a child,
   211. Unlawful acts,
   212. Understanding and enabling policing,
   213. Mediation in prostitution,
   214. Child pornography,
   215. The omission of a juvenile to attend criminal offenses against sexual freedom,
   216. Child's frustration for the purpose of committing criminal offenses against sexual freedom.
3. Criminal offenses against property referred to in Art. 240:
   240. Heavy theft,
   241. Robbery theft,
   242. Robberies,
   243. Evictions,
   244. Fraud,
   245. Agreeing on the outcome of the competition,
   246. Abuse of trust,
   247. Extortion,
   248. Blackmail,
   249. Greenery.

25.8 Forgery of means:
25.9 Forgery of securities of value
26.0 Fabrication and abuse of credit cards and non-cash payment cards,
26.1 Forging value labels,
26.2 Making, selling and using other means and materials for forgery,
26.3 Issuing checks and non-cash cashless cash,
26.4 Evasion of taxes and contributions,
26.5 Smuggling,
26.6 Money laundering,
270. Abuse of a monopolistic position,
272. Abuse of the position in the economic business,
273. Bankruptcy,
274. Causing fake bankruptcies,
276. Abuse of power in the economy,
275. Receiving bribes in business cooperation,
276. Giving bribes in business operations,
281. Misuse of privileged information,
281a. Manipulation of the securities market or other financial instruments.
5) Unauthorized manufacture, possession and marketing of narcotic drugs referred to in Article 340.

6) Criminal offenses against the environment and landscaping referred to in Art.:
   - 303 environmental pollution,
   - 305 unlawful construction, putting into operation and operation of facilities and installations that pollute the environment,
   - 307 environmental damage.

7) Criminal offenses against the security of computer data referred to in Art.:
   - 350 interrupting the computer system,
   - 351 computer fraud,
   - 353 unauthorized access to the computer system, and
   - 354 abuse of device and program.

8) Criminal offenses against public order and peace referred to in Art.:
   - 401 criminal association,
   - 401a creation of a criminal organization,
   - 402 production and procurement of weapons and funds intended for the commission of a criminal offense,
   - 404 participation in a group that commits a criminal offense,
   - 405 unauthorized crossing of the state border and smuggling of people.

9) Criminal offenses against legal traffic referred to in Art.:
   - 412 falsification of the document; (? CB PG economy)
   - 413 special cases of forgery of documents,
   - 414 forgery of official documents.
418 abuse of office;
419 theft of work;
420 embezzlement;
422 unlawful influence;
424 statement of the unlawful influence;
425 Receiving bribes;
424 giving a bribe.

111 Crimes against humanity and other goods protected by international law in Art. 443 trafficking in human beings;
444 trafficking in minors for adoption;
445 the establishment of slavery and transporters in slavery;
447 terrorism;
447a public call for the commission of terrorist acts;
447b recruitment and training for the commission of terrorist acts;
447c use of a deadly device;
447d destruction and damage to a nuclear facility;
449a terrorist financing;
449b terrorist association, and;
449c participation in foreign armed formations.

The property obtained through activities described in Article 4.2 shall be declared as criminal property and the property obtained thereby shall be confiscated in accordance with Article 5.1 of this Act, as well as from third parties if a criminal activity is a property gain acquired for another person or that property benefit will be confiscated if the confiscation referred to in paragraph 5 of this article is not possible, other assets shall be confiscated corresponding to the value of the proceeds of crime acquired through criminal activity.

The police officers, as bearers of the activities involved in the processing of cases, shall also bear in mind the fact that the financial investigations is managed by the public prosecutor (Article 13 of the law on the confiscation of property gain acquired through criminal activity).

Moreover, Article 14 of the same law states:

The police, being given the necessary or appropriate authority, undertake measures and actions in the administrative and criminal field if the proceeds of crime acquired through criminal activity.

