

SUMMARY OF CASES

| CASE | CRIMINAL CONDUCTS & LEGAL FRAMEWORK | SUMMARY AND RELEVANCE (ACCORDING TO EXPERTS) | OTHER RELEVANT ISSUES |
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| ALB 1 | <p style="text-align: center;">Drug Trafficking</p> <p>- Article 283/a/2 of the Albania Criminal Code.</p> | <p>This case involves an organized criminal group aiming on the trafficking of drugs from South America to Albania, intercepted by the Dutch Police unit. Although Albania never showed a problematic regarding cocaine trafficking, this cases illustrates a new tendency of criminal groups.</p> | <p>International communication cooperation between International Police Units of Holland, Malta and Albania, as well as liaison office of Holland in Albania for express exchange of information.</p> |
| BRA 1 Diamante Operation | <p style="text-align: center;">Drug Trafficking</p> <p>- Articles 12 and 14 in conjunction with 18, I, of Law 6368/76.</p> | <p>This case reveals the functioning and structure of organized criminal groups and its international scope, as well as, the effective action of the Federal Brazilian Police Unit in the criminal investigation.</p> | <p>Cooperation between International Police Units.</p> <p>In this specific case one federal deputy renounced his post and two federal judges were compulsory retired under the charge of corruption.</p> |
| BRA 2 Carabelas Operation | <p style="text-align: center;">Drug Trafficking and Laundering of Proceeds of Crime.</p> <p>- Articles 12 and 14 in conjunction with 18, I, of Law 6368/76. - Article 304 of the Brazilian Criminal Code.</p> | <p>This case reveals the functioning and structure of organized criminal groups and its international scope, as well as, the effective action of the Federal Brazilian Police Unit in the criminal investigation.</p> | <p>Cooperation between International Police Units.</p> <p>This particular case had a special focus on the economic scope of the crime, specially regarding the laundering of proceeds of crime.</p> <p>One of the accused were granted with a temporary release by the Court, using this opportunity to disappear from his permanent address, but eventually was captured in Portugal.</p> |
| BRA 3 Fenix Operation | <p style="text-align: center;">Drug Trafficking, firearms trafficking, laundering of proceeds of crime and participation in an organized criminal group.</p> | <p>This specific organized criminal group was responsible for the large scale importation of drug and trafficking around the main city capitals in Brazil, being related to secondary crimes such as homicides, corruption, trafficking of firearms and money-laundering.</p> | <p>Cooperation between International Police Units of Paraguay and Brazil, through the programme SIU/DEA.</p> <p>This particular case had a special focus on the economic scope of the crime, specially regarding the laundering of proceeds of crime.</p> |
| BRA 4 Columbus Operation | <p style="text-align: center;">Corruption, crimes against Public Administration, smuggling, embezzlement and participation in an organized criminal group.</p> <p>- Articles 334, paragraph 3, 288 and 299 of the Brazilian Criminal Code. - Law 9613/98.</p> | <p>Organized criminal group responsible for the importation of products through shell companies in Brazil, United States, Taiwan and Holland, aiming specifically on tax evasion and money-laundering.</p> | |

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| <p>BRA 5 Holland Connection Operation</p> | <p>Cybercrime, tax evasion, evasion of foreign exchange and participation in an organized criminal group.</p> | <p>Hacking of computer systems, attempting on the damage of national security and financial systems of Brazil, United States and Holland. Perfect example of international cooperation.</p> | <p>In Brazil there is no national legislation regarding cybercrimes, therefore the accused can only be charged for financial crimes, such as tax evasion.</p> <p>The accused was arrested in Holland and no extradition was requested, due to the absence of a cybercrime legislation.</p> |
| <p>BRA 6 Diluvio Operation</p> | <p>Corruption, crimes against National Financial System, smuggling, embezzlement and participation in an organized criminal group.</p> <p>- Articles 334, paragraph 3, and 288 of the Brazilian Criminal Code. - Law 9613/98.</p> | <p>Organized criminal group responsible for the importation of products through shell companies aiming specifically on tax evasion and money-laundering.</p> | |
| <p>BRA 7 Chumbo Grosso Operation</p> | <p>Firearms trafficking, illegal trade of firearms and participation in an organized criminal group.</p> <p>- Article 5 of UNTOC. - Law 10826/2003.</p> | <p>The trafficking involved firearms from international origin, imported to Brazil through the 'Black Market'.</p> | <p>International cooperation of ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives – USA) in Colombia.</p> |
| <p>BRA 8 Gladio Operation</p> | <p>Drug Trafficking, firearms trafficking, corruption and participation in an organized criminal group.</p> <p>- Article 5 Additional Protocol to the Palermo Convention Against the Illicit Manufacturing and Trafficking in Firearms. - Article 18 and 19 of Law 10826/2003 (Brazil). - Law 1910/2002 (Paraguay). - Inter-American Convention Against the Illicit Manufacturing and Trafficking in Firearms – CIFTA.</p> | <p>The trafficking involved firearms originated from United States, Austria and Czechoslovakia were transported to Paraguay and then imported to Brazil through the 'Black Market'.</p> | <p>International cooperation among the Federal Police Units from Brazil and Paraguay.</p> |
| <p>BRA 9 Liquidação</p> | <p>Drug Trafficking, firearms trafficking and participation in an organized</p> | <p>The trafficking involved firearms originated from United States, Russia Austria and Czechoslovakia were</p> | <p>International cooperation of ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives – USA) in Colombia.</p> |

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| Operation | <p style="text-align: center;">criminal group.</p> <ul style="list-style-type: none"> - Decree 5015/2004 – UNTOC (Brazil). - Additional Protocol to the Palermo Convention Against the Illicit Manufacturing and Trafficking in Firearms. | transported to Paraguay and then imported to Brazil through Bolivia. | |
| BRA 10 Curaçao Operation | <p style="text-align: center;">Laundering of proceeds of crime, crimes against the National Financial System and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Articles 4, 16 and 22 of Law 7492/86. - Article 1 of Law 9613/98. - Article 288 of the Brazilian Criminal Code. - UNTOC. | - Involvement of account holders from the First Curaçao International Bank in the perpetration of crimes against the Financial System and money-laundering in Curaçao, France, Holland, England and Brazil, from proceeds originated from drug trafficking operations. | Request from the Netherlands to the Brazilian Federal Prosecution Unit for international cooperation on the investigations for judicial documents, information exchange and identifying proceeds of crimes, assets and other instruments involved in the crime. |
| BRA 11 Nautilus Operation | <p style="text-align: center;">Environmental crimes and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Articles 33, II, 34, III, and 55 of Law 9605/98. - Articles 180, paragraph 1, 288, 299, 334, paragraph 3, of the Brazilian Penal Code. - Article 2 of Law 8176/91. | - Trafficking of Brazilian coral reefs in National and International scenario to France, Canada, Germany, United Kingdom Denmark and Argentina. | International cooperation between the channels of Interpol in France, Canada, Germany, United Kingdom Denmark, Argentina and Brazil. |
| BRA 12 Oxossi Operation | <p style="text-align: center;">Environmental crimes and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Article 29 and 32 of Law 9605/98. - Article 180, 288 and 334 of the Brazilian Penal Code. | - International trafficking of wild animals involving Brazil, Czech Republic, Portugal and Germany. | <p>The Brazilian Federal Police is a member of the Interpol Group on Wildlife Crime, being therefore able to access data from other countries which are involved in the same Interpol channel.</p> <p>The Brazilian Legislation of Environmental crimes does not prescribe specifically the act of wild animal trafficking. Therefore, Article 334, paragraph 3 should be used instead to characterize the conduct.</p> |
| BRA 13 Woodstock | <p style="text-align: center;">Environmental crimes and participation in an organized criminal</p> | Trafficking of Jacaranda-de-Bahia (a typical Brazilian tree used in the manufacturing of musical instruments) | International Cooperation with the American Agency Fish and Wildlife Service. |

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| Operation | <p style="text-align: center;">group.</p> <ul style="list-style-type: none"> - Article 46, single paragraph, of Law 9605/98. - Articles 180, paragraph 1, 288, 299, 334, paragraph 3, of the Brazilian Penal Code. - Article 1, I, II, III and IV of Law 8137/90. | to the United States. | |
| BRA 14 Farol da Colina Operation. | <p style="text-align: center;">Drug Trafficking, laundering of proceeds of crime, firearms trafficking, corruption, crimes against the National Financial System and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Articles 16 and 22 of Law 7482/86. - Article 1 of Law 9613/98. - Article 288 of the Brazilian Penal Code. - Article 6 of the UNTOC. | Money laundering through its transfer from personal account holders in Brazil, identified as 'straw-people', to Paraguayan Bank 'BANESTADO' situated in New York, United States, using the services from the financial institution BHSC – Beacon Hill Services Corporation. | International cooperation between the MLAT-BRAZIL/USA (DCRCI/MJ) for the exchange of bank data, executed by the United States Department of Justice. |
| BRA 15 Jurupari Operation | <p style="text-align: center;">Environmental crime, money-laundering, corruption, forgery and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Art. 46, solo paragraph, Law 9.605/98. - Art. 155, 180, 288, 299, 313-B, 317 of the Brazilian Criminal Code. - Art. 20 of Law 4.947 /66. | Organized criminal group dedicated to the illegal extraction of forest products (e.g. wood) for exportation purposes from Brazil to USA, China and Europe. | <p>In this case, it must be emphasized that when dealing with organized environmental crimes, the laundering regards the environmental products per se (e.g. woods, animals, precious stones etc.), unlike the classic branches of organized crime, which regards the laundering of proceeds of crime.</p> <p>Special investigative techniques of geo-processing and remote sensor to identify fraud and illegal deforestation in the process of licensing and forest management implementation plans (FMPs) of those involved.</p> <p>Extradition request from suspects located in the USA to Brazil, through Interpol red notice list.</p> <p>Liability of legal persons from the public and private sector.</p> |

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| <p>CAN 1 Lindsay 2004 2005 Case.</p> | <p>Participation in a criminal organization. Property offences, Extortion, Corroboration, Criminal Organization.</p> <p>ss. 467.1, definition Criminal Organization 467.11 Participation in activities of criminal organization 467.12 Commission of offence for Criminal Organization 467.13 Instructing commission of offence s 346 Extortion, Criminal Code of Canada</p> | <p>Lindsay and Bonner were two member of Hells Angels Motorcycle Club accused of Extortion in association with this criminal organization. This group intimidated an owner of a satellite TV equipment business and acting in association with an identifiable criminal group. One of the two offenders made the extortion directly and the other participated as an aider.</p> | <p>Interpretation of the elements of the definition of criminal organization, which were considered overbroad and vague.</p> <p>Interpretation of the element the facilitation of criminal conduct for the economic benefit of its members, in particular drug trafficking. Also, the concept of facilitation and conspiracy.</p> |
| <p>CAN 2 Terezakis Case.</p> | <p>Criminal Organization and Drug Trafficking.</p> <p>ss. 467.1, definition Criminal Organization, 467.11, Participation in activities organized Crime, 467.12 Offence for Criminal Organization and 467.13 Instructing commission of offence criminal organization. Criminal Code of Canada</p> | <p>Terezakis was a leader of a criminal organization involved in drug trafficking. He was solely charged by the ‘instruction offense’ but also jointly for other offences such as conspiracy to traffic drugs. It makes him to receive a severe sentence.</p> | <p>Interpretation of the definition of criminal organization and participation offence, particularly the element of instruction offence ‘facilitation’. The composition of a criminal organization and the interpretation of the element of the group’s criminal objectives.</p> <p>The instructed offence must be connected to the criminal organization and must have knowledge of a main criminal purposes.</p> |
| <p>CAN 3 Accused No. 1 Case.</p> | <p>Criminal Organization</p> <p>ss. 467.13, criminal organization offence, 467.1, definition criminal organization. 467.11 Participation in activities organized Crime. Criminal Code of Canada</p> | <p>Two people were accused by operating a high volume of drug trafficking from a hotel pub and were alleged to have used violence and intimidation to ensure the cooperation of other people. One of them was charged with instructing the commission of an offence for the benefit of a criminal organization.</p> | <p>Interpretation of the definition of criminal organization offence and participation in a criminal organization. This limits the vagueness and over breadth of those legal concepts and preserve the constitutional validity of those provisions.</p> |
| <p>CAN 4 Pereira Case.</p> | <p>Criminal Organization.</p> <p>ss. 467.1 definition criminal organization, 467.12 offence for criminal organization,</p> | <p>Four persons were charged for offences, such as possession of explosives, firearms, intimidation, extortion and criminal organization offences. Three of them, old members of Hells Angels, are charged with</p> | <p>Constitutionality of the provision on the Criminal Code related to criminal organization offences under Criminal Code because these were alleged vague and overbroad and also violate the accuser’s rights to privacy, liberty, and security under the Charter of Rights.</p> |

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| | 467.13 Instructing commission of offence criminal organization. Criminal Code of Canada | commission of offence for criminal organization offence and two of them, not formal members, are charged with instructing commission offence. | Interpretation of the element of instruction to commit an offence in connection with criminal organization. |
| CAN 5 Beauchamp Case | Criminal Organization, Fraud and Trafficking of Credit Card Data. ss. 342.01 Devices used to forge credit cards s. 265(1)(c) Conspiracy ss. 467.11, 467.12 Commission of CO and 467.13 Instructing commission of offence of a Criminal Organization. Criminal Code of Canada | Four persons charged for either individually or jointly with offences related to credit card fraud. Two of them were owners of Canadian Barcode, which purpose was to sell devices and assist others to commit credit card fraud. Third alleged to have sold the devices and provide technical assistance and the four alleged to be a street level credit card fraudster. | The interpretation of criminal organization, particularly when a business activity can be captured under the criminal organization provisions of the Criminal Code. One of the requirement of being a criminal organization is that one of the main purposes or main activities of the criminal organization must be the facilitation or commission of a serious offence (at para. 504). |
| CAN 6 Ciarniello Case. | Criminal Organization. Sections of Criminal Code dealing with criminal organizations infringed s. 7 of Charter. ss. 467.1(1), 467.2(2) Criminal Code of Canada s. 7 of the Charter of Rights and Freedoms. Right to life, liberty and security. | Ciarniello was member of the Hell's Angels Motorcycle Club (HAMC) and has been for over 20 years. He is the President of the Vancouver Chapter of HAMC. He alleged in Court that his security and liberty interests (s. 7 Charter) were directly affected by ss. 467.1(1) to 467.2(2) and Ontario Judgement declaring HAMC as a criminal organization across Canada. However, he is not charged with an offence, but he alleged that he has been harassed by one or more law enforcement officials. | Interpretation of a constitutional challenge of federal legislation, particularly the issue that the criminal legislation does not make it an offence to be a member of an association that has been labelled a criminal organization. |
| CAN 7 Punko 2010 2011 Case. | Conspiracy, drug trafficking and criminal organization. s. 471.1, s. 724(1)(e), s. 724(2)(b) Criminal Code of Canada | Potts and Punko were charged by direct and indictment on seven-count indictment. Mr Potts with a conspiracy to produce and traffic methamphetamine at the direction of, or in association with the criminal organization, East End Charter of the Hells Angels (EEHA). | Interpretation of the definition of criminal organization offences, whether the offences alleged have been committed or instructed were for the benefit of, at the direction of, or in association with the EEHA and whether the accused had knowledge therefore. |
| CAN 8 Meloche | Controlled drugs and substances. | William, Roy and Talbot are charged for possession and conspiracy to sell unstamped tobacco products, | Interpretation of participation of each of the accused as part of a criminal organization, including facilitation and commission of one or more serious |

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| Case. | Participation in criminal organization s. 465(1), s. 465(1)(c), s. 467.1(1), s. 467.12 Criminal Code of Canada | and acting for the benefit of a criminal organization Gilles Hart. | offences. |
| CAN 9 Ward Case. | Criminal Organization. s. 52 Constitution Act 1982 ss. 467.13 and 467.1 Criminal Code of Canada s. 7 Chapter of Rights and Freedoms | Five people were charged as members of a general conspiracy to traffic in drugs and to commit other indictable offences. The five accused apply for a declaration that the length of time from the laying of charges to the completion of their trial constitutes unreasonable delay contrary to s. 52 of the Constitution Act 1982 | Interpretation of the institutional delay in both Provincial and Superior Court does not constitute unreasonable delay in large and complex prosecution (involved criminal organization). |
| CAN 10 Giles Case. | Possession of cocaine for the purpose of trafficking in association with a criminal organization. ss. 467.1, 467.12, 467.13 Criminal Code of Canada | Giles, Revell and Rampel are charged with possession of cocaine for purposes of trafficking and possession of cocaine for purpose of trafficking for the benefit of, at the direction of, or in association with a criminal organization to East End Chapter of the Hells Angels. Also, by offences such as extortion and conspiracy. | Interpretation of the notion of criminal organization, particularly the commission of an offence for the benefit and, at the direction of, or in association with a criminal organization. To authorize the interception of private communications to afford evidence of criminal organization offence. |
| CAN 11 Cedeno Case. | Conspiracy, Criminal Organization. ss. 465, 467, 467.11, s. 467.12, s.467.13 686 (4) (b)(iii) Criminal Code of Canada | Cedeno was charged with conspiracy to import cocaine and possession for purpose of trafficking and act for the benefit of a criminal organization. She was a customs officer for the Canada Border Services Agency. She provided with pre-stamped customs declaration forms as well as the daily codes that enable the carries of these forms to avoid a search of their luggage upon arrival in Canada. She was also convicted of corruption. | Interpretation of the notion of criminal organization as being part of this and the intention to act for the benefit of the criminal group. |
| CAN 12 Ellis Case. | Conspiracies, Fraud, Property offences, Forgery, Criminal Organization. ss. 21, 355 (b), 380(1)(a), 465 (1)(c) and 467.12 Criminal Code of Canada | Ellis is one of six persons charged with committing fraud for the benefit of or at the direction of or in association with a criminal organization and conspiring to commit fraud with named and unnamed co-conspirators. | Interpretation of the definition of criminal organization, particularly as a member of the conspiracy and the element of the benefit of, at the direction of, or in association with, a criminal organization. |
| CAN 13 R. v. Boswell | Organized Criminal Group | Member of an organized criminal group involved in the murder of a member of a rival criminal organization in Toronto, Canada. There was only one witness of the murder who kept the “code of silence” | The only issue on this appeal is whether the trial judge erred by admitting the challenged code of silence evidence. |

