

**THE VALUE OF DOCUMENTATION AS A SOURCE OF FINANCIAL INTELLIGENCE IN MONEY  
LAUNDERING INVESTIGATIONS**

by

**JOHANNES PETRUS JANSEN VAN VUREN**

submitted in accordance with the requirements for  
the degree of

**MASTER OF ARTS**

in the subject

**CRIMINAL JUSTICE**

at the

**UNIVERSITY OF SOUTH AFRICA**

**SUPERVISOR: PROF J. VAN GRAAN**

January 2023

## DECLARATION

**Name:** Johannes Petrus Jansen Van Vuren

**Student number:** 38004372

**Degree:** Master of Arts in Criminal Justice

**Title:** The value of documentation as a source of financial intelligence in money laundering investigations

I declare that the above dissertation is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the dissertation to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

  
\_\_\_\_\_  
SIGNATURE

2023-01-31

DATE

## ACKNOWLEDGEMENTS

To Yeshua: It has been quite a journey filled with so much amazing grace. Without You, this work would never have been possible. You recognise all my heart's desires. Completing this work would have been in vain within the 'bigger picture' of life, but it was not so long ago, when I lost my desire for purpose, that You showed me that You still want to bless me no matter the circumstances. This had been my salvation to start again. I know now that Your LOVE for me – is forever and ever and ever...

- To my wife and intimate lifelong friend, Tanya: Much time had been spent on this work and whilst you observed from a distance, you did not demand this time or my presence even though it would seem as if it was endless. The time that could have been spent with family, with you and our sons. I honour you for your patience, support and unconditional love over the years. May our love stretch into eternity.
- My two sons, Hanno and Ruann: It has been a blessing to be your father and more so to have you as sons. You instil a presence within me that motivates me to always do better. I will always and forever be proud of you.
- To the Seychelles Financial Intelligence Unit (FIU) as well as the Seychelles Police Force (SPF) Financial Crimes Investigation Unit (FCIU) for permitting me to conduct the research within their organisation and access to participants to conduct the research interviews.
- To all those who kindly provided their permission and time to participate in the interviews.
- To Gilla Brunt, who performed the language editing and formatting of this dissertation through professional assistance.
- To my supervisor, Professor Johan van Graan: Thank you for your wisdom, assistance and patience believing that I can complete this work. Your consistent and confident guidance helped me to finalise this dissertation.

## **ABSTRACT**

This study explored the value of identifying and analysing documents during search and seizure operations, as a source of financial intelligence, in the investigation of money laundering. Data was collected through semi-structured interviews with investigators and intelligence analysts, who investigate financial crimes, including money laundering, at the Republic of Seychelles Financial Intelligence Unit (FIU) as well as the Republic of Seychelles Police Force (SPF) Financial Crimes Investigation Unit (FCIU). The findings of the research indicate that law enforcement agencies (LEAs) in the Republic of Seychelles, mandated to investigate financial crimes, do not realise the value of documents as a source of financial intelligence in financial investigations. As a result, during search and seizure operations, investigators only focus on documents that are directly related to an illicit offence and not on documents that could have financial intelligence value for identifying a predicate offence, such as money laundering. Consequently, recommendations are proposed to optimally identify and analyse documents during search and seizure operations as sources of financial intelligence, not only in money laundering investigations but also related to financial investigations in general.

## **KEY TERMS:**

Analysis; criminal investigation; document; financial intelligence; financial investigations; money laundering; search and seizure.

## LIST OF ABBREVIATIONS

<b>ACAMS</b>	Association of Certified Anti-Money Laundering Specialists
<b>ACA</b>	Anti-Corruption Agency
<b>ACCS</b>	Anti-Corruption Commission Seychelles
<b>AFU</b>	Asset Forfeiture Unit
<b>AGO</b>	Attorney General's Office
<b>ALEFA</b>	Association of Law Enforcement Forensic Accountants
<b>AML</b>	Anti-Money Laundering
<b>ANB</b>	Anti-Narcotics Bureau
<b>ARINSA</b>	Asset Recovery Inter-Agency Network Southern Africa
<b>ASYCUDA</b>	Automated System for Customs Data
<b>CALL</b>	Call account
<b>CFT</b>	Counter-Financing of Terrorism
<b>CID</b>	Criminal Investigations Division
<b>CHQ</b>	Cheque account
<b>CMS</b>	Case management system
<b>COMPOL</b>	Commissioner of police
<b>CPC</b>	Criminal Procedure Code
<b>CPI</b>	Corruption Perception Index
<b>DEA</b>	Drug Enforcement Agency (of the United States of America)
<b>EIA</b>	Environmental Investigation Agency
<b>ESAAMLG</b>	Eastern and Southern African Anti-Money Laundering Group
<b>EU</b>	European Union
<b>FATF</b>	Financial Action Task Force
<b>FCIU</b>	Financial Crimes Investigation Unit
<b>FI</b>	Financial Investigator
<b>FIU</b>	Financial Intelligence Unit
<b>goAML</b>	Anti-Money-Laundering System