State bodies, the administrative bodies, local authorities, and other public and private entities that exercise public authority by and with their obligations, without delay, to provide the police with the necessary information for the detection and identification of the proceeds of crime.
During the reconnaissance, evidence is collected and provided indicating the perpetrators, accomplices, and other criminal activities. In the early phase of the investigation, information is obtained from the findings of the survey. It often comes to the knowledge that the perpetrators of the criminal offenses have gained material benefits, and in that case, it is also necessary to conduct a separate investigation for all criminal offenses for which Article 1 of the Law on confiscation of property can be applied. The investigation of criminal activity, gathered during the financial investigation, shall be undertaken voluntarily.

Collecting information on the acquired property gain by committing criminal offenses, police officers shall undertake it in accordance with the authorizations detailed in Art. 471 of the Code of Criminal Procedure, Article 14 of the Law on the Confiscation of Proceeds from Crime, and Articles 257, para. 1 and 2 of the Criminal Procedure Code, which can be undertaken on a voluntary basis.

Bearing in mind the fact that the purpose of the financial investigation is to enable the seizure of proceeds, it should start early enough to prevent the perpetrator of the offense from selling or otherwise disposing of the property.

It is suggested that police officers, prosecutors of cases, during direct contacts with the competent state prosecutor, who manages the survey, inform him in consultation about the available information about the acquired property gain by committing the criminal offense in question.

Less, in each case, during the reconnaissance, there is a thorough knowledge and data, and the collected information and documentation can later serve for the purpose of conducting financial investigations. Also, execution of orders for the implementation of secret surveillance measures during the survey provide the possibility, among other things, to reveal the material gain acquired through criminal activity.

Therefore, coordinating and conducting timely consultations, both with the competent prosecutor and with the police officers of the organizational unit responsible for carrying out financial investigations, is necessary when dealing with cases in which a parallel and financial investigation is planned or conducted, because the findings and evidence that can be useful for the financial investigation process, they should be obtained in a legally valid manner and collected at the same time as evidence is collected for the offenses covered by the investigation.
In the current practice, financial investigations are conducted using a complaint or evidence presented by a law enforcement office. Consequently, the prosecutor must address the police, who request information on the identification of assets and property obtained through the commission of a criminal offense in order to act on the basis of the collected information and documentation. In such cases, the prosecutor is required to authorize a financial investigation.

Namely, the initiation of a financial investigation, Article 11 of the Law on the confiscation of property, and other laws, as well as the articles of the Code of Procedure, are clearly stated.

- An investigation by the state prosecutor may be initiated if there is:
  1. the basis for the suspicion that the property of the holder is in obvious disproportionate with his legitimate income;
  2. the suspicion that the proceeds of crime have been acquired through criminal activity;
  3. the basis of suspicion that the criminal offense refers to in Article 2 paragraph 1 of this law has been committed.

The order referred to in paragraph 1 of this Article shall determine the person against whom the financial investigation is being conducted.

Although there is a case in which some police officers (with the prosecutor’s consent) conduct financial investigations without the formal request. Such an investigation is conducted in order to prevent the commission of the criminal offense. The search for and collection of information on their own initiative and undertake measures and actions for the detection and identification of the proceeds of criminal activity, and after collecting the information, they shall deliver the results to the state prosecutor. During the conduct of the investigation or during the filing of the criminal complaint.

It is recommended that practitioners in cases involving criminal issues be familiar with Article 2 of the Law on the confiscation of property and acquired through criminal activity, can carry out a financial investigation, as required by the law. All collected operational knowledge and information regarding illegally acquired movable and immovable property, money, witness or a monetary transaction, witness or the commission of a criminal offense, identification of the natural person who is the real owner (the end user) of the property. This is especially important in tracing the property good, or if the property is hidden in some country or transferred to another country, whether third party assistance was used, members of criminal organizations, organized criminal groups, and their collaborations, as well as other knowledge and data useful for carrying out financial investigations.