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| | | due to fear of violent retaliation, police and the justice system. | |
| CAN 14 R. v. Drecic | Trafficking cocaine and GHB Section 467.12(1) of the Criminal Code of Canada. | Member of an organized crime group known as “The Hells Angels Motorcycle Club”, was charged with trafficking of drugs and participation in a criminal organization. | The case provides a thorough review of the notion of association and highlights the fact that the core nature of an organization can inform a Trier of fact in determining whether an individual was acting in association. David Atwell was employed by the police to act as a police agent and infiltrate in the criminal organization. |
| CAN 15 R. v. Abbey | Organized Criminal Group | Member of an organized criminal group (Galloway Boys) was charged with homicide against an affiliate of a rival criminal organization (Malvern Crew) and participation in a criminal organization. | Use of a special technique known as investigative discourse analysis. By applying this technique, an examination of the actual language used by an interviewee in his answers afforded insight into the veracity of those answers. |
| CAN 16 R. v. Sappleton | Organized Criminal Group | Shootout between two rival organized criminal groups, resulting in the murder of an innocent. The criminal organizations were charged with participation in an organized criminal group and homicide. | Application by the Crown for an order admitting into evidence the expert opinion of Detective Backus on the existence of street gangs in Toronto. |
| CAN 17 Rojas v. Canada | Organized Criminal Group Section 37(1)(a) and (2) of the Immigration and Refugee Protection Act (IRPA). | Member of an organized criminal group known as “Latin Kings”, of Peruvian citizenship, applied for his removal and deportation back to Peru as he found himself inadmissible for membership in the cited criminal gang. | |
| CAN 18 R. V. Sandham | Organized Criminal Group | Organized criminal group known as Bandidos gangs was charged with homicide and participation in a criminal organization. | |
| CAN 19 R. v. Bodenstein | Drug Trafficking Section 5 (1) of the Controlled Drugs and Substances Act and Section 467.12 of the Criminal Code of Canada. | Member of an organized criminal group known as “Hells Angels”, was charged with drug trafficking and participation in a criminal organization. | Another element of this case was the broad understanding of “associating” with a criminal organization – specifically if the crime was made easier to commit because of the involvement of the organized crime group – then it was done in association with the criminal organization. |
| CAN 20 R. v. Coates | Extortion Sections 346 and 465 (1) of the Criminal | Purported member of an organized criminal group known as “Hells Angels”, was charged with extortion of a local business and participation in a criminal | The case establishes a strong tariff for persons using their affiliation with a criminal organization to intimidate and/or extort members of public. the case properly characterizes membership in such groups as a significant aggravating |

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| | Code of Canada. | organization. | factor on sentence. |
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| CAN 21 R. v. Kirton | Assault, FTC Probation Section 265 (1)(a) and 733.1 (1) of the Criminal Code of Canada. | Accused, under probation, was charged with assault and participation in the organized criminal group “Hell Angels”. | The Court failed to prove his link to the organized criminal group. It has also been decided that a court of law is not entitled to use prior factual findings by other courts to establish that the Hells Angels motorcycle club is a criminal organization. This is a factual finding, not a matter of legal precedent, and must be proven each time the Crown makes the assertion. |
| CAN 22 R. v. Rodrigue | Possession of Dangerous Weapons Section 88 (1) of the Criminal Code of Canada. | Organized criminal group known as “Hells Angels”, was charged with possession of weapons and participation in a criminal organization. | The mens rea for “possession of a weapon dangerous to the public peace” – which is a specific intent offence – can be established through evidence showing that the weapon was known by the accused to be the property of a criminal organization which was also known to use the weapon unlawfully. Also, proving mens rea in the manner set out above does not “reverse the onus” for defendants charged with possession in similar circumstances. |
| CAN 23 R. v. Wagner | Drug trafficking, possession proceeds and Criminal Organisation. - Section 467.1 (1), 467.11 to 467.13 (1)(2) of the Criminal Code of Canada. | Members of the organized criminal group known as “Hells Angels” have been involved in the trafficking of drugs in association with a police agent. | While this is a sentencing case, it is a good review of a standard investigation in this kind of organized crime group. The use of agents, witness protection, wiretapping, and physical surveillance. It is also a good overview of the group itself. |
| CAN 24 British Columbia v. Angel Acres Recreation and Festival Property Ltd. | Criminal Organization | Seizure of the Nanaimo Hells Angels Motorcycle Club’s clubhouse and Lots 7 and 8 on which it sits. The motorcycle club has alleged that the interim preservation order (“IPO”) has endured on the basis of material non-disclosure. The judge has determined a complete seizure of the property instead. | Civil forfeiture of a criminal organisation’s property. - Chapter 29, sections 8(5) and 9(1)(2) of Civil Forfeiture Act, chapter 19 of Controlled Drugs and Substances Act, section 193 (1)(2)(a and b)(3) and 467.1 of the Criminal Code of Canada, chapter 373 of the Privacy Act and rule 19 (24) of Rules of Court. |
| CAN 25 Chatterjee v. Ontario | Drug trafficking | An individual was arrested for having violated his probation and in this act, found items in his car, such as money in cash, were associated to illicit drug trade. All items smelled of marijuana although this was not found. The Attorney General of Ontario was granted an order to seize the money of the accused, which the former on alleged to have been done <i>ultra vires</i> . | Civil forfeiture, probation. - Canadian Charter of Rights and Freedoms, sections 91(27), 92(13)(14)(15)(16), 93, 94A, 95 of the Constitution Act, section 11, 462.37 of the Criminal Code and sections 1-4, 6, 8-9, 15.5 and 15.6 of the Civil Remedies Act. |
| CAN 26 | Possession of drugs | 50 per cent of Cook’s property was partially seized | Civil forfeiture. |

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| R. v. Cook | | due to 15 packages found in his garage and which he stole from a crime scene believing to be heroin or cocaine. The application was dismissed because no evidence was found that the property was being used for commercial trafficking of illicit narcotics or other criminal purposes. | - Section 2(1), 5(2), 16, 19, 19.1(3)(4) and 20 and chapter 37 of the Seized Property Management Act. |
| CAN 27 R. v. Craig | Production of Drugs (marihuana) | The accused pleaded guilty to one count of producing marihuana and the accused's home was ordered forfeiture for the unpaid taxes related to the marihuana earnings. | Civil forfeiture. - Section 2, Part I, 4(1-2), 5(1-2), 6(1-2), 7(1), 10, Part II, 16, 17, 18, 19, 19.1, 20 of the Controlled Drugs and Substances Act; Part XII.2, Part XXI, section 673, 718.1, 718.2, 734(1)(a), 785 of the Criminal Code; Narcotic Control Act and section 45 of Supreme Court Act. |
| CAN 28 Lin. V. Ontario | Money laundering | Mr. Lin was arrested at the Toronto airport for possession of a cash amount over \$80,000. The accused was released but prosecution continued to know whether the money had been related to drugs, which was found to be true. | Civil forfeiture. - Section 8 of the Canadian Charter of Rights and Freedoms, section 1 of Civil Remedies Act and section 490 of the Criminal Code of Canada. |
| CAN 29 Saskatchewan v. Mihalyko | Drug trafficking | The accused was arrested for trafficking of drugs and his cell phone was seized, although not the truck in which he transported the trafficked drug. He was found to had committed 31 offences. | Civil forfeiture. - Chapter 28 of Civil Remedies Act; chapter 19, section 5(1) of the Controlled Drugs and Substances Act; section 7(1) of the Seizure of Criminal Property Act. |
| CAN 30 R. v. Nguyen | Production and possession of drugs for trafficking | Two accused were charged with producing marihuana, as well as with possession of the drug for the purpose of trafficking, both related to a grow operation located in the residence which was ordered for forfeiture. | Civil forfeiture. - Chapter 19, section 5(2), 7(1) and 19.1(3) of the Controlled Drugs and Substances Act. |
| CAN 31 R. v. Old Navy Property Corp. | Criminal Organization | Forfeiture of the property owned by two full patch members of the Downtown Toronto Hells Angels Motorcycle Club, which is supposedly related to the commission of offences. | Civil forfeiture of a criminal organisation's property. Sections 2(1), 19 and 19.1 (3), 16(1), 17(2) of the Controlled Drugs and Substances Act. |
| CAN 32 Ontario v. 170 Glenville Road, King | Production of drugs | Forfeiture of a residential property used for marihuana grow operation. The owner alleged to have rented the place to a friend of a friend, but could neither provide the name of him, nor any rent receipt. It was proven that the owner had control of the property and that he | Civil forfeiture. - Chapter 28, sections 2, 7(1-2), 8 (1 and 3), 19 of Civil Remedies Act; chapter 19, sections 5 and 7 of the Controlled Drugs and Substances Act; Rule 39.02 of the Rules of Civil Procedure. |

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| | | was aware and permitted the illicit activity in it. | |
| CAN 33 Ontario v. Lok | Production and possession of drugs and theft. | Forfeiture of a property where several illicit activities were held: theft of hydro, production of marihuana and its possession for the purpose of trafficking. The owner was sentenced to a diversion plan including charitable donation, forfeiture of the equipment seized and withdrawal of the charges against him. | Civil forfeiture. - App. II, No. 44, Schedule B of the Canadian Charter of Rights and Freedoms; chapter 28 of the Civil Remedies; s. 717 of the Criminal Code. |
| CAN 34 R. v. Ouellette | Production and possession of drugs for trafficking | Appeal that only half of the property be forfeited, because of the charges of production and possession of marihuana for the purpose of trafficking. | Civil forfeiture. - Chapter 19, sections 5(2), 7(1) and 19.1(3) of the Controlled Drugs and Substances Act. |
| CAN 35 Pearson c. R. | Criminal Organization | Various items related to the Hells Angels organisation were seized, but they have not been proved to be linked to the offences for which an individual has been accused. | Civil forfeiture of a criminal organisation's property. - Section 2, 490.1(1-2) and 490(9) of the Criminal Code. |
| CAN 36 R. v. Hells Angels Motorcycle Corp | Drug trafficking, extortion and trafficking of firearms | Forfeiture of personal property such as clothing, jewellery and other articles bearing the trademarked symbols used by the Hells Angels chapters in Canada. The various items were seized from the accused's homes and the chapter clubhouses. It was argued that this items were "offence-related property", further facilitation the organizations serious offences such as drug trafficking, extortion and trafficking of firearms. | Civil forfeiture. - Chapter 19, section 2 (c), 16(1-2), 19(3) of the Controlled Drugs and Substances Act; section 2, 467.1(1), 467.11, 467.12, 490.1(1-2), 490.4(1 and 3) of the Criminal Code. |
| CAN 37 R. v. La | Production and possession of drugs for trafficking | Forfeiture of half of a property for the conviction of cultivation and production of marihuana with the purpose of trafficking. Both the owner of the house and his brother were convicted. | Civil forfeiture. - Chapter 19, section 2, 16(1), 17(2), 18, 19(1 and 3) and 19.1(3) of the Controlled Drugs and Substances Act. |
| CAN 38 Scotia Mortgage Corp. v. Leung | Drug Trafficking | The lender mortgage and trust companies have been permitted to sell the real property securing their mortgages and granting them conduct of sale, regardless of the argument by the Attorney General of the illicit activities for which those properties were forfeited. | Civil forfeiture. - Chapter 19, section 2(1), 14, 16, 19 and 20 of the Controlled Drugs and Substances Act; section 490(11) of the Criminal Code. |
| CAN 39 | Production and possession of drugs for | Forfeiture of a house where unlawfully production and | Civil forfeiture. |

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| R. v. Tran | trafficking | possession of marihuana for the purpose of trafficking, was found. The male owner was convicted, but the female acquitted. | - Chapter 19, section 2(1), 16(1), 19.1(3) of the Controlled Drugs and Substances Act. |
| CAN 40 R. v. Wu | Production and possession of drugs for trafficking | Forfeiture of a house because the owner was convicted for the production and possession of marihuana for the purpose of trafficking. The accused was sentenced to a conditional sentence order of nine months. | Civil forfeiture. Chapter 19, section 16(1), 19.1(3) of the Controlled Drugs and Substances Act. |
| CAN 41 R. v. Wyatt | Possession of drugs for trafficking, possession of firearms and ammunition | Forfeiture of a condominium unit of an accused convicted of possession of cocaine for the purpose of trafficking and other offences, such as possession of loaded prohibited firearm and restricted firearm with readily accessible ammunition. The owner of the property was the sister of the accused's girlfriend, and the owner admitted to know about the illicit activities. | Civil forfeiture. - Chapter 19, section 16(1)(b), 19(3), 19.1(3) of the Controlled Drugs and Substances Act; section 490.1 of the Criminal Code. |
| CAN 42 R. v. Bonassin | Drug trafficking. - Section 5 of the Controlled Drugs and Substances Act. - Section 4(3) of the Criminal Code. | Accused was convicted of possession of cocaine and marijuana for the purpose of trafficking. | The focus of this appeal is whether Bonassin had possession of the drugs in circumstances where the police had intercepted a parcel, removed the drugs, and provided for delivery of a parcel containing books of a weight equivalent to that of the drugs. |
| CAN 43 R. v. Darby | Drugs and Weapons offences. - S. 24 (2) of the Canadian Charter of Rights and Freedom. | Appeal by the accused from convictions of drugs and weapons charges. After a prowler was caught breaking into the accused's car, the police searched the vehicle for registration documents so they could contact the owner. During the course of the search, the police found a loaded, unregistered handgun in the console. A blackberry found on the prowler was also linked to the accused and appeared to be used to traffic drugs. | Warrant validly executed as police had reasonable grounds to believe drugs would be found based on surveillance of accused. |
| CAN 44 R. v. Grywacheski | Drug Trafficking. -S. 24 (2) of the Canadian Charter of Rights and Freedom. | The Applicant Grywacheski seeks an order quashing the General Warrant issued on October 2, 2001 on the grounds that there was an insufficient basis for the warrant to have been issued and excluding the evidence obtained as a result of the execution of the General Warrant be excluded pursuant to s. 24(2) of the Charter. | Information concerning the said offence will be obtained through the use of a device, investigate technique or procedure, or the doing of any thing described in the Warrant and would, if not authorized, constitute an unreasonable search or seizure in respect to any person or a person's property, and for which there are no other provisions in this or any other Act of Parliament |

SUMMARY OF CASES

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| CAN 45 R. v. Knight | <p>Drug Trafficking and Conspiracy</p> <ul style="list-style-type: none"> - Section 487.01 of the Criminal Code; - S. 7, 8, 24 (2) of the Canadian Charter of Rights and Freedom. | Appeal by the Crown from a decision excluding evidence from Knight's trial on two charges of conspiracy to traffic in cannabis marijuana. | The appeal was allowed, and the trial judge's orders to exclude the evidence at the trial, together with the resultant acquittals, were set aside. |
| CAN 46 R. v. Lucas | <p>Firearms and drug charges</p> <ul style="list-style-type: none"> - Section 487.01 of the Criminal Code; - S. 7, 8, 24 (2) of the Canadian Charter of Rights and Freedom. | The accused faced firearm or drug charges or both arising out of a large scale police investigation into an alleged gang known as the "Doomstown Crips". As part of this investigation, the police were granted general warrants. | S. 487.01 of the Criminal Code was considered constitutionally valid; The general warrants did not improperly delegated the authorizing judge's function to the police; The granting of the general warrants, viewed broadly, was in the best interests of the administration of justice. |
| CAN 47 R. v. Luong | <p>Drug Trafficking and Theft</p> <ul style="list-style-type: none"> - Canadian Criminal Code. - S. 487.01 of the Canadian Charter of Rights and Freedoms, s. 8, s. 24(2). | Defendant was charged with production of marijuana, possession for the purpose of trafficking, and theft over \$5,000 seeking to exclude evidence from trial. | Evidence obtained through surveillance of the defendants main properties. |
| CAN 48 R. v. McCreery | <p>Criminal Organization and Homicide</p> <ul style="list-style-type: none"> - Criminal Code, ss. 183, 183.1, 184.2(1), 184.2(2), 184.2(3), 184.2(4), 184.3, 186(1)(a), 186(1)(b), 193(2), 235(1), 487.01(1), 487.01(4), 487.01(5). - Provincial Court Act, R.S.B.C. 1979, c. 341, s. 5.1 | Application for review of an authorization for video recording of private communications, where the applicant was charged with first degree murder. Police officers posed as members of a criminal organization to encourage the applicant to incriminate himself. | Police obtained a warrant for constant electronic and video surveillance of the accused, where incriminating statements were recorded. The accused argued that the evidence collected under the authorization was inadmissible at trial. |
| CAN 49 Saskatchewan (Seizure of Criminal Property Act, 2009, Director) v. Mihalyko | <p>Drug Trafficking</p> <ul style="list-style-type: none"> - Civil Remedies Act, 2001, S.O. 2001, c. 28. - Controlled Drugs and Substances Act, S.C. 1996, c. 19, s. 5(1). - The Seizure of Criminal Property Act, 2009, S.S. 2009, c. S-46.002, s. 7(1). | Appeal by the Director from the dismissal of his application for a forfeiture order over the respondent's truck. The respondent sold two Oxycontin tablets to an undercover police officer for \$60. The respondent pleaded guilty to trafficking and received a nine-month conditional sentence. | Search and Seizure: The truck and cell phone were seized when the respondent was arrested and remained with the Crown. |
| CAN 50 R. v. National | <p>Forgery</p> | Investigation of the Prime Minister of Canada, improperly involved with a loan from a federally | Search warrant and assistance order compelling production of document and envelope versus protection of confidential source. |

