



This project is funded by the European Union.



T06 **Financial Investigation challenges in regard to irregular migrations**  
**PROGRAMME** 12 – 16 November 2018  
 Tirana - Albania

Arrival day		Day 1		Day2		Day3		Day4		Day 5
Arrival of participants	09:00 10:00	Course opening, introduction of CEPOL, tour de table	09:00 10:00	Europol supporting Financial Investigations related to Migrant Smuggling [REDACTED]	09:00 10:00	Money remittance companies. Cooperation with Law Enforcement in FI [REDACTED]	09:00 09:30	International cooperation regarding Financial Investigations [REDACTED]	09:00 10:00	OSINT tools to address Social Media to combat migrant smuggling [REDACTED]
	10:00 10:30	The European Migrant Smuggling Centre [REDACTED]	10:00 11:00	Albanian experience addressing FI in cases of Migrant Smuggling [REDACTED]	10:00 11:00	Money remittance companies. Online payments. Prevention to laundering money [REDACTED]	09:30 11:00	Understanding the darkweb in the context of FI in cases of migrant smuggling [REDACTED]	10:00 10:45	Opportunities to implement a FI in the context of migrant smuggling by participants
	10:30 11:00	The EU borders protection [REDACTED]								
	11:00 11:30	Coffee Break + Family Photo	11:00 11:30	Coffee Break	11:00 11:30	Coffee Break	11:00 11:30	Coffee Break	10:45 11:15	Coffee Break
	11:30 12:30	Frontex preventing Migrant smuggling. Debriefers and Screeners roles at the borders [REDACTED]	11:30 12:30	Investigating, identifying, seizing and confiscating the proceeds of crime. Case study [REDACTED]	11:30 12:30	Intelligence lead investigations. [REDACTED]	11:30 12:30	Multi disciplinary cooperation investigating OCGs involved in migrant smuggling [REDACTED]	11:15 12:30	Conclusions Training evaluation, closing ceremony and delivery of certificates CEPOL
	12:30 13:30	Lunch	12:30 13:30	Lunch	12:30 13:30	Lunch	12:30 13:30	Lunch	12:30 13:30	Lunch



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T 06

**Financial Investigation challenges  
in regard to illegal migrations  
12 – 16 November 2018  
Tirana - Albania**

**PROGRAMME**

Arrival day	Day 1	Day 2	Day 3	Day 4	Day 5
13:30 14:45	13:30 14:15	13:30 14:30	13:30 14:30	13:30 14:30	
	WORKSHOP. [REDACTED]	Cross-border investigation techniques and investigation methods relevant to illegal migration [REDACTED]	Investigations lead by the Prosecution office. [REDACTED]	Understanding the business model of OCGs involved in Migrant Smuggling. Following the money [REDACTED]	
14:45 15:15	14:15 14:45	14:30 15:00	14:30 15:00	14:30 15:00	
15:15 16:15	14:45 15:30	15:00 16:15	15:00 16:15	15:00 16:15	
	Coffee break	Coffee break	Coffee break	Coffee break	
	EU experience in combating Migrant Smuggling. Case study [REDACTED]	Understanding the situation related to migrant smuggling in Albania [REDACTED]	WORKSHOP	WORKSHOP	
	15:30 17:00	WORKSHOP			
19,00	19,00	19,00	19,00	19,00	19,00
	Welcome dinner	Dinner	Dinner	Farewell dinner	Departure of participants

## LIST OF PARTICIPANTS

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]

## LIST OF TRAINERS / COURSE MANAGERS

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

**„155 years imprisonment for 71 lives”  
- the „Parndorf” case**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# Difficulties in prosecuting international OCGs

- Translation costs and problems (international „trained” criminals speaking many languages and dialects)
- Difficulties regarding the gathering and the admissability of evidences (time consuming exchange in the trad. regime, identification, reluctance of witnesses to cooperate, admissability of wiretaps from 3rd states)
- Jurisdictional issues (which state should prosecute, avoiding parallel convictions)
- Legal unity of human smuggling committed in OCG – all conducts of our suspects should be prosecuted in one procedure (a foreign conviction of one smuggling would cause res iudicata for the whole organized crime)
- Conflict of interests: fair and speedy prosecution and charging – on the other hand: thorough investigation of the whole organized criminal group involving all human smuggling transports of the OCG
- Solution: efficient international cooperation (trad. regime or JIT)

# Forms of international cooperation

- Police cooperation:
  - - direct information exchange and meetings between the investigative authorities
  - - direct exchange through Interpol or Europol SIENA
  - - benefit: rapid exchange, BUT problems in admissability
- Judicial cooperation:
  - - MLA (EIO or rogatory letters) according EU MLA Convention, Strasbourg Convention and other international instruments
  - - benefit: admissability of the obtained evidences, BUT slow exchange, bureaucracy, lack of mutual trust
- Improvements of EIO: sending and accepting through e-mail, electronic channels of EJN and Eurojust, unified form
- Setting up of JITs

# JITs – the definition and the legal overview

- EU MLA Convention Article 13. and 2002 Framework Decision – the legal basis among MS of EU
- Definition of JIT: A joint investigation team (JIT) is an international judicial cooperation tool consisting of a team of judicial (prosecutors, investigative judges) and law enforcement authorities of several states, established for a limited duration and a specific purpose by way of a written agreement, in order to carry out criminal investigations in one or more of the involved states.
- JITs facilitate the coordination of investigations and prosecutions conducted in parallel in several countries or in cases with a cross-border dimension
- Best way of cooperation in international OCG cases, but no „wonder cure”



# Added value of the JIT

- Strengthening of mutual trust among the participant states, more personal contacts
- Avoiding repeated rogatory letters to other affected states (only traditional regime: slow, time consuming exchange of informations, bureaucracy, legal difficulties and even less trust)
- Direct information exchange among the JIT participants in a legal way
- Efficient avoidance of jurisdictional problems
- Financial aid of Eurojust regarding translation costs and technical items necessary for a succesful and speedy prosecution
- Prosecution of even more members of the OCG as a result of legitime information exchange and task division
- Gathering experience and best practice for future cases

# JITs and Third States

- The 2000 EU MLA Convention and the 2002 Framework Decision: JITs with third states not foreseen
- Possible legal basis for JITs with third states:
  - The Second Additional Protocol to the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters, 20 April 1959 (Article 20) – Council of Europe (HU – ratification completed 😊)
  - UN Convention against Transnational Organized Crime, 15 November 2000 (UNTOC Convention) – the UN legal instrument
  - Police Cooperation Convention for Southeast Europe, 5 May 2006 (Article 27)
  - Bilateral agreements: Agreement between Italy and Switzerland integrating the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application, 1998 (Article XXI); Agreement between Italy and Albania integrating the European Convention on Extradition (1957) and the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application, 2007 (Article X);
  - National legislation

# Parndorf – overview of the case

- 27th August 2015 (2 pm): official notification from the Austrian authorities: in Austria, on the motorway A4, near Parndorf an abandoned Hungarian refrigerator lorry was found with many dead immigrants inside (71 dead people: 59 men, 8 women, 4 children)
- 27th August 2015: start of the Hungarian investigations: detection of the owner of the lorry and the claimant of the Hungarian registration number - three Bulgarian and one Afghani citizens were arrested on the same day, on the 29th August 2015: arrest of one more Bulgarian citizen
- Subject of the criminal proceedings: besides the „death lorry transport” of 26th August 30 other human smuggling transports linked to the OCG between February and 27th August 2015
- More than 1200 facilitated immigrants – 300.000 Euro financial gain
- Qualification of the crime: felony of qualified human smuggling (businesslike, with torture of the smuggled persons) committed in OCG – 2-16 years in prison and qualified murder regarding four perpetrators (particular cruelty, to the injury of more people, partly minors) – 10- 20 years or lifelong imprisonment

## Parndorf – overview of the case

- The refrigerator lorry was purchased by the defendant S (Bulgarian) in Kecskemét, Hungary.
- The defendants L (Afghani) and M (Bulgarian) were also present at the purchase, the price was paid by L.
- S started the procedure to obtain a temporary registration number for the lorry. After receiving the registration – in the evening of 25th August – the three perpetrators took possession of the lorry, fixed the registration and drove the vehicle to a lorry parking place near Kecskemét.
- On the 26th August about 3.25 am the lorry was driven by the defendant I (Bulgarian) from Kecskemét near the Serbian-Hungarian border, where the migrants entered the lorry.
- They travelled along motorway M5, M0 and M1 through Hungary to Austria .