<b>HL</b>	Home loan account
<b>ISO</b>	International Organization for Standardisation
<b>LEA</b>	Law enforcement agency
<b>MER</b>	Mutual Evaluation Report
<b>ML</b>	Money Laundering
<b>MODA</b>	Misuse of Drugs Act, Act 5 of 2016
<b>NCB</b>	Non-conviction based (asset recovery)
<b>NRA</b>	National Risk Assessment
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>PEP</b>	Politically exposed people
<b>POCCCA</b>	Proceeds of Crimes (Civil Confiscation) Act, 2008 of Seychelles
<b>SAPS</b>	South African Police Service
<b>SOP</b>	Standard operating procedure
<b>SPF</b>	Seychelles Police Force
<b>SRC</b>	Seychelles Revenue Commission
<b>STR</b>	Suspicious transaction record
<b>TIP</b>	Trafficking in persons
<b>UK</b>	United Kingdom
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>USA</b>	United States of America
<b>WODC</b>	Wetenschappelijk Onderzoek- en Documentatiecentrum

## CERTIFICATE FROM LANGUAGE EDITOR

31 January 2023

To whom it may concern

This is to certify that the thesis entitled THE VALUE OF DOCUMENTATION AS A SOURCE OF FINANCIAL INTELLIGENCE IN MONEY LAUNDERING INVESTIGATIONS submitted by Johannes Petrus Jansen Van Vuren, was edited for language under my hand. Neither the research content nor the researcher's intentions were altered in any way during the editing process.

I applied standard United Kingdom English language conventions during the editing process. I stand by the quality of the English language in this document, in as far as my amendments have been accepted and further changes to the document have been submitted for my language review prior to final submission.

It was not my responsibility to check for any instances of plagiarism and I will not be held accountable should the student commit plagiarism. I did not check the validity of the student's statements, research or arguments. I was also not tasked to check or edit the student's addenda/annexures.

**Gilla Brunt**

Contact details:

Tel: 079 529 8175

[gilla@mailzone.co.za](mailto:gilla@mailzone.co.za)

## TABLE OF CONTENTS

<b>DECLARATION .....</b>	<b>i</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>ii</b>
<b>ABSTRACT .....</b>	<b>iii</b>
<b>KEY TERMS .....</b>	<b>iii</b>
<b>LIST OF ABBREVIATIONS .....</b>	<b>iv</b>
<b>CERTIFICATE FROM LANGUAGE EDITOR .....</b>	<b>vi</b>
<b>CHAPTER ONE: GENERAL ORIENTATION.....</b>	<b>1</b>
<b>1.1 INTRODUCTION .....</b>	<b>1</b>
<b>1.2 OVERVIEW OF SEYCHELLES AND BACKGROUND TO THE STUDY .....</b>	<b>2</b>
<b>1.3 RESEARCH PROBLEM.....</b>	<b>5</b>
1.3.1 The Researcher’s Experience and Exposure to Money Laundering Investigations.....	7
1.3.2 Crime Statistics and Money Laundering in the Republic of Seychelles .....	8
1.3.3 A South African Perspective on the Non-Identification of Documents in Money Laundering Investigations as a Source of Financial Intelligence .....	11
<b>1.4 DELIMITATION OF THE STUDY .....</b>	<b>14</b>
<b>1.5 AIM OF THE RESEARCH.....</b>	<b>14</b>
<b>1.6 PURPOSE OF THE RESEARCH .....</b>	<b>14</b>
<b>1.7 RESEARCH QUESTION.....</b>	<b>15</b>
<b>1.8 KEY THEORETICAL CONCEPTS.....</b>	<b>16</b>
1.8.1 Document.....	16
1.8.2 Intelligence .....	17
1.8.3 Financial Intelligence .....	17
1.8.4 Analysis.....	17
1.8.5 Money Laundering .....	18
1.8.6 Seychelles Legislation .....	18
1.8.7 The United Nations .....	18
1.8.8 The Association of Anti-Money Laundering Specialists (ACAMS).....	18
1.8.9 Egmont Group.....	19
1.8.10 Financial Action Task Force.....	19
1.8.11 Global Financial Integrity (GFI) .....	19
1.8.12 Association of Certified Fraud Examiners (ACFE).....	19
1.8.13 International Monetary Fund (IMF) .....	20
1.8.14 Other Views.....	20
1.8.15 Financial Investigations.....	21