SUMMARY OF CASES

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| Post | <ul style="list-style-type: none"> - 28 C.F.R. s. 50.10(a) (2009). - Canadian Charter of Rights and Freedoms, ss. 1, 2(b), 3, 7, 8, 24(2). - Contempt of Court Act 1981 (U.K.), 1981, c. 49, s. 10. - Criminal Code, R.S.C. 1985, c. C-46, ss. 487, 487.01, 487.02. - Criminal Procedure Act (S. Afr.), No. 51 of 1977, ss. 189, 205. - Free Flow of Information Act of 2009, H.R. 985, 111 Congr. (2009). | funded bank to a hotel. X, a secret source, provided relevant information in exchange for a blanket, unconditional promise of confidentiality. | |
| CAN 51 R. v. Old Navy Property Corp. | <p style="text-align: center;">Organized Criminal Group</p> <ul style="list-style-type: none"> - S.16(1)1 of the Controlled Drugs and Substances Act. | Forfeiture of the property at 498 Eastern Avenue in the City of Toronto. The Respondent Corporation owns 498 Eastern Avenue. James Butler and John McMahon are the corporation's sole officers and sole shareholders. They are both full patch members of the Downtown Toronto Hells Angels Motorcycle Club. | Civil forfeiture. |
| CAN 52 R. v. Ouellette | <p style="text-align: center;">Drug Trafficking</p> <ul style="list-style-type: none"> - S. 5 (2), 7(1) and 16(1)1 of the Controlled Drugs and Substances Act. | Appeal from a judgment of the Quebec Court of Appeal reversing in part a decision of the trial judge ordering a 10-month conditional sentence and the full forfeiture of the accused's home, and instead ordering that only half of the house be forfeited. The accused was charged with and convicted of the production and possession of marihuana for the purpose of trafficking, contrary to ss. 5(2) and 7(1) of the Controlled Drugs and Substances Act (the Act). | Civil forfeiture. |
| CAN 53 R. v. Brooks | <p style="text-align: center;">Drug Trafficking</p> <ul style="list-style-type: none"> - Canadian Charter of Rights and Freedoms, 1982, ss. 8, 24(2). - Controlled Drugs and Substances Act, s. 11. - Criminal Code, R.S.C. 1985, c. C-46, s. 487, 487.01, 487.01(1), 487.01(3). | Appeal by the accused from her conviction on charges of possession of cocaine for the purposes of trafficking, possession of marijuana, and possession of a restricted weapon. The accused argued that the trial judge erred in admitting evidence obtained by police in executing a general search warrant for her residence. | Search and Seizure. Civil forfeiture. |

SUMMARY OF CASES

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| <p>CAN 54 Her Majesty the Queen v. Ha</p> | <p style="text-align: center;">Drug Trafficking</p> <p>Canadian Charter of Rights and Freedoms, ss. 8, 24(2) Controlled Drugs and Substances Act, S.C. 1996, c. 19, ss. 5(3) (b), 7(2)(c), 11 [as am.] Criminal Code, R.S.C. 1985, c. C-46, ss. 186(4)(e), 487 (1), 487.01 (1)(a), (b), (c) , (2), (5.1), 487.1.</p> | <p>The accused was charged with possession of Ecstasy for the purpose of trafficking and production of Ecstasy. During the course of covert surveillance of the accused, the police discovered that he made cash purchases of large quantities of chemicals that scientists advised the police could be used in the production of MDMA, the principal ingredient in Ecstasy, and other materials that they suspected were used in the production of drugs.</p> | <p>Search and Seizure: The police obtained a general warrant under s. 487.01 of the Criminal Code that authorized them to covertly enter and search the office space and the storage facilities.</p> |
| <p>CAN 55 Regina v. Lauda</p> | <p style="text-align: center;">Drug Trafficking</p> <p>- Canadian Charter of Rights and Freedoms, ss. 8, 24(2). - Criminal Code, R.S.C. 1985, c. C-46, ss. 487, 487.01 [enacted 1993, c. 40, s. 15], 686(4)(b)(ii). - Narcotic Control Act, R.S.C. 1985, c. N-1, ss. 4(2), 6(1).</p> | <p>The police obtained a tip from an informant that the accused was cultivating marijuana on an abandoned farm, which he did not own. The police confirmed this information by inspecting the property without a warrant and without the permission of the owner.</p> | <p>Search warrant under s. 478 of the Criminal Code and conducted a surveillance of the marijuana plants to determine their cultivator.</p> |
| <p>CAN 56 Regina v. Noseworthy</p> | <p style="text-align: center;">Conspiracy</p> <p>- Canadian Charter of Rights and Freedoms, ss. 8, 24(2). - Criminal Code, R.S.C. 1985, c. C-46, ss. 184.1-184.4 [enacted 1993, c. 40, s. 4], 187, 487, 487.01 [enacted idem, s. 15], 492.1- 492.2 [enacted idem, s. 18]. - Excise Act, R.S.C. 1985, c. E-14.</p> | <p>The accused was charged with conspiracy to the unauthorized sale of tobacco contrary to the Excise Act, R.S.C. 1985, c. E-14.</p> | <p>General warrant pursuant to s. 487.01, authorizing the police to re-seize the items previously seized</p> |
| <p>CAN 57 Rojas v. Canada (Minister of Citizenship and Immigration)</p> | <p style="text-align: center;">Organized Criminal Group</p> <p>- Canadian Charter of Rights and Freedoms, 1982, R.S.C. 1985, App. II, No. 44, Schedule B. - Immigration and Refugee Protection Act, S.C. 2001, c. 27, s. 37(1)(a), s. 37(2).</p> | <p>The applicant was found inadmissible for membership in a violent criminal gang. Despite the fact he had moved up through the ranks, the applicant claimed he did not know the true nature of the gang and had quit upon learning.</p> | <p>Order of removal and deportation of the applicant.</p> |

SUMMARY OF CASES

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| CAN 58 Scotia Mortgage Corp. v. Leung | <p style="text-align: center;">Drug Trafficking</p> <p>- Controlled Drugs and Substances Act, S.C. 1996, c. 19, s. 2(1), s. 14, s. 16, s. 19, s. 20. - Criminal Code, s. 490(9), s. 490(11).</p> | The applications by the lender mortgage and trust companies were allowed and the restraint orders against the property stemming from the charges under the Controlled Drugs and Substances Act would be varied to permit the petitioners to sell the real property securing their mortgages, and granting them conduct of the sales. | Civil forfeiture. |
| CAN 59 R. v. Shafapay | <p style="text-align: center;">Drug Trafficking</p> <p>- Criminal Code, s. 487.01</p> | Applicant, along with others, were subjects of an ongoing multi-agency drug investigation. Application by the accused for an order excluding certain evidence seized following the issuance of a General Warrant under s. 487.01 of the Criminal Code. | Warrant was properly issued and it alone gave the police authority to arrest the applicant and seize the items in question. |
| COL 1 Vanguardia Operation – FARC Case. | <p style="text-align: center;">Drug Trafficking, trafficking in firearms, terrorist acts and logistical supply.</p> <p>- Articles 340, 467 and 599 of the Colombian Penal Code. - International Provisions on Terrorism.</p> | Organized Criminal group known as FARC - Fuerzas Armadas Revolucionarias de Colombia - responsible for international drug trafficking, trafficking in firearms, terrorist supports acts and logistical supply in the following countries: United States, Venezuela, Guyana, Brazil, Suriname and Colombia. | <p>Special techniques: technical monitoring on HF frequency, fixed telephone subscribers, diagram links, management of human resources, electronic surveillance, undercover operations and data base information.</p> <p>International cooperation with FBI Miami, ICE (immigration and customs enforcement) Miami, Attorney's General Office of Colombia, National Police Unit of Colombia, Administrative Security Department.</p> <p>Extradition requests from United States, granted by the Colombian authorities.</p> |
| COL 2 Zeus Operation. | <p style="text-align: center;">Drug Trafficking and Conspiracy.</p> <p>-Political Constitution of Colombia of 1991; -UNTOC; -Act 600 of 2000, Act 30 of 1986 and Act 599 of 2000.</p> | Organized Criminal group, known as “Cartel del Norte del Valle”, aiming on the international drug traffic bound for Central America and Europe, involving four main countries: Spain, Ecuador, Peru and Colombia. | <p>Infiltration of the security scheme of the target and his circle of close associates.</p> <p>Documents were provided with target identification, INTERPOL Red Notice, Extradition order and National Arrest Warrant. Ongoing exchange of information through the Latin American and Caribbean Community Police Intelligence – CLACIP.</p> <p>Pending extradition request from the United States.</p> |
| COL 3 Cronos Operation. | <p style="text-align: center;">Drug Trafficking and Money Laundering.</p> <p>Law 600 of 2000, Act 599, Act 30 of 1986 United Nations Convention against Transnational Organized Crime -</p> | Organized Criminal group, known as “Cartel del Norte del Valle”, aiming on the international drug traffic to Central America, USA and Europe. | The operation was led by Colombia's National Police in cooperation with the Venezuelan authorities, prioritizing the development of surveillance and monitoring men close to the target and partners located in that country. Tracing and seizure of proceeds of crime and a shell company in Panamá. exchange of information in real time via communication, coordination meetings between officials of both countries and controls movement of people close to the target. |

SUMMARY OF CASES

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| | November 15, 2000, Constitution of Colombia. | | Extradition request from the United States granted by the Colombian authorities and INTERPOL Red Notice order. |
| COL 4 Beto Renteria Case. | Drug Trafficking and Conspiracy. - Law 600 of 2000 - Act 30 of 1986 - Colombian Criminal Code - UNTOC | Organized Criminal group, known as “Cartel del Norte del Valle”, aiming on the international drug traffic to Central America, USA and Europe. | The operation was led by Colombia's National Police in cooperation with the Venezuelan authorities, prioritizing the development of surveillance and monitoring men close to the target and partners located in that country. Tracing and seizure of proceeds of crime. Exchange of information in real time via communication, coordination meetings between officials of both countries and controls movement of people close to the target. Extradition request from the United States granted by the Colombian authorities and INTERPOL Red Notice order. |
| COL 5 Apocalipsis Operation. | Homicide, terrorism, aggravated theft, kidnapping, extortion and personal injury. - Articles 103, 111, 168, 169, 240, 340 and 343 of the Colombian Criminal Code | Accused, part of the organized criminal group known as Ejército de Liberación Nacional – ELN, was responsible for planning and executing criminal actions against facilities of the National Police and strategic sectors in La Guajira and Cesar. He was also the coordinator of kidnappings for ransom, extortion and financial activity against commercial sectors, oil companies and civilians. | Exchange of information with authorities in Venezuela, and in its development over the prosecution by law agencies in each country. Cooperation with the authorities for mutual legal assistance between the National Anti-Drug Office - Venezuela's ONA and the Attorney General's Office of Colombia and the Administrative Security Department - DAS. |
| COL 6 Alberto Martínez Case | Conspiracy, financing of terrorism and management of resources related to terrorist activities. - Article 340 of the Colombian Criminal Code - Article 19 of Act 1121 of 2006. | Head of the organized criminal group known as FARC in Europe was charged for the crimes of conspiracy, financing terrorism and management of resources related to terrorist activities. | Cooperation with police and immigration authorities; issue if international arrest warrant, being in the end expelled back to Colombia. |
| COL 7 Fenix II Operation. | Conspiracy, financing of terrorism and management of resources related to terrorist activities. - Articles 7 and 13 of the UNTOC. - Article 345 of Act 599 of 2000 - Criminal Code of Colombia. | Organized criminal group involved in different criminal activities abroad, mostly in drug trafficking, money laundering, kidnapping and extortion. | Cooperation with Costa Rica authorities, assistance in relation to criminal investigation in Colombia against the FARC. International seizure of \$ 480,000 cash, a computer and documents inside a safe in a typical network of support for the FARC in Costa Rica. |

SUMMARY OF CASES

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| | - Article 243 of Act 599 of 2000 - Criminal Code of Colombia. | | |
| COL 8 Cuchillo Case | Drug trafficking, manufacture and/or possession of drugs, conspiracy, murder, aggravated murder, manufacture and trafficking of firearms or ammunition, extortion, forced displacement, aggravated robbery, disturbance of possession of property, damage to resources, environmental pollution, resource management for terrorism and kidnapping - Constitution of Colombia of 1991, UNTOC, Act 600 of 2000, Act 906 of 2004, Act 30 of 1986, Law 599 of 2000. | Accused charged for the crimes of physical injury, trafficking, manufacture and possession of drugs, conspiracy, murder, aggravated murder, manufacture and trafficking of firearms and ammunition, extortion, forced displacement, aggravated robbery, disturbance of possession of property, damage to natural resources, environmental pollution, resource management for terrorist purposes, simple kidnapping and kidnapping for ransom, in Venezuela, Central America, U.S. and Europe. | Joint efforts between the joint operational DIJIN, DIPOL, DIRAN and the National Police of Colombia and the Colombian Air Force. MLA request for information, evidentiary items and expert evaluations, identification and / or tracing proceeds of crime, property and instrumentalities for evidentiary purposes, to be presented as court documents. U.S. drug authorities envisaged a legal process for extradition for the crime of drug trafficking, still in process. |
| COL 9 Garra Case. | Conspiracy to import, distribute and possess cocaine and heroin and money laundering charges. - Constitution of Colombia of 1991, UNTOC, Act 600 of 2000, Act 906 of 2004, Act 30 of 1986 and Law 599 of 2000. | Accused charged for conspiracy to import, distribute and possession cocaine and heroin and money laundering. Crimes involving the following countries: Colombia, Brazil, Venezuela, Mexico and the U.S. | Exchange of information between the National Police of Colombia and the Drug Enforcement Administration of the United States - DEA. Mutual Legal Assistance request for information, evidentiary items and expert evaluations, identification and / or tracing proceeds of crime, property and instrumentalities for evidentiary purposes, to be presented as court documents. Seizure and confiscation of vehicles, property, drugs and money. Process for extradition through DEA - United States District Court for the Eastern New York, by diplomatic note No. 2783 of 01.12.10. Current status: Still processing. |
| COL 10 Chely Case. | Conspiracy, aggravated murder, extortion, drug trafficking, forced displacement, kidnapping, disappearance and escape of prisoners. | Accused charged for conspiracy, aggravated murder, extortion, drug trafficking, forced displacement, kidnapping, disappearance and escape of prisoners, in Colombia and Venezuela. | Exchange of target identification documents, information, tenprint (tracks), and INTERPOL Red Notice arrest warrant nationwide. Extradition request from the US granted. |

SUMMARY OF CASES

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| | - Constitution of Colombia of 1991, UNTOC, Act 600 of 2000, Act 906 of 2004, Act 30 of 1986 and Law 599 of 2000. | | |
| COL 11 Domingo Biohó Case. | Terrorism, extortion and personal injury. - Article 243 - the extortion of Act 599 of 2000 Colombian Criminal Code. | Accused charged for crimes of terrorism, extortion and physical injury, issued by the Special Prosecutor of Santa Marta and by the Circuit Criminal Attorney Santa Marta. He was part of a 50 members group of the FARC bound by the Department of Justice of the United States in drug trafficking. | Special techniques: HF frequency and telephone tapping, which established the movement on the border area between Colombia – Ecuador. The intelligence service division provided by human sources and technical equipment support. Air surveillance. Database exchange. Seizure of twenty (21) rifles, forty-one (41) vendors, ammunition of different calibers, six (6) radios, five (5) digital device storage, three (3) cellular and logistical material. |
| COL 12 Strawberry Operation. | Firearms trafficking, drug trafficking, forgery and participation in an organized criminal group. - Art. 340, 366, 377, 382 of the Penal Code. - UNTOC and Protocols thereto. | Organized criminal group, supporter of the Cali Cartel organization, with special function of acquiring firearms, supporting the transfer of drugs and acting as liaison for the criminal organization. | International Cooperation through Interpol. Mutual Legal Assistance request to provide certified copies. |
| COL 13 Sandoval Case. | Firearms trafficking, drug trafficking and participation in an organized criminal group. - Decree 2266 de 1991, Art. 1. - Art. 201, 202, 340, 365, 366 and 376 of the Colombian Penal Code. | Organized criminal group where the accused worked with family members and was linked to a drug trafficking organization, belonging to the Cartel de la Costa, with operation Center in the Barranquilla (Atlantico - Colombia). | The first cooperation was obtained from initial inquiries and during the investigation, via rogatory letter, as well as evidentiary material necessary for capital punishment in Colombia for the crime of trafficking of firearms. Evidence collection was obtained through Bilateral agreement. |
| COL 14 Siberia Operation. | Firearms trafficking, corruption and forgery. - UNTOC and Firearms Protocol. | Organized criminal group dedicated to the trafficking of German firearms to Colombia. The case involved not only the trafficking of firearms, establishing the origin, transit, final destination, but has also provided the modus operandi from other criminal organizations to permeate the highest levels of society to achieve the purpose. | Cooperation between GIAT and Interpol, as well as other agencies to establish the route of the trafficked firearms, the modus operandi involved and furthermore the trial and judgments according to the degrees of responsibility of the accused. Mutual Legal Assistance request to provide: information and original supporting documents; certified copies; identification, location or tracing of proceeds of crime; evidence or statements from persons; facilitating voluntary appearances. |

