


# **International Asset Tracing Outside the Formal MLA**

**Office of the Chief Prosecutor of Georgia**

**2017**




## Initial Remarks


- The presentation provides overview of international asset tracing possibilities outside the MLA
  - However, it does not intend to suggest substituting MLA with any other procedures
  - Rather, the intention is to discuss the usefulness of applying additional asset tracing means for complementing and facilitating MLA and thus contributing to successful asset tracing and confiscation
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# **Why it is important to use other means for asset tracing**


The factors to be considered:

- Types of assets to be traced
  - Possible challenges if relying solely on MLA
  - What other asset tracing means could be employed
  - What information can be gathered
  - Benefits and use of other means for asset tracing
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## **Types of assets to be traced**

- Instrumentalities of crime
  - Proceeds of crime
  - Equivalent property
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## **Possible challenges if relying solely on MLA**

- Lengthy time
  - Insufficient and incomplete responses some times
  - Wasting the resources of MLA competent authorities by making unnecessary use of them
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# **What other asset tracing means could be employed**

- Cooperation between Financial Intelligence Units (FIUs)
  - Law Enforcement Cooperation
  - Camden Assets Recovery Interagency Network (CARIN)
  - Asset Recovery Offices
  - Open sources
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# FIU to FIU Cooperation

- FIUs are uniquely positioned to cooperate and support national and international efforts for combating money laundering, associated predicate offences and terrorist financing
  - FIUs are obliged by international AML/CFT standards to exchange information and engage in international cooperation. Currently there are 154 FIUs around the world
  - Due to the ability of contacting foreign counterparts and collecting financial intelligence through the Egmont Secure Web, FIUs provide most exhaustive and rapid way for obtaining valuable information for international asset tracing
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# Law Enforcement Cooperation

- Using Liaison officers network of national law enforcement agencies
  - Exchanging information between national (or regional) law enforcement units using channels such as INTERPOL, Europol and other regional law enforcement bodies
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# 2017




■ Countries to be Covered by Georgian Police Attaches in 2017

■ Georgian Police Attaches already Deployed

## **Camden Assets Recovery Interagency Network (CARIN)**


- CARIN is a global interagency network of law enforcement and judicial practitioners in the field of asset tracing, freezing, seizure and confiscation. Each member state is represented by a law enforcement officer and a judicial expert
  - CARIN contacts support the complete asset recovery process, from the starting point of the investigation involving the tracing of assets and confiscation
  - CARIN currently has 54 registered member jurisdictions, including 28 EU Member States and nine international organizations. CARIN contacts may be contacted directly by phone or email
  - There are other five regional asset recovery inter-agency networks (ARINs) across the globe
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## **Asset Recovery Offices (AROs)**

- ▶ AROs facilitate, through enhanced cooperation, the fastest possible EU-wide tracing of assets derived from crime
  - ▶ An Asset Recovery Office of the EU Member may make a request to the Asset Recovery Office of another Member State for information for the purposes of the facilitation of the tracing and identification of proceeds of crime and other crime related property
  - ▶ The Europol may play a role in the information exchange between AROs and third countries with operational Europol agreement
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## **What information on assets is available through law enforcement cooperation and asset recovery networks**


The scope of property information that can be collected through law enforcement cooperation and asset recovery networks varies from country to country. It also depends on the type of the requested agency. At a minimum the following data can be obtained:

- Ownership of real estate and movable property
  - Ownership of legal persons
  - Bank accounts (where applicable)
  - Other information available in public and private registries
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# Open Sources

- While public information is available through variety of sources, internet is most useful due to its timeliness and easiness to access
- The following 2 methods can be particularly helpful for obtaining the property information on natural and legal persons under interest:
  - Searching the information in public government registries
  - Searching the information through web search engines, such as Google, Bing, Yahoo and others

## **Public Government websites in Georgia containing property information**

- Website of the Public Register
  - Website of the Civil Service Bureau
  - Website of the Public Procurement Service
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## **Benefits and use of other asset tracing means**

- Obtaining timely intelligence on movement and placement of assets
  - Prompt determination of full list of countries for sending MLA
  - Timely identification of types of assistance to be requested per each country, including search, seizure and confiscation of assets
  - Ability of sending targeted and well substantiated MLA requests in an appropriate time and thus increasing the chances of successful asset tracing and confiscation
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## **Few things about asset tracing system of Georgia**

- Criminal and civil procedures for asset tracing and confiscation are in place
- Georgia has specialized investigators and prosecutors for investigation and prosecution of financial crimes
- All forms of international cooperation are available

The system has proven to be successful as in combination with other measures it played particularly important role in eradicating organized crime and corruption in Georgia



## **Future plans of the Prosecution Service of Georgia in the area of asset tracing and confiscation**

- Analyzing the existing legislative framework and practice of asset tracing and confiscation
  - Identifying possible shortcomings and measures for improvement
  - Implementing those measures and monitoring their implementation
  - Evaluation of results
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**Thank you for your attention!**

**Questions?**

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