## **Parndorf – overview of the case**

- The lorry crossed the Hungarian-Austrian border on the 26th August at 9.15 am and stopped shortly afterwards on the Austrian motorway A4 near Parndorf. The transport was secured by the perpetrator T (Bulgarian), who acted as forerunner.
- After discovering the death of the smuggled migrants the driver and the forerunner fled to Hungary.
- The refrigerator lorry lacked any kind of ventilation, therefore the death of the locked migrants occurred on Hungarian territory within 3 hours from entering the lorry. The cause of death was suffocation.
- Takover of another Austrian procedure: case „Gols” (On the 27th August 2015 the transport of 68 illegal migrants from Hungary to Austria, the vehicle was stopped by the police in Austria, area Gols, the driver fled – also life threatening circumstances during the transport!

# Organized criminal group (OCG)

- Definition of the Hungarian CC (§ 459.): a coordinated acting group of three or more people organized for a longer time to commit premeditated crimes punishable by imprisonment of five years or more (internal hierarchy, coordinated and distinctive roles of the perpetrators)
- This case: a coordinated and well organized international criminal group: L: organizer, contact with the Serbian members of the OCG, who transported migrants from Serbia to Hungary, also securing the assets and organizing the transports from the Serbian border to Western Europe
- K: organizer, boss of L, „bridge” between the Serbian and the Hungarian members of the OCG
- S: organizer, procurement of the transport vehicles (purchase, technical inspection, obtaining registration numbers), proposing transporting routes
- M: organizer, recruiting drivers, facilitators from Bulgaria to Hungary, securing accomodation and mobile phones , giving instructions to the drivers

# Parndorf – overview of the case

- After charging (May 2017) one year long court proceedings with 44 trial days (11 accused persons and 9 witnesses interrogated, experts heard, testimonies of 273 witnesses read, more than 20 hours of wiretapped conversations played)
- 14th June 2018: verdict in first instance: all 14 defendants convicted according to the indictment!
- Four defendants charged with qualified murder: 25 years imprisonment each (maximum of fixed term imprisonment) and expulsion from Hungary (in case of Afghani defendants permanent, EU citizens: fixed term)
- other defendants: shorter (3-12 years) imprisonment and expulsion from Hungary
- In all: 155 years imprisonment – confiscation of property and of the seized smuggling and forerunner vehicles
- Appeal against the verdict: lifelong imprisonment (partly real lifelong) and longer fixed term imprisonments

# **Parndorf - international aspects and cooperation**

- Related foreign procedures in Austria, Germany, Bulgaria and Serbia
- Result of the cooperation: all aspects and perpetrators of the international OCG covered



# Parndorf - international aspects and cooperation

- Instrument of the cooperation: motion of Hungary to establish a JIT (coordination meeting in the Hague – 18th September 2015) – no success – evidence obtaining through MLAs
- Continuous information exchange with Austria, Germany and Bulgaria through SIENA (problem: admissability of the obtained information in the Hungarian proceedings – MLA required!)
- Very good cooperation with Austria and Germany: Austria: smooth and continuous contact (phone and e-mail), three personal meetings (in Kecskemét and at the Hungarian-Austrian border), MLAs, Germany: timely performance of the MLAs, possibility for the Hungarian police officers to participate in the interrogations in Germany
- Multilateral meeting on police level (March 2016 – Budapest) with participation of Hungarian and Serbian prosecutors – successful coordination
- Result: despite the obvious obstacles excellent cooperation in the traditional regime – 21 rogatory letters sent out, timely performance



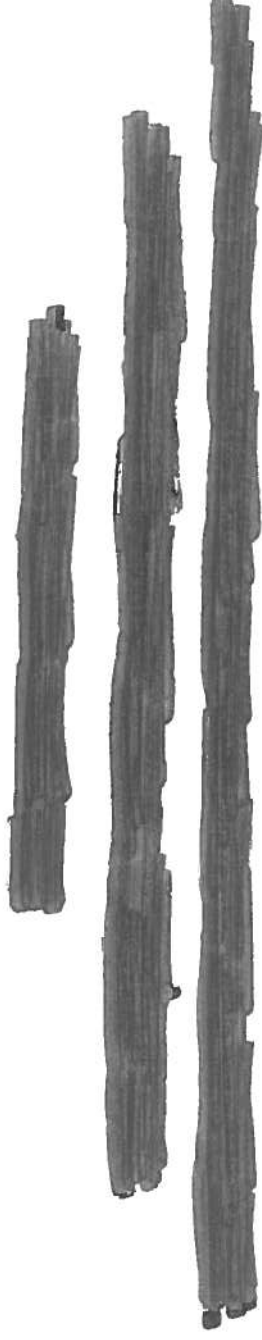
## Asset recovery in the „Parndorf” case

- Separate financial investigation against all perpetrators parallel to the „normal” investigations
- Results: 3 bank accounts frozen, money and vehicles seized (15 vehicles – smuggling vans and forerunner cars)
- Timely and good cooperation with the Asset Recovery Offices (AROs) of Bulgaria, Austria and Germany
- MLA, rogatory letters to Bulgaria: detailed informations about the financial conditions of the Bulgarian defendants, but no assets in Bulgaria to confiscate
- Main problem: majority of the financial gain rescued to Afghanistan – judicial cooperation not working - no legal possibility to confiscate the assets
- Hawala system, private banks, money exchange networks – lack of efficient answer

# Suggestions

- „Rethinking” of legal unity in illegal immigrant smuggling cases
- Setting up of JITs at an early stage is considered useful (even if at early stages the SIENA exchange looks promising)
- Early involvement of Europol and Eurojust is considered best practice in cases requiring close police and judicial cooperation
- Early involvement especially of Eurojust to provide legal advice and support
- Combination of JITs and MLAs with States that are not willing or not ready to join the JIT
- More personal contact among the prosecutors of the affected countries
- Real time evidence transfer among the affected states
- Simplifying of JIT signing procedures, model agreement for illegal immigrant smuggling cases

**• Thank You for Your attention!**



# Understanding the business model of OCG involved in Migrant smuggling

Following the money

001



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## Table of content

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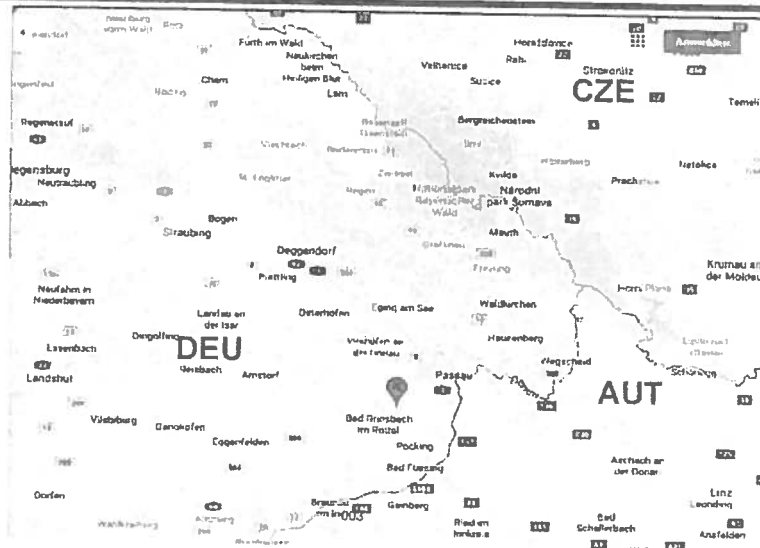
- Basics
  - Responsibilities in Germany
- Operation Schmidham
- Network
- Modus operandi
- Summary of measures
- problems



Bundespolizei

# Operation Schmidham

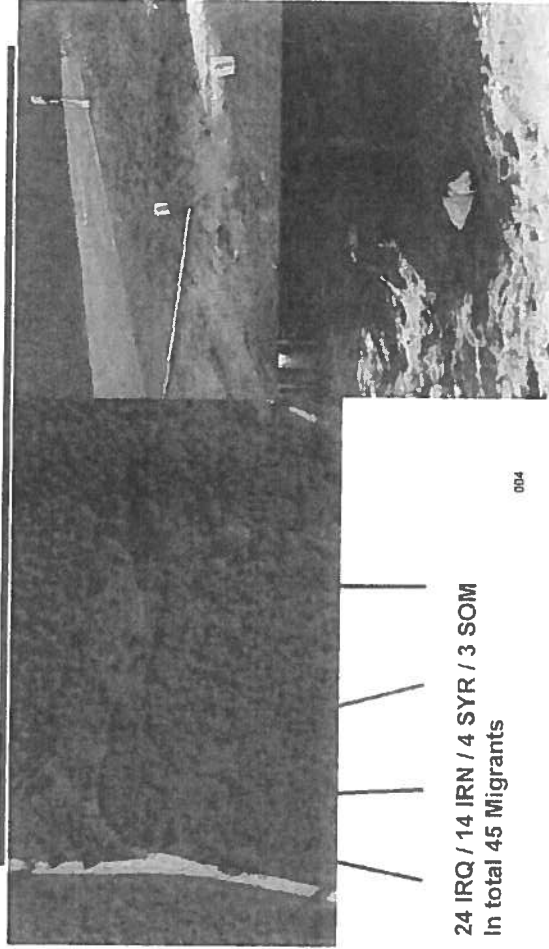
05.03.2018 / 22:00 – 23:45 Uhr







OP Schmidham  
05.03.2018 / 23:45 h



24 IRQ / 14 IRN / 4 SYR / 3 SOM  
In total 45 Migrants

004

OP Schmidham  
06.03.2018 / till 22:00 Uhr; first steps

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- 35 Migrants were interrogated
- Mobile communication analysis
- 45 individuals were searched