SUMMARY OF CASES

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| | | | Difficulties in prosecuting foreigners related to the case, especially regarding Peru nationals. Arrest warrants were issued at the national and international level. |
| COL 15 Ramón Sanclemente Case. | Drug trafficking and participation in an organized criminal group. - Articles 84, 330,332, 334, 360 and 361 of the Colombian Constitution. - Law 685/2001 – Art. 16. - Mining Code. - Law 1333/2009. - Colombian Penal Code – Art. 331, 332, 333, 338. - Law 1453/2011. UNTOC and related International Treaties. | Organized Criminal Group part of the Cali Cartel. The accused has been charged with international drug trafficking using the following route: Medellín – Venezuela – Spain and Curacao – Aruba – Spain; and money laundry. | International Cooperation: between the National Police of Colombia and the National Police of Ecuador to arrest the accused. The accused was later extradited to the USA. |
| COL 16 Buque Otterloo. ELS 1 Elena Operation. | Firearms trafficking, corruption, forgery, obstruction of justice and participation in an organized criminal group. - UNTOC and Protocols thereto. Drug Trafficking and participation in Organized Criminal Group. -Articles 33, 36, 38, 43, 52 from the Ley Reguladora de las Actividades Relativas a las Drogas. - Article 345 of the Criminal Code of El Salvador. - Articles 15 and 23 of the Ley Especial para Sancionar Infracciones Aduaneras. - Articles 5, 12, 15 and 18 of the UNTOC. - Article 7 of the UN Convention against Drug Trafficking. | Organized criminal group identified by the Defense Forces of Colombia - AUC, also identified as paramilitaries, involved in serious crimes such as kidnapping, extortion, massacres, displacement of communities, firearms trafficking and drug trafficking, among others. Organized criminal group, with members in Panamá, Costa Rica, Nicaragua, Honduras, EL Salvador, Guatemala e Mexico, aiming on the trafficking of drugs from El Salvador to Mexico using central American countries as a route. | Interpol Bogotá received a report from Interpol primary Managua, which indicated the case and cited the support of the OAS to conduct research. Achievement, through Mutual Legal Assistance request, of essential evidentiary documents needed for the indictment. It wasn't possible to extradite the perpetrators who were nationals of Nicaragua, Costa Rica and Honduras, because the Constitution doesn't authorize the extradition of its nationals. |

SUMMARY OF CASES

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| <p>ELS 2 Hurricane Operation</p> | <p>Participation in an organized criminal group, extortion, homicide, trafficking of firearms and illegal groups.</p> <p>- Articles 129-A, 346, 346-B, 345 of the Criminal Code of El Salvador.</p> | <p>Organized Criminal Group known as “Villa Madrid Locos Salvatruchos” involved in the practice of a series of criminal acts with different operational sectors in: Villa Madrid, Botoncillal, Las Moras, Lourdes.</p> | <p>Special techniques: extrajudicial confession; tax records, related to the crimes; authorization of the criterion of timeliness in favour of the accused, in court, pursuant to article 20 CPP; surveillance and monitoring of records; Satellite image of the locations of the destroyed houses or houses where meetings were held by the VMLS; and analysis of gang terminology interpretation in graffiti and tattoos.</p> |
| <p>ELS 3 Caso Guatemala.</p> | <p>Human trafficking and participation in organized criminal group.</p> <p>- Articles 367-B, 367- C, No. 2 y 148 and 345, of the Criminal Code of El Salvador.</p> | <p>Organized Criminal Group focused in the trafficking of female minors from Guatemala, to serve as prostitutes in El Salvador. The minors were found on their way back by the Immigration authorities.</p> | |
| <p>FRA 1 Stihl Operation.</p> | <p>Drug Trafficking.</p> <p>- Article 13 of the European Convention, 2000. - UNTOC.</p> | <p>Organized criminal group connected to Colombian paramilitaries, French and Spanish criminals and the Italian Mafia, aiming on the trafficking of drugs from Colombia to several European countries.</p> | <p>International cooperation with BREC (Toulouse Police Department), anti-narcotics division UDYCO (Madrid) and COME (Italy), Public Prosecution from Milan (anti-mafia division).</p> |
| <p>FRA 2 Venture Operation.</p> | <p>Drug Trafficking.</p> <p>- Perben Law: new text tackling organized crime. - Article 13 from European Convention.</p> | <p>Organized criminal group dedicated to cocaine trafficking from Surinam or Venezuela into several countries from U.E. (France, Spain and Netherlands). Transit in Maghreb countries (Morocco, Algeria, Mauritania) Interception of the sailor boat in the Cap Vert Island.</p> | <p>Cooperation with the UDYCO in MADRID. Spanish central anti-narcotics department. E.C.E. or J.I.T. (Joint Investigation team) between France and Spain.</p> |
| <p>HUN 1 Prosecution vs. Baksa Tímea and others.</p> | <p>Organized criminal group participation, money laundering and cybercrime.</p> <p>- Articles 263, 267, 274, 276, 303, 329/A of the Hungarian Criminal Code.</p> | <p>Organized criminal group dedicated to the establishment of business companies and the opening of bank accounts by Ukrainian nationalities as “strawmen/dummies” for the purposes of legalization of proceeds of crime. Although there was no transnational scope, the case is relevant as it was the first criminal organisation in Hungary, whose activity was based only on the misuse of copyrights.</p> | <p>Interpol channel has been used to request information to the Romanian authorities concerning the death of the leader of the organization. The Romanian authorities after sending the requested information, did not agree to conduct the DNS examination.</p> |
| <p>HUN 2 Prosecution vs. Dénes Güray Dicle</p> | <p>Drug Trafficking and participation in criminal organization.</p> <p>- Articles 263/A, 282, 282/A of the</p> | <p>Organized criminal group dedicated to drug trafficking from The Netherlands, being transported throughout Europe until it reached Hungary, crossing several countries.</p> | <p>Data exchange with the Dutch Police Liaison Officer in order to identify the perpetrators in Holland, as well as, phone interception. An organized controlled delivery has been denied, considering that Holland</p> |

SUMMARY OF CASES

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| and others. | <p>Hungarian Criminal Code.</p> <ul style="list-style-type: none"> - Single Convention on Narcotic Drugs 1961. - Convention on Psychotropic Substances 1971. - United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substance 1988. | | <p>Law needed a formal rogatory request, but in Hungary such prosecution agents are not involved in that kind of operation, only in a covered police officer can be used.</p> <p>The Hungarian procedure has two levels, which makes it difficult to harmonize with other legal systems in order to perform joints investigations.</p> |
| HUN 3 Lotus Operation | <p>Smuggling in Migrants.</p> <ul style="list-style-type: none"> - Article 218 of the Hungarian Criminal Code. | Organized criminal group dedicated to the smuggling of Vietnamese citizens living in Vietnam into the territory of the Schengen Agreement's countries, in an illicit way, and staying there by representing false legal ground (in the form of invitation letter). | <p>Joint surveillance with Czech Police, Ocriest, LKA, Slovakian Police , Europol and the Drug Squad of National Bureau of Investigation of Hungary.</p> <p>Cooperation of the National Bureau of Investigation with all the law enforcement authorities of the affected transit countries, Germany, Slovakia, Czech Republic, Austria, as well as with the authorities of the target countries such as France and United Kingdom, specifically EUROPOL and EUROJUST.</p> |
| HUN 4 THB Operation | <p>Trafficking in Persons.</p> <ul style="list-style-type: none"> - Article 175/B of the Hungarian Criminal Code. - Applicable relevant international provisions. | Organized criminal group involved in human trafficking from Hungary to Austria and Germany. | Protection and assistance to victims, whom were sent to protective shelters. The requests were filed via Interpol Channels to Austrian and German authorities. |
| ITA 1 Prosecution vs. Giacomo Medici and Gianfranco Becchina – Italy. | <p>Trafficking in cultural property and participation in organized criminal group.</p> <ul style="list-style-type: none"> - UNTOC and the Protocols thereto; European Convention on Judicial Assistance (1959); Convention on laundering of proceeds of criminal offences (1990); Convention on Mutual Assistance in Criminal Matters in the EU (2000); UNESCO Convention (1970); European Cultural Convention (1954); EC Treaty on safeguarding and cultural heritage of European significance; EC Regulation n. 3911/92; and Council | Organized criminal group involved in the trafficking of works of art of certain Italian origin, which had as presupposed facts, criminal offences of theft and/or illicit excavation and exportation of the goods themselves. | <p>Extreme difficulty in the albeit of the circulation of cultural goods, taking a long time for its identification.</p> <p>Adoption of a series of international cooperation mechanisms between the countries involved. The case introduced a new policy regarding acquisitions by many different Museums around the globe, who made themselves available to return many cultural goods stolen in the past.</p> |

SUMMARY OF CASES

| | Directive 93/7/EC 1993. | | |
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| ITA 2 Sesterzio Operation. | <p>Trafficking in cultural property.</p> <p>- Articles 174 and 175 of Law Decree 42/2004.</p> <p>- Articles 485, 648 and 648<i>bis</i> of the Penal Code.</p> | Organized criminal group involved in the falsification of documents aiming on the purchase of numismatic materials (coins of archaeological interest) from the Vatican State City. | <p>Cooperation between the General Command of the Financial Police and the Office of International Cooperation.</p> <p>The cooperation has not been materialized because it has not been proved the illegal character of the object and that its origin derived from a criminal offence.</p> |
| ITA 3 Plotter Operation. | <p>Trafficking of cultural property, counterfeiting, laundering of proceeds of crime and organized criminal group.</p> <p>- UNTOC.</p> <p>- Italian Penal Code.</p> <p>- Legislative Decree 42/2004 – Code of Cultural Property and Landscape.</p> | Organized criminal group dedicated to the counterfeiting and marketing of fake artwork from Italy and Spain to Germany and Brazil. | <p>Cooperation between the Italian authorities and the following foreign units: Chicago and Miami FBI; US Postal Chicago and San Francisco; Mossos d'Esquadra in Barcelona; Eurojust; USA Judicial authority (Chicago and San Francisco); Spanish Judicial authority (Barcelona).</p> <p>Failed seizure of material evidence in Italy and simulated purchase in the USA.</p> |
| ITA 4 Red Skorpion Operation. | <p>Trafficking in firearms and organized criminal group.</p> <p>- Article 416 of the Italian Penal Code.</p> <p>- Articles 1 and 4 of Law 895/67.</p> | Organized criminal group dedicated to the trafficking of firearms from the territory of the former Yugoslavia, specially Croatia ad Bosnia, into Italy. | International cooperation between the Italian and Croatian and Bosnian Police units, specially the Office of Organized Crime in Zagreb (USKOK). |
| ITA 5 Augusto Imperatore Operation. | <p>Trafficking in cultural property.</p> <p>- Articles 416, 648 and 733 of the Italian Penal Code.</p> <p>- Articles 174, 175 and 176 Legislative Decree 42/2004 – Code of Cultural Property and Landscape.</p> <p>- UNESCO Convention 1970.</p> | Organized criminal group dedicated to the unlawful search of archaeological artefacts and the subsequent commercialization to Austria and the Unites States. | <p>Cooperation between the General Command of the Financial Police, the Italian Consulate in New York, Department of Homeland and Security and the Office of International Cooperation.</p> <p>The phases of repatriation of the artefacts in the USA subject to seizure, was complex and complicated because of the nature and fragility of the good.</p> |
| ITA 6 Morgan Operation. | <p>Drug Trafficking, organized criminal group and illegal assets.</p> <p>- Articles 73, 74 and 80 of Law DPR 309/90.</p> <p>- Articles 3 and 4 of Law 146/2006.</p> | Organized criminal group involved in international drug trafficking and affiliated with the clan 'Contini' which has been operating in the city of Naples for years. Its modus operandi is characterized by the use of vessels to smuggle drugs originating from South America and North Africa to Spain where they are stored and then transported to Italy in hidden | <p>International cooperation between the Italian authorities and the Agencia Tributaria de Malaga and Barcelona, and the Tribunal de L'instrucion.</p> <p>This investigation has particularly established a survey profiling the successful criminal perpetrations on acquisition of illegal assets in the international level, particularly in South America and Spain.</p> |

SUMMARY OF CASES

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| | | compartments inside vehicles. | |
| ITA 7 Alfabeto Operation. | <p>Smuggling of foreign tobacco, illegal assets and organized criminal group.</p> <ul style="list-style-type: none"> - Articles 291 bis, ter, quarter, and 295 of Law DPR 43/73. - Law 92/2001. - Article 416 Italian Penal Code. -UNTOC. - European Convention on Mutual Assistance in Criminal Matters 1978. - European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 1990. | Organized criminal group dedicated to the smuggling of cigarettes from Ukraine through Polish territory to the Italian territory, using the thorough fares of Romania, Austria, Greece and Slovenia and Croatia. | International cooperation through extensive meetings that have taken place both in Trieste, Warsaw and Lublin, with the participation of OLAF official and the General Command. |
| ITA 8 Accord Operation. | <p>Drug Trafficking, organized criminal group and illegal assets.</p> <ul style="list-style-type: none"> - Articles 73, 74 and 80 of Law DPR 309. - Article 110 of the Italian Penal Code. - Article 321 of Italian Procedural Penal Code. - Article 12, of the Legislative Decree 306/92. - Articles 11 and 12 of Law 146/2006. - European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime 1990. - Article 39 of the Schengen Treaty for international cooperation between police force units. - Article 12 Strasbourg Convention 1983 - UNTOC. | <p>Organized criminal group, composed of and Albanian citizens, dedicated to the management of a high market share of illegal drugs.</p> <p>This operation led to a strengthening of international cooperation between the investigative and judicial authorities, operating in various countries in which it was identified the criminal organization, allowing to define bilateral agreements on the subject.</p> | <p>International cooperation with the following entities: Augustus (Germany), Affair Rastoder (Luxembourg), Kolovoz (Croatia), Merkury (Holland), LKA (Monaco), Eurojust, Interpol, Police units of Wiesbaden, Croatia, Holland, Austria, Slovenia, Luxembourg and Belgium.</p> <p>It was found that the criminal association has been formed prior to the introduction of the legal provision in the specific legislation, adopting the principle of <i>nullum crimen nulla poena sine lege</i>. For the other defendants a conviction has remained possible.</p> |
| ITA 9 Boucher Operation. | <p>Trafficking of cultural property, laundering of proceeds of crime and organized criminal group</p> | Organized criminal group connected to other criminal organizations operating at the international level, in order to access the market regarding archaeological artefacts of illicit provenance, from Italy to France and | Activation of channels of international judicial cooperation such as: OCBC, Office Central pour la Repression de la grande Delinquance Financiere, Brigada Patrimonio Historico of Madrid and Barcelona, BKA (Germany), Service de Police Judiciaire (Luxembourg). |

SUMMARY OF CASES

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| | <p>- Italian Penal Code. - Legislative Decree 42/2004 – Code of Cultural Property and Landscape.</p> | Spain, having as middle countries Luxembourg, Germany and Spain. | |
| ITA 10 Viola Operation. | <p>Drug Trafficking, organized criminal group, trafficking in persons and smuggling in migrants.</p> <p>Articles 81; 110; 416 bis paragraphs 1, 2, 3 and 6; 600 paragraphs 1, 2, 3; and 601 of the Italian Penal Code. - Article 3 of Law 146/2006. - Article 12 of TU 286/98. - Article 73, 1, and 74, 1 and 2, of Law DPR 309/90.</p> | <p>Mafia-type organized criminal group cells formed by people of African origin, mainly Nigerian and Togolese organized in the form of network. Each cell, therefore, proved to be independent but connected to the others, aiming on drug trafficking or trafficking in women, acting in the following countries: Italy, Netherlands, England, Germany, France, Spain, Belgium and Nigeria.</p> | <p>Interpol channels and use of technique called independent and parallel process enabling the compliance of two different systems..</p> <p>International cooperation between the Police units from Italy (Naples), Nigeria and the Netherlands, as well as, the issue of an European arrest warrant through the Ministry of Justice, aiming the extradition of one of the accused.</p> <p>Despite the European arrest warrant filing for extradition, the Dutch authorities decided that the accused should be charged within the jurisdiction of its own country.</p> |
| ITA 11 Broker Operation. | <p>Laundering of proceeds of crime, organized criminal group, corruption and other serious crimes.</p> <p>- UNTOC.</p> | Organized criminal group based in Rome, Italy, consisting of several corporations used in the money-laundering of several predicate offences, acting internationally in the following countries: Great Britain, Hong Kong, France, Switzerland, Singapore, Luxembourg, Romania, Austria and Cyprus. | International cooperation with the following agencies: SOCA (Great Britain), National Police (France, Luxembourg, Singapore, Hong Kong and Romania), BKA (Austria), Federal Police (Switzerland), Money-laundering unit (Cyprus), Financial Intelligence unit (Seychelles Island, Hong Kong and Singapore), Interpol and Financial Intelligence Unit of the Italian Bank; extradition request from the Italian Ministry of Justice to Great Britain of three accused involved in the organization. |
| ITA 12 Not Specified - Smuggling case 2009/2011. | <p>Smuggling of Migrants.</p> <p>- UNTOC and AP in the smuggling of migrants. - United Nations Convention on the Law of the Sea, 1982. - International Convention for the Safety of Life at Sea, 1974 - International Convention on Maritime Search and Rescue, Hamburg April 27, 1979. - Geneva Convention on the Status of Refugees, 1951.</p> | <p>Organized criminal group dedicated to the smuggling of migrants from Algeria, Tunisia and Libya to Italy.</p> <p>The transnational dimension comes from the precise application of the Palermo Convention and the Additional Protocol on the smuggling of migrants and, therefore, the use of tools and possibilities offered by it, transposing it, moreover, the bilateral agreements existed between Italy and third countries involved, Algeria, Libya and Tunisia.</p> | International cooperation between the Police units from Italy, Algeria, Libya and Tunisia. |