1.8.16	Search and Seizure .....	21
<b>1.9</b>	<b>VALUE OF THE RESEARCH.....</b>	<b>22</b>
<b>1.10</b>	<b>RESEARCH DESIGN .....</b>	<b>23</b>
<b>1.11</b>	<b>RESEARCH APPROACH.....</b>	<b>24</b>
<b>1.12</b>	<b>TARGET POPULATION AND SAMPLING.....</b>	<b>24</b>
<b>1.13</b>	<b>DATA COLLECTION .....</b>	<b>25</b>
1.13.1	Literature Study .....	25
1.13.2	Semi-Structured Interviews .....	26
<b>1.14</b>	<b>DATA ANALYSIS .....</b>	<b>27</b>
<b>1.15</b>	<b>METHODS TO ENSURE TRUSTWORTHINESS .....</b>	<b>28</b>
1.15.1	Credibility .....	28
1.15.2	Transferability .....	28
1.15.3	Dependability.....	29
1.15.4	Conformability .....	29
<b>1.16</b>	<b>ETHICAL CONSIDERATIONS .....</b>	<b>29</b>
1.16.1	Informed Consent .....	30
1.16.2	Adhering to Right of Privacy .....	31
1.16.3	Protection From Harm .....	31
	<b>CHAPTER TWO: MONEY LAUNDERING .....</b>	<b>33</b>
<b>2.1</b>	<b>INTRODUCTION .....</b>	<b>33</b>
<b>2.2</b>	<b>CONVENTIONS ADDRESSING MONEY LAUNDERING .....</b>	<b>34</b>
<b>2.3</b>	<b>CRIMINAL OFFENSES LEADING TO MONEY LAUNDERING CHARGES .....</b>	<b>36</b>
<b>2.4</b>	<b>THE IMPACT OF MONEY LAUNDERING IN SEYCHELLES.....</b>	<b>38</b>
2.4.1	The Need to Investigate Money Laundering.....	41
2.4.2	International Recognition of Financial Investigative Methodology.....	43
2.4.3	Financial Investigation .....	46
2.4.4	Parallel Financial Investigation .....	48
2.4.4.1	Challenges in the application of financial investigative methodology .....	52
2.4.5	Case Study 1: Narcotics (Co-Mingling of Funds) .....	55
2.4.6	Case Study 2: Natural Resources and Counterfeit Products.....	57
2.4.7	Case Study 3: Narcotic Proceeds (Concealment) .....	58
2.4.8	The Use of Search and Seizure Operations as a Method to Identify Relevant Documents for the Extraction of Information and Intelligence .....	61
2.4.9	Agencies in Seychelles Allowed to Undertake Search and Seizure Actions .....	62
2.4.9.1	Seychelles Police Force .....	63
2.4.9.2	Seychelles Revenue Commission.....	64
2.4.9.3	Anti-Corruption Commission of Seychelles.....	65

<b>2.5</b>	<b>ANALYSIS OF DOCUMENTATION TO ENHANCE THE FINANCIAL INTELLIGENCE VALUE FOR MONEY LAUNDERING INVESTIGATIONS .....</b>	<b>68</b>
2.5.1	Analysis of Information and Intelligence Obtained through Search and Seizure Actions .....	68
2.5.2	Types of Documents that can be Analysed as a Source of Financial Intelligence .....	71
2.5.3	Case Studies Illustrating the Financial Intelligence Value of Analysed Documents Seized .....	73
2.5.3.1	Photographs/photo albums.....	73
2.5.3.2	Paper/hand-written notes.....	76
<b>2.6</b>	<b>SUMMARY.....</b>	<b>79</b>
<b>CHAPTER THREE: FINDINGS AND RECOMMENDATIONS .....</b>		<b>81</b>
<b>3.1</b>	<b>INTRODUCTION .....</b>	<b>81</b>
<b>3.2</b>	<b>FINDINGS.....</b>	<b>81</b>
<b>3.3</b>	<b>RECOMMENDATIONS.....</b>	<b>86</b>
<b>3.4</b>	<b>CONCLUSION .....</b>	<b>97</b>
<b>REFERENCES .....</b>		<b>99</b>