- Start in Romania
- Unsecured europallets on the lorry bed
  - Some migrants were injured
- Hints to licence plate [REDACTED]
- Driver was turkish, small and corpulent



- EUCARIS negativ
- ZEVIS (german national license plate data base)



- Lorry brand KRONE – SD
- Holder:



- Lorry was rent to [REDACTED] located in Mannheim



- Support by federal police Karlsruhe, directorate Mannheim, investigation Service

OP Schmidham  
07.03.2018 / 11:00 Uhr



06.03.18 / 08:00 mobile comm. Analysis on migrants phone



008

# OP Schmidham evidences on the lorry



## OP Schmidham evidences on the lorry

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## OP Schmidham evidences on the lorry

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OP Schmidham  
07.03.2018 / 11:00 Uhr

- 11:30 h Detention of driver
- 12:00 h acquire of heli / 6 Officers
- 15:00 – 17:00 h flight to MA
- 17:45 h:
  - Interrogation of driver
  - Analysis of secured evidences
  - Forensic on lorry and truck
- 21:00 h contact to public prosecutor
- 07.03.18 / 11:00 – 13:00 h return
- 07.03.18 / 14:00 h presented at court
- 07.03.18 / 15:00 h brought into jail





- **Time of crime 05.03.2018**
  - TUR number in radio cell
  - Various phone calls to german number
- **Request to dispatcher of transport company**
  - CEO disappeared for days
  - Handed out phone number of CEO
- **Identic phone number**



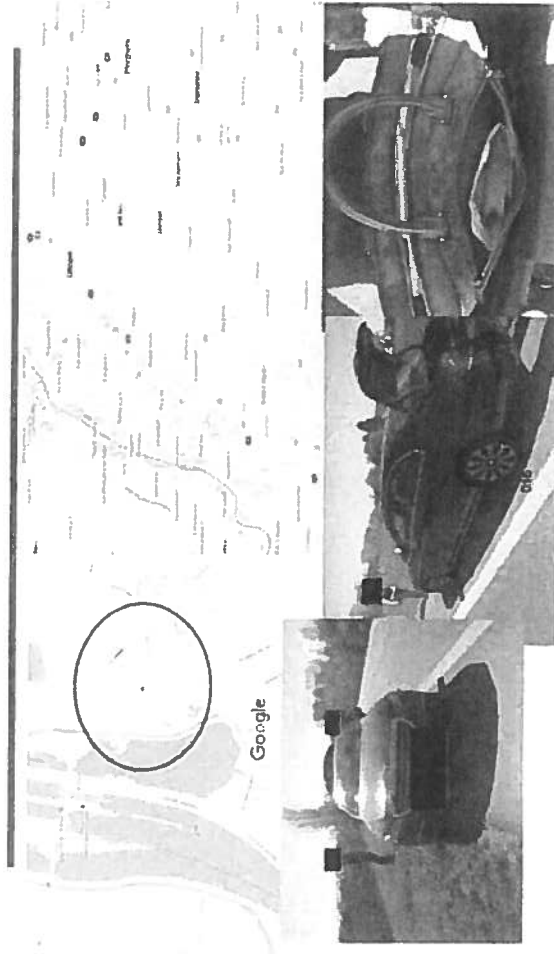
**CEO was highly suspected in organizing**

- **Application for pretrial detention**
- **private domicil searching**
- **Searching of company and it`s buildings/rooms**
- **Surveillance of suspect**



Bundspolizei

# OP Schmidham 11.04.2018



## OP Schmidham searching of firm and private domicile

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OP Schmidham  
 11.04.2018 / result of enforcement  
~~measure/indicators of financial crimes~~

Altverbindlichkeiten bei ausgewählten Gläubigern

Firma	Kreditlinie	Betrag	Informationen
e.K.		132.888,48	
e.K.		122.005,98	
e.K.		21.408,30	
e.K.		52.225,61	
e.K.		148.005,62	
e.K.		76.911,41	
e.K.		6.746,12	
e.K./ GmbH		89.169,02	
e.K.		18.688,63	
e.K.		15.971,55	
GmbH		6.754,26	
GmbH		113.000,00	
e.K.		1.375.912,28	
GmbH		127.357,86	
e.K.		40.018,31	
<b>Summe</b>		<b>2.347.063,43</b>	

# OP Schmidham indicators of financial crimes?

S-Gesfahrteno Geschäft 21089474 BLZ 472 586 29  
Sparkasse Heidelberg UST-ID DE143216306

Dieses Blatt wird aus versandtechnischen Gründen erstellt und kann  
vernichtet werden.

Heidelberg, den 03.01.2018  
CVN 47208 89 25 FL C288 KMS  
KAS Deutsche Post

**Volkbank  
Kraichgau**

Postfach 100000, 69102 Heidelberg  
Kontoausweis Nr. 12/2017  
Kontostichtag: 31.12.2017

Kontokorrent  
ZVR-Funkto  
Kontonummer: 38396706

Kontostichtag  
Nr. 12/2017  
Kontostichtag: 31.12.2017

Dr-Fag	Mer	Vorgang	Alter Kontostand von 30.11.2017	8 148,85 H
01.12.	01.12.	DAUERHAFTB.GUTSCHN. DR.231 CANTICS TRANSPORT CHEN		10 000,00 H
01.12.	04.12.	REKONZILIE IBAN DE12876400304821551630 BIC: CDBA3333 UTBONNE (LUMBERMUT) SCHW. PH. 031		255 000,00 H

**SÜDWESTBANK** Tr. 0800 7400 8117 20  
Kontoausweis  
Kontostichtag: 31.12.2017

Kontostichtag  
Nr. 12/2017  
Kontostichtag: 31.12.2017

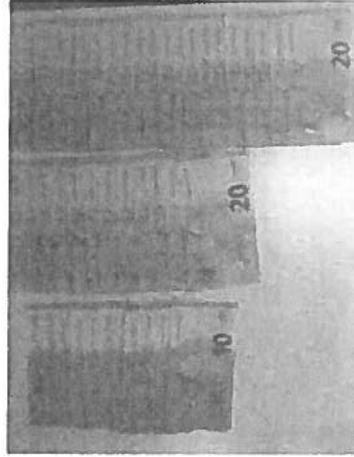
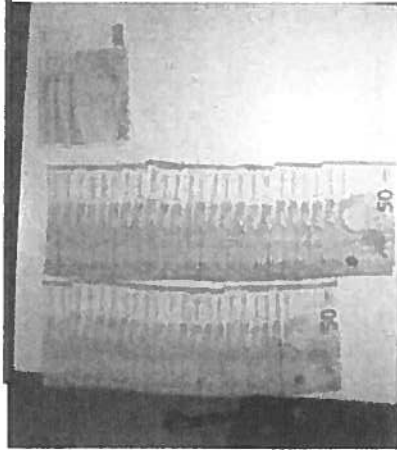
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Kontoausweis  
Kontostichtag: 31.12.2017

