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**SAFETY OF THE MEMBERS OF THE AML / CFT SYSTEM, ESPECIALLY FOR MEMBERS OF THE FIU, LEA and ARO**

## Report Coordination for Subgroup of Cooperation and integration of FIU / LEA

MEMBERS SAFETY FOR THE AML / CFT SYSTEM, ESPECIALLY FOR MEMBERS OF THE FIU, LEA and ARO

### I. Main objective:

Expose on a reporting format the results obtained from the sample survey delivered on May 23, 2014, which was answered in the same year and presented the results at the meeting of September (Uruguay). Results from the survey were approved at that meeting and it was recommended that the commission adopted it at its next regular session to be taken as a reference document and input towards the formulation of recommendations in this area.<sup>1</sup>

### II. Methodology:

The results of the survey were analyzed in security matters. The results were tabulated and systematized in an Excel board, which was presented and approved at the meeting in September 2014.

The results referred to 12 questions that were made in the survey, namely:

1	Does your system AML/CTF include the special norms regarding the protection of officials of the FIU/ LEA/ ARO?
2	Does it include preventive security protocols or procedures for officials of the UIA / LEA / ARO?
3	Does it include a security protocol or procedure that alert in case of a threat to an official of the FIU / LEA / ARO?
4	Does your country have norms of transparency that demand publishing information regarding officials of the FUI / LEA / ARO?
5	Is there any institution in particular that is in charge of evaluating the risk level when facing a threat?
6	Is there any institution in charge of invalidate certain security measures, because of the absence of a determined risk level?
7	Is there any policy concerning the self-care of the officials in the system ALA/CFT that allows preventing risk situations?
8	Has there been cooperation mechanism between different actors of the ALA/CFT system with the objective of facing integrally a threat?
9	Do the institutions hire any type of insurance regarding the officials that work in this type of investigations?
10	Do different actors from the system privilege the protection of officials over the results of a determined investigation?
11	In case of an imminent threat existence against any member of the FUI/LEA/ARO, security measures tend to distance him/her of the case, or on the contrary it is

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<sup>1</sup> This report is mainly limited to the results delivered by the following countries: Argentina, Bolivia, Canada, Chile, Costa Rica, United States, Guatemala, Jamaica, Mexico, Panama, Paraguay, Peru, Dominican Republic and Venezuela.

	preferred that he/she remains in charge of the process?
12	Does it include protocols that allow offering legal protection to its officials?

We analyzed individually each of the responses, with the aim of highlighting certain practices that the group could consider to make.

### III. Particularly analysis of responses

**QUESTION 1:  
DOES YOUR SYSTEM ALA/CFT INCLUDE THE SPECIAL NORMS REGARDING THE PROTECTION OF OFFICIALS OF THE FUI / LEA / ARO?**

#### NO FOR AN ANSWER:

**A total of 14 countries, 8 of them responded negatively<sup>2</sup> of which, 2 (Chile and Venezuela) did so with substantive comments:**

- In the case of Chile, although there are no special rules governing the matter, on March 30, 2009 National Prosecutor issued the confidential letter No. 168/2009 about procedure for a protection method of public prosecutors, establishing themselves as subjects protected not only to prosecutors but also to officials and the prosecutors family. For this purpose, the office is founded on two principles: discretion and temporality. The first one consists that all background of the protected prosecutors, strategy and measures contained, as also the documents that substantiate them, shall be kept in strict confidence. The principle of temporality means that the enforcement of the protective measures will continue for as long as the risk persists. Thus, from 2009 there would be a standardized procedure to be applied in all cases in which prosecutors or Public Ministry officials have received threats or intimidation in the exercise of their functions.

- In the case of Venezuela, although there would be no special rules of protection there would be actions that in practice are implemented, which would consist in protocols, circulars and regulations (that are not specified).

#### YES FOR AN ANSWER:

**A total of 14 countries, 6 of them answered affirmatively<sup>3</sup>:**

1) Canada: It is noted for a distinction, as for regulations related to FIU (FINTRAC):

<sup>2</sup> Correspond to the following States: Argentina, Bolivia, Guatemala, Paraguay, Peru, Dominican Republic, Chile and Venezuela.

<sup>3</sup> Correspond to the following States: Canada, Costa Rica, United States, Jamaica, Mexico and Panama.

- Section 59 of the PCMLTFA (Proceeds of Crime Money Laundering Terrorist Financing Act) provides that an official FINTRAC cannot be forced to appear in court to testify or produce documents, except in cases of money laundering, terrorist financing or violations to the PCMLTFA.

- The name of the analyst who worked in a FINTRAC case is not included in the data reported to the recipient (a police officer for example)

- Furthermore, in accordance with Article 60 (8) € the PCMLTFA, FINTRAC Director may object to the inclusion of certain information for reasons of public interest (for example, skip the analyst's personal information in order to safeguard their welfare)

- FINTRAC in turn, is consistent with the policies and guidelines that are applicable to all the Government of Canada. These policies identify generic responsibilities of the various stakeholders for the effective implementation of the departmental security program.

- Finally, it refers to a series of statutes, regulatory instruments, policies, guidelines and standards surrounding FINTRAC's security program.

Additionally, when domestic legislation, there would be an internal code of conduct that establishes specific measures to protect officials FINTRAC, they will also receive training on policies and security directives

In case of LEA: It is noted that policies and procedures to ensure the protection of police officers involved in covert and special operations also apply to investigations regarding financial or economic crimes. Security Section staff Royal Canadian Mounted Police (RCMP) researches, develops and implements policies to protect the RCMP officials, information and property damage.

