

<p>RESOLUTION No. AGN/44/RES/4</p> <p>SUBJECT:</p> <p>INTERNATIONAL FRAUDS AND COMMERCIAL CRIME</p>	<p>To be classified as follows:</p> <p>1 copy in the Chronological Series: year 1975</p> <p>1 copy in the Subject Series: Heading: Economic offences, Commercial crime, Tax offences Sub-heading: General resolutions</p> <p>1 copy in the Subject Series: Heading: Crime, Organised</p>
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TEXT OF RESOLUTION

HAVING TAKEN INTO CONSIDERATION:

1. The proposals of the 3rd Asian Regional Conference held in Manila from 3rd to 8th April 1975;
2. The observations of the sub-committee which was set up by the 3rd Asian Regional Conference and met in New Delhi on 25th and 26th June 1975;
3. Report No. 15 submitted by the General Secretariat on the subject of "International Frauds and Commercial Crime";

The ICPO-INTERPOL General Assembly, meeting in Buenos Aires from 9th to 15th October 1975 at its 44th session:

RECOGNISES:

1. That international frauds and commercial crime (including economic offences):
 - a) have serious adverse consequences on the economy and general well-being of the member countries, particularly the developing countries;
 - b) have repercussions on other crimes affecting all member countries;
2. That the successful combating of such crimes will also be of great help in fighting and containing other organised criminal activities which are financed and sustained by illegal and unaccounted funds generated by these crimes;

ENDORSES the immediate need and importance of increased co-operation between the police (as also other law enforcement agencies) of member countries to combat effectively this class of crime;

RECOMMENDS THAT:

1. The suggestions for "short-term" action contained in the aforesaid Report No. 15 of the General Secretariat, and appended to this resolution, be implemented forthwith;
2. The "long-term" action suggested in the above-mentioned report be taken promptly;
3. A Committee of Experts be appointed to examine the material prepared by the General Secretariat and submit its report to the General Assembly at its 45th session.

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APPENDIX TO THE RESOLUTION

It is proposed, within the ambit of international frauds and commercial crime, to act according to the following methods and principles:

1. The requesting National Central Bureau must clearly explain the circumstances in which the offence was committed, the purpose of the request and the assistance required. From the start of the case the number of requests must be kept to the minimum.
2. The receiving National Central Bureau should examine the request with the maximum of goodwill and care and in a spirit of international solidarity. The legal facilities at its disposal must be used to the fullest extent.
3. To overcome any problems involving procedure or jurisdiction, the receiving National Central Bureau should seek the voluntary co-operation of those persons who may be in a position to furnish the information required. It will doubtless be possible, in many cases, to obtain spontaneously information or documents from persons or firms concerned. It should also be possible for the receiving countries to give information contained in published records such as journals, stock market reports, price lists, etc.
4. In certain cases the receiving National Central Bureau will only be required to obtain information of a general nature (e.g. the price of certain goods on a certain date, the nature of regulations relating to a particular transaction, etc.). The National Central Bureau receiving the request must endeavour to supply this information.
5. Where the information sought does not come within the ambit of police jurisdiction but within that of another administrative body with which the National Central Bureau is unable to obtain co-operation, this information should be conveyed to the requesting National Central Bureau informing it of the identity of the body concerned and the manner in which the information required may be obtained.
6. In those cases where problems of jurisdiction prevent the co-operation required, the receiving National Central Bureau should so advise the requesting National Central Bureau, and in so doing explain the nature of the problem and what means, if any, exist to overcome it.
7. If a country where a commercial crime or economic offence has been committed sends its Investigating Officer to another member country for some enquiry or investigation the Head of the NCB of the receiving country should be informed in advance and the latter should give all possible assistance to the Investigating Officer (see resolution No. 8 adopted by the General Assembly session in Vienna).