SUMMARY OF CASES

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| <p>ITA 13 Ulisse Operation.</p> | <p>Trafficking in cultural property.</p> <ul style="list-style-type: none"> - Article 648 of the Italian Penal Code. - Articles 174, 175 and 176 Legislative Decree 42/2004 – Code of Cultural Property and Landscape. - European Convention on the protection of the archaeological heritage, 1969. - European Convention on Mutual Legal Assistance in Criminal Matters, 1969. <ul style="list-style-type: none"> - Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 1990. - Council Directive 93/7/EC, 1993. - Council Regulation 3911/92, 1992. - UNESCO Convention 1970. | <p>Organized criminal group dedicated to the unlawful search of archaeological artefacts and the subsequent commercialization to Switzerland and France.</p> | <p>International cooperation between the Italian, Swiss and French authorities.</p> |
| <p>ITA 14 Ultimo Imperatore e Grande Muralha Operation.</p> | <p>Laundering of proceeds of crime, organized criminal group, counterfeiting and other crimes.</p> <ul style="list-style-type: none"> - Legislative Decree 231/2007. - Articles 9, 11 and 12 of Law 146/2006. <ul style="list-style-type: none"> - Article 12 of Law 356/92. - Article 648 of the Italian Penal Code. <ul style="list-style-type: none"> - Article 648 of the Italian Penal Procedural Code. - UNTOC. - Interpol Convention. - UE III Directive on money-laundering. | <p>Chinese and Camorra organized criminal group, aiming on the trafficking of counterfeit goods, made in China and other Middle-east countries, and marketed in European Union countries.</p> | <p>International tracing and seizure measures and specific investigation by the Anti-mafia Investigation Department.</p> <p>International cooperation of the following entities: Anti-mafia Investigation Department, Interpol channels, Italian Questura, Eurojust.</p> <p>Difficulties in the seizure and forfeiture of assets traceable to organized crime located abroad, caused by the lack of legislation on organized crime economic-financial assets.</p> |
| <p>ITA 15 Gomorra Operation.</p> | <p>Counterfeiting, organized criminal group and other serious crimes.</p> <ul style="list-style-type: none"> - Articles 110, 416, 474, 515 and 648 of the Italian Penal Code. - Article 11 of the Legislative Decree 172/2004. | <p>The case revealed the creation of a real network of sales and distribution by criminal gangs made up of Italians with branches throughout the country and Europe, handle a specific chain of falsification from the channels of imports from China of the counterfeit products, possessing storage areas and assembly facilities located in Italy, to arrive at the next sale not</p> | <p>International cooperation of the following entities: Eurojust, Europol, Interpol, partnerships with the American and Australian Police unit.</p> <p>Regarding judicial cooperation, some difficulty was found mainly in relations with the authorities of countries where criminal proceedings were not filed.</p> |

SUMMARY OF CASES

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| | <ul style="list-style-type: none"> - Law 99/2009. - UNTOC. | only in Italy, but in several European countries. | |
| ITA 16 Milan Operation. | <p>Counterfeiting and organized criminal group.</p> <ul style="list-style-type: none"> - Articles 416, paragraphs 1, 2, 3 and 5; 453 paragraphs 1 and 3; and 648 of the Italian Penal Code. - European Convention on Mutual Legal Assistance in Criminal Matters, 1969. - Schengen Convention, 1990. | Organized criminal group of a complex structure with operational bases in Italy, France and Switzerland, involved in the manufacture and distribution of counterfeit money, as well as, extortion, drug trafficking and trafficking of firearms. | <p>International cooperation between the Interpol channel in France, BKA (Germany), Europol, Eurojust and the Alderian Embassy in Rome, Italy.</p> <p>For the first time it has been proved the direct involvement of the head of an organization Camorra in illegal activities related to counterfeiting.</p> |
| ITA 17 Most Operation. | <p>Counterfeiting.</p> <ul style="list-style-type: none"> - Articles 416 and 455 of the Italian Penal Code. - Article 11 of Law 69/2005. | This case involved a criminal fugitive of Polish Nationality, part of a criminal organization, responsible for the market and counterfeit of 100 euro banknotes. | The survey was completed by a continuous synergy information exchanged between the Italian Police unit, Interpol and the police liaison officers in Poland. |
| ITA 18 Giotto Operation. | <p>Counterfeiting.</p> <ul style="list-style-type: none"> - Articles 416 and 455 of the Italian Penal Code. - Article 11 of Law 69/2005. | Organized criminal group specialized in the production and counterfeiting of Euro currency. The transnational scope is present in the object of falsification, which is the currency adopted by the European Union, being of easy distribution abroad. | <p>International cooperation between Interpol, Europol and Eurojust.</p> <p>The operation has been very successful and the organization has been completely disarticulated. With positive confiscation of the proceeds of crime.</p> |
| ITA 19 Andromeda Operation. | <p>Drug Trafficking and Laundering of proceeds of crime.</p> <ul style="list-style-type: none"> -Sections 97 and 98 of the Presidential Decree No. 309/90, which is the UN Convention against Illicit Trafficking in Narcotics Drugs/1988. - Law No. 49/2006. - Law No. 146/2006. - Law No. 136/2010. | Organized criminal group with headquarters in Belgium dedicated to cocaine trafficking from the Netherlands into the Italian and European illegal markets. | <p>International cooperation between law enforcement authorities: Liaison Officers, Europol Channel and Eurojust in The Hague. There was also the ratification of the Convention on the European Arrest Warrant.</p> <p>The operation was only successful when there was joint investigations between the Italian and European Law enforcement agencies.</p> <p>The case faced difficulties of cooperation with the Dutch Police due to methodological and regulatory differences encountered.</p> |
| ITA 20 Ticket to Ride Operation. | <p>Smuggling of Migrants.</p> <ul style="list-style-type: none"> - Article 416 of the Italian Criminal Code. - Article 12, paragraph 3 and 3bis of the | Organized criminal group involved in the smuggling of migrants, primarily of Afghan, Iraqi-Kurdish and Pakistani origin, from Greece into Italy and other European countries. | Pre-Trial measures were executed simultaneously also in Germany, Greece, Belgium, Sweden, Switzerland, United Kingdom and France under the European Arrest Warrants issued by the Venice Judicial Authority. |

SUMMARY OF CASES

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| | Legislative Decree No. 286/1998. - Article 6 of the AP to the Palermo Convention on the Smuggling of Migrants. | | Legal entities involved: Iraq travel agencies and money exchange agencies. |
| ITA 21 Loptice Operation. | Drug Trafficking and Laundering of proceeds of crime. - Articles 73 and 74 of the Act R.P.D 309/90 | Organized criminal group dedicated to cocaine trafficking through supply channels managed by some cells of the organization located in Brazil, Argentina, Panama, South Africa, Canaries and Spain, to Italy's, Austria's, Germany's, Spain's and England's illegal market. | Investigative cooperation between Italians, Serbians, Slovenians, Austrians, Germans and Montenegrins authorities, specially regarding tracing and seizure of proceeds of crime. Relevant entities involved in the cooperation: Milan flying squad, Mafia National Judiciary Authority. |
| ITA 22 Stop Intrusion Operation | Cybercrime. - Italian Penal Code: Article 615 ter-quarter; article 615 quinquies ; article 617 quarter. - Convention of Budapest on Cybercrime; Convention of Palermo on Organized Crime and its Protocols. | Organized criminal group involved in cybercrime, where fake emails messages were randomly sent to employees of Italian Ministry of Foreign Affairs and other public administrative offices. The sender address was forged as the mail messages were created to appear trusty. The messages contained a hidden software that stealthy captured credential used to access restricted database records. | Deep technical analysis of the software that was used to capture the keystrokes of the victims and of the mail headers in order to track back the origin of the communication. Preservation of the log files related to the activity of the criminals and examination of the records. Inspection of the server system software to exclude possible uncontrolled infection. Wiretapping of the unlawful actions and targeting of the suspects. Interpol database and electronic surveillance. |
| ITA 23 Ropax | Smuggling of Migrants. | Organized criminal group focusing on the smuggling of migrants from Egypt, Turkey and Greece into Italy, aiming on others European countries. | . |
| JAM 1 Prosecution vs. Kerry-Ann Graham. | Money Laundry and participation in organized criminal group. - Proceeds of Crime Act (POCA) section 92 (1) (a). - Mutual Legal Assistance Treaty (MLAT). | Organized criminal group with conspirators in the USA, Canada and Jamaica, using the money remitters to wire and collect funds sent from the victims. This resulted in major losses to the citizens of the USA as in this single case where the victim lost US\$127,000. | Cooperation with FID, Financial Institutions and the DPP; victims also assisted on giving statements and testimonies in local courts; international cooperation by the USA DHS/ICE team, locating the witnesses and furnished witness statements and the presence of witnesses in local courts; FID assisted with financial profiles and customer information orders. The most problematic area was the defence tactic during trial in that whenever the witness came from the US to testify, the defence wouldn't cooperate and would be absent from court., forcing to reschedule the hearing. |
| JAM 2 Prosecution vs. Norman | Drug Trafficking, Money Laundry and participation in organized criminal group. | Organized criminal group aiming on the exportation of drugs from South Africa and the Caribbean into Europe, using the proceeds of crime to amass wealth | Cooperation of the Jamaican Law enforcement officers working in tandem with the UK counterpart, achieving a positive result. |

SUMMARY OF CASES

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| <p>Ramcharan Etal.</p> <p>JAM 3 Prosecution vs. Robert Fowler</p> | <p>- POCA – Mutual Legal Assistance Act.</p> <p>Drug Trafficking, Money Laundry and participation in organized criminal group.</p> <p>- POCA – Mutual Legal Assistance Act. - Mutual Legal Assistance (Criminal Matters) Act</p> | <p>and further their criminal enterprise. The drug acquired in the Caribbean, Netherlands and South Africa, sold in the United Kingdom and the proceeds of crime transferred to Jamaica.</p> <p>Organized criminal group aiming on the exportation of drugs from South Africa and the Caribbean into Europe, using the proceeds of crime to amass wealth and further their criminal enterprise.</p> <p>The case was significant as it received considerable publicity. ‘Father Fowl’ was viewed as a drug lord and the principal individual in this drug-trafficking and money laundering ring.</p> | <p>Law-enforcement and the criminal justice system responded well to the developments and acted in accordance with the legal principles governing the case which is also consistent with what the Palermo convention dictates inter alia.</p> <p>The Jamaican Law enforcement officers working in tandem with the UK counterpart did parallel investigations in this regard with valuable data shared which was used to good effect to ensure a successful conclusion to the matter.</p> |
| <p>KEN 1 Criminal case No 1365 of 2004.</p> | <p>Drug Trafficking.</p> <p>Dangerous drugs and psychotropic substances Act No 4 of 1994.</p> <p>1. trafficking in narcotic drugs contrary to section 4(a) of the Narcotic drugs and Psychotropic substances control Act no 4 of 1994</p> <p>2. unlawful permitting premise to be used for the purposes of sale or distributing of Narcotic drugs contrary to section 5(10) of the same Act.</p> | <p>Organised criminal group of Dutch and Kenyan Citizens involved in shipment of large quantity of cocaine from Kenya to the Netherlands. The information was received from International Network Service in Britain.</p> | <p>Controlled delivery and undercover operations were applied by the counterparts in Britain and Netherlands.</p> <p>There was no witness protection so most of the players were treated as accused as they feared to give any information to the authorities. All cooperation was based on the Vienna Convention and reciprocity.</p> |
| <p>KEN 2 Hassan M Ahmed & 9 others - vs- Republic.</p> | <p>Piracy.</p> <p>- Constitution of Kenya 2010. - United Nations Convention on the Law of the Sea. - Penal Code Cap 63 (Laws of Kenya).</p> | <p>Organised criminal group of Somali origin and/or Muslim religion (non Kenyan nationals) involved in attacks, assaults and detention of crew members in sailing vessels in international waters (outside the Kenyan jurisdiction) in exchange of large sums of ransom payments in the form of United States Dollars.</p> | <p>Currently investigations are being conducted by foreign investigative agencies from a foreign State. These files are later forwarded through the Ministry of foreign affairs Kenya for confirmation that they meet the Kenyan criminal threshold for prosecution. Where the threshold is met the offenders are re-arrested and accordingly prosecuted.</p> |

SUMMARY OF CASES

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| <p>KEN 3 Case No. 72/2011.</p> | <p>- Merchant Shipping Act No 4 of 2009 (Laws of Kenya). - Section 69(3) of the Penal Code.</p> <p style="text-align: center;">Piracy.</p> <p>- Section 369 (1)(a)(ii) and section 371 (a) of the Merchant Shipping Act.</p> | <p>Organized criminal group practicing acts of piracy against a fishing dhow located in the Indian Ocean.</p> | <p>International response to Piracy through the Establishment of a Central Coordinating Mechanism (contact group on piracy) pursuant to Resolution 1851 to combat the escalating rise of piracy cases of the coast of Somalia. Four working groups have been established, where Kenya has pledged to work closely with group 2 (address judicial aspects of piracy with the support of UNODC) and group 4. Kenya has exchanged letters with UK, EU, USA, Canada, China, Denmark, EUNAV, respectively for the transfer and prosecution of suspected pirates captured in the international waters of the Coast of Somalia. The agreement expired on the 30th September 2009.</p> <p>Conflict of jurisdiction raised between the Higher and Lower Courts of Kenya.</p> |
| <p>KEN 4 Case No. 105/2010.</p> | <p style="text-align: center;">Piracy.</p> <p>- Section 369 (1)(a)(ii) and section 371 (a) of the Merchant Shipping Act.</p> | <p>Organized criminal group practicing acts of piracy acts.</p> | |
| <p>KEN 5 Case No. 1184/2009</p> | <p style="text-align: center;">Piracy.</p> <p>- Sections 5, 6 and 69 (1) of the Penal Code - Article 101 of the United Nations Convention on the Law of the Sea.</p> | <p>Organized criminal group practicing acts of piracy against a German Navy Ship, which carried various supplies of food, medicine, fuel and others for the Atlantic Mission.</p> | |
| <p>KEN 6 Case No. 840/2009</p> | <p style="text-align: center;">Piracy.</p> <p>- Section 5 and 69 (1) of the Penal Code, Merchant Shipping Act 2009.</p> | <p>Organized criminal group practicing acts of piracy against a German Navy Ship in high seas.</p> | <p>Conflict raised regarding the jurisdiction of Kenyan Courts to charge the offence.</p> |
| <p>KEN 7 Case No. 1374/2009</p> | <p style="text-align: center;">Piracy.</p> <p>- Section 69 of the Penal Code.</p> | <p>Organized criminal group practicing acts of piracy against a merchant shipped in the Indian Ocean.</p> | |
| <p>KEN 8 Case No. 1695/2009</p> | <p style="text-align: center;">Piracy.</p> <p>- Section 69 (1 and 3) of the Penal Code.</p> | <p>Organized criminal group practicing acts of piracy against a ship on route from China to Indosuez Egypt.</p> | <p>Conflict raised regarding the jurisdiction of Kenyan Courts to charge the offence.</p> |

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| | - Article 101 of the United Nations Convention on the Law of the Sea | | |
| KEN 9 Case No. 3486/2008 | Piracy. - Section 69 (1 and 3) of the Penal Code. - Section 4 of the Act Cap 10 of the Laws of Kenya. | Organized criminal group practicing acts of piracy against the Indian Ocean.. | Conflict raised regarding the jurisdiction of Kenyan Courts to charge the offence. |
| KEN 10 Case No. 434/2006 | Piracy. - Section 69 (1 and 3) of the Penal Code. - Article 101 of the United Nations Convention on the Law of the Sea. | Organized criminal group practicing acts of piracy against an Indian ship in the Indian Ocean. The offenders asked the captain for a ransom payment of US\$50,000 and took control of the ship for around 6 days, until they were intercepted by an American navy. During the captivity period, the offenders launched attacks to other three ships. | |
| KEN 11 Case No. 1939/2009 | Piracy. - Section 69 (1 and 3) of the Penal Code. - Article 50 (1) of the Constitution of Kenya and section 89 (5) of the Criminal Procedure Code Cap. 75 of the Laws of Kenya. - Section 3 of Immigration Act Cap. 72. | Organized criminal group practicing acts of piracy against a ship in the high seas of the Central Gulf of Aden. | Accused were acquitted for lack of proof beyond reasonable doubt by the prosecution. |
| KEN 12 Case No. 2006/2011 | Piracy. - Section 369 (1)(a) and section 37 (I) of the Merchants Shipping Act of 2009. | Organized criminal group practicing acts practice of piracy against a Danish navy. | Hearing made through video-conference. |
| MEX 1 Asociación religiosa – Colombia Operation. | Trafficking in Persons. - Mexican Criminal and Procedural Code. - Specific Mexican Law on Human Trafficking. - Several International Conventions. - UNTOC and the Protocols thereto. | Transnational scope, considering the intermediation of human trafficking from Mexico to the USA. | Adoption of techniques against Trafficking in persons recommended by UNODC, 2009 FEVIMTRA_PGR. Cooperation between FEVIMTRA-PGR, National Migration Institute, Federal Police and Agencies responsible for victims care; alternatives channels through bilateral cooperation between Mexico and Colombia; cooperation between Interpol and Directorate of International and General Police Affairs; and taking evidence or statements from persons. |

