

On the review and adjournment of the training materials for

# Financial Investigations and Confiscation of Proceeds from Crime

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# PREPARATION OF MANUAL

- **The work that is done:**
- **Experience gained from first training**
- **Issues of trainers**

# PREPARATION OF MANUAL

- **The work that has been done:**

Study of Literature

Legal proposition

Organized Work

Division of Work

Material Compile

Collection of forms

# PREPARATION OF MANUAL

- **Gained experience from first training**

**Importance of Financial Investigation**

**Integrated Financial Investigation**

**Reversal of Proofs**

**Institutional Cooperation**

# PREPARATION OF MANUAL

- **Issues of trainers**

**To review the content**

**To be more practice**

**To be more realistic**

# Legal Instruments

## International

- *UN convention for the fight against international organized crime and two additional protocols for the fight against trafficking and smuggling. (8920/ 11.07.2002)*
- *UN convention of 1988 "against illegal trafficking of narcotic drugs and other psychotropic substances ", or the Vienna convention (8722/ 26.12.2000 )*
- *European convention for laundering, capture and confiscation of crime products (6846/20.07.2000)*
- *Europol convention for the organized crime (8646/ 20.07.2000)*
- *European convention for mutual judicial assistance in the criminal cases. 04.04.2000*
- *Penal convention for the corruption (8778/ 26.04.2001)*
- *Civil convention for the corruption (8635/ 06.07.2000)*
- *Convention for fight against financing of terrorism 8865/ 19.03.2002)*

# Legal Instruments

## NATIONAL

- *Penal Code 7895/ 27.01.1995*
- *Penal Procedure Code 7905/ 21.03.1995*
- *For the State Police 8553/ 25.11.1999*
- *For the organization of the Judicial police 8677/ 02.11.2000*
- *For the prevention of money laundering 8610/ 17.05.2000*
- *For the prevention and counter of the organized crime 9284/ 30.09.2004*
- *For the actions against the financing of terrorism 9258/15.07.2004*

## Criminal acts which go through financial investigation

- ❑ Criminal Organization (333)
- ❑ Criminal Group Structured (333/a)
- ❑ Terrorist Organization (234/a)
- ❑ Armed gang (234/b)
- ❑ Terrorist Acts (230)
- ❑ Financing of terrorism (230)
- ❑ Hiding of funds and properties financing the terrorism (230/b)
- ❑ Information given by persons that exercise public functions or in exercise of duty or profession (230/c)
- ❑ Committing violent acts and services with requisite persons (230/ç)
- ❑ Violent acts against property (231)
- ❑ Delivering dangerous substances (232)
- ❑ Creating armed gangs (233)
- ❑ Producing military weapons (234)
- ❑ Kidnapping or holding as hostage of the person (109)
- ❑ Kidnapping with the intention of enrichment or of insuring any other kind of benefit (109/b)
- ❑ Trafficking of persons (110/a)
- ❑ Trafficking of women (114/b)
- ❑ Trafficking of minors (128/b)
- ❑ Trafficking military weapons and ammunition (278/a)
- ❑ Trafficking of explosive, firing or radioactive substances (282/a)
- ❑ Trafficking of narcotics (283/a)
- ❑ Organization and management of criminal organizations (284/a)

# INSTITUTIONS

## WHERE TO BE FOUND?

### A. LICENCES

Ministry of Finance  
Ministry of Transport  
Ministry of Agriculture  
Ministry of Environment  
Ministry of Economy

### B. FINANCIAL DATA and PROPERTY TITLES

DPPPP  
DPT  
DPD  
DSHTRR  
ZRPP  
ILD  
Sea Commander

## WHO EXECUTES?

**POLICE**

### PROSECUTOR'S OFFICE

Serious Crimes Prosecutor's Office

**COURT**

(Serious Crimes District Court )

## MANAGEMENT

**MANAGEMENT  
AGENCY OF  
CONFISCATED  
AND SEQUESTERED  
ASSETS**

# Towards WHOM are done the financial investigations?

X <sub>1</sub>	X <sub>2</sub>	X <sub>3</sub>	X <sub>4</sub>	X <sub>5</sub>	...	X <sub>i</sub>
X <sub>1B</sub>	X <sub>2B</sub>	X <sub>3B</sub>	X <sub>4B</sub>	X <sub>5B</sub>	...	X <sub>iB</sub>
X <sub>1F</sub>	X <sub>2F</sub>	X <sub>3F</sub>	X <sub>4F</sub>	X <sub>5F</sub>	...	X <sub>iF</sub>
X <sub>1Pa</sub>	X <sub>2Pa</sub>	X <sub>3Pa</sub>	X <sub>4Pa</sub>	X <sub>5Pa</sub>	...	X <sub>iPa</sub>
X <sub>1Pf</sub>	X <sub>2Pf</sub>	X <sub>3Pf</sub>	X <sub>4Pf</sub>	X <sub>5Pf</sub>	...	X <sub>iPf</sub>