2) Costa Rica: Article 160 of the 8204 law on narcotics, psychotropic substances, unauthorized drugs, related activities, and laundering and terrorist financing, would contemplate a form of protection officials of the Costa Rican Drug Institute (ICD), including the Financial Intelligence Unit (FIU) and the Unit Assets Recovery (URA). It refers to the authorization of their vehicles not to use official plates in order to maintain confidentiality of the work and safety of personnel, as follows:

"Article 160. The vehicles assigned and used by the Institute Costa Rican Drug Institute shall be excluded for labeling and unauthorized to use official plates, in order to keep confidentiality of their work and the safety of its staff. The National Registry will provide the Institute necessary facilities to implement and ensure the confidentiality. "

3) United States: Letter G N°3 Paragraph 5318 Title 31, Code of Federal Regulations, referred to money and finances<sup>4</sup>, bank, director, employee or agent of any bank that voluntarily report information about

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<sup>4</sup> 3) LIABILITY FOR DISCLOSURES. (A) IN GENERAL.-Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure pursuant to this subsection or any other authority, and any manager, officer, employee, or agent such institution of who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide such notice of disclosure to the person who is the subject of such disclosure or any other person Identified in the disclosure.

suspicious transactions, shall not be responsible to any person for this report or for any errors in the delivery of information from that report regarding the person on which was elaborate the report. In this sense, we can say that it is a standardized protection norm regarding any eventual legal actions the person subject to the report against the obligor belonging to a banking institution.

4) Jamaica: The first annex 16 of the Proceeds of Crime Act (POCA) allows their employees to use a pseudonym after the Director has signed a certificate authorizing their use.

5) Mexico: Has norms for official's protection, both in laws, regulations as in procedures in general and protocols, as detailed below:

- Article 5 of the Law on National Security: Considers as a threat to national security, **"acts that keep the authorities to act against organized crime"**.

- Article 2 of the Federal Law for the Protection of persons involved in criminal proceedings, defines what is meant by a protected person "Every individual who may be at risk or danger for their involvement in criminal proceedings. Also, within that provision shall be deemed to persons linked to or affective kinship with the witness, victim, victim or civil servants, who look at risk or endangered by the activities of those in the process. "

- Article 3 of Regulation Federal Protective Service, which states that the main function of this organization is to "provide protection services, custody, surveillance and security of people, goods and facilities, to entities of the Federal Public Administration bodies of federal nature of the executive, legislative and judicial branches, autonomous constitutional bodies and other public institutions that request. "

- Article 25 of the Regulations of the Organic Law of the Attorney General of the Republic<sup>5</sup> establishes that the head of the police who will be a Holder within its powers of: (xvii) providing the security service and protection to persons involved in criminal procedures (...); of (xvii) direct, coordinate, monitor and evaluate the security services and protection to individuals whose activities are threatened in their physical integrity, in accordance with applicable regulations and determined by the Attorney.

- Article 80 of the Regulations of the Organic Law of the Attorney General's Office, established within the powers of the Managing Director of the Directorate General of Special Security Services and Protection to "implement, manage and evaluate protective services to people in accordance to the applicable normativity and the ones that orders the Attorney."

- National Security Program for 2014-2018: contains the policy for National Security, who directs, integrates and coordinates the actions of the authorities and institutions that are linked to the sectors of security, defense and development to provide, prevent, dissuade, contain or disable those vulnerabilities, risks and threats that may jeopardize the nation's project.

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(B) RULE OF CONSTRUCTION.-Subparagraph (A) shall not be construed as creating- (i) any inference that the term " person ", as used in Such subparagraph, may be construed more broadly than ordinary usage so as STI to include any government or agency of government; or (ii) any immunity against, or Affecting Otherwise, any civil or criminal action Brought by any government or agency of government to enforce any constitution, law, or regulation of Such government or agency. [Online] Available at: <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title31/pdf/USCODE-2011-title31-subtitleIV-chap53-subchapII-sec5318.pdf>

<sup>5</sup> The Federal Protective Service is an administrative body within the Ministry of Public Security (Article 1 of Regulation Federal Protection Service).

- Attorney General's Office provides escort service to civil servants of the institution and in some cases, from other federal levels, for performing law enforcement activities, investigation and prosecution of crimes and their participation for the integration of the preliminary investigations and the development of criminal proceedings are defenseless against the actions of criminal groups, organized crime or drug trafficking.

- Finally, it is noted that the building of the FIU would be shielded and protected by the Federal Protective Service.

6) Panama: While noting that articles 20, 331, 332 and 340 of Law No. 63 of August 28, 2008 Law exist rules related to the protection of officials of the FIU / LEA / ARO, these articles refer to the protection of victims, witnesses, complainants and others involved in the process<sup>6</sup>. Highlighting that they are working on the promotion for a better protection of officials of the FIU / UAF.

**QUESTION 2:  
DOES IT INCLUDE PREVENTIVE SECURITY PROTOCOLS OR PROCEDURES FOR  
OFFICIALS OF THE UIA / LEA / ARO?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 6 responded negatively<sup>7</sup>. Of these, 1 (Chile) did with substantive comments:**

- In the case of Chile, although there are no special rules governing the matter, dated March 30, 2009 National Prosecutor issued the confidential letter No. 168/2009 about a method for protecting public prosecutors, whose basis is the existence of a risk there that affects him or his family, derived from the performance of their duties and against which it is necessary to adopt protective measures to minimize it. In this sense, for the risk assessment, it has to be considered the following circumstances to develop the protection strategy to follow: (1) The existence of a threat; (2) fiscal and social background of his family; (3) characteristics of potential aggressors and (4) type of offense.

**YES FOR AN ANSWER:**

**A total of 14 countries, 8 of them responded affirmatively<sup>8</sup>:**

1) Argentina: It is noted that all units of the FIU of Argentina are manned by members of the Federal Police of Argentina. Also, the President and Vice President of the FIU Argentina are staffed police custody.