Alter Kontostand von 31.08.2017  
886 813,70

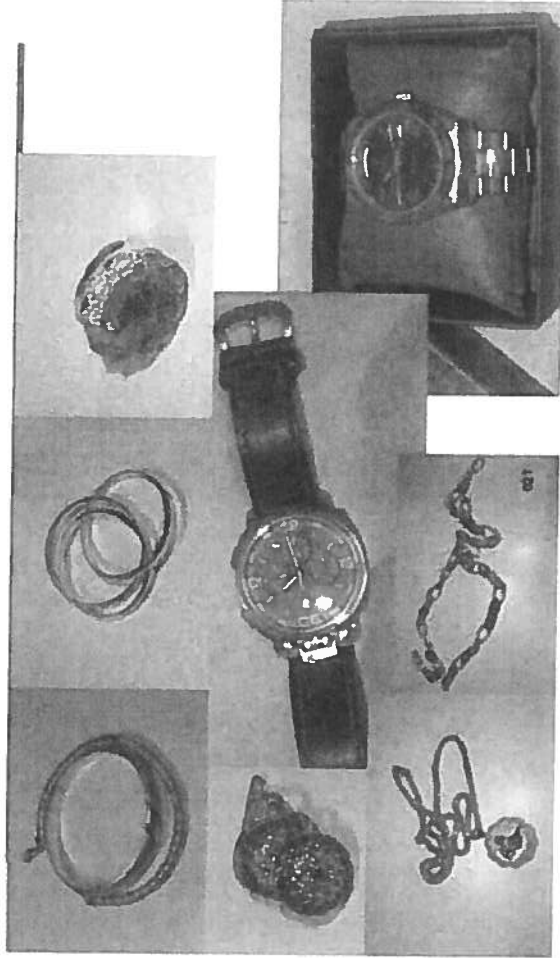


# OP Schmidham indicators of financial crimes

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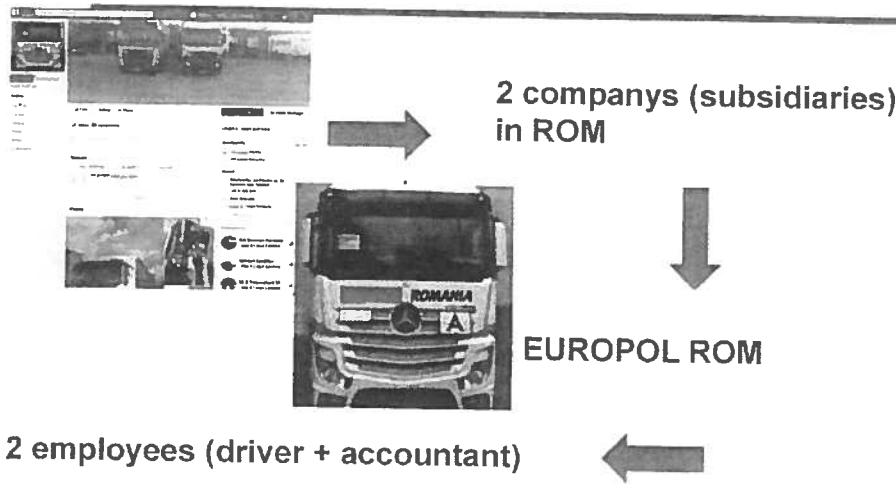


