



FATF/OSCE/MONEYVAL Workshop for Judges and Prosecutors: Experiences, Challenges and Best Practices

26 and 27 March 2018,

Council of Europe, Strasbourg, France (Agora Building, Room G 3)

A G E N D A

Co-Chairs:

FATF President Mr. Santiago Otamendi

MONEYVAL President, Mr. Daniel Thelesklaf

Monday 26 March 2018	
8:00 - 9:00	Attendees registration
9:00 - 9:30	<p>Opening session</p> <p>Opening address by Mr. Christos Giakoumopoulos, Director General, Directorate General Human Rights and Rule of Law, Council of Europe</p> <p>Opening address by Mr. Santiago Otamendi, FATF President</p> <p>Opening address by Mr. Daniel Thelesklaf, MONEYVAL President</p> <p>Opening address by Ms. Rasa Ostrauskaite, Co-ordinator of OSCE Activities to Address Transnational Threats</p> <p style="text-align: center;">Moderator: Mr. Jan Kleijssen, Director, Information Society and Action against Crime Directorate, Council of Europe</p>
9:30 – 9:45	Group photo
9:45 - 10:45	<p>a) Money Laundering (ML) investigation and prosecution</p> <p>Panellists: Mr. Jeremy Rawlins (UK), Mr. Robert Fischel (British Overseas Territory of Gibraltar), Mr. William Giles (UK Crown Dependency of Guernsey), Ms. Linda Watts (UK Crown Dependency of the Isle of Man), Mr. Siro De Flammeneis (Italy), Mr. Rickert Ahling (Netherlands).</p> <p>Moderator: Mr. Arnar Jensson (OSCE)</p>

	<p style="text-align: center;">Presentation on MERs review (FATF Secretariat)</p> <p>Issues to be discussed include:</p> <p>1) Underlying elements for effective ML investigation and prosecution.</p> <ul style="list-style-type: none"> • Legislative basis • Council of Europe’s Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism • Strategic priority/policy • Institutional framework – specialized prosecutors, forensic accountants, law enforcement <p>2) Investigation</p> <ul style="list-style-type: none"> • Powers and techniques - things that have proven useful in pursuing ML offences • Self-laundering – predicate offence only or also self-laundering charges – investigative/prosecutorial practices and policies <p>3) Main challenges and effective practices when investigating/prosecuting ML offences? Including discussion of case examples and sentencing</p> <p>4) Mutual legal assistance and international cooperation</p> <ul style="list-style-type: none"> • What are the main legal or practical challenges when MLA is required in a ML investigation or prosecution • Joint investigative bodies, conflict of jurisdiction
10:45 - 11:15	Coffee Break
11:15 - 12:15	a) ML investigation/prosecution (cont.)
12:15 - 13:15	Lunch
13:30 - 15:00	<p>b) Proceeds and instrumentalities of crime (POC) – seizure and confiscation</p> <p>Panellists: Ms. Alice de Chambrier (Switzerland), Ms. Karin Sigstedt (Sweden - CARIN), Ms. Kelly Reitsma (Canada), Mr. Baurzhan Kurmanov (Kazakhstan), Mr. Vladan Joksimovic (Regional Anti-Corruption Initiative).</p> <p>Moderator: Mr. John Carlson (FATF Secretariat)</p> <p style="text-align: center;">Presentation on MERs review (FATF Secretariat)</p> <p>Issues to be discussed include:</p> <p>1) Underlying elements for effective POC confiscation</p> <ul style="list-style-type: none"> • Legislative basis • Council of Europe’s Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism • Strategic priority/policy

	<ul style="list-style-type: none"> • Institutional framework – specialized multi-disciplinary units, necessary skill-sets, technical resources etc. <p>2) Financial investigation and Asset tracing</p> <ul style="list-style-type: none"> • Identifying all parties involved in or linked to criminal activity • Identifying assets, and holders of the assets. Investigative powers • Databases or records on assets and owner – access, timeliness, ability to search <p>3) Seizing/freezing</p> <ul style="list-style-type: none"> • Establishing relationships among persons, companies, assets and transactions. Powers re third party property • Powers to seize/freeze, burden of proof, timeliness <p>4) Confiscation/forfeiture and recovery</p> <ul style="list-style-type: none"> • Analysis of links between criminal activities, proceeds generated or instrumentalities and assets sought to be confiscated • Forfeiture of assets of equivalent value • Burden of proof – criminal, civil, reverse burden • Conviction based vs non-conviction based systems • Main reasons why seized POC are not ultimately confiscated – legal/living expenses; lack of proof that POC etc. <p>5) Mutual legal assistance and international cooperation</p> <ul style="list-style-type: none"> • What are the main legal or practical challenges in tracing, freezing/seizing and confiscating POC, when assets located in other jurisdictions <p>6) Asset management and sale</p> <ul style="list-style-type: none"> • Institutional frameworks, powers and skill sets needed
15:00 - 15:30	Coffee Break
15:30 - 16:00	b) Proceeds and instrumentalities of crime (POC) - seizure/confiscation (cont.)
16:00 - 18:00	<p>c) Terrorist Financing (TF) investigation and prosecution</p> <p>Panellists: Ms. Gabriele Tilmann (Germany), Ms. Laura Vaik (Estonia), Mr. Yehuda Shaffer (Israel)</p> <p>Moderator: Mr. Yehuda Shaffer (Israel)</p> <p>Presentation on MERs review (FATF TREIN)</p> <p>Issues to be discussed include:</p> <p>1) Investigating/prosecuting terrorism offences (including ancillary offences) vs. terrorist financing offences.</p> <p>2) Preventive vs repressive approach.</p>

	<ul style="list-style-type: none"> • Considerations of law enforcement and/or security/intelligence agencies on gathering/sharing intelligence and using disruption/prevention rather pursuing TF prosecutions? • Interaction - counter-terrorism and CFT <p>3) Investigation and prosecution of TF cases in the region. Powers and techniques - things that have proven useful in pursuing TF offences. Main challenges and effective practices when investigating/prosecuting TF offences? Including discussion of case examples.</p> <p>4) Mutual legal assistance and international cooperation.</p> <ul style="list-style-type: none"> • What are the main legal or practical challenges when MLA is required in a TF investigation or for a prosecution? • Joint investigative bodies, possible conflicts of jurisdiction.
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Tuesday 27 March 2018	
9:00 – 12:30	<p><u>Three breakout sessions</u> for more detailed discussions on:</p> <p>a) ML investigation/ prosecution. b) Proceeds and instrumentalities of crime (POC) – seizure and confiscation. c) TF investigation/ prosecution.</p> <p>Coffee break mid-morning</p>
12:30 - 13:30	Lunch
13:30-15:30	<p>Workshop group discussion on findings and conclusions on:</p> <p>a) ML investigation/ prosecution. b) Proceeds and instrumentalities of crime (POC) – seizure and confiscation. c) TF investigation/ prosecution.</p>
15:30 - 15:45	Closing