2) Canada: In the case of FIU, it is referred to the answer given in Question No 1. As for LEA, there are no special policies but police policies covering data protection, police property and physical wellbeing of

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<sup>6</sup> Article 20 refers to the protection of victims, complainants and collaborators, 331 to protect the victim, the 332 measures to protect victims, experts and other participants of criminal proceedings; and 340 to the prosecution at the hearing of the Indictment. . Cf. Act 63 of August 28, 2008, available at: [http://www.oas.org/juridico/PDFs/mesicic4\\_pan\\_ley63.pdf](http://www.oas.org/juridico/PDFs/mesicic4_pan_ley63.pdf)

<sup>7</sup> Correspond to the following States: Bolivia, Chile, Panama, Paraguay, Dominican Republic and Costa Rica.

<sup>8</sup> Correspond to the following States: Argentina, Guatemala, Peru, Venezuela, Jamaica, Mexico, USA and Canada.

police officers, including specialized equipment and training in self-defense. Awareness about security is the most effective measure to reduce the risk of incidents or security breaches. The RCMP has a course about it, which is available for individual RCMP employees.

3) United States: It is noted that all agencies of the US government has established protocols and procedures for the security of its staff. In particular, the Financial Crimes Enforcement Network (FinCEN) implements security policies, procedures, standards, training and methods for the identification and protection of information, personnel, assets, facilities, operations or materials unauthorized disclosure, misuse, theft, assault, vandalism, espionage, sabotage or loss.

4) Guatemala: It is noted that the Head of the Financial Analysis Unit has at its disposal a vehicle with special shielding.

5) Jamaica: It is noted that as internal protocol "officials" do not use personal motor vehicles used in operations and in addition there would be a "Disclosure Protocol as directed by the DPP". According to the Protocol, the disclosures made by official researchers are treated as intelligence, requiring after obtaining a production order ("Production Order") to access information from the financial institution, so that this it can be used as evidence. Both analyst and bankers are therefore protected as sources of information.

6) Mexico: no specific laws, but if domestic legislation in respect of restrictions on the entry to the premises.

7) Peru: The FIU-Peru has established a security protocol for the officers conducting the analytical work of ROS are not identified. This protocol would be that: (i) the financial intelligence reports that are sent to the Public Ministry of Peru without the approval of officials who have developed or revised them; and (ii) In the figure informative expert of the FIU (SBS), established by the current regulations for the Prevention of ML / FT Peru. Such expert is one who comes to court hearings to support the technical verification of the reports prepared by its officials and reports made by the Compliance Officer, whose identities are being withheld. However, this official would be vulnerable.

8) Venezuela: It is noted that as established in internal regulations and other documents is the duty of the official report immediately when he learns of the existence of an unsafe condition that could harm your health or your life or that of others.

**QUESTION 3:  
DOES IT INCLUDE A REACTIVE SECURITY PROTOCOL OR PROCEDURE IN CASE OF  
A THREAT TO AN OFFICIAL OF THE FUI / LEA / ARO?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 6 responded negatively<sup>9</sup>. Of these, 1 (Costa Rica) did with substantive comments:**

- In the case of Costa Rica, there will not be any existing protocols internally at the Costa Rican Drug Institute (ICD). It case of the FIU, it is noted that in practice officials remain anonymous, so do not give

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<sup>9</sup> Correspond to the following countries: Peru, Guatemala, Dominican Republic, Paraguay, Bolivia and Costa Rica.

statements to the press nor exposed in public, but only for training purposes to financial institutions or coordination with related agencies. Meanwhile, in the case of the URA, there would be procedures or reactive security protocols in case there is a threat to an official. The regulations contained in Law No. 8720 under "the protection of victims, witnesses and other parties involved in the criminal process, reforms and supplementing the Criminal Procedure Code and the Penal Code" would be applicable to persons subject to protection, not being exclusive to ICD officials.

## **YES FOR RESPONSE:**

### **A total of 14 countries, 8 of them responded affirmatively<sup>10</sup>:**

1) Argentina: Law No. 23984 (Criminal Procedural Code of the Nation) and Law No. 18711 of security forces, without giving details of items or specific rules are noted. In this regard, it also notes that to a threat, the judiciary and the police will take the necessary measures to protect the integrity of the person at issue.

2) Canada: In the case of FIU, refer to the answer given in Question No 1. As for LEA, section 264.1 of the Canadian Criminal Code considers a crime the threat of causing death, causing injury or property damage.

3) Chile: It is noted that the protection strategy is developed jointly by the Regional Prosecutor, the Head of URAVIT and the Deputy Prosecutor in charge of the respective research, and includes the determination of the following: (1) Measures of Protection which will be applied; (2) Support measures aimed at reinforcing protection measures; (3) Periods of validity; (4) Implementation; (5) Permanent evaluation.

Therefore it's an ongoing evaluation, that allows to go checking the implementation of certain measures, their effectiveness and impact, in order that they can make appropriate adjustments, either enhancing or decreasing the security measures or when appropriate, in order that they can make appropriate adjustments, either enhancing or decreasing the security measures adopted or, where it's appropriate propose it's ending.

4) United States: Refers to the answer about question No. 2.<sup>11</sup>

5) Jamaica: It is noted that there is a Memorandum of Understanding (MOU) with the Jamaica Constabulary Force (JCF), without giving details.

6) Mexico: It is noted that there would be specific procedures and / or protocols in each of the departments and government institutions; but nevertheless, it is not possible to provide information about it because the security service that is provided would be violated.

7) Panama: While noting that articles 20, 331, 332 and 340 of Law No. 63 of August 28, 2008 there would exist rules on the protection of officials of the FIU / LEA / ARO, these articles deal with the

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<sup>10</sup> Correspond to the following States: Canada, Venezuela, USA, Argentina, Jamaica, Mexico, Chile and Panama.

<sup>11</sup> "All government agencies in the United States has established protocols and procedures for the security of its staff. In particular, the Security Office Network Financial Crimes Enforcement (FinCEN) implements security policies, procedures, standards, training and methods for the identification and protection of information, personnel, assets, facilities, operations or materials unauthorized disclosure, misuse, theft, assault, vandalism, espionage, sabotage or loss. "

protection of victims, witnesses, interveners and others involved in the process.<sup>12</sup> Of course it said to be working on promoting greater protections for officials of the FIU / UAF.