# OP Schmidham indicators of financial crimes

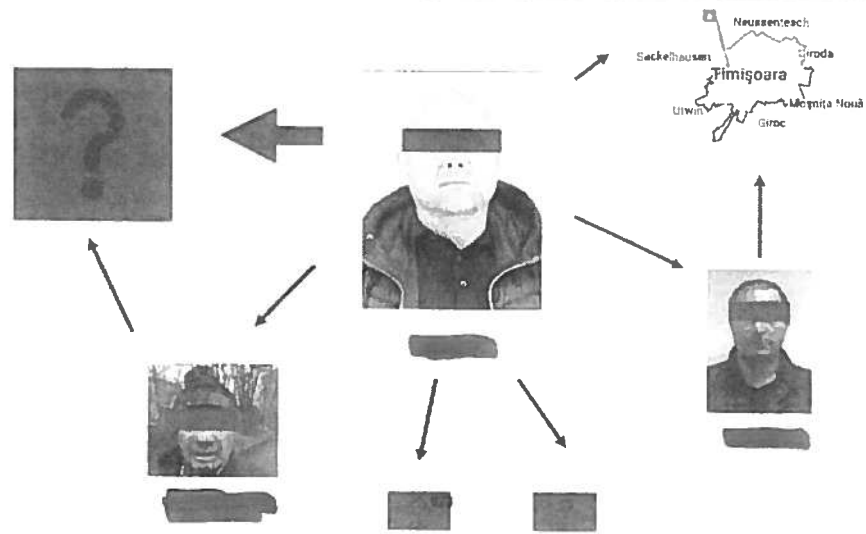


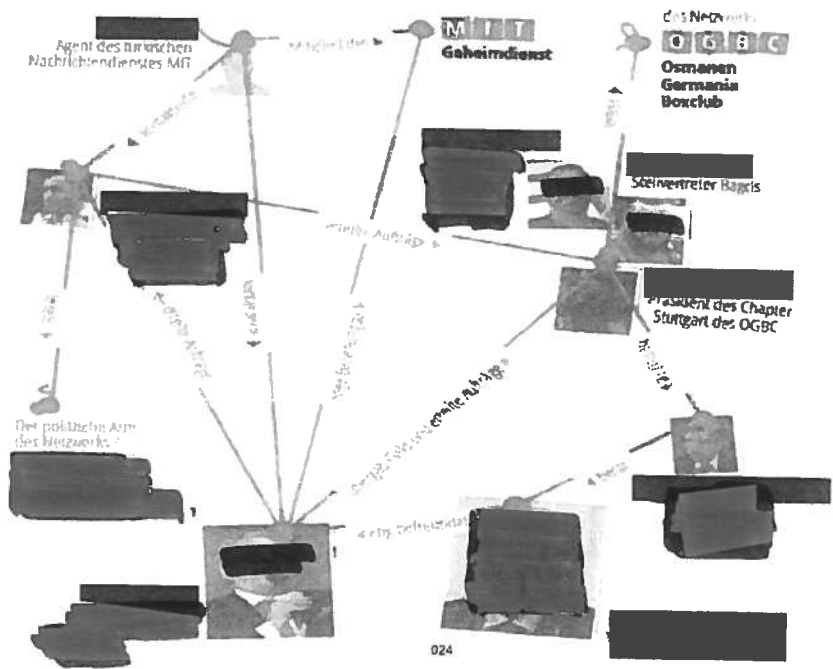


OP Schmidham  
social media analysis

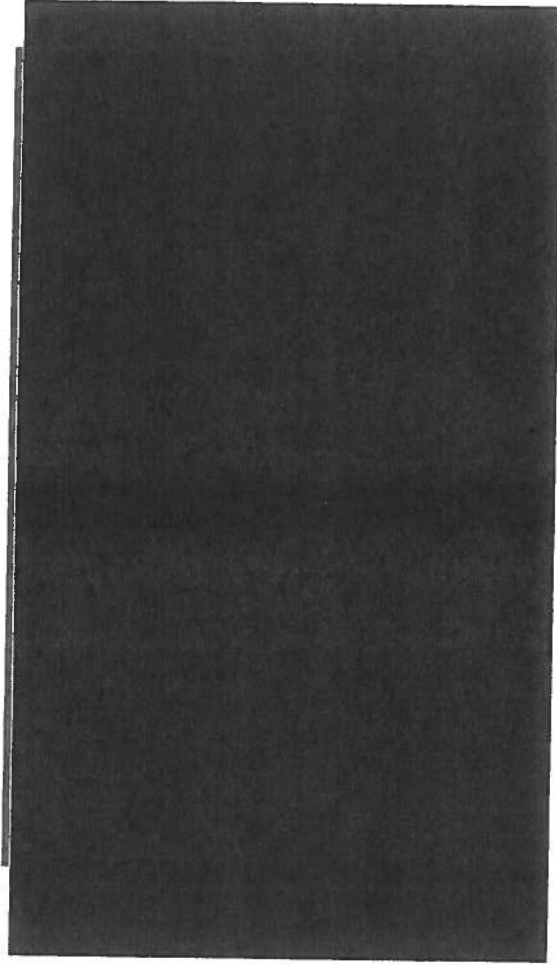


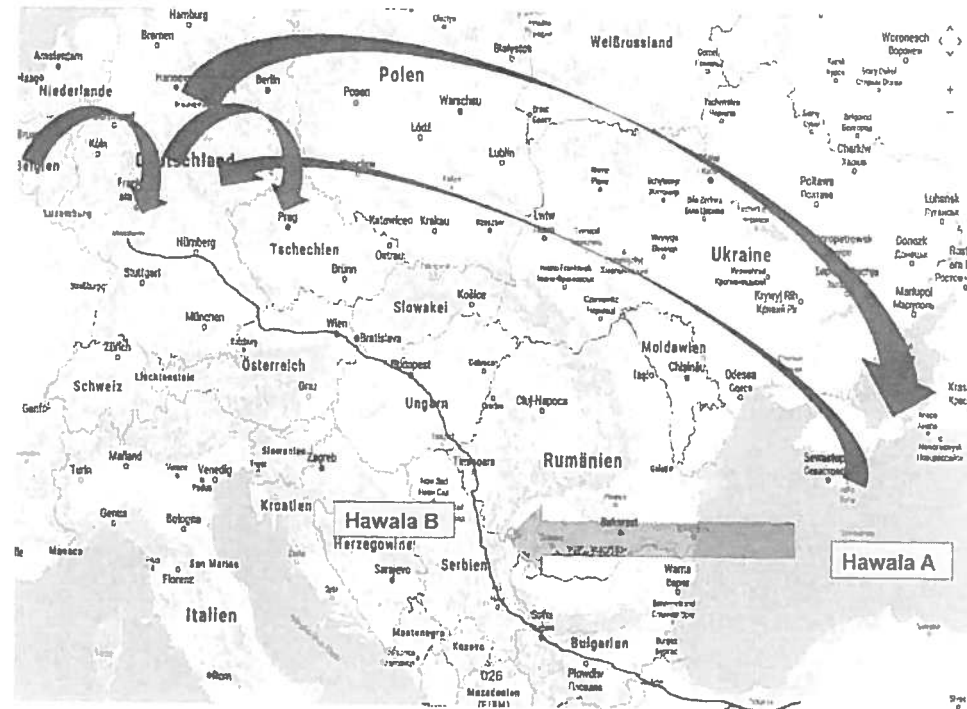
# OP Schmidham network/roles





OP Schmidham  
request to WU







## OP Schmidham summary

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- Summary
  - Searchings
  - Mobile communication analysis
  - Gps analysis
  - Social media analysis
  - Financial investigation
    - Desposit money transfers → WU/moneygram → delete accounts
    - Cryptocurrency → bitcoin, etherum, litecoin
    - German national bank account analysis → block/freeze bank accounts
    - Fixed assets
  - EUROPOL
    - Border crossing datas
    - National crime databases
    - Information about companies / structure / financial balance
    - Cross match reports
- Cooperation tax authorities





## OP Schmidham Problems

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- Timeframe to identify Organiser → hide/destroy evidences
  - As seen → transporting money to france
- Hard pressure on police forces concerning time
- Structure of processing
- Huge amount of datas
- No experience in financial crime → german custom as responsible authority



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OP Schmidham

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**Thank you for your attention!**

# **Multi disciplinary cooperation investigating OCGs involved in migrant smuggling**

Cooperation with different stakeholders



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# OP Sattelzug 23.05.2017 – case 1

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- 21 IRQ where indicated 02:00 a.m. walking as pedestrians next to state road
- Interrogation of 21 individuals
- Analysis of mobile phones
  - Location data
  - Photos
  - Communication → whatsapp, viber, messenger a.s.o.
  - Videos