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| <p>MEX 2 Canadiense- Tijuana Operation.</p> | <p>Cybercrime and money-laundering.</p> <ul style="list-style-type: none"> - Mexican Criminal and Procedural Code. - Specific Mexican Law on Human Trafficking. - Several International Conventions. - UNTOC and the Protocols thereto. | <p>Accused charged for cyber child pornography and money laundering.</p> <p>Transnational character due to the involvement of Mexican, American and Canadian authorities.</p> | <p>Research by the Directorate of Intelligence for Cyber crime prevention in the Federal Police; implementation of recommendations stated by UNODC, 2009 FEVIMTRA.</p> <p>Cooperation between Mexico, USA, Canada, Interpol, Embassy of the United States in Mexico, Immigration and Customs Enforcement (USA) and FEVIMTRA.</p> <p>In Mexico there is clear legislation to establish a process of collaboration or cooperation of private companies, creating barriers to the access of information.</p> |
| <p>MEX 3 Globeritos – Tapachula Operation.</p> | <p>Trafficking in Minors.</p> <ul style="list-style-type: none"> - Mexican Criminal and Procedural Code. - Specific Mexican Law on Human Trafficking. - Several International Conventions. - UNTOC and the Protocols thereto. | <p>Organized criminal group dedicated to the human trafficking of minors from Guatemala to Mexico.</p> | <p>Adoption of techniques against Trafficking in persons recommended by UNODC, 2009 FEVIMTRA_PGR, gathering evidence according to plans and operational resources; police surveillance and investigation in order to confirm data and information.</p> <p>Cooperation between FEVIMTRA-PGR and The National Migration Office. Cooperation of the National Police in a program to build temporary shelters for minors and mother victims. International cooperation between Mexico and Guatemala.</p> |
| <p>MEX 4 Fiji Operation</p> | <p>Drug Trafficking and Laundering of proceeds of crime.</p> <ul style="list-style-type: none"> - Mexican Criminal Code. - Specific Law against Transnational Organized Crime. - Article 18 of UNTOC. | <p>Organized criminal group operating in the Netherlands, Aruba, unidentified parts of the African continent and Mexico for money laundry purposes.</p> | |
| <p>MEX 5 Operation: 14- ago-2004</p> | <p>Participation in Organized Criminal Group.</p> <ul style="list-style-type: none"> - Mexican Criminal Code. - Specific Law against Transnational Organized Crime. - Articles 18, 24 and 25 of UNTOC. | <p>Organized criminal group involved in the attempted murder against protected witness collaborating with law enforcement authorities.</p> | <p>Witness Protection and Victims Assistance, when visiting the Federal Republic of Brazil in 2004.</p> |

SUMMARY OF CASES

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| MEX 6 Argentum Operation | Drug Trafficking and Laundering of proceeds of crime. - Mexican Criminal Code. - Specific Law against Transnational Organized Crime. - Article 18 of UNTOC. | Organized criminal group involved in the trafficking of drugs in the UK and money laundry of the proceeds of crime in Iran, possessing accounts traced back to the IXE Bank of Mexico S/A. | International cooperation used to detect if the money was earned in Mexico or if the perpetrator used a shell company to launder the illicit money. |
| MEX 7 Coliseo Operation | Drug Trafficking and Laundering of proceeds of crime. - Mexican Criminal Code. - Specific Law against Transnational Organized Crime. - Article 12 and 18 of UNTOC. | Organized criminal group involved in drug trafficking in the following countries: Canada, USA, Colombia, Italy and Mexico. The Mexican authorities have initiated an investigation aiming on the recovery of assets acquired by the criminal organization, using a new law on asset forfeiture. | Mutual Legal Assistance required by the Canadian authorities regarding confiscation and seizure of property by the Mexican authorities. |
| MEX 8 Operation: 17- mar-2004 | Smuggling of Migrants and Laundering of Proceeds of crime. - Mexican Criminal Code. - Specific Law against Transnational Organized Crime. - Article 18 of UNTOC. | Organized criminal group dedicated to the smuggling of Migrants from Mexico into the USA. In Mexico the trafficking of illegal immigrants is a serious problem, as there is an abuse of authorities position responsible for monitoring migration flows. | Mutual Legal Assistance required by the Mexican authorities to the Federal Republic of Brazil regarding the investigation of the perpetrator Roberto Machado Paulo Freire, his criminal record and ties to Mexican officials. |
| MOR 1 Police report | Drug Trafficking and Smuggling of migrants. | Police report presenting three arrest situations: (i) international drug trafficker, which had the help of Interpol Office in Rome for the arrest.; (ii) smuggling of migrants, where the offender was arrested trying to use French passports; (iii) international drug trafficking, using controlled delivery as main form of special investigative technique. | |
| MOR 2 Police Report. | Conspiracy and participation in an organized criminal group. - Moroccan Penal Code. | Organized criminal group charged with kidnapping, robbery and attempt to escape from prison by helicopter, hostage taking, etc., in accordance the legal provisions contained in the Moroccan Penal Code. | Rogatory letter through bilateral agreement between Morocco and Belgium. Diplomatic channels used. International arrest warrant issued. |
| MOR 3 Police Report. | Cybercrime. - Articles 607-11 and 607-3 from the | Organized cyber criminal group charged for attacking the computer databases of several multinationals by computer virus called "ZOLTOB", aiming to obtain the | Judicial Cooperation for the identification and arrest of the accused. |

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| | Moroccan Penal Code. | passwords of counterfeited cards used to make withdrawals of money from accounts of Russian residents. | |
| NIG 1 Federal Republic of Nigeria vs. Harrison Odiawa. | <p>Participation in organized criminal group, counterfeiting, cyber crime and 'black money' scam.</p> <p>- Section 6, 8 (a) (b) and 1(3) Advanced Fee Fraud and Other Fraud Offences Act Cap A6 laws of the Federation of Nigeria 2004.</p> <p>- Section 467 (3) (a) and 468 of the Criminal Code Cap C17 Vol. 2 laws of Lagos State of Nigeria 2003.</p> <p>- UNTOC.</p> | <p>Organized group of cyber criminals and advance fee fraudsters based in Nigeria, United Kingdom & Spain.</p> <p>Transnational scope of the case, considering: (i) the key suspects of the criminal group were based in Nigeria, United Kingdom & Spain; (ii) proceeds of crime were received in bank accounts in China, Spain, Taiwan & Singapore; and (iii) American victim involved.</p> | <p>Swift sharing of open source non-confidential information between international law enforcement.</p> <p>Later establishment of NFIU – Nigeria Financial Intelligence Unit - in 2007.</p> |
| NIG 2 Federal Republic of Nigeria vs. Emmanuel Nwude and others. | <p>Participation in organized criminal group.</p> <p>- Section 1, 7, 11, 16 and 17 Advanced Fee Fraud and Other Fraud Offences Act Cap A6 laws of the Federation of Nigeria 2004.</p> <p>- Section 419 Criminal Code Act Cap. C38, Laws of the Federation of Nigeria, 2004.</p> <p>- Section 263 of the Criminal Procedure Act.</p> <p>- Money Laundry Act 2004.</p> | <p>Organized criminal group involved in the offering of high investment opportunities in Nigeria and in the process extort huge sum of money from the victims in exchange for investment that does not exist.</p> <p>Transnational scope of the case, considering the fraud and extortion scheme was perpetrated at the international level, with the attempt of a USD 39 million transfer from Nigeria to Brazil.</p> | <p>Forensic examination by the Nigerian Central Bank of the accounts used to launder the proceeds of crime; surveillance techniques;</p> <p>Cooperation of Interpol, Financial Institutions, Commission Rogatory MLAT, Foreign Embassies in Nigeria, Foreign Private Investigators; swift of open source non-confidential information between international law enforcement; concurrent of criminal prosecutions in Nigeria, UK, Brazil and Switzerland.</p> <p>Doggedness of the leadership of EFCC enabled the prosecution to overcome most of these obstacles.</p> <p>Lack of lawful electronic interception law and tracking technology for investigations.</p> <p>Lack of national criminal database and credible identity system as well as national property registry.</p> <p>The major challenge for the prosecution was: (i) the obsolete procedural and substantive law regulating the crime; (ii) admissibility of the computer generated documents; and (iii) communication with witnesses as the majority didn't live in Nigeria.</p> |

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| <p>NIG 3 James Nnamdi Operation</p> | <p>Drug Trafficking and laundering of proceeds of crime.</p> <ul style="list-style-type: none"> - Section 14(b) and 19 of the NDLEA Act cap N30, LFN, 2004. - Section 14(b) of money laundering (prohibition) Act 2004. - UNTOC. - Convention Against Trafficking in Narcotics Drug and Psychotropic Substances, 1988. | <p>Organized Criminal Group involved in a network of cocaine trafficking in the following countries: Guinea, Nigeria, India, Belgium, Germany and France.</p> | <p>International Cooperation for purposes of confiscation.</p> |
| <p>PHI 1 People of Philippines vs. Alice Tongco y Terrado.</p> | <p>Trafficking in person.</p> <ul style="list-style-type: none"> -Section 6 (a) and (c) of Republic Act No. 9208/2003. -UNTOC and TIP Protocol. | <p>Organized criminal group aiming on the recruitment and transportation of victims for sexual exploitation of women victims at the national level.</p> <p>Although the case has no transnational dimension, there was an outstanding internal cooperation during the investigative stage, which was provoked by the report of a concerned citizen, leading to a successful rescue operations of the victims and the arrest of the accused.</p> | <p>The Court ordered the confiscation of properties and all proceeds of crime and forfeit in favour of the Government. Section 14 of RA 9208 and Article 12 of UNTOC.</p> <p>Philippine prosecutors are not allowed to be involved during the law enforcement investigation phase. Therefore, law enforcement investigators are left to gather evidence without their guidance. In this sense a concrete set-up for the involvement of a permanent prosecutor in the initial phase would be essential.</p> <p>NBI agents, social welfare personnel and prosecutors are often subject to allegations of corruption or extortion, which compromises the legitimacy of the investigations</p> <p>Failure to provide adequate protection to victims, which led to a hostile witness and the possibility of a testimony retraction.</p> <p>National law protects victims of trafficking in any scenario, even if it appears to be involved in the trafficking operations.</p> |
| <p>PHI 2 People of Philippines</p> | <p>Trafficking in minors.</p> <ul style="list-style-type: none"> -Section 4 (a), in relation to Sections 3 (a), | <p>Organized criminal group aiming on the recruitment and transportation of victims for sexual exploitation at the national level.</p> | <p>Services to prevent interference of victims by the accused; intensification of victims assistance to ensure cooperation; and designation of more personnel in major seaport or airport area where the incidence of trafficking is higher.</p> |

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| <p>vs. Nelia Ogalesco y Torio.</p> | <p>6 (a) and 10 (a) of Republic Act No.9208/2003. - UNTOC and AP on Trafficking in Persons.</p> | <p>Although the case has no transnational dimension, there was an outstanding internal cooperation and partnership between Government Agencies (Batanga International Port) and NGOs, which were trained in identifying and profiling victims of trafficking, which led to the interception of the accused in the port area.</p> | <p>National law states that only the person who has personal knowledge of the crime is able to file a complaint. In this sense, a reluctant victim poses danger to the conviction of the accused.</p> |
| <p>PHI 3 People of Philippines vs. Glendyl Micabalo and others.</p> | <p>Trafficking in minors.: - Section 4 (a), in relation to Sections 3 (a), 6 (a) and 10 (a) of Republic Act No. 9208/2003. - UNTOC and AP on Trafficking in Persons.</p> | <p>Organized criminal group aiming on the recruitment and transportation of 13 year old child by legal guardian for sexual exploitation.</p> <p>Although the case has no transnational dimension, the internal operation led by Criminal Investigative Division Group (CIDG) of the Philippine National Police (PNP), broadened the scope of process to look for new accused involved in the crime after the escape of the victim from the accused custody.</p> | <p>Support services for the minor victim and procedural safeguards.</p> <p>During the investigation phase the PNP-CIDG was not able to located the accused, but filed anyway an arrest warrant, which was granted by the Court.</p> <p>Philippine prosecutors are not allowed to be involved during the law enforcement investigation phase. Therefore, law enforcement investigators are left to gather evidence without their guidance. In this sense a concrete set-up for the involvement of a permanent prosecutor in the initial phase would be essential.</p> <p>Special efforts must be developed concerning the identification of involvement of the accused, in order to pursue the issue of an arrest warrant of the accused, as it is a requisite imposed by National Law.</p> |
| <p>PHI 4 People of Philippines vs. Flora Cabral y Aldenese.</p> | <p>Trafficking in persons. - Section 4 (a), in relation to Sections 6 (c) and 10 (e) of Republic Act No. 9208/2003. - UNTOC and AP on Trafficking in Persons.</p> | <p>Organized criminal group aiming on the recruitment and transportation of women victims from the Philippines to Malaysia for sexual exploitation at the international level.</p> | |
| <p>PHI 5 People of Philippines vs. Roselyn Estrada and others.</p> | <p>Trafficking in persons and participation in organized criminal group. - Section 4 (a) and Section 6 of Republic Act No. 9208/2003. - UNTOC and Additional Protocols</p> | <p>Organized criminal group aiming on the recruitment and transportation of women victims from the Philippines to Malaysia for sexual exploitation.</p> | <p>Coordination between Philippines Embassy in Malaysia and DSWD. The immigration officers in Malaysia helped in the release of the passports.</p> <p>International cooperation for the release of the victims between the Philippines and the immigration officers in Malaysia.</p> |

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| | thereto. | | <p>Problems with victims security, considering law enforcement agents in Malaysia did not offer protection.</p> <p>The Filipino cohorts were not charged. Since they were identified, the police authorities in the Philippines should work together with the Malaysian officer to curtail their freedom of movement. Lack of Mutual Assistance.</p> |
| <p>PHI 6 People of Philippines vs. Lito Manalo y Tapiculin and others.</p> | <p style="text-align: center;">Trafficking in minors.</p> <p>- Section 4 (a) and Section 6 of Republic Act No. 9208/2003. - UNTOC and AP on Trafficking in Persons.</p> | <p>Organized criminal group involved in the recruitment and transportation of minor for sexual exploitation with consent and knowledge of the mother at the national level .</p> <p>No transnational dimension as the crime was perpetrated within Philippines's jurisdiction. Restricting its relevance solely on the violation of the UNTOC and its AP on Trafficking in persons.</p> | <p>Successful coordination with PNP and Philippine Coast Guard, which resulted in the arrest of the accused and rescue of the minor victim on board of the vessel.</p> <p>The Trial Court convicted the accused, but prior to this decision, the accused escaped detention.</p> |
| <p>PHI 7 People of Philippines vs. Gregorio Garcia y Felix and others.</p> | <p style="text-align: center;">Trafficking in minors.</p> <p>- Sections 3, 4 (a) (e) and 6 of the Republic Act No. 9208/2003. - UNTOC and AP on Trafficking in Persons.</p> | <p>Organized criminal group involved in the recruitment and transportation of two minors for sexual exploitation at the national level.</p> | <p>Minor victims were rescued from trafficking for prostitution and sexual exploitation through timely intervention of authorities.</p> |
| <p>PHI 8 People of Philippines vs. Denis Reci and others.</p> | <p style="text-align: center;">Trafficking in person.</p> <p>-Republic Acts No. 9208/2003 in relation to 0231 and 7610. - UNTOC and AP on Trafficking in Persons.</p> | <p>Organized criminal group involved in the recruitment and transportation of victims for sexual exploitation at the national level.</p> <p>Relevant case in the sense that it has illustrated internal cooperation within the national security organs, focusing on victim's protection and care.</p> | <p>Participation and cooperation between IJM, a private international organization, which was essential for the success of the operation.</p> <p>The agencies involved were encouraged to spend more time in planning the operation to ensure a successful prosecution; and promote the emotional and psychological well-being of the victims.</p> <p>The local government of the City of Manila should have been more diligent in the performance of the mandate to monitor the business under scope, considering there is a clear violation of the laws under application.</p> |
| <p>PHI 9 People of Philippines vs. Rosie T.</p> | <p style="text-align: center;">Trafficking in persons and participation in organized criminal group.</p> <p>- Section 7 (b) of Republic Act 8042;</p> | <p>Organized criminal group aiming on the recruitment and transportation of women victims from the Philippines to Malaysia for sexual exploitation at the international level.</p> | <p>Coordination between operatives of the Philippines' DFA and Malaysian immigration officers led to the rescue of the victims.</p> <p>The agencies involved were encouraged to spend more time in planning the</p> |

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| Ociel and others. | Section 4 (a) and Section 6 (c) of Republic Act No. 9208/2003. - UNTOC and AP on Trafficking in Persons. | | operation to ensure a successful prosecution; and promote the emotional and psychological well-being of the victims. |
| PHI 10 People of the Philippines vs. Lo Ho Wing and others (Operation: OPLAN SHARON 887). | Drug Trafficking. Section 15, Article III of RA 6425/72 – The Dangerous Drug Act. | This case involves the importation of illegal drugs and smuggling of goods from China to the Philippines. | Infiltrated agents in crime syndicates. In this case the apprehending and prosecuting had its validity sustained until and including the Supreme Court. The training and exposure of the agents involved in the operation is relatively low and needs continuous improvement via capacity-building exercises. |
| PHI 11 People of the Philippines vs. Lin Zian Tian. | Drug Trafficking. - Article 2, Section 11 of RA 9165/72 – The Comprehensive Drug Act | The case involved a Chinese national found in possession of large quantity of illegal drugs in the Philippines, likely to be a member of a known syndicate with origins in China. The transnational character is awarded through the global black market scope of the illegal drug trade dedicated to cultivation, manufacture, distribution and sale. | The cooperation of the local governmental agencies, the PDEA and the DOJ led to a life imprisonment conviction and a fine of P500,000.00. Sentencing often depends on the type of drugs and its classification in the country into which it is being trafficked, where the drugs are sold and how they are distributed. The training and exposure of the agents involved in the operation is relatively low and needs continuous improvement via capacity-building exercises. |
| PHI 12 People of the Philippines vs. Li Yu Xuan. | Drug Trafficking. Article 2, Section 5, of RA 9165/2002 – The Comprehensive Drug Act. | The case involved a Chinese national who is purportedly a member of the Chinese Triad, a know criminal syndicate with origins in China, accused of wide-scaling trafficking of illegal drugs in the Philippines. | Agencies involved were encouraged to put more time in planning the entire operation to ensure the prosecution of drug traffickers The training and exposure of the agents involved in the operation was relatively low and will need continuous improvement via capacity-building exercises. The Court found the accused NOT GUILTY, because the prosecution witness failed to prove his guilt beyond reasonable doubt. |
| PHI 13 People of the Philippines | Trafficking in Persons and Illegal Recruitment. | Organized criminal group dedicated to human trafficking from the Philippines and nearby places, which were then transported to Malaysia and sold to | The Principle of territoriality was an issue, as it prevented the courts from exercising jurisdiction over other accused who have committed the offense outside the territorial jurisdiction of the Philippines. |