As soon as possible, the division with the organizational unit responsible for carrying out financial investigations, including it for the purpose of conducting a financial investigation.
by postponing the conduct of a financial investigation, the risk increases, the unlawfully acquired property gain will be transformed in various ways, that the property may be brought out of the country, as well as many other ways of its further use and implementation.

The goal of pursuing financial investigations is the seizure of illegal revenue (the economic benefit arises or is obtained, directly or indirectly, by a criminal offense).

It should be kept in mind that the seizure of illegal income also has positive effects:

- Prevents the infliction of illegal revenue and corruption in the legal economy;
- abolishes the inflow of funds for the future execution of criminal offenses;
- helps not to achieve the planned goal of a criminal group or individual;
- supports the rule of law and the moral principle that no one can benefit from the crimes committed;
- Preventing, because the property benefit is the reason and motive of most of the crimes, thus affecting the perpetrators of criminal offenses.

In the Police Directorate, collecting data and information, among other things, may be collected by all police officers (SIP, SBPOKK, SSPN T, SI, CI, etc.) In accordance with Article 297, paragraphs 1 and 2 of the Code of Criminal Procedure, and the property of persons who are the subject of the criminal proceeding procedure, in accordance with the current Rulebook on Internal organization and job classification, conducting financial investigations are carried out by organizational units SBPOKK.

Group for the Suppression of Serious Crimes of Economic Crime and conducting financial investigations with the Department for the Suppression of Serious Crimes,

In the surveys and at the request of the Higher Public Prosecutor's Office (PG, BP), the Basic State Prosecutor's Office (JiU), but only if requested by the Special State Prosecutor's Office, the High Court (PG, BP), other organizational units of the Police Directorate as well as the requirements from abroad (NCB Interpol, Europol, Seleq, ARO, Liaison Officer, etc.)

Special police department,

- only in the surveys and upon the requests of the Special State Prosecutor's Office, for the criminal offenses under the jurisdiction of the SSP.
As mentioned above, the aforementioned Group acts on requests from abroad, among others, for the identification of assets, which are conducted through the Division for International Police Cooperation.

The Law on the confiscation of property gained through criminal activity, in Article 79 - The scope of international cooperation, defines, among other things, this fact.

"The organizational unit of the police responsible for the financial investigation shall act upon requests in accordance with Council Decision 2007/845 / JHA of 06.12.2007; as indicated by the Ministry of Internal Affairs (Directorate for Security and Security Affairs and Supervision) from 2016.

In the aforementioned Group, a police officer was designated as a CARIN contact point of the Police Directorate (from almost 107) who receives requests from other CARIN contact points from abroad.

These are the requirements for identifying the assets of persons for whom there is knowledge that they have movable or immovable property in our country.

CARIN (Camden Assets Recovery Integrity Network) is an informal inter-institutional network of police officers and other judicial practitioners, a specialist, among others, to track assets, i.e., identify them.

This contact point also sends requests to other contact points abroad, to countries where it is assumed that the persons subject to the check have movable or immovable property.

This situation was for 3 years, i.e., from the end of May 2016, the contact point is changing, now it is the mentioned Division for International Police Cooperation.
DEALING WITH REQUIREMENTS FOR IDENTIFICATION AND PROPERTY VERIFICATION FROM MNE

- Requests from other organizational units of the Police Directorate
- Department for International Police Cooperation Interpol-Europol-Selec and other Departments within the: CAP and SBPOKIK
- CB and CB
- Anti-Money Laundering and Terrorist Financing Sector/Terrorist Financing Sector/former USPNET (FJR)
- Special State Prosecutor's Office / via the SPO
- More State Prosecution / PG and BP
- Basic State Prosecutor's Office
- Higher court / PG and BP (international legal assistance)

Traffic in human beings - Smuggling of migrants

Organized crime spreads out its actions in any geographical areas that would bring benefits. The OCGs from the region collaborate, as the EU and non-EU borders do not represent a challenge. In the region OCG threatens the society on many levels, from economy to society with negative impact on the citizens general safety and health.