X <sub>1..Xi</sub> -	Authors
X <sub>1B..XiB</sub> -	Spouses
X <sub>1F..XiF</sub> -	Children
X <sub>1Pa..XiPa</sub> -	Relatives
X <sub>1Pf..XiPf</sub> -	Physical Judicial

## Legal Reference

Law Nr.8553, date 25.11.1999 "For the State Police ", Article 37 (Collection and administration of information)  
 Law Nr.9284, date 30.9.2004 "For the prevention and attack of the organized crime", Article 3  
 (Circle of Suspicious Individuals)

# Elements for Financial Investigation

- Penal Actions
- Authors
- Product of the Penal Action

# **What can be sequestered / confiscated**

- 1. Tools and means to commit a criminal act**
- 2. Products of the criminal act**
- 3. Rewards reward given or promised for its commitment;**
- 4. any other property resulting from the criminal act;**
- 5. Means, use, hold and production make a criminal act;**
- 6. Properties are the products of the criminal acts are transferred or transformed;**
- 7. Legal properties up to the value of the of the criminal act products**
- 8. Incomes or other benefits/ to the amount of the criminal act products;**

**Penal Procedure Code Article 274/2  
Penal Code Article 36  
Law 9284, Article 6**

# STATISTICS

(Year 2006)

Requests for sequesters (Cases)	20
Precursory Sequesters	20
Sequesters	6
Confiscations	3
Suspended	1
Through the confiscation process	10
Total Value of the precursory sequesters	About 6 million EURO

# The objective of the training program

Giving the appropriate knowledge  
and the appropriate training for the  
professionals which are responsible  
for the development of the financial  
investigations!

# Training Institutions

- Basic Training Programs

1. The Police Academy
2. The Faculty of Law
3. The School of Magistrates

- Specialized Training

1. CARPO
2. The Police Academy
- 3.
- 4.

# Content

- **Except of the ratified conventions and the national laws we also have:**
  - **The Strategy for the financial investigation**
  - **The training manual for the Financial Investigation and Confiscation of the Crimes' Products.**
- **The special part of the manual for the Financial Investigation is a support to line up all the subjects which are part of the financial investigation course.**

# Experts

- General Part
  - European Commission Experts
- Special Part
  - Local Experts  
Police  
Prosecutor's Office  
Court

# Groups that will be trained

<b>Service</b>	<b>Unit</b>	<b>Number of Participants</b>
Police		10
Judicial Police Officers		4
AMA Specialists		2
Prosecutor's Office		3
Court		3
Total		22

# Training Institutions

Service	Institution	Location	Experts	Accommodation
Police				
Prosecutor's Office				
Court				
AMA				

# Training Materials

- **Subjects**
- **Case Studies**

# Logistic Tools

- **Location**
- **Meeting Room**
- **Technical Equipment**
- **Transport**
- **Accommodation of participants**
- **Expenses**

**Case Study:**  
**Cigarette/Tobacco Smuggling**

# Penal Actions

Importing, exporting or transiting goods to which excise duty is applied;  
Article 172 e 28/4

Creating an armed gang or criminal organization or participating therein;  
Article 333/a