8) Venezuela: It is noted that the Statute Law Civil and Criminal Code are applicable in addition to protocols and internal regulations.

- In this regard, if any threat against an official who works in an FIU / LEA / BBA said they will be provided the necessary protection by the State Security Agencies. This, as officials working in the FIU and ARO are considered civil servants, so their performance is governed by the Statute Law Civil published in the Official Gazette No. 37 522 of September 6, 2002.

- In addition, the armed forces that form the Bolivarian National Armed Forces and police services are governed by their organic statutes or special regulations, which are directly linked to the security and defense of the nation and the maintenance of public order.

- Also, if a public official received a threat because of their duties or at the time of performing them, the person who committed shall be liable to imprisonment in accordance with the provisions of the Venezuelan Penal Code published in the Official Gazette No. 39 818 12/12/11. A public official may make complaint to the Public Prosecutor in the Department of Victim Services, who may issue a protective measure aimed at establishing procedures to the police, intelligence and investigation.

**QUESTION 4:  
DOES YOUR COUNTRY HAVE NORMS OF TRANSPARENCY THAT DEMANDS  
PUBLISHING INFORMATION REGARDING OFFICIALS OF THE FUI / LEA / ARO?**

**NO FOR AN ANSWER:**

**A total of 14 countries, only five responded negatively<sup>13</sup>. Of these, 2 (Venezuela and Canada) did so with substantive comments:**

- In the case of Venezuela, it was noted that workers in accordance to the existing legal framework will have the right to privacy of correspondence, communications and the free access to all the data and information relating to them. However, the only information that is published is the Evidence of work for the Venezuelan Institute of Social Security Services (IVSS), a document that fills the employer to certify the Social Security worker maintained or maintains a working relationship with the company or State Agency, indicating time and wages earned; in order for the Institute to verify your information.

- In the case of Canada, it noted that while there are laws on transparency regarding access to information concerning these exclude the personal information of officials. However, as the LEA, there is no law in Canada that prohibits anyone taking pictures or recording a police officer in the performance of their

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<sup>12</sup> "All government agencies in the United States have established protocols and procedures for the security of ITS staff. In particular, the Security Office Financial Crimes Enforcement Network (FinCEN) implements security policies, procedures, standards, training and methods for the identification and protection of information, personnel, assets, facilities, operations or materials unauthorized disclosure, misuse, theft, assault, vandalism, espionage, sabotage or loss. "

<sup>13</sup> Correspond to the following States: Bolivia, United States, Jamaica and Venezuela.

duties in a public place (these have no right to privacy to people when execute their duties). The media may report a crime, the investigation and criminal procedure at any time, even after the end of the trial, unless a court orders otherwise.

## **YES FOR AN ANSWER:**

### **A total of 14 countries, 9 of them responded affirmatively<sup>14</sup>:**

1) Argentina: Law No. 25.188 of Ethics is noted in the Exercise of Public Service. This law establishes a system of affidavits regime:

- Certain senior officials must submit a comprehensive financial disclosure statement within thirty working days of taking office.

- They should also update the information contained in that affidavit annually and submit a final declaration, within thirty working days from the date of removal from office.

- The affidavit must contain a detailed list of all assets, proper of the declarant, own spouse, the ones that integrate the spousal society, the ones attached, which integrate in such case a society and those of their children in the country or abroad.

2) Chile: It is noted to be an obligation of active transparency established in all public institutions.

3) Costa Rica: given situations to URA officials and FIU officials Representative:

- URA: Articles 84 of the Law No. 8204 and Article 26 of the Law against Organized Crime provides that the Costa Rican Drug Institute (ICD) will take on Judicial exclusive deposit, the goods that are considered economic interest that have been seized in crimes related to causes including such laws; which implies officials of the institution in the exercise of their duties, must assume them in that condition. Thus, in the case of officials of the URA, their names and identification numbers appear in the document judicial deposit (by which the judicial authority appoints the ICD in the person of an official of the URA, which is part of judicial) record. This exposes the identity of the official from the URA because he has knowledge of the goods. Moreover, the head of the URA must file annually the declaration of related goods, document in which personal information is provided and data is updated before another state institution.

- FIU: FIU officials remain protected in an environment of anonymity at the media. However, no internal procedures, so it would be an informal situation. No information or data on staff of the FIU is published.

4) Guatemala: Note that in accordance to the law on subject, information on processes and aspects of monitoring and inspection by the Superintendency of Banks, which is part of the Financial Analysis Unit, have character of reserve.

5) Mexico: Exceptionally some information may be booked. In the case of the FIU is only public the name and contact details of Holder of the Institution and not of the officials<sup>15</sup>. Mentioned in Articles 3, 7,

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<sup>14</sup> Correspond to the following States: Chile, Argentina, Guatemala, Mexico, Costa Rica, Dominican Republic, Paraguay, Peru and Panama.

<sup>15</sup> It is further noted that the Federal Law of Transparency and Access to Public Government Information (LFTAIPG) indicates that government agencies must publish the directory and contact information of those attached to public institutions officials from the level of Head of department. Nevertheless, based on the 01/13 consultation conducted by the Ministry of Finance and Public Credit to the Federal Institute of Access to Information and Data

13 and 45 of the Federal Law of Transparency and Access to Public Government Information, and Articles 8 and 14 of the Regulations of the Federal Law of Transparency and Access to Public Government Information listed.

6) Panama: Noted law No. 66 of January 22, 2002 (Official Gazette No. 24.476 of January 23, 2002), which dictates standards for transparency in public administration, establishes the Habeas Data and sets other provisions.

