

Resolution No AGN/66/RES/17

Money laundering: Investigations and international police co-operation

RECOGNIZING the difficulties encountered by law enforcement authorities in their efforts to identify and prosecute all those who launder assets derived from illegal activities,

RECOGNIZING the need to confiscate the proceeds of crime,

FURTHER RECOGNIZING that unexplained wealth is a legitimate subject of enquiry for law enforcement institutions in their efforts to detect criminal activity,

The ICPO-Interpol General Assembly, meeting in New Delhi from 15th to 21st October 1997 at its 66th Session:

RECOMMENDS that the member countries extend co-operation in investigations to other members, whenever such a request is made, in respect of money laundering activities, and that the General Secretariat compiles and distributes information submitted by the member states on good investigative practices;

RECOMMENDS that member countries consider adopting effective laws, that give law enforcement officials the powers they need to combat money laundering both domestically and internationally, by taking the measures listed below:

(1) Simplify procedures for the production of relevant financial records, overcome obstacles hindering or delaying the sharing of financial and criminal information by appropriate agencies, and improve the effectiveness of disclosure systems by increasing contacts with financial institutions in order to facilitate the gathering of intelligence;

(2) Grant law enforcement officials the authority they need to investigate such cases, waive bank secrecy rules when there are reasonable grounds for suspecting that certain transactions are connected with criminal activities, authorize law enforcement departments to use techniques such as covert (undercover) investigations, technical surveillance and controlled deliveries when dealing with cases relating to assets known or suspected to be the proceeds of crime, and provide adequate resources for law enforcement departments, in order to increase the likelihood of a successful outcome for investigations;

(3) In the context of criminal procedure, allow courts to consider circumstantial or indirect evidence of the illegal origin of assets, provide protection or ensure anonymity for witnesses who give evidence in money laundering cases, and subject to the fundamental principles of each country's domestic law, allow the appropriate authorities to consider granting immunity from prosecution, or reducing penalties, or providing protection, for accomplices who testify to illegal activities;

(4) Subject to the fundamental principles of each country's domestic law, reverse

the burden of proof (use the concept of reverse onus) in respect of the confiscation of alleged proceeds of crime;

ABROGATES the following resolutions:

- AGN/52/RES/2
- AGN/52/RES/3
- AGN/53/RES/10
- AGN/57/RES/8
- AGN/58/RES/4
- AGN/61/RES/9
- AGN/62/RES/7
- AGN/63/RES/11
- AGN/64/RES/24