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Secretariat for Multidimensional Security

**XLIII GRUPO DE EXPERTOS PARA EL
CONTROL DE LAVADO DE ACTIVOS
28 y 29 de septiembre de 2016
Punta Cana, República Dominicana**

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**STUDY ON SPECIAL INVESTIGATIVE TECHNIQUES IN MONEY LAUNDERING AND TERRORISM
FINANCING**

Final Report:

Study on Special Investigative Techniques in Money Laundering and Terrorism Financing

EXPERTS GROUP FOR THE CONTROL OF MONEY LAUNDERING
Sub-working Group on International Cooperation and Forfeiture

XLIII Experts Group for The Control of Money Laundering (GELAVEX)
Dominican Republic, September 2016



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Estados Americanos

- **XLI GELAVEX: Lima, 2015**
 - 2015-2016 Work Plan :
 - conduct a “study on special investigative techniques
 - Delegations interest in participating: Uruguay, Bolivia, Ecuador and Dominican Republic.
- **XLII GELAVEX: Washington DC, 2016**
 - Advance Report on the progress of the Study:
 - Delegations that submitted the survey
 - Advance in the study along with the answers submitted.

The Sub-Working Group agreed in developing a questionnaire which would produce a situational diagnostic about SIT implementation on Member States.

- Background
- Survey analysis of legislation and implementation of SIT.
- Presentation of the final report and decision in closing the topic or starting complementary analysis

- The sub-working group prepared the questionnaire and submitted it to the OAS/SSM
- OAS/SSM sent the questionnaire to delegations on December 4th 2015
- Deadline to send the answers March 15th 2016
- New deadline agreed on the meeting in Washington D.C., to July 30th 2016.
- 14 answers were submitted.
- Preparation of the report presented on this meeting.

Submitted Answers



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- 1.- Brazil
- 2.- Chile
- 3.- Colombia
- 4.- Costa Rica
- 5.- Ecuador
- 6.- El Salvador
- 7.- Guatemala
- 8.- México
- 9.- Paraguay
- 10.- Peru
- 11.- Dominican Republic
- 12.- Spain
- 13.- Uruguay
- 14.- Venezuela

Submitted Answers



- Conclusions in the legislative level

País	1. Uso de las TEI tradicionales e innovadoras		2. Uso de las interceptaciones telefónicas y correos electrónicos		3. Interceptaciones de otros medios de comunicación (mensajería instantánea y redes sociales)		4. Uso de agentes encubiertos, agentes reveladores o informantes		5. Uso de entregas vigiladas de dinero o introducción de dinero ilícito		6. Habilitar cuentas bancarias ficticias o la creación de empresas o personas jurídicas	
	TEI en General	Vigilancia electrónica e innovadoras	Llamadas telefónicas	Correos electrónicos	Mensajería instantánea	Otras redes sociales	Agentes encubiertos	Agentes reveladores /informantes	Entrega vigilada de dinero	Introducción de dinero ilícito formal	Creación de cuentas bancarias ficticias	Creación de empresas o personas jurídicas
Brasil	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No	No
Chile	Si	No	Si	Si	Si	Si	Si	Si	Si	No	No	No
Colombia	Si	No	Si	Si	Si	Si	Si	Si	Si	No	No	No
Costa Rica	Si	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No
Ecuador	Si	No	Si	Si	Si	Si	Si	No	Si	No	No	No
El Salvador	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No	Si
España	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No	No
Guatemala	Si	SR	Si	Si	Si	Si	Si	Si	Si	No	No	Si
México	Si	No	Si	Si	Si	Si	Si	Si	No	No	No	No
Paraguay	Si	No	Si	Si	Si	Si	Si	Si	Si	No	No	No
Perú	Si	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	Si
República Dominicana	Si	Si	Si	Si	Si	Si	Si	Si	Si	Si	SR	SR
Uruguay	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No	No
Venezuela	Si	Si	Si	Si	Si	Si	Si	Si	Si	No	No	No



- Conclusions on the practical level
- Spain delivered an interesting example of the use of a specialized software that infiltrates the computer of the subject under investigation, and report its activity on the network, this requires judicial authorization and has a high cost.
- Costa Rica included a case in which foreign authorities requested authorization for entering money of illicit origin, to know its final destination.
- Guatemala and El Salvador highlighted the importance of the techniques in specific cases where, for example, through wiretappings it was possible to identify the members of a criminal network, as well as, its assets, financial operations, etc.
- Ecuador meanwhile also reported a case in which, thanks to wiretappings, it was possible to dismantle a criminal network.



- **Challenges:**
 - To implement at the legislative level, with the general rules or coordination between public institutions, the powers to create fictitious legal persons, open bank accounts and to make fictitious to support money laundering investigations.
 - To provide specialized training to law enforcement agencies and prosecutors in the use of special investigative techniques.
 - To invest in technology to conduct wiretappings, if not possible, to facilitate international support.



- Proposal for supplementary study or information request :
 - To request the delegation of Spain, through the secretariat, to share their experience in real-time monitoring with the Software indicated in the reply to the questionnaire. This so that other delegations that indicated their interest in being able to perform wiretapping on social networks in real time, know how it is done and the cost of it.



Thanks !!