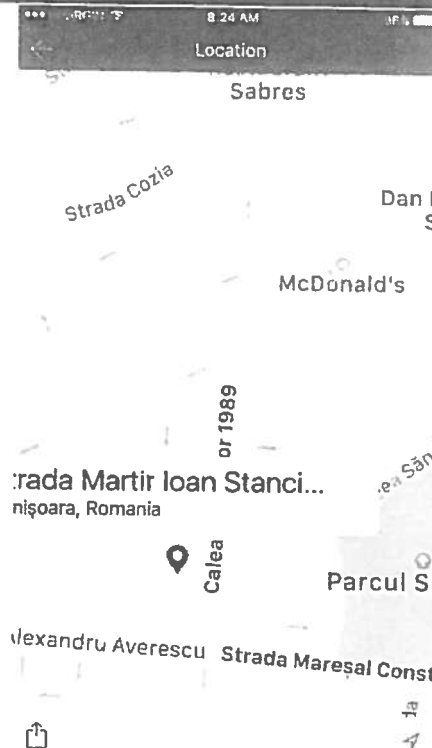


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# OP Sattelzug screenshots



Received: 10.05.2017;14:21

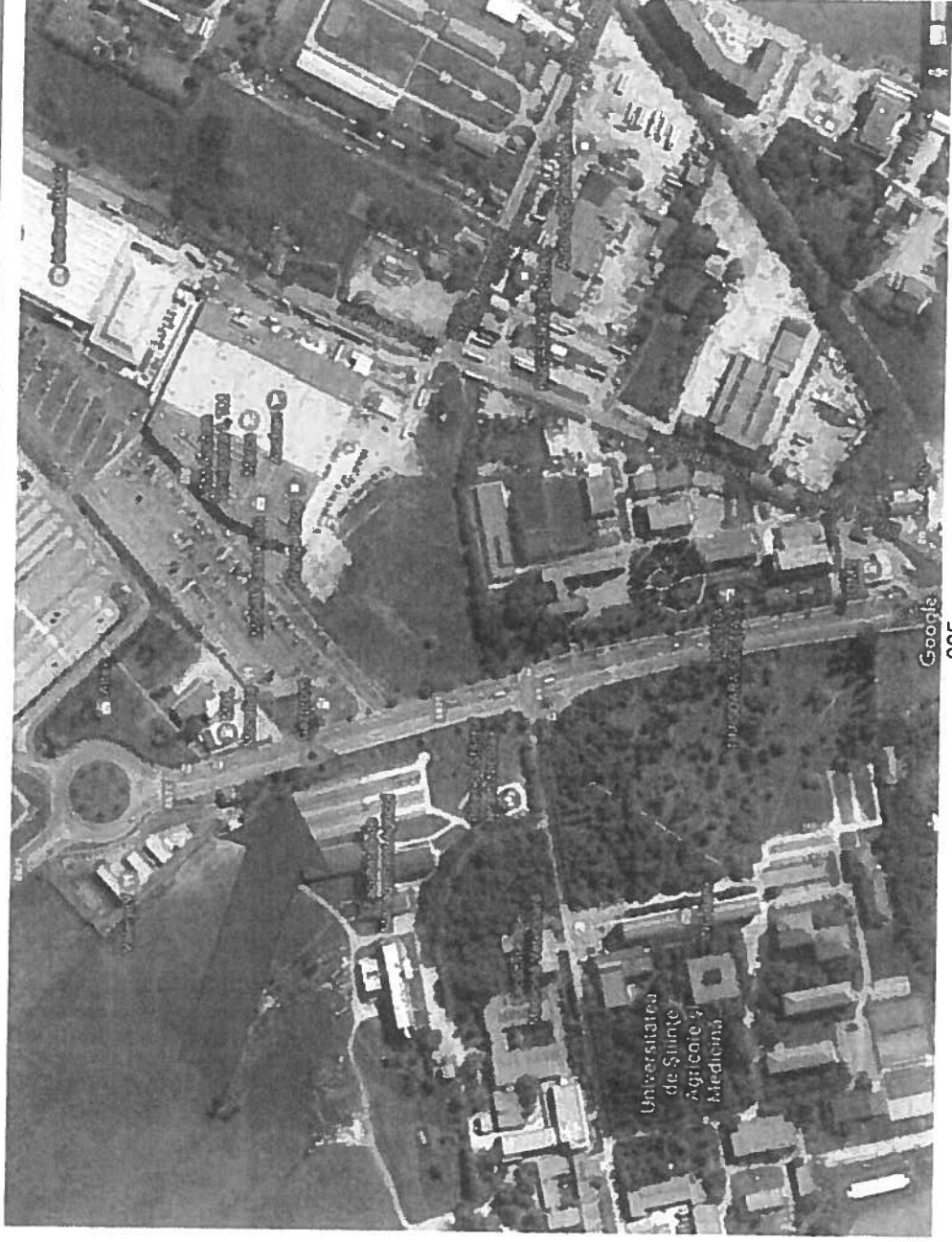


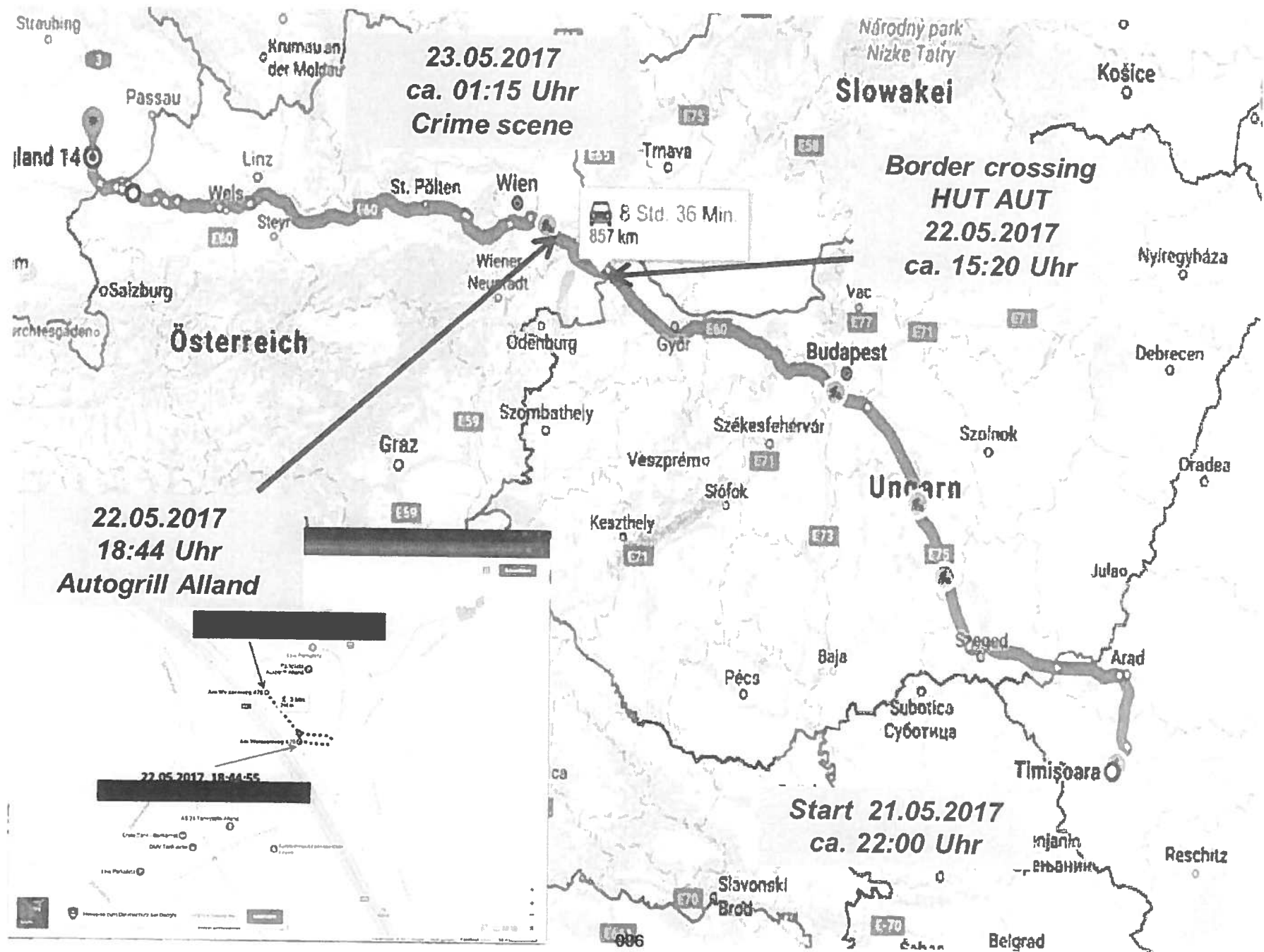
10.05.2017;14:25



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# OP Sattelzug suspected starting location



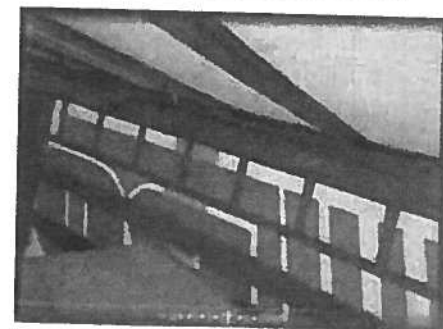
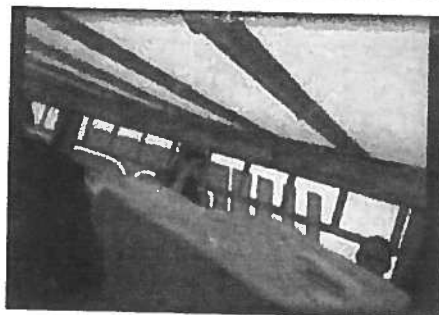
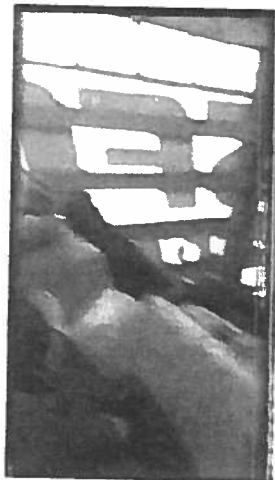




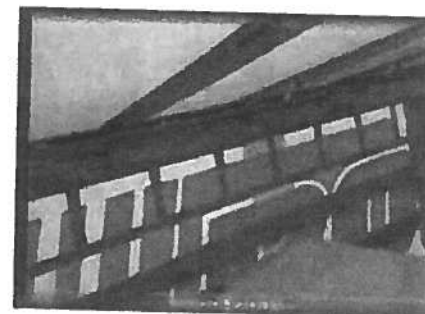
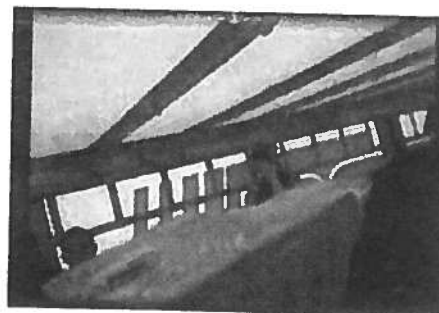
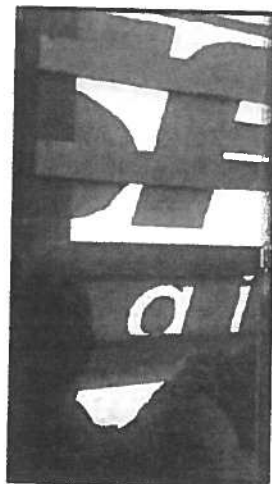


# OP Sattelzug edited footage

original



mirrored





# OP Sattelzug details on image



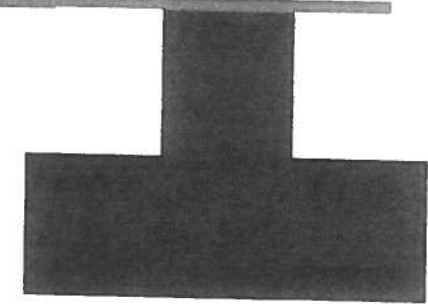


# OP Schmidham truckload identified

- Truckload: Shirts (a migrant changed clothes)
- Recipient of load: [REDACTED]
- Request EUROPOL FRA
- Delivery documents received → license plate  
[REDACTED]
- Request to EUROPOL AUT, HUN, BGR; ROU, SRB
- answer BGR:

→ [REDACTED]

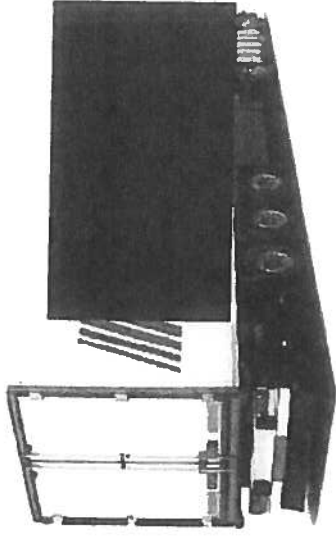
[REDACTED]





# OP Sattelzug identify forwarder / company

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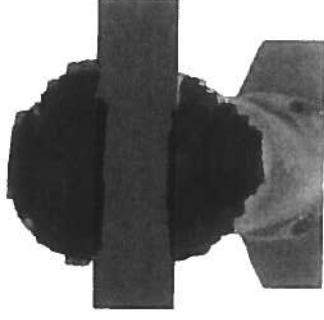
# OP Sattelzug identifying driver

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## Route revealed by EUROPOL requests