Southeast Europe is traditionally transit area used by migrants travelling towards Western Europe whether by sea, land or air.

Montenegro is used as transit country for migrants

Priority crime areas: LEAs must prioritize the resource on countering the emerging crime with the highest impact on society's safety. OCTA SEE 2019 calls for 5 key priorities as follows: terrorism, cybercrime, drug trafficking, trade and industry crime, trafficking in human beings and smuggling of migrants.
The investment of illegally acquired "dirty" money is one of the most dangerous threats, which is why organized crime and a great state security problem and a specific negative social phenomenon that also threatens national security through manifest forms. So financial investigations should be a tool in the fight against organized crime, corruption, money laundering and other serious criminal offenses, which will, along with other measures and actions, contribute to minimizing business activities and the ultimate goal of breaking up criminal groups, which is also the most important step in the fight with OCG.

The overall objective is to enable efficient and quality implementation of financial investigations in order to monitor cash flows, property and parallel implementation of financial investigations, efficient cooperation between institutions, raising the level of knowledge of both judicial and state officials (collecting data and information) and general awareness of the importance of conducting financial investigations.

The SOICTA MNS 2017 assessment of the threat of serious and organized crime identified 11 OCGs active in Montenegro (polyvalent OCGs multiple activities at the same time).

One of the challenges that law enforcement agencies face in Montenegro is organized crime as manifested through the activities of the OCG, whose primary activity is the smuggling of narcotics at the international level. The conflicts between the OCGs (which result in the killings) are not only related to the territory of Montenegro, but also the international traffic with registered criminal structures in the region.

Police and state prosecutor's offices in Montenegro have some success in this area, but it is necessary to improve the results of the previous work.
Recommendation no. 30 (Financial Action Task Force, FATF), according to which, "financial investigation" means the investigation of financial affairs related to criminal activities, for the purpose of: the network of crime, the extent of crime, detection of proceeds of crime, terrorist assets or any other property that is or might become the subject of confiscation, as well as for disclosure of such property, obtaining evidence that can be used in criminal proceedings.

The main objective of the investigation of financial crime is to determine and document the movement of money during criminal activities; i.e. the origin of money and its transformation and the way it is used.

The relationship between the origin of the money, the beneficiary, the moment of receipt of money and the place where it is deposited can provide information on criminal activities, as well as evidence of the committed criminal offense.

> **MATERIAL DAMAGE CAUSED BY THE COMMISSION OF CRIMINAL OFFENSES ONLY IN THE FIELD OF ECONOMIC CRIME (REGISTERED CRIMINAL OFFENSES, FILED CRIMINAL CHARGES) AMOUNTS TO:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>25,420,291 EUR (20,041 USD)</td>
</tr>
<tr>
<td>2017</td>
<td>22,712,481 EUR</td>
</tr>
</tbody>
</table>

- The statistical data available to the Criminal Police Department regarding the number of registered criminal offenses during 2016, 2017 and 2018 indicate that, there were very few financial investigations conducted in relation to a large number of crimes committed, pursuant to Article 3 of the Law on the confiscation of property gained through criminal activities, could conduct a financial investigation (over a thousand)
- We believe that the conduct of financial investigations, a useful tool in the fight against crime, is primarily the fight against organized crime and transnational organized crime, which police officers should use in dealing with all cases where financial investigations can be conducted.
Financial investigations: a useful tool in fighting crime.

The quality financial investigations that result in the permanent seizure of the proceeds of criminal activity today in the world are one of the most effective means in the fight against organized crime, and in that direction, the work of police officials and all competent state authorities must be oriented.

Organized crime activities are profit.

Confiscation is a strategic priority in the every country on fight against organized crime.

Human trafficking destroys lives and its effects damage communities.

Human trafficking is a truly international crime.