Committing crimes by an armed gang or criminal organization;  
Article 334

# Authors

Authors in total 34

Participants in the structured group 18

# Sequesters:

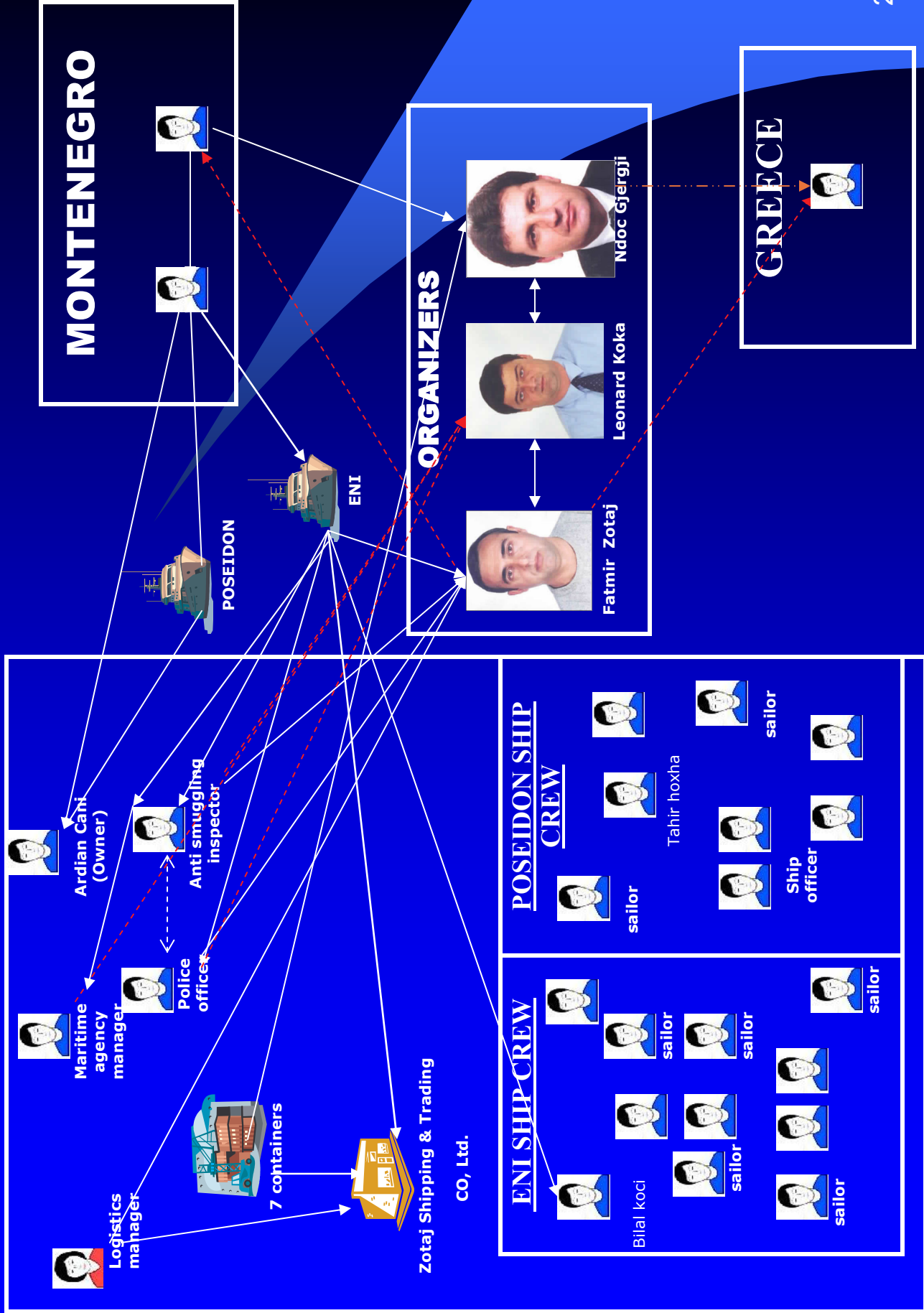
- 8563 cases of cigarettes without the fiscal stamp, “Aura”, “King stone”, “Marlboro”, “Karelia”, “Dorchester”
- It is proved that in 3 cases are smuggled 18948 cases with cigarettes.
- Ship “Eni” 1800 ton
- Ship “Poseidon” 700 ton
- 15 containers
- 6 Floor Building
- Luxurious Apartments
- 10.000 m2 warehouse
- 2 yachts and 4 luxury cars
- Total values of sequesters 4 million EURO

# Itinerary

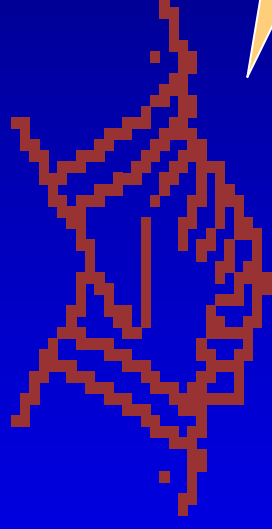
- Montenegro
- Durrës
- Shkoder
- Greece



# CHART: KOKA Smuggling Group



# MINISTRY OF INTERIOR



# THE END!

Thank you!