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

driver



G. R.  
TUR citizen



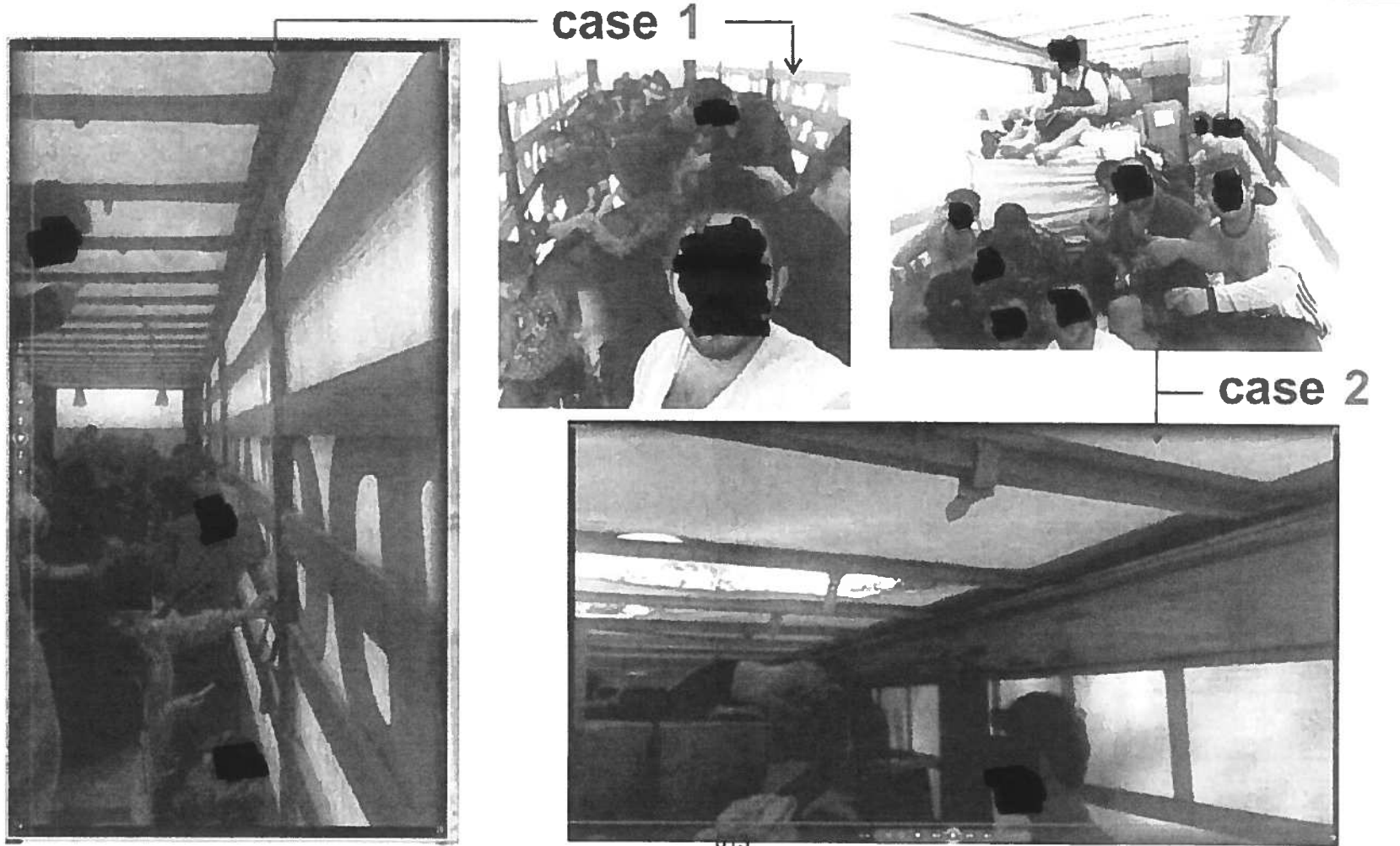
## OP Sattelzug case 2

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- Apprehended due to information by habitants
  - 17 IRQ on 06.07.17 at 11:45 p.m.
  - 3 IRQ on 07.07.17 at 03:00 a.m.
  - 3 IRQ on 07.07.17 at 04:30 a.m.
- Assumption due to the closeness to case on 23.05.2017
  - Same OCG
  - Identic driver
  - Identic lorry and truck
  - Identic route and delivery to france



# OP Sattelzug frames of footage





# OP Sattelzug schedule of detention

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- **Fr. 07.07.17**

- [REDACTED]
- [REDACTED]
- 14:00 Uhr confirmation public prosecutor LA about national arrest warrant
- 14:50 Uhr – national searching for the truck and suspected driver
  - [REDACTED] – [REDACTED]
  - [REDACTED] – [REDACTED]
  - [REDACTED] – [REDACTED]
- 16:00 Uhr – order national warrant „only for case 1“
- 18:00 Uhr – suspected driver was identified by 3 migrants due to pictures of suspect were presented

- **Sa. 08.07.17**

- Interrogation of migrants and mobile communication were/was finished

- **So. 09.07.17**

- 12:00 Uhr - Dialog PP Landshut (OStA [REDACTED])
- 13:00 Uhr – Preparation for international arrest warrant

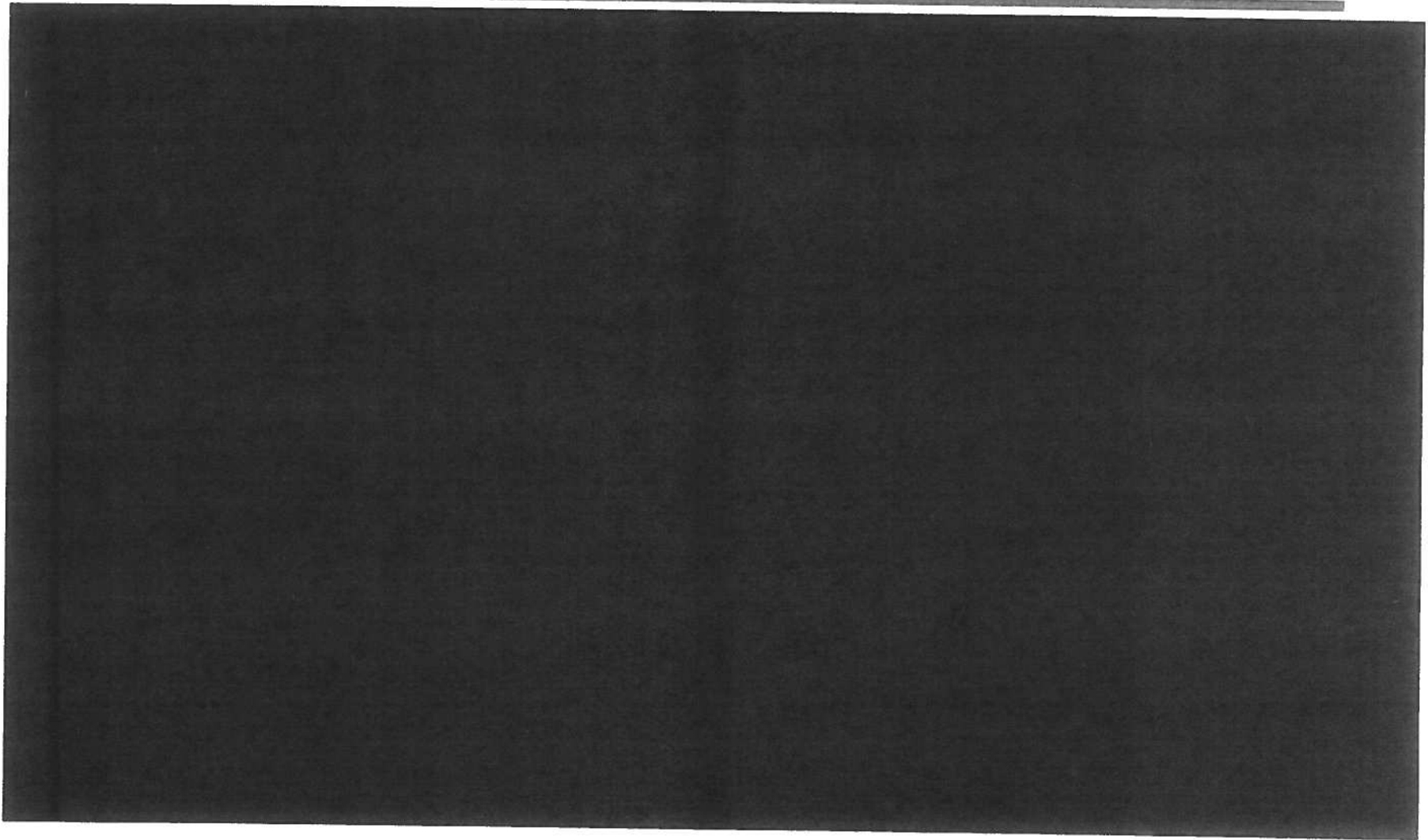




Bundespolizei

# OP Sattelzug border crossing surveillance HUN – case 2

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# OP Sattelzug Schedule of detention