In a strategy to combat trafficking in human beings, a financial investigation has been identified that includes asset investigation, freezing and seizure, management and final seizure/confiscation.

Therefore, there must be good, safe and fast international cooperation in order to identify assets acquired through crime.
THANK YOU for your ATTENTION!
Introduction

Flows of illicit money through transfers of funds can damage the integrity, stability and reputation of the financial sector. Further it could menace the internal market of the European Union as well as international development.

The confidence in the financial system is important and could be threatened by:
- Terrorist financing
- Money laundering
- Organized crime
- and other crimes.
First of all ......

What is a (financial) criminal investigation?
Criminal (financial) investigation:

The study of facts to show and prove criminal trials.

A complete criminal investigation can include:

- Searching, identify and finding informations,
- Searching, identity and finding traces,
- preservation,
- interviews,
- interrogation,
- others various methods of investigation,
- evidence collection,
- analyze, develop hypotheses, reconstruct,
- report.
What is a financial investigation?

A financial investigation is an analysis of where money comes from, how it moves, and how it is used.
What are we looking for?

?  TRACES

Crime activity  generates  traces
Traces - definition

"A pattern, a signal or material transferred during an event. It is the remnant (the memory) of a source and of an activity that produced it."

P. Margot, Forensic science on trial: «What is the law of the land?»
Different types of traces:

**Forms:**
Shot, stitch, bite signs of a tool, etc.

**Substances:**
- mineralic, biological or chemical traces
- Scratch, scale of wood, blood, smell, etc.
- DNA profiles → DNA technology
Different types of traces:

**Situations:**
- position of the cars on the road,
- location of the body or instruments etc.

**Topics and items:**
- Hairs, knife, pistol, cane, tools, screwdriver, car, etc.
Different types of traces:

Dactyloscopic: Fingertips, Footprints, etc.

Digital traces: Data and data transfer

computers, mobile and fax phones, websites, cars, buses, shops, bars, cafes, telecommunication providers, banks, etc.
During your investigations
Different types of traces:

Financial traces:
Forensic intelligence

- Forensic traces have the advantages of being:
  - Objective
  - Measurable (analysis/codification)
  - Comparable

- Traces can be compared systematically to connect cases in a timely fashion.
- Inferred a common source/ a common crime activity

How can I move money, funds, objects,...
- Giro (also known as direct deposit)
- Money order transfer by postal cheque, money gram or other
- Bank transfer money order / swift
- Remittance a transfer of money by a foreign worker to his or her home country
- Currency exchange, transfer of one currency to another
- Electronic funds transfer, an umbrella term mostly used for bank card-based payments
- Wire transfer an international expedited back-to-back funds transfer
- HOSSF's
  - Jo-Balakat an informal money transfer system operating in the Arab world
  - Hawala (hundi) an informal system primarily to send money to and from the Middle East, North Africa, India, Pakistan, Bangladesh, Nepal
- Others
Give cash to somebody directly
/Cash couriers

Sending money in a envelope
by post or carrier
Packet

Give money to the bank to transfer it
Using changes

- Change/cheque

Bank and wire transactions
Informal value transfer system (IVTS)

An informal value transfer system (IVTS) is any system, mechanism, or network of people that receives money for the purpose of making the funds or an equivalent value payable to a third party in another geographic location, whether or not in the same form.
Informal value transfer system

Money transfer services

Financial services that specializes in the transfer of money from one location to another location.

Individuals deposit money at one of the company's kiosks and then the receiver is able to pick-up the funds at another branch.
Western Union

The company has been in business since 1851.

- **Ria Money Transfer** is a subsidiary of Euronet Worldwide, Inc., which specializes in money remittances. Ria initiates transfers through a network of agents and company-owned stores located throughout North America, Latin America, Europe, Asia-Pacific, Africa and online.

- The company opened its first store in 1987 and has since grown to become the third largest money transfer service in the world. Ria currently serves customers in 144 countries through more than 314,000 locations worldwide.
MoneyGram, Xoom, Torfx, transferwise, worldremit, ...