7) Paraguay: Articles 1 and 3 of Law No. 5189 of May 20, 2014, which establishes the obligation of providing information on the use of public funds for salaries and other remuneration assigned to the public server, are indicated in the Republic of Paraguay.

- Article 1 provides that all public agencies or entities, binational bodies and those in which the Paraguayan State has a shareholding, or private organizations that manage resources it must diffuse through electronic portals on the Internet, all information public source for the organism or entity and administrative and human resources of the same.

- In turn, Article 3 specifies the content of the information to be published (organizational structure, functions, address and telephone number of the organization, complete list of staff, budget revenues, detail of publicly funded travel, inventory assets of institutions, etc.).

8) Peru: Although there is no specific law on the subject, Act No. 27619 provides for authorization to travel abroad servants and public officials that expenditure occasioned to the Treasury. Thus, if officials FIU / LEA / ARO made a trip outside the country financed with funds from the Treasury, the data of these and their positions will be published in the official gazette "El Peruano".

9) Dominican Republic: Law No. 200-04 Law on Free Access to Public Information was passed in order to strengthen transparency, but as long as such information does not compromise in any way the national security.

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Protection it determined that "it is possible to note that disclose information regarding the names and contact staff keeps a direct and immediate contact with strategic information could endanger their life or security, including that of their families, since such information could be used for individuals or criminal groups, obtain data, through them, to serve them as input for illegal or criminal purposes with the intention of causing damage to public servants themselves or their families. "

Thus, reservation of the name and contact details of those attached to the FIU except the holder thereof on the basis of Article 13, section I and IV of LFTAIPG, public servants was considered appropriate given that the spread such information may compromise national security, public security or national defense or endanger life, safety or health of these public officials.

In conclusion, according to the aforementioned consultation, the names and contact information of officials of the FIU is confidential, with the exception of information Head of the Unit.

Document Link: [http://inicio.ifai.org.mx/SecPublicoConsult/01-13%20SHCP%20SAC%20\(Pleno%2029-05-13\).PDF](http://inicio.ifai.org.mx/SecPublicoConsult/01-13%20SHCP%20SAC%20(Pleno%2029-05-13).PDF)

**QUESTION 5:  
IS THERE ANY INSTITUTION IN PARTICULAR THAT IS IN CHARGE OF EVALUATING  
THE RISK LEVEL WHEN FACING A THREAT?**

**NO FOR AN ANSWER:**

**A total of 14 countries, only 5 responded negatively<sup>16</sup>.**

**YES FOR AN ANSWER:**

**A total of 14 countries, 9 of them responded affirmatively<sup>17</sup>.**

1) Argentina: Faced with a threat rests with the judiciary to hear the case, counting on the Federal Security Forces, the National Gendarmerie, the Naval Prefecture Argentina, the Federal Police and the Airport Security Police, will exercise own police powers of the Federal State according to its missions, functions and territorial jurisdictions, for each of them determined by law. In addition, the judiciary has the support of national intelligence agencies. Above, in accordance with the following laws: (1) Law 23984 (Code of Criminal Procedure of the Nation); (2) Law 18711 Security Forces; and (3) Law 25,250 of National Intelligence.

2) Canada: It is noted that the policy agencies are in a position to collaborate and assess the magnitude of the threat.

3) Chile: It is noted that the evaluation is conducted by the Head of the Regional Unit for Victims and Witnesses (URAVIT) altogether with the Regional Prosecutor.

- Among the elements that these should take into account when assessing the risk involved, which will develop the protection strategy to be followed are: (1) The existence of a threat; (2) Social and family background of the prosecutor; (3) characteristics and potential aggressors; (4) Type of offense.

- Additionally it intends to seek additional background that can enrich the assessment, through the application to the police field analysis regarding security vulnerabilities of the prosecutor and his family and the recommendations to face them; feasibility financial and technical assistance to the Regional Unit for Victims and Witnesses (URAVIT) and weighting alternative cost of the measures (impact on the loss of privacy, overexposure, limitations on mobility, among others).

4) United States: Recalls to the answer of question No. 2.<sup>18</sup>

5) Jamaica: It is noted that there is a Memorandum of Understanding (MOU) with the Jamaica Constabulary Force (JCF), without giving details.

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<sup>16</sup> Correspond to the following countries: Guatemala, Dominican Republic, Bolivia, Paraguay and Costa Rica.

<sup>17</sup> Correspond to the following States: Canada, Chile, Peru, Venezuela, Jamaica, United States, Mexico, Argentina and Panama.

<sup>18</sup> "All government agencies in the United States has established protocols and procedures for the security of its staff. In particular, the Security Office Network Financial Crimes Enforcement (FinCEN) implements security policies, procedures, standards, training and methods for the identification and protection of information, personnel, assets, facilities, operations or materials unauthorized disclosure, misuse, theft, assault, vandalism, espionage, sabotage or loss. "

6) Mexico: It notes that in general terms it has the Federal Protective Service, at the Attorney General of the Republic, within the Federal Ministerial Police (PFM) to the Directorate General of Special Security Services and Protection of People. This last one is responsible for implementing, managing and evaluating protection services in accordance with applicable regulations. Additional features Committee for Determination of Safety and Evaluation of Safety Measures and Protection of People, part of the Criminal Investigation Agency (CIA). Above, in accordance with the following manuals and standards:

- Manual for General Organization of the Federal Protective Service
- Articles 12 and 15 of the Regulations of the Federal Protective Service
- Articles 25 and 80 of the Regulations of the Organic Law of the Attorney General's Office

7) Panama: Public Ministry is drawn, the Council of National Security and Defense, in accordance with Law No. 40 of July 3, 2008.

8) Peru: they note that the National Police of Peru (PNP) and the National Intelligence Directorate (DINI) perform tasks of Counter-Intelligence to detect activities against national security. This is in accordance with Act No. 28664 National Intelligence System (SINA) and the National Intelligence Directorate (DINI); and Legislative Decree No. 1141 for strengthening and Modernization of the National Intelligence System - SINA and the National Intelligence Directorate - DINI.