- **Mo 10.07.17**
- [REDACTED] – application for international arrest warrant
- [REDACTED] – order of international arrest warrant  
case 1 and 2
- [REDACTED] – SIS was running
- [REDACTED]
- [REDACTED]
- **Do 27.07.17**
- [REDACTED] – suspect was overtaken by federal police officers at Charles de gaulle airport
- [REDACTED] – suspect was presented at court in LA
- [REDACTED] – suspect was brought to jail LA




source: OCRIEST immediate  
before arrest



## OP Sattelzug problems

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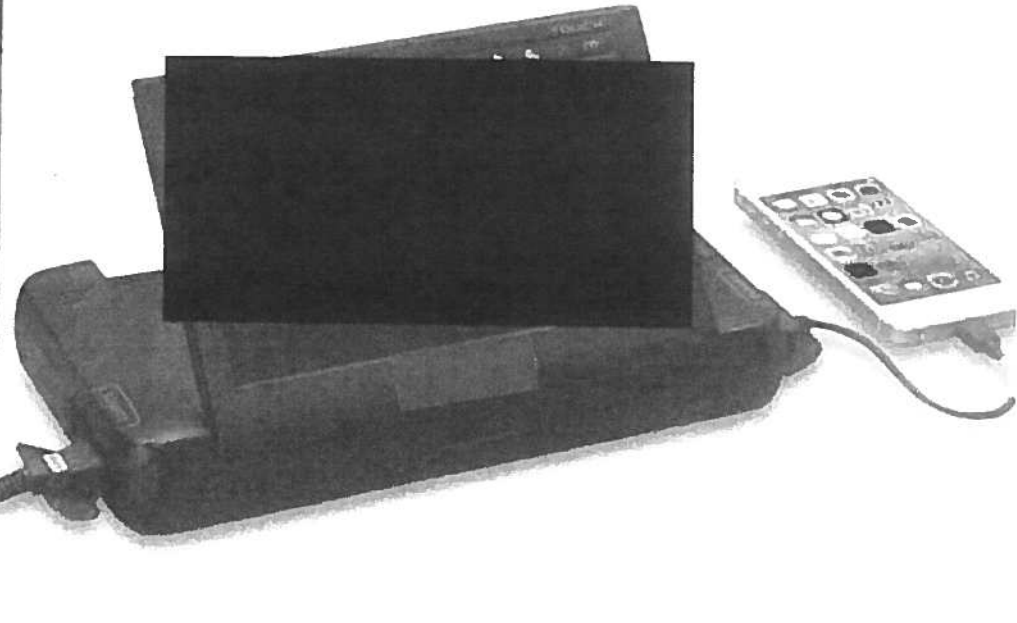
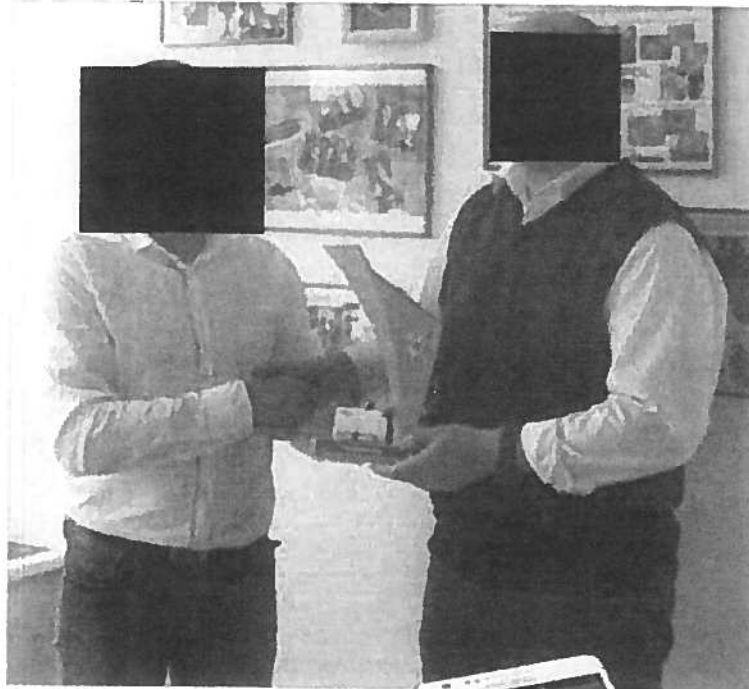
- Significant time pressure
- Judicial cooperation
  - Immediate order of national/international warrant unusual
  - Translation issues
- 
  - Acting only due to translated orders
  - Confiscation of lorry failed
  - Handover to company
  - No immediate forensic possible





Bundespolizei

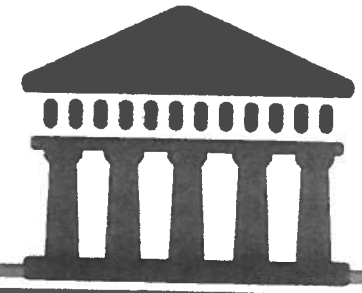
# EUROPOL Analyst OP Schmidham/OP Kreuz



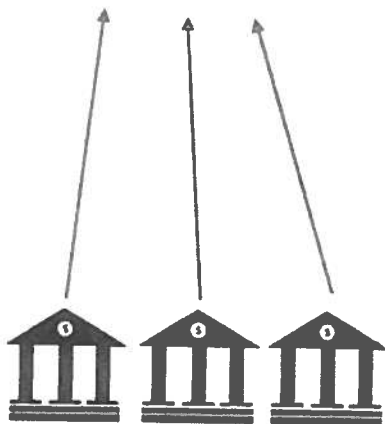


FIU – tax investigation

Ministry of finance

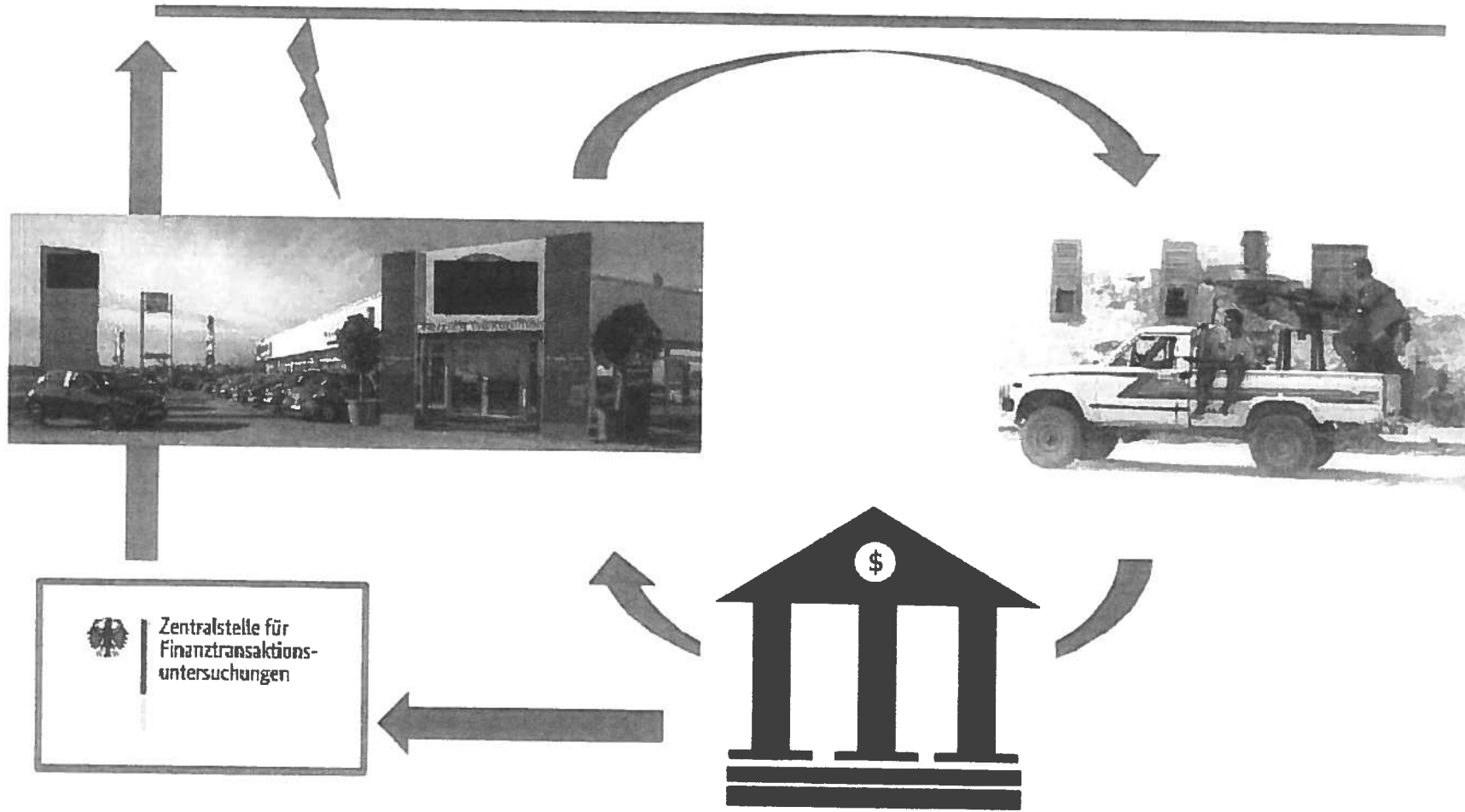


Ministry of interior





# Tax investigation





Bundespolizei

OP Schmidham

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**Thank you for your attention**