Sending Money Abroad?

Free Quote

Xoom
GLOBAL MONEY TRANSFER

Prepaid multi-currency cards
Gift transfer offices sending worldwide

Gift cards
Other gift or cards

- Debit cards

Standing order/subscriptions

- Sky
Playcards, add-on's, subscriptions

In-games virtual money
Prepaid car rental services

virtual or crypto-currencies
Bitcoin

It is possible to buy bitcoins with cash, online payment, bank or money services business transfers.
PayPal

credit cards (Prepaid)
«It's all about the money!»

Thank you for your attention

Questions?
We are having three tasks
OUR Rules 😊

• When you finish rise your hand.
• Do not tell loud the names/answers please.
• All of us we have to do this exercise.

TASK 0

• Use the tool to download the picture from your computer

• Then when you open link above downloaded picture as URL and use our Firefox addons (left click on picture)
TASK 0

• **Question:**
  
  Why it has been closed down? The official reason.

  When finish rise your hand please.

TASK 1

• **Questions:**
  
  Where the foto was taken?
  
  Whos paintings are on the photo?
  
  What is the age of the author of the paintings?
  
  Which country he/she is from?

  When finish rise your hand please.
TASK 2
• What is company name (owner of the ship)?
• Ship (vessel) name?
• What kind of vessel it is?
• What country it is registered in?
• Where the ship is now?
• To which port is going to?

• When finish rise your hand please.
Thank you for your attention!
How Mobile Phones Work?

/previous lecture/

Mobile Phone Components

- Handset
- SIM Card
- Mobile Number 7880 - 736518
- Communication Service Provider (CSP)
IMEI

- at least 15 digits
- each section of numbers within the IMEI has a significant meaning –
- AA-BBBBBB-CCCCC-D

<table>
<thead>
<tr>
<th></th>
<th>AA</th>
<th>BB</th>
<th>BB</th>
<th>CC</th>
<th>CC</th>
<th>CC</th>
<th>D or EE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old IMEI</td>
<td>TAC</td>
<td>FAC</td>
<td>Serial number</td>
<td>(Optional) Luhn checksum</td>
<td></td>
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<tr>
<td>New IMEI</td>
<td>TAC</td>
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The Simcard

- A smart card in the handset which has a limited memory to store phone numbers, text messages and other more basic services
- It is removable and can be put into different handsets
- Contains the mobile phone number
- Contains the IMSI number (International Mobile Subscriber Identity number)
- Contains the manufacturers serial number

IMSI 234151234512345
IMSI

- 15 digit number, but can be shorter (not longer)
- The first 3 digits are the mobile country code (MCC)
- Next mobile network code (MNC), either 2 digits (European standard) or 3 digits (North American standard)
- The length of the MNC depends on the value of the MCC, and it is recommended that the length is uniform within a MCC area.
- The remaining digits are the mobile subscription identification number (MSIN) within the network's customer base (mostly 10 or 9 digits depending on the MNC length)
What is OSINT for You???

- ...
- ...
- ...
- ??
- !!!

OSINT - definitions

Open-source intelligence (OSINT) is data collected from publicly available sources to be used in an Intelligence context. In the intelligence community, the term "open" refers to overt, publicly available sources (as opposed to covert or clandestine sources). It is not related to open-source software or public intelligence.

OSINT and Dark web

Is DARK WEB info part of OSINT?

YES or NO?

OSINT sources can be divided up into six different categories of information flow

Media: print newspapers, magazines, radio, and television from across and between countries.
WEB 1.0, 2.0 ...
Do you know main difference?

Browser
What browsers you know?
List them...