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| <p>vs. Hadja Jarma Lalli y Purih.</p> | <p>- The Anti-trafficking in Persons Act 9208 of 2003. - Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.</p> | <p>clubs and bars for sexual exploitation.</p> | <p>Absence of anti-trafficking law during the time of the offence.</p> |
| <p>POR 1 Lawsuit n.º 1425/02.2JAP RT</p> | <p>Drug Trafficking. - Law 5/2002. - Art. 21, 23, 24 and 28 of Decree-Law 15/93. - United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. - Resolution of the Assembly of the Republic 2/91 and Decree of the President of the Republic 45/91. - Art. 174, 178, 187 and 202 CCP</p> | <p>Organized criminal group dedicated to drug trafficking from Brazil to Spain via Portugal, where it was intercepted. The case is relevant not only because of its international connections (Portugal, Brazil, Spain) but also because it applied the regime of extended confiscation.</p> | <p>Spanish and Brazilian authorities collaborated with the investigation. Police information was also requested to Italian, Swedish, Chinese, American, Swiss and British authorities. Police information was also requested to Italian, Swedish, Chinese, American, Swiss and British authorities. The main difficulty was in coordinate the mutual legal assistance request and make them compatible with procedural deadlines, in particular the deadline for filing charges (accusation).</p> |
| <p>POR 2 Lawsuit n.º 1425/02.2JAP RT</p> | <p>Food alteration. Crime against the quality or composition of food and additives. - Article 282 of the Portuguese Criminal Code. - Article 24 of Decree-law no 28/84.</p> | <p>Organized criminal group dedicated to food alteration for consumption. The Public Prosecutor brought charges against the defendants Confeitaria C., L. da, (legal person) and B, for having committed the facts referred to above.</p> | <p>In the first instance court, judge rejected the indictment in regard to Confeitaria C., L. da, establishing that article 3 of decree-law no 28/84 was unconstitutional to the extent that it established the criminal liability of legal persons, in violation of article 12, par. 2, of the Constitution of the Portuguese Republic The Constitutional Court, however, in its decision no. 212/95, of 20 April 1995 ruled that the criminal liability of legal persons does not violate the Constitution of the Portuguese Republic and, therefore, ordered the reformulation of the decision appealed against. First decision of the Constitutional Court on liability of legal persons. The criminal liability of legal persons was introduced in Portugal by decree-law no. 28/84.</p> |
| <p>POR 3 Lawsuit n.º 109/08.2TAE</p> | <p>Corruption - Articles 11, 373 and 374 of the</p> | <p>Organized criminal group using legal entities for the commission of criminal offences of corruption.</p> | <p>The criminal liability of legal persons is important in cases where the individual liability is diluted within complex organization, it is permitted in Portugal since 2007.</p> |

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| TR | Portuguese Criminal Code. - Law no 5/2002 | | |
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| ROM 1 Europa Operation. | <p>Trafficking in minors, money laundering, participation in organized criminal group and illegal possession of firearms and ammunitions.</p> <ul style="list-style-type: none"> - Romanian Law No. 678/2001 and 39/2003. - UNTOC and Protocols thereto. - Council of Europe Convention for Countering Human Trafficking, ratified in Romania by Law No. 300/2006. | Organized criminal group aiming on the recruitment and transportation of children from Romania to Great Britain. | <p>Cooperation between Metropolitan Police, Crown Prosecution Service, Eurojust and Europol; tracing, freezing, seizure and confiscation.</p> <p>Interesting aspect concerned that a great part of the smuggles minors were the perpetrators own children, this is the reason why the collection of evidence on the network members was extremely hard.</p> |
| ROM 2 Not specified – Indictment dating from 2007. | <p>Cybercrime and Forgery Offences.</p> <ul style="list-style-type: none"> - Articles 2 and 7, paragraph 1, of Law 39/2003. - Article 25 of Law 365/2002. - Articles 42 (1, 2), and 44 of Law 161/2003. - Article 288 of the National Criminal Code. - Articles 2 and 5 of UNTOC. | Organized criminal group with the purpose to forge electronic means of payment (credit cards), aiming subsequently on the use of these credit cards for computer-related frauds. | <p>In the Romanian procedural law the evidences do not have a pre-established value, the prosecutor or the court are the ones to decide on the value of each evidence after examining all the evidences.</p> <p>It has been illustrated how cybercrime and credit card offences are interrelated and also how information on this kind of offence is circulated.</p> |
| ROM 3 Not specified – Indictment dating from 2008. | <p>Money-laundering.</p> <ul style="list-style-type: none"> - Article 23 (a, b, c) of Law 656/2002. - Articles 13 and 26 of National Criminal Code in conjunction with Article 11 letter b of Law 87/1994.. - Article 290 of National Criminal Code. - Articles 3, 6 and 16 of UNTOC. | Organized criminal group dedicated to tax evasion and money laundering causing a prejudice of approximately 870 000 EURO. | This case present substantial provisions from the Palermo Convention, specifically, related to international judicial cooperation, namely extradition. Allowed the case of money-laundering to assume the condition of double criminality essential in <i>extraditio</i> procedures. |
| ROM 4 Not specified – Indictment dating 2010. | <p>Cybercrime, swindling and organized criminal group.</p> <ul style="list-style-type: none"> - Article 7 of Law 39/2003. | Organized criminal group undertaking activities directed to computer related forgery in the form of fake auctions on the site Ebay. The sums of money transferred by the victims were picked up from | International cooperation between the countries of the distinct victims searching for information and evidentiary support for the case, using the Central Authority and Diplomatic channels. |

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| | <ul style="list-style-type: none"> - Articles 46 and 48 of Law 161/2003. - Article 215 of the Romanian Penal Code. - Articles 2, 3, 5 and 18 of the UNTOC. | <p>different European countries such as Hungary, Germany, Spain and from the US by people called “arrows” who had as a main task the withdraw the sums of money transferred by the victims through Western Union Or Money Gram. After picking up the money they used the same channels to send the money back home.</p> | |
| <p>ROM 5 Not specified – Public Session 2011.</p> | <p>Drug trafficking, smuggling of precious metals and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Article 7 of Law 39/2003. - Act No. 51/1991 (wiretapping). - Article 6, 26, 33, 34, 65, 72, 88, 111, 117, 118 and 20 of the Criminal Code. - Article 2, 3, 10, 13 of Act No. 143/2000. - Article 270, 274 of Act No. 86/2006. - Article 11, 191, 350 of the Criminal Procedural Code. | <p>Organized criminal group dedicated to drug trafficking and the smuggling of precious metals from Turkey to Romania and to Western Europe Countries. The leader is part of a network of drug traffickers.</p> | <p>International law enforcement cooperation between the authorities of Romania and Turkey through bilateral treaty.</p> |
| <p>ROM 6 Korida Case</p> | <p>Drug trafficking and participation in an organized criminal group.</p> <ul style="list-style-type: none"> - Law no.39/2003, Art. 7. - Law no. 143/2000 - Art. 2 and Art. 3. - Art. 2 and art. 5 from the Palermo Convention | <p>Organized criminal group focusing on the trafficking of 1,5 tons of cocaine, in containers, from South America to Constanta Harbor – Romania, with final destination to Western Europe. Connexions in over 9 countries, and also linked with the Medellin Columbian network.</p> | <p>Mutual Legal Assistance requests - rogatory letters - to Spain, Italy, Turkey, Netherlands, Greece, France and Bulgaria.</p> <p>First Romanian case, prosecuting a legal entity for supporting an organized criminal group for trafficking in high risk drugs.</p> |
| <p>RUS 1 Report.</p> | <p>Drug trafficking.</p> <ul style="list-style-type: none"> - United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. - European Convention on Mutual Assistance in Criminal Matters. - article 458 of the Code of Criminal | <p>Report provided by the PM describing seven different case scenarios of an organized criminal group dedicated to international drug trafficking.</p> | <p>Joint operations with law-enforcement authorities, international investigation request under the European Convention on Mutual Assistance in Criminal Matters, request for legal assistance.</p> |

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| <p>RUS 2 Report.</p> | <p>Procedure of the Russian Federation</p> <p>Trafficking in persons.</p> | <p>Report provided by the PM describing case scenarios on trafficking in persons. In the first one the criminal organization ran a prostitution ring involving 13 girls, of whom seven were minors. The criminals organized the girls' move to Istanbul (Turkey), where the victims were forced to provide sexual services. In the second case the organized criminal group engaged in trafficking of six women from Russia to Spain.</p> | <p>International arrest warrant and collaboration between law enforcement authorities.</p> |
| <p>RUS 3 Report.</p> | <p>Smuggling of Migrants.</p> | <p>Report provided by the PM describing case scenarios on illegal migration. The relevant case stressed a particular scenario where 58 citizens, of countries of the Commonwealth of Independent States, were illegally smuggled through the addition of fake stamps to their passports which indicated that they had crossed the State border of the Russian Federation, and through fake migration cards and other documents giving the foreign citizens the right to stay in the Russian Federation.</p> | |
| <p>RUS 4 Report.</p> | <p>Money-laundering/legalization of the proceeds of crime.</p> <p>- Articles 210, 253 and 174 of the Criminal Code of the Russian Federation.</p> | <p>Report provided by the PM describing two different case scenarios on illegal migration: In first one, the organized criminal group has acquired documentation from commercial organizations, which have been registered under names taken from lost passports or imaginary persons, and had used current accounts and foreign currency accounts from fictitious companies in their criminal activities. The second case describes a criminal organization, whose main purpose was the illegal exploitation of the natural resources of the exclusive economic zone of the Far East region of the Russian Federation</p> | <p>International investigation requests were sent under the European Convention on Mutual Assistance in Criminal Matters to the competent authorities of over 10 countries.</p> <p>Thorough collaboration with units of the Italian financial police (Guardia di Finanza).</p> <p>Investigative Committee of the Ministry of Internal Affairs of the Russian Federation travelled to the Federal Republic of Germany, where they conducted investigations under the international request. Combined efforts of the Russian law-enforcement authorities and partners from the United States of America (Federal Bureau of Investigation — FBI) and the Republic of Korea.</p> |
| <p>RUS 5 Report.</p> | <p>Cybercrime.</p> <p>- Articles 69, 163 and 273 of the Criminal Code of the Russian Federation.</p> | <p>Report provided by the PM describing a case scenario on cybercrime. The case describes a number of citizens of the Russian Federation and Kazakhstan, who entered into an illegal agreement over the Internet to</p> | <p>An investigation unit was set up to deal with this criminal case, and officials from the United Kingdom National Hi-Tech Crime Unit (NHTCU, later the Serious Organized Crime Agency — SOCA) and the United States Secret Service were directly involved in the investigation.</p> |

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| | | extort money from foreign companies, forming an organized criminal group for that purpose. | |
| RUS 6 Report. | Corruption. - Article 159, paragraph 4 of the Criminal Code of the Russian Federation. | Report provided by the PM detailing a case scenario on corruption. The case describes a female citizen of the Russian Federation, who entered into criminal collusion with unidentified persons to accept commercial bribe. This offence is defined as the illegal receipt by a person in an administrative post in a commercial organization of money for the performance of actions which are in the interests of the giver and connected with the position occupied by this person. | Mutual Legal Assistance request addressed to the United Kingdom and Northern Ireland. |
| SER 1 Niva Operation. | Drug Trafficking, Illegal possession of firearms and explosives and organized criminal group. | <i>Classified Information. Available upon request to the Serbian experts.</i> | |
| SER 2 Tisa Operation. | Smuggling of migrants and organized criminal group. | <i>Classified Information. Available upon request to the Serbian experts.</i> | |
| SER 3 Valter Operation | Drug Trafficking, Organized criminal group, Extortion, Illegal Possession of Firearms and Explosives, Instigation to a Murder, Accessory after the Fact, Counterfeiting Documents. - Art. 346, Par. 1, and Par. 2, Criminal Code – in relation to Article 5 of UNTOC. - Article 3 of the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime. - Article 223. paragraph 3, Article 224. paragraph 2, Article 225. paragraph 3, Article 226. paragraph 2, Article 229. paragraphs 2 and 3, Article 230. paragraph 2 and Article 231. paragraph 2 of the Criminal Code. | Organized criminal group operating in four countries in the region of Western Balkans dealing with the most serious crimes – drug trafficking, extortions, robberies, kidnapping and attempts for murder. Therefore, simultaneous and coordinated action of the law enforcement agencies of two countries (in which the most of OCG members were situated) was the only possible way for prosecution of this OCG. The very intensive international cooperation was continued during the judicial investigations, financial investigation, as well as during trials in both countries and resulted by conviction. | Interpol database, evidence analysis from EULEX (Kosovo and Metohija). International cooperation between the Prosecutor for Organized Crime, the Special Unit of MI Directorate of Criminal Police, the Special Service for Combating to Organized Crime, and the Department for Combating to THB and Smuggling of Migrants, as well as Central Authorities and Diplomatic channels. MLA requests submitted to Austria, Hungary and Slovak Republic |

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| | <ul style="list-style-type: none"> - Article 185. paragraphs 2 and 3 of the Criminal Code. - Article 246. paragraphs 1 and 2 of the Criminal Code. - Article 348. paragraph 3 and Article 350. paragraphs 2 and 3 of the Criminal Code. - Article 359. paragraph 3, Article 363. paragraph 3, Article 364. paragraph 3, Article 366. paragraph 5, Article 367 paragraphs 1 through 3, 5 and 6 and Article 368. paragraphs 1 through 3 and 5 of the Criminal Code. - Article 362. paragraph 1, Article 372 paragraph 1, Article 377., Article 378. paragraph 3, Article 379. paragraph 3, Articles 388 through 390 and Article 393 of the Criminal Code. - UNTOC. | | |
| SER 4 Walker Operation. | Laundering of proceeds of crime and organized criminal group. | <i>Classified Information. Available upon request to the Serbian experts.</i> | |
| SER 5 Victor Operation. | Trafficking in firearms and ammunitions and organized criminal group. | <i>Classified Information. Available upon request to the Serbian experts.</i> | |
| SEY 1 Case No. 21/2011. | <p style="text-align: center;">Piracy.</p> <ul style="list-style-type: none"> - Section 65 (1 and 7) and 23 of the Penal Code, Cap. 158. - Article 100 of the United Nations Convention on the Law of the Sea. | Organized criminal group composed of armed individuals dedicated to piracy acts, attacked and captured a Seychellois ship in the Indian Ocean with four fishermen and forced them to sail to the coasts Somalia. | |
| SEY 2 Case No. 14/2010. | <p style="text-align: center;">Piracy.</p> <ul style="list-style-type: none"> - Section 23, 65, and 377 of the Penal Code. - Articles 15 – 17 of the Convention on | Organized criminal group composed of armed individuals dedicated to piracy acts, tried to seize a ship near the coasts of Seychelles. | |

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| SEY 3 Case No. 51/2009. | the High Seas. Piracy. - Section 65 of the Penal Code Cap. 158 and section 22 (c). - Section 4 (b) and 2 of the Prevention of Terrorism Act 2004. | Organized criminal group composed of armed individuals dedicated to piracy acts against a Seychelles Coast Guard Patrol Vessel in this country's Exclusive Economic Zone. | |
| SEY 4 Case No. 75/2010. (10 accused) | Piracy. - Section 65 of the Penal Code. | Organized criminal group composed of armed individuals dedicated to piracy acts against a Seychellois vessel and its crew. These four boats were caught sailing in the northerly direction from Mahe Island and were detected as a Piracy Action Group. | |
| SEY 5 Case No. 75/2010. (5 accused) | Piracy. - Section 65 4 (b) and 23 of the Penal Code Cap. 158. | Organized criminal group composed of armed individuals dedicated to piracy acts against two French vessels. | |
| SEY 6 Case No. 19/2011. | Piracy. - Section 65 4 (b), 23 and 377 of the Penal Code Cap. 158. | Organized criminal group composed of armed individuals dedicated to piracy acts against a vessel. The offenders were arrested by an helicopter in the vicinity of the attacked vessel. | |
| SAF 1 Project Yield Operation. | Laundering of proceeds of crime, corruption, organized criminal group, smuggling of precious metals and other crimes. - Article 121; Sections 2 (1), (e), (f) and (g), 4, 5 and 6 of The Prevention of Organized Crime Act (POCA) 1998. - Article 204, 205, 252/A Criminal Procedure Act. - UNTOC. | Organized criminal group dedicated to monetary benefits by means of engaging in illegal procurement and smuggling of inwrought precious metals, using pores borders between South Africa and SADC, to international markets in Canada, United Kingdom, Mainland China and Western Europe. The economic and strategic importance of South Africa's mining industry is beyond dispute and as a result South Africa has become the target for the illicit market of the illegal mining and smuggling of gold and platinum bearing ore. | Mutual Legal Assistance requests to England (London) and other countries. International cooperation with United Kingdom's Crown Prosecuting Authority in London, the National Crime Squad for England and Wales, Project Clown |
| SAF 2 The Ranch | Trafficking in persons, laundering of proceeds of crime, corruption, | Organized criminal group dedicated to human trafficking from various countries as: Thailand, Russia, | International cooperation between the Guernsey Procurer-General's office and USA Central Authority. MLA request to the USA. |