9) Venezuela: They refer to the Constitution and the Penal Code, noting the matter "if we speak of a measure of risk of threats like this, there is none but we have the Attorney General who exercises the criminal action and is the body responsible for receiving the complaint of threat towards the officer, and decide if it's a crime of private action."

**QUESTION 6:  
IS THERE ANY INSTITUTION IN CHARGE OF INVALIDATE CERTAIN SECURITY MEASURES, BECAUSE OF THE ABSENCE OF A DETERMINED RISK LEVEL?**

**NO FOR AN ANSWER:**

**A total of 14 countries, only 6 responded negatively<sup>19</sup>. Of these, 1 (Canada) did with substantive comments:**

- In the case of Canada, we must distinguish. Regarding FIU case, such situations are handled internally by FINTRAC. On the other hand, LEAs are guided by the political police of their governing bodies.

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<sup>19</sup> Correspond to the following States: Costa Rica, Paraguay, Bolivia, Dominican Republic, Canada and Guatemala

**YES FOR AN ANSWER:**

**A total of 14 countries, 9 of them responded affirmatively<sup>20</sup>:**

1) Argentina: It is noted that pursuant to the Criminal Procedural Code of the Nation and the law 18711 Special Forces, the risk assessment and the adoption of security measures correspond to the judiciary and federal security forces.

2) Chile: It is noted that managers are the Head of URAVIT in accordance with the Regional Prosecutor, who must be based on the reports commissioned from the respective police.

3) United States: It is referred on the answer from question No. 2.<sup>21</sup>

4) Jamaica: Only notes that it is the Jamaica Constabulary Force (JCF)

10) Mexico: The General Directorate of Operations Federal Protective Service, is responsible for directing, developing and updating the Base Guide for the Preparation of Risk Analysis, which is responsible for determining when it stops working so far of security. For its part, the Attorney General's Office is the Directorate General of Special Security Services and Protection to Persons empowered to assess protection services to people and thus, it can also determine when to rescind the measure of security. Finally, it could also be done through the Ministry of Public Administration and Tax Administration System "SAT". When authorizing payment risk mentioned in question No. 9 and when the SAT requests an escort for the officials it is determined whether the request is appropriate or not. All above, in accordance with the following manuals and standards:

- Manual General Organization Federal Protective Service
- Articles 12 and 15 of the Regulations of the Federal Protective Service
- Articles 25 and 80 of the Regulations of the Organic Law of the Attorney General's Office

5) Panama: it is shown to the Public Ministry, the Council of National Security and Defense, in accordance with Law No. 40 of July 3, 2008.

6) Peru: It is noted that following a diagnosis determines whether certain official FIU / LEA / ARO do not register higher risk, and in case this is assigned escorts (bodyguards), the National Police of Peru could have reallocating escorts.

7) Venezuela: Only notes that is the Public Ministry, in accordance to the Criminal Code.

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<sup>20</sup> Correspond to the following States: Argentina, Chile, United States, Jamaica, Mexico, Panama, Peru and Venezuela.

<sup>21</sup> "All government agencies in the United States has established protocols and procedures for the security of its staff. In particular, the Security Office Network Financial Crimes Enforcement (FinCEN) implements security policies, procedures, standards, training and methods for the identification and protection of information, personnel, assets, facilities, operations or materials unauthorized disclosure, misuse, theft, assault, vandalism, espionage, sabotage or loss. "

**QUESTION 7:  
IS THERE ANY POLICY CONCERNING THE SELF CARE OF THE OFFICIALS IN THE  
SYSTEM ALA/CFT THAT ALLOWS PREVENTING RISK SITUATIONS?**

**NO FOR AN ANSWER:**

**A total of 14 countries, only 8 responded negatively<sup>22</sup>. Of these, 1 (Peru) did with substantive comments:**

- In the case of Peru, it is noted that the FIU-Peru ordered security measures regarding the local and the facilities where officials handle sensitive information, for example it is provided enabling a room without access to public work and it is not visible, among other measures. Moreover, FIU officials to be part of the Superintendency of Banks, Insurance and AFPs have for their own protection security protocols established, such as writing down the plates of vehicles that they use to leave the premises, visitors registration, among others.

**YES FOR AN ANSWER:**

**A total of 14 countries, 9 of them responded affirmatively<sup>23</sup>:**

1) Argentina: It is noted that there is training for the staff about prevention of risk situations. In addition, all units of the FIU of Argentina have the appropriate security measures (evacuation plans, fire extinguishers, etc.). Finally Art. 22 of Law 25246 provides that officials and employees of the Financial Intelligence Unit are obliged to keep secret all information received in virtue of his office, as the tasks of intelligence developed in consequence. The same duty of confidentiality applies to individuals and entities required by this Act to provide information to the Financial Information Unit. The officer or employee of the Financial Information Unit, as well as people who by themselves or by another reveal the confidential information outside the scope of the Financial Information Unit, shall be punished with imprisonment from six months to three years.

2) Canada: To FIU refers to what is stated in Question 1. In the case of LEA, police training includes taking preventive measures to ensure personal safety at all times.

3) Costa Rica: It is noted that no formal policies emanating from a governing body in this matter and that the existing provisions apply perceptual issues of each unit:

- FIU: It has been established through internal guidelines, that reports emanating from the FIU to the Public Ministry and Judicial Police do not include the name of the analyst, only the code. Additionally, it has been established that FIU analysts may not participate as expert witnesses in lawsuits or criminal proceedings.

- URA: Currently, the URA officials do not appear at the investigations carried out by the judicial police in order to transfer the property seized to the warehouses until the custody. The above after it aired by the

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<sup>22</sup> Correspond to the following countries: Guatemala, Dominican Republic, Bolivia, Paraguay, United States, Chile, Panama and Peru.