Software
Browser
Searching engines and their differences
Adds

Search engines
Which search engines you know?
List them...
Are they all the same?
Addons
uBlock Origin


An efficient blocker: easy on memory and CPU footprint, and yet can load and enforce thousands more filters than other popular blockers

DuckDuckGo Privacy Essentials


Privacy, simplified. Our add-on provides the privacy essentials you need to seamlessly take control of your personal information, no matter where the internet takes you: tracker blocking, smarter encryption

SingleFile

Save a page as a single HTML file


Save a complete page (with CSS, images, etc.) into a single HTML file

Easy Screenshot


Capture a screenshot of the whole webpage, and save in your desktop in default

To protect and easy to extract photos to search
**Wayback Machine**


Detects dead pages, 404s, DNS failures & a range of other web breakdowns, offering to show archived versions via the Internet Archive's Wayback Machine. In addition you can archive web pages, and see their most recent & first archives
Ex. Onet.pl

**Link Gopher**


Extracts all links from web page, sorts them, removes duplicates, and displays them in a new tab for inspection or copy and paste into other systems.

Try: ccat.pl

**OCR – text capture from picture**

Copyfish - Free OCR Software


**QUESTIONS???
Thank you for your attention!

TELECOMMUNICATION INVESTIGATION IN FINANCIAL CASES (WITH SOME ASPECTS OF LOCALISATION)

MONTENEGRO

EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT TRAINING
How Mobile Phones Work

Facts and Figures (December 2016)

• Around ... million mobile phone subscribers (SIM cards) in Montenegro
• .... Facts and figures
Cell Types

- Omni Cell
  - Omni-directional cells have one antenna which gives 360 degree coverage
- Macro Cell
  - Are the workhorses of a network.
  - Cells have more than one antenna and the coverage area is split up into sectors (typically 3 or 6)
  - Antennas mounted on masts, buildings, normally elevated
  - Provide coverage over varying distances typically 1 KM to 35 KM
- Micro Cell
  - Provide additional coverage in areas of high number users
  - Mounted at street level and often disguised
  - Provide coverage over distances between 100m and 1KM
- Pico Cell
  - Provide coverage up to 10m
  - Generally found in buildings with dense population
- Nano Cell
  - Smallest standard cell. Found in offices
  - Provide coverage between 1m to 10m

Seizure of Mobile Phones
Legislation covering Telecommunications

Is part of cyber

Issues around Forensic Examinations of SIMs / Handsets & Communications
The Differing items of Communications Data

Attributing Mobile Phones
Evidencing Communications Data

Localisation
Any Questions?

Thank you for your attention!
CEPOL WB FI PROJECT

2018
IMPLEMENTATION PHASE STARTED JUNE

TNA CONDUCTED 1st HALF 2018

2017
24 MONTHS LENGTH, KICK-OFF DECEMBER

OVERRIDE

CEPOL PROJECTS

KOSOVO
ALBANIA
NORTH MACEDONIA
MONTENEGRO
BOSNIA AND HERZEGOVINA
SERBIA

INVESTIGATIONS
FINANCIAL
WESTERN BALKANS

COUNTER TERRORISM II

MOROCCO
TUNISIA
TURKEY
JORDAN
LEBANON
23 WB PARTICIPANTS IN RESIDENTIAL ACTIVITIES
SELF-RAISED
120 EXCHANGES, PEER TO PEER
4 + 8 REGIONAL TRAININGS
6 NATIONAL TRAININGS, 1 PER PARTNER

WORK PLAN
CEPOL WB FI PROJECT

KNOWLEDGE IN THE FIELD OF FINANCIAL INVESTIGATION
ESTABLISHMENT OF A COMMON AND SHARED PRACTICAL
MEMBERS’ BALANCE WITH FINANCIAL INVESTIGATION
ENHANCED OFFICIALS’ PROFESSIONAL AND VOCATIONAL
AND NETWORKING BETWEEN THE EU AND NON-EU LAW
PROMOTING CLOSER COOPERATION AND MUTUAL LEARNING

OBJECTIVES
CEPOL WB FI PROJECT