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| Operation. | <p>organized criminal group, other serious crimes and other crimes.</p> <ul style="list-style-type: none"> - Sexual Offence Act (Act 23, 1957). - The Aliens Control Act (Act 59, 1991). - The Prevention of Organized Crime Act – POCA (Act 121, 1998). | Ukraine, Kazakhstan, Bulgaria, Romania, Portugal, Hungary and Zambia. A significant amount of the proceeds generated were laundered out of South Africa, some to a bank in New York, USA, and others to a trust in Guernsey. The Royal Bank of Scotland also appears to have played a role in some related transactions. | South Africa does not have currently a legislation on human trafficking, making it difficult to generate a conviction for this specific offence and to apply the UNTOC and its Additional Protocol. |
| SAF 3 Project Deer. | <p>Drug Trafficking.</p> <ul style="list-style-type: none"> - Act 140/92 on Drugs and Drug Trafficking. - Act 105/97 on the Criminal Law Amendment. - Interception and Monitoring Prohibition Act, 1992 (Act No 127 of 1992). - Act No 75 of 1996. | Organized criminal group dedicated in the Illicit trafficking of narcotic drugs and psychotropic substances, which is regarded in SA as a crime of national impact and requires dedicated focus and intervention in a coordinated fashion to eradicate the threat of crime and restore public confidence and to also develop partnerships with local and international law enforcement agencies. | <p>International cooperation between SA and UK policing authorities to the protocols established in the UN Convention against Illicit trafficking in Narcotics and Psychotropic Substances 1988, to which SA is a signatory. Parallel investigations were set up to deal with the supply chain from SA to delivery in the UK.</p> <p>A full investigation was undertaken by the AFU in South Africa but not many assets could be found. A cover load of glass mirrors was confiscated and subsequently forfeited and sold. UK authorities had more success and obtained a court order for the confiscation of assets in the UK</p> |
| SAF 4 Simon Prophet v National Director of Public Prosecutions. | <p>Drug Trafficking.</p> <ul style="list-style-type: none"> - Sections 32, 48, 50, 52 of the Prevention of Organised Crime Act (POCA), 121 of 1998. - Drugs and Drug Trafficking Act No 140 of 1992. | Organized criminal group dedicated the manufacturing of methamphetamine. The main suspect Mr Simon Prophet was accused of operating a drug manufacturing laboratory from his residence. He owned the property. The State also brought civil forfeiture proceedings against the property, which Mr. Prophet, as the owner, opposed. | The case is significant as it established the right to use evidence found to be inadmissible in a criminal case, in support of a civil forfeiture application. It also clarifies the relationship between criminal and civil forfeiture proceedings and emphasises the importance of extraordinary measure like civil asset forfeiture to combat organised crime and drug dealing. |
| SPA 1 Guadana Operation. | <p>Drug Trafficking and participation in organized criminal group.</p> <ul style="list-style-type: none"> -Spanish Criminal and Procedural Code. -Bilateral Agreements between Argentina and Brazil. - UNTOC. | Organized criminal group dedicated to drug trafficking from Argentina to Spain through several different ports. | <p>International cooperation between Spanish, Brazilian and Argentinean police forces in order to seize the drug trafficked from the country of origin; exchange of database between countries; executing searches, seizures and freeing; identifying, locating and tracing proceeds of crime.</p> <p>International cooperation between international police and judicial authorities, in the case the main contribution regarded Europol.</p> <p>All countries should establish special drug trafficking units, with specifically trained professional in order to pursue a more effective investigation and prosecution of the accused.</p> |

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| <p>SPA 2 Destello Operation.</p> | <p>Drug Trafficking and participation in organized criminal group.</p> <ul style="list-style-type: none"> - Articles 368-378 and 563-564 of the Spanish Criminal Code. - Articles 545 and 579 of the Spanish Procedural Code. | <p>Organized criminal group aiming on the distribution of cocaine between Colombia, Venezuela, Spain, Morocco and Portugal.</p> | <p>Cooperation of SOCA channel.</p> <p>Extradition of accused, due to bilateral agreement, involving the Interpol and Diplomatic Channels.</p> <p>Execution of searches, seizures and freezing, using bilateral agreements.</p> <p>The complexity of the criminal organization had set the need for international cooperation between these countries in order to arrest the perpetrators involved in the operation.</p> |
| <p>SPA 3 Petrolero Operation.</p> | <p>Smuggling of migrants.</p> <ul style="list-style-type: none"> - Article 318 <i>bis</i> of the Spanish Criminal Code. | <p>This case involves the use of an oil tanker as a vessel to transport over 150 citizens of sub-Saharan origin from Freetown, in Sierra Leone, to Holland, under a fee of 1.000 Euros. The process was unsuccessful as the oil tanker was intercepted by Spanish authorities near the Canary islands.</p> | <p>Interception of ship in international waters and transfer to Spain; possibility to address and register a ship without judicial authorization.</p> <p>The jurisdiction of the Spanish Courts has been questioned considering that the oil tanker has been intercepted in international waters and there were no Spanish victims to be found in the ship. The Spanish Supreme Court decided positively on the jurisdiction of the Spanish Courts, citing the Protocol against the Smuggling of Migrants by Land, Sea and Air.</p> |
| <p>SPA 4 Trufas Operation.</p> | <p>Trafficking in persons.</p> <ul style="list-style-type: none"> - Article 27 of the Council Decision 2002/187/JAI 2002. - Article 26 <i>bis</i> and 27 of the Council Decision 2008/187/JAI 2008. - UNTOC and Protocols thereto. | <p>Organized criminal group dedicated to the recruitment and transportation of victims from Ukraine for sexual exploitation in Spain. Transnational scope, considering the routes used by the criminal organization were: (i) Slovakia- Austria, Italy, France and Spain; (ii) Czech Republic, Prague, Poland, Germany and France.</p> | <p>Investigation carried out by the National Police of Malaga with the cooperation of Eurojust.</p> <p>Cooperation of international police unit SIRENE for border surveillance in France and Italy, authorized by the magistrate of justice of the French judicial police; coordination meetings at the headquarters of Eurojust.</p> <p>International character of the organization and the need to perform tests outside of the Spanish border.</p> |
| <p>SPA 5 Chicago Operation.</p> | <p>Drug Trafficking and participation in organized criminal group.</p> <ul style="list-style-type: none"> - Articles 368-378, 390-392 and 563-564 of the Spanish Criminal Code. - Articles 282 <i>bis</i>, 263 <i>bis</i>, 545 and 579 of the Spanish Procedural Code. - Witness Protection Legislation No. | <p>Organized criminal group dedicated to drug trafficking from Colombia do Spain, with a layover in an American city.</p> | <p>Cooperation of the DEA and other international authorities. International judicial cooperation and mutual assistance between the United States and Spain authorities in order to arrest the perpetrators.</p> <p>The process was unsuccessful due to the communication of the event from U.S.</p> |

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| | <p style="text-align: center;">19/94.</p> <p style="text-align: center;">- Mutual Assistance Treaty between USA and Spain 1990.</p> | | |
| SPA 6 Shovel Operation. | <p>Organized Criminal Group, Money Laundering, Drug Trafficking and Trafficking of Firearms and Ammunitions.</p> <p>- Spanish Criminal and Procedural Code. - UNTOC and Protocols thereto.</p> | Organized criminal group dedicated to drugs and firearms trafficking with activity in the United Kingdom, Ireland, Holland and Spain. | <p>International cooperation between the National Police, Interpol, Europol and Eurojust, through periodic meetings.</p> <p>The harmonization of European and international legislation should be pursued, in order to achieve a more effective prosecution of the accused.</p> <p>All countries should establish division units on money-laundering, Assets Recovery Offices and Assets Management Offices, in order to simplify and stimulate a more effective role for investigation.</p> |
| SPA 7 Clubs Operation. | <p>Trafficking in Persons, Smuggling of Migrants and Prostitution.</p> <p>- Immigration crime 318 bis of the Penal Code (PC). - Member crime of conspiracy in connection CP 515 with CP 517. - CP 188 prostitution offenses. - Crime of sexual abuse 178, 179 and 180 CP.</p> | Organized criminal group aiming on sexual exploitation of women in Spain from foreign countries to which required payment of a debt. The organization had four clubs in Spain in which they engaged in prostitution. The organization had branches in Paraguay and often travelled to Eastern Europe for the recruitment of women. | <p>Registration of clubs creating a data base centre.</p> <p>The Court applied the Joint Action 97/154/JHA of February 24, 1997, adopted by the Council, according to Article 3 of the European Union Treaty, on the fight against human trafficking and sexual exploitation of children.</p> |
| SPA 8 Rapiña Operation | <p>Environmental crimes and participation in an organized criminal group.</p> <p>Sec. XVI and XVIII of the Spanish Criminal Code.</p> | Criminal organization dedicated to the trafficking of protected species, specifically birds of prey, which were captures from the wild in Spain and aimed to be sold in several different countries of the EU. | Two units of the State Security Forces, SOIVRE (Official Service Inspection, Supervision and Regulation of Foreign Trade) and the Section of the Civil Guard Seprona of Valladolid, worked together in the field of environmental protection to disband an organization dedicated to the exploitation of native bird specimens. |
| SWI 1 Drug Trafficking Case. | <p>Laundering of proceeds of crime, drug trafficking and organized criminal group.</p> <p>- Articles 72, 260ter and 305bis of the</p> | The organization was a major heroin supplier to Western Europe. There was evidence of deliveries, confirmed deliveries and seizures of heroin that could be linked to the organisation in the following countries: Italy, Germany, Spain, France, Slovenia and | <p>International cooperation with Interpol channels, UMNIK, Diplomatic channels and Central Authority.</p> <p>The greatest challenge was gathering proof of participation in a criminal organisation according to Art. 260ter SCC.</p> |

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| | <p>Swiss Criminal Code.</p> <ul style="list-style-type: none"> - Articles 13, 14, 15, 16, 18 and 21 of the Federal Act on International Mutual Assistance in Criminal Matters (IMAC). - Article 20 of the European Convention on Mutual Assistance in Criminal Matters. - Articles 2, 3, 5, 6, 7 and 12 UNTOC. | <p>Hungary. The group was controlled primarily from Kosovo.</p> | |
| <p>SWI 2 Drug Trafficking Case 2.</p> | <p>Drug Trafficking, Laundering of Proceeds of Crime and Organized Criminal Group.</p> <ul style="list-style-type: none"> - No. I of the Federal Act of 18 March 1994. - No. II 2 of the Federal Act of 13 Dec. 2002. | <p>OCG composed of two Columbians (L and M) and a Spanish national (N), which were connected to a criminal organization active in the production of cocaine. In addition, L had contacts to FARC.</p> | <p>International cooperation was extremely difficult. Information procurement was too complicated and cumbersome. While the countries repeatedly expressed their willingness to cooperate, concrete assistance was not satisfactory.</p> <p>Switzerland had difficulties in connection with the protection of witnesses. A witness protection program did not exist.</p> |
| <p>SWI 3 Organized Criminal Group Case.</p> | <p>Organized Criminal Group.</p> <ul style="list-style-type: none"> - No. I of the Federal Act of 18 March 1994. - No. II 2 of the Federal Act of 13 Dec. 2002. | <p>The criminal organization consisted of a world-wide network of financial enterprises and other companies. This enabled the organization – e.g. by means of deals with stolen works of art or drugs – to launder illegally gained assets. The network spans from Poland, Hungary, Bulgaria and Austria to France and Great Britain and to the United States of America, Argentina, Peru and Costa Rica.</p> | <p>Legal assistance from Spain and Luxembourg.</p> |
| <p>UKR 1 Not specified.</p> | <p>Organized crime report on the situation of Ukraine.</p> <ul style="list-style-type: none"> - Art. 332, chapter 2, Criminal Code. | <p>Very brief report provided by the PM describing three different case scenarios:</p> <ol style="list-style-type: none"> (1) The Ukrainian law enforcement body identifies a criminal organization that dealt with human trafficking and smuggling of migrants from south east Asia to the EU; (2) The law enforcement body identified, in a specific area of Ukraine, cases of documents fraud where Vietnamese citizen were awarded Ukrainian citizenship on the base of fake permanent visa and work documents; (3) Organised criminal groups, aiming on the smuggling of people through the Ukrainian border | |

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| | | with fake documents to enter the country (Chinese migrants). | |
| UKG 1 Clostern Operation | Drug Trafficking and participation in organized criminal group. | Organized criminal group dedicated to the importation of cocaine to the United Kingdom from the West Indies, with repeated trips to Trinidad, Tobago, Barbados and Granado. Transnational scope of the case, considering the importation of cocaine from several different countries. | Officers from relevant law enforcement agencies arranged for MPS officers to interview witnesses and take statements from them. Also obtained a search warrant for a yacht belonging to one of the subjects. International and internal cooperation between the Metropolitan Police and the Serious Organized Crime Agency (SOCA). |
| UKG 2 Chappel Operation | Drug Trafficking and participation in organized criminal group. | Organised criminal network, where the perpetrators would work independently or as members of a fluid OCN with links in Spain, Holland and UK, aiming on the trafficking of cocaine to the UK. | Difficulties to use intercept material as evidence in the United Kingdom. |
| UKG 3 Operation Junko | Drug Trafficking, Laundering of Proceeds of Crime and participation in organized criminal group. Criminal Law Act 1977 Misuse of Drugs Act 1971 Theft Act 1968 Proceeds of Crime Act 2002 Offences Against the Person Act 1861 Criminal Justice and Public Order Act 1994 | Operation Junko was the first large scale investigation within the UK which targeted individuals who were supplying chemicals specifically for use by high level drug dealers to cut with controlled drugs mainly, but not exclusively, of class A. These drugs were then sold on and, after further dilution in many cases, reached the street dealers and the public. | International cooperation of Swiss and Dutch Law Enforcement authorities. |
| UKG 4 Operation Tanglewood | Drug Trafficking, Conspiracy and participation in organized criminal group. | Organized criminal group dedicated to international drug trafficking and conspiracy. Case is under Trial. Further description available in power point presentation. | |
| USA 1 United States v. Pavel Ivanovich Lazarenko. | Laundering of proceeds of crime, conspiracy to commit money laundering, fraud and transportation of stolen property - Title 18 of the United States Code, Section 1956. - Title 18 USC 1343 and | First US prosecution of a former foreign head of State for money laundering. It is also an important precedent for the prosecution theory that a US crime is committed by the domestic laundering of the proceeds of foreign crimes, in this case extortion and fraud. | Public disclosure technique, which consisted of a “trash cover” by the FBI, used for many months in the identification of the financial institutions and entities involved in the chain of money transfers. Mutual legal assistance between the Ukraine, Switzerland, the US and other countries to secure witnesses and financial records. |

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| | 1346. - Title 18 USC 2314. - UNTOC. | | Criminal division (Asset Forfeiture and Money Laundering Section) (AFMLS) approval is required before the commencement of any investigation where jurisdiction to prosecute is based solely on the extraterritorial jurisdiction provisions of Sections 1956 and 1957. The Swiss authorities also charged the offenders, with money laundering, and requested their extradition from the United States, which has not been granted to date in view of US prosecutorial action. |
| USA 2 Smoking Dragon and Royal Charm Operations. | Participation in an organized criminal group, laundering of proceeds of crime, Trafficking of firearms and ammunition and Currency counterfeiting. | Organized criminal group dedicated to the smuggling of massive quantities of counterfeit money, weapons, drugs, cigarettes and other contraband into the United States. | \$4.5 million in counterfeit currency was seized, along with more than \$40 million worth of counterfeit cigarettes, drugs, and other real and phony items. |
| USA 3 Pletnyov Operation. | Cybercrime and laundering of proceeds of crime. | Individuals participated in a money laundering and wire fraud conspiracy as part of a transnational criminal group which targeted US and other nationals with online fraud. | This investigation was conducted by the FBI and the Hungarian National Bureau of Investigation (HNBI) Organized Crime Task Force, located in Budapest, Hungary (Budapest Task Force). All but one defendant had to be extradited to the United States. |
| USA 4 USA v. Viktor Bout and others. | Conspiracy; weapons trafficking; material support to Terrorist organization; and forfeiture. Sec. 2332 (b), 1114, 2332g and 2339 B of the United States Code. | Organized criminal group conspiring to kill United States nationals, officers and employees, as well as weapons trafficking to Africa, South America and the Middle East. | In South America the weapons were sold to the organized criminal group known as FARC to fight against United States forces in Colombia. |
| USA 5 Terrorism Case | Conspiracy; weapons trafficking; material support to Terrorist organization; money-laundering; and forfeiture. | Organized criminal group dedicated to weapons trafficking, money laundering and forfeiture. | |
| VEN 1 Seizure Case. | Laundering of proceeds of crime and participation in a criminal organization. - Article 4 and 6 of the Organic Law against Organized Crime and Conspiracy. | Organized criminal group dedicated to the smuggling of foreign currencies, Dollars and Euros, alleged proceeds of international drug trafficking from Europe to Venezuela. The types of crimes involved were money laundering and conspiracy | All the preventive measures and assurance of the case were issued, as the freezing of bank accounts and ensuring all movable and immovable property of the people involved. |

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| | <ul style="list-style-type: none"> - Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. - Article 373 of the Penal Code of Venezuela. - Article 108 paragraphs 1 and 2 of the Criminal Procedure Code of Venezuela. | | |
| <p>VEN 2 Ana Mercedes Ocanto Case</p> | <p>Laundering of proceeds of crime and participation in a criminal organization.</p> <ul style="list-style-type: none"> - Article 4 and 6 of the Organic Law against Organized Crime and Conspiracy. - Articles 551, 280, 281, 282 and 283 of the Criminal Procedure Code of Venezuela. | <p>The Guajira Cartel, a criminal organization dedicated to international drug trafficking and laundering money through the livestock industry.</p> | <p>Mutual Legal Assistance request to the authorities in Switzerland, Germany, Panama, United States, China, Spain, Italy, Aruba and Colombia.</p> |