

Abstract IAP Presentation

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Plenary 4: Money Laundering through Virtual Assets

Workshop Session 4 A: Parallel financial investigations in practice.

Within the framework of evaluating the effectiveness in the criminalization of the crime of money laundering and all related crimes, the idea of this presentation is to determine the degree to which the enforcement agencies' recommendation on applying the "parallel investigation technique" is internalized by operators.

This methodology of approaching crime in a simultaneous manner from the beginning of investigations not only allows feedback of evidence between both files, especially to establish the different individuals who participated in all stages of the crime.

On the other hand, it empowers prosecutors to explore both the origin of the assets in possession of the criminal organization and who their true owners are, making it easier to decide in a timely manner on precautionary measures on the assets, of any nature, that proceed from the criminal activity, and to prevent their possible disposal.

In this regard, FATF Resolution 30 on the responsibilities of law enforcement and investigative authorities states that, in all cases of money laundering, previous related crimes and terrorism financing, law enforcement authorities should conduct a "proactive parallel investigation". The idea of having parallel investigations is that the knowledge of both investigative records is aggregated, which guarantees that the crimes are fully investigated.

Consequently, all member countries have adopted legislative and regulatory measures that allow their competent authorities, which litigate complex criminal cases, to conduct parallel financial investigations, establishing action and best practices protocols based on other countries' successful experiences.

In practice, however, it must be verified whether those mandates have substance, i.e., whether they really had an impact on reality and with what intensity that technique is applied by prosecutors.

In the understanding that this investigative tool should be encouraged with the intention of increasing effectiveness in the fight against organized crime, the aim here is to identify the main reasons and difficulties arising from putting this process into practice and the frequency in which they recur.

The purpose of identifying drawbacks (i.e. verifying in what stage of the proceedings the opening of the parallel investigation is omitted) is to design ways to overcome them or to reduce the risks of successive investigations.