<sup>23</sup> Correspond to the following States: Argentina, Canada, Costa Rica, Jamaica, Mexico and Venezuela.

Legal Counsel of the Legal Criterion LC ICD-010-2011 of October 24, 2011 and the criteria from the Attorney General's C-187-2013 Republic of September 16, 2013.

4) Jamaica: It only notes that officers are required to wear protective clothing especially marked when they are in operations.

5) Mexico: It only notes that in each of the units exist safety programs and risk reduction as well as a permanent dissemination on security issues

6) Venezuela: It only notes that there are policies "implemented by the officials themselves"

**QUESTION 8:  
HAS THERE BEEN COOPERATION MECHANISM BETWEEN DIFFERENT ACTORS OF  
THE ALA/CFT SYSTEM WITH THE OBJECTIVE OF FACING INTEGRALLY A THREAT?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 10 responded negatively<sup>24</sup>. Of these, 1 (Mexico) did with substantive comments:**

- In the case of Mexico, however, it is noted that the fight against Money Laundering (ML) and Terrorist Financing (FT) is performed in a coordinated manner at inter institutional level (Ministry of Finance and Public Credit (SHCP) through FIU, CNBV, SAT, among others, Attorney General's Office [PGR] through UEIORPIFAM, AIC, PFM, CENAPI; Ministry of the Interior [SEGOB] through the CNS and PF, among other agencies); however, it has to be considered that so far it has not been presented a case of these, but if it occurs, it could be possible to implement mechanisms for cooperation among all actors involved in the investigation of ML and FT, given the coordinated action cooperation between them.

**YES FOR AN ANSWER:**

**A total of 14 countries, only 4 of them answered affirmatively<sup>25</sup>:**

1) Argentina: laws 18711 and 25246 were identified; indicating that cooperation is mandatory and extra performance between National Gendarmerie, Coast Guard Argentina, Federal Police and Airport Security Police, and also any other similar national body exercising police functions. This cooperation materializes respecting the jurisdictional ownership of each of these institutions or bodies.

2) Canada: It is noted that the agencies managers are in a position to cooperate.

3) US: No detailed information thereon.

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<sup>24</sup> Correspond to the following countries: Jamaica, Costa Rica, Peru, Chile, Paraguay, Bolivia, Dominican Republic, Guatemala, Panama and Mexico.

<sup>25</sup> Correspond to the following countries: Venezuela, Argentina, USA and Canada.

4) Venezuela: It was noted that under international conventions, all the institutions that have responsibility for the prevention, control, monitoring and supervision of the crime of money laundering are framed to address threats to government officials working in areas ALD / CFT.

**QUESTION 9:  
DO THE INSTITUTIONS HIRE ANY TYPE OF INSURANCE REGARDING THE  
OFFICIALS THAT WORK IN THIS TYPE OF INVESTIGATIONS?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 12 responded negatively<sup>26</sup>. Of these, five did so with substantive comments (Argentina, Costa Rica, Mexico, Peru and Canada):**

- In the case of Argentina, it was noted that all officers of the FIU have a working risk insurance and mandatory life insurance contracted by the body, and there is a special regime for those agents who perform research tasks.

- In the case of Costa Rica, there are no exceptional conditions of assurance by the employer to the officials, it is considered a normal official, no exceptional or differentiated policies (it has an insurance working level, risk of occupational accidents is basic for any public official), however, it states that the Executive considered it appropriate to establish a phased incentive called "Incentive threat, confidentiality and discretion of all officials of the Costa Rican Drug Institute (ICD)" intended to financially compensate all Institute staff, whose seats are covered by the Institute's budget for the dangers and risks involved in the provision of services, confidential information handled by the institution's discretion in matters known and dealt with the Institute and the degree of responsibility of the server. The incentive is a percentage of the monthly basic salary of the job class and corresponds to a forty-five percent (45%) for all management positions and headquarters and thirty-five percent (35%) for all other officials of the Institute of Costa Rican Drug. As indicated, this is an incentive, but not insurance.

- In the case of Mexico, dealing with the FIU, there is no insurance for officials working in this type of research. However, it states that they count with an institutional life insurance as well as liability insurance, and in the same way, in the Expenditure Budget of the Federation, it is expected to give the staff in higher posts an additional compensation called "Pay-Per-Risk", which itself is authorized by the Ministry of Public Administration. There are also life and risk insurance, employed by agencies for its staff and in the Attorney General's Office will have the following: Risk Insurance, Social Security and major medical expenses.

- In the case of Peru, it is noted that in the FIU (SBS) there is a draft directive regarding the hiring of a special insurance for officials of FIU.

- In the case of Canada, it is noted that officials are protected as part of the public service of the Government of Canada, but there is no additional insurance for those involved in financial crime investigations police.

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<sup>26</sup> Correspond to the following States: Dominican Republic, Bolivia, Paraguay, United States, Chile, Jamaica, Panama, Mexico, Argentina, Peru, Costa Rica and Canada.

**YES FOR AN ANSWER:**

**A total of 14 countries, only 2 of them answered affirmatively<sup>27</sup>:**

- 1) Guatemala: It only notes that there is medical insurance and life insurance to the Head of the Financial Analysis Unit.
- 2) Venezuela: It is noted that the officials have in their insurance policy benefits not only to cover risks related to the crimes of AML / CFT but for personal accident and life insurance policy for example.

**QUESTION 10:  
DO DIFFERENT ACTORS FROM THE SYSTEM PRIVILEGE THE PROTECTION OF  
OFFICIALS OVER THE RESULTS OF A DETERMINED INVESTIGATION?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 7 responded negatively<sup>28</sup>:**

**YES FOR AN ANSWER:**

**A total of 14 countries, 7 of them responded affirmatively<sup>29</sup>:**

- 1) Argentina: It is noted that in the case of an imminent threat against any member of the FIU all appropriate security measures will be taken to protect him/her. So far, there have been no situations of threats to members of the FIU.
- 2) Canada: It is noted that the police seriously addresses the safety of his officers, victims, witnesses and people in general, so it will enforce laws while ensuring the protection of all those involved in criminal proceedings, including security of those charged or accused.
- 3) Chile: Only it notes that the protection of the officials is the priority.
- 4) United States: No details are given about.
- 5) Mexico: It is noted that in matters of protection of persons, security officials are favored, since the life and physical integrity is a legally protected interest of greater value than the research being conducted.

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<sup>27</sup> Correspond to the following countries: Venezuela and Guatemala.

<sup>28</sup> Correspond to the following countries: Jamaica, Costa Rica, Peru, Paraguay, Bolivia, Dominican Republic and Guatemala.

<sup>29</sup> Correspond to the following States: Argentina, Canada, Chile, United States, Mexico, Panama and Venezuela.

6) Panama: It is noted that following the recommendations CONAPRED is currently developing actions in this regard.

7) Venezuela: No details are given.

**QUESTION 11:  
IN CASE OF AN IMMINENT THREAT EXISTENCE AGAINST ANY MEMBER OF THE  
FUI/LEA/ARO, SECURITY MEASURES TEND TO DISTANCE HIM/HER OF THE CASE,  
OR ON THE CONTRARY IT IS PREFERRED THAT HE/SHE REMAINS IN CHARGE OF  
THE PROCESS?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 7 responded negatively and one answered YES / NO (Canada) with substantive comments<sup>30</sup>:**

- In the case of Canada, the two situations are distinguished. In the case of the FIU, FINTRAC indicates that internally assesses situations on a case by case basis. Meanwhile, in the case of LEA, the threats made against a police officer during an investigation of financial crime are considered serious and should be investigated. The reallocation of the research is a decision that is based on case by case with special consideration to the safety and welfare of the people involved.

**YES FOR AN ANSWER:**

**A total of 14 countries, 5 of them responded affirmatively<sup>31</sup>:**

1) Argentina: It is noted that in the case of an imminent threat against any member of the FIU all appropriate security measures will be taken to protect it. So far, there have been no situations of threats to members of the FIU.

2) Chile: It is noted that normally they distance them of the case and in fact in some cases there have been relocations outside the region.

3) United States: Refer to the statement concerning question No.1.<sup>32</sup>

4) Mexico: It is noted that by secrecy and success of research it is preferred that the officials continue with the case, the above also considering that public servants responsible for carrying out this work are

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<sup>30</sup> Correspond to the following countries: Guatemala, Dominican Republic, Bolivia, Paraguay, Peru and Costa Rica.

<sup>31</sup> Correspond to the following States: Argentina, Chile, United States, Mexico and Venezuela.

<sup>32</sup> Letter GN ° 5318 paragraph 3 of Title 31, Code of Federal Regulations, referred to money and finances stable, the bank, director, employee or agent of any bank that voluntarily report information about suspicious transactions, will not be liable to any person by said report or for any errors in the delivery of information from that report yet for the person with respect to whom the report was prepared. In this sense, we can say that is a standard protection from any legal actions the person to report against the obligor belonging to a banking institution

aware of the risk that their activities involve. However, in matters of protection the security of the officials is privileged, considering that their lives and physical integrity is more valuable than the research carried out legally. In that sense, when detecting a high risk it can be assessed by the relief of the case.

5) Venezuela: Notes that officials are removed from their investigations.

**QUESTION 12:  
DOES IT INCLUDE PROTOCOLS THAT ALLOW OFFERING LEGAL PROTECTION TO ITS OFFICIALS?**

**NO FOR AN ANSWER:**

**A total of 14 countries, 7 responded negatively latter<sup>33</sup>, 2 did with substantive comments (Argentina and Mexico). In turn, 1 country responded YES / NO (Peru):**

- In the case of Argentina, it states that eventually it will be available the reserve of the identity of a witness or suspect that had cooperated with the investigation of certain crimes, as long as it appears necessary to preserve the safety of those named, provided special measures protection. It is also capable of being covered by the Act Witness Protection 25,764, depending on the offense in question.

- In the case of Mexico states that although there are no such protocols in the strict sense of the word, Regulation of the Organic Law of the Attorney General of the Republic, Article 49 states that the Director General of Legal Affairs will have within its powers, the possibility of providing some form of legal protection in this regard.

- In the case of Peru it is noted that the FIU (SBS) is related to the legal defense of workers and officials directives, even if they have left the service of the institution. However, the National Police of Peru does not have.

**YES FOR AN ANSWER:**

**A total of 14 countries, 4 of them answered affirmatively<sup>34</sup>:**

1) Canada: Two situations are distinguished. In the case of LEA, there is a policy of legal assistance while in the case of FIU, the Legal Service of the Department of Justice is included in the FINTRAC organization.

2) United States: Refer to the statement concerning question No.1.<sup>35</sup>

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<sup>33</sup>. Correspond to the following countries: Jamaica, Costa Rica, Chile, Paraguay, Bolivia, Dominican Republic and Panama.

<sup>34</sup> Correspond to the following States: Canada, United States, Guatemala and Venezuela.

<sup>35</sup> Letter GN ° 5318 paragraph 3 of Title 31, Code of Federal Regulations, referred to money and finances stable, the bank, director, employee or agent of any bank that voluntarily report information about suspicious transactions, will not be liable to any person by said report or for any errors in the delivery of information from that report yet for the person with respect to whom the report was prepared. In this sense, we can say that is a standard protection from any legal actions the person to report against the obligor belonging to a banking institution.

3) Guatemala: The Head of the Information Analysis Unit has the right to the institution cover expenses for costs necessary for its defense in legal proceedings, even after his tenure.

4) Venezuela: It is indicated that officials working in the FIU and ARO are considered civil servants; labor justice should be free both in their working headquarters and the administrative seat of work. Moreover they are entitled to a defense in case of complaints or allegations that may entail for sanctions.