## LIST OF TABLES

Table 1.1: Crime Statistics of Seychelles from 2017 to 2021 .....	10
Table 1.2: Intelligence Reports Issued by the FIU.....	10
Table 1.3: Cases Investigated by the Seychelles Police FCIU .....	11
Table 2.1: Summary of Recommendations in the 1988 UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances.....	35
Table 2.2: Serious Offences Prescribed by the FATF where a Person can be Charged for Money Laundering .....	37
Table 2.3: Summary of Operational Intelligence Obtained through the Application of a Financial Investigative Methodology .....	45
Table 2.4: Objectives and Purpose of Financial Investigations.....	48
Table 2.5: Comparison of the Use of the Financial Investigative Methodology Listed by Different Sources.....	50
Table 2.6: Examples of Crimes that Enable Illicit and/or Material Gain .....	51
Table 2.7: List of Documents Containing Potential (Financial) Intelligence .....	71

Table 2.8: Information that Could be Extracted from Seized Photos that May be Turned into Financial Intelligence.....	75
---	----

## LIST OF IMAGES

Image 1.1: Extract from the Seychelles National AML/CFT Strategy 2020 - 2023 .....	6
Image 2.1: Cash Seizure Involving Mandrax .....	56
Image 2.2: Cash Seizure Involving Mandrax .....	56
Image 2.3: Suspicious Cash Seized .....	58
Image 2.4: Seized Abalone Illegally Obtained .....	58
Image 2.5: Concealed Cash Proceeds Obtained from Narcotics Sales.....	60
Image 2.6: Concealed Cash Proceeds Obtained from Narcotics Sales.....	60
Image 2.7: Concealed Cash Proceeds Obtained from Narcotics Sales.....	60
Image 2.8: Concealed Cash Proceeds Obtained from Narcotics Sales.....	60
Image 2.9: Photo (Document) Seized from Photo Album of a Suspect .....	74
Image 2.10: Photo (Document) Seized from Photo Album of Suspect .....	76
Image 2.11: Photo (Document) Seized from Photo Album of Suspect .....	76
Image 2.12: Notes Seized During a Drug Raid .....	77

## LIST OF FIGURES

Figure 2.1: Top 5 Jurisdictions Used by Politicians as Destinations for Offshore Companies: International Consortium of Investigative Journalists.....	40
Figure 2.2: Co-Mingling of Legitimate and Illicit Funds .....	55

## APPENDICES

Appendix 1: Recommendations in United Convention Against Transnational Organised Crime [Money Laundering].....	113
Appendix 2: International and Regional Bodies Committed to Addressing Money Laundering and Financial Gains Amassed through Illegal Means .....	122
Appendix 3: Cash Seizure Orders Obtained - Asset Forfeiture Unit, Western Cape 1998 - 2009 .....	137

Appendix 4: Letter of Approval to Conduct Research at the Seychelles Police Force .....	141
Appendix 5: Letter of Approval to Conduct Research at the Financial Intelligence Unit: Seychelles .....	142
Appendix 6: Unisa Ethics Approval.....	144
Appendix 7: Participant Information Sheet and Informed Consent Letter .....	146
Appendix 8: Interview Schedule.....	151
Appendix 9: Turnitin Digital Receipt.....	152

## CHAPTER ONE: GENERAL ORIENTATION

---

*Illicit enrichment: The enjoyment of an amount of wealth that is not justified through reference to lawful income (Dornbierer, 2021:21)*

---

### 1.1 INTRODUCTION

Globally, it is estimated that the financial gains amassed through predicate offences and laundered annually are worth about 2 to 5% of global GDP, or US\$800 billion to US\$2 trillion (United Nations Office on Drugs and Crime (UNODC), 2019). Money laundering is mainly aimed at producing a profit for the individual or group carrying out this unlawful act, whilst processing the indulgence of criminal proceeds to disguise their unlawful origin (Financial Action Task Force (FATF), 2021). Ruggiero (2017:201) proffers that money laundering can be considered as a service by the official economy to organised criminals, in exchange for producing mutual entrepreneurial promotion. Kruger (2008:2) further reflects that successful money laundering augments the gainful facets of criminal activity, and quotes Aristotle, who writes that people turn to crime not only to obtain life's necessities but also for mere pleasure and even "to fulfil a craving for superfluities with a view to painless delights".

Global Initiative (2021:9) indicates that (transnational) organised crime both drives and profits from a multitude of the ills affecting the world. Pasco (2013: xv) states that most crimes are committed for financial gain, a sentiment similar to that of Alldridge (2016:1), who simply says that criminals obtain property by or from their crimes, that is what they do. Kruger (2008:1) highlights that organised crime has become part of the daily social order, a view which the researcher agrees with. The researcher further shares the opinion of Kruger that the profits of crime have become so opulent and enticing in scale that criminals take pleasure in driving crimes for the main purpose of generating vast illicit fruits of their illegal acts, even trending their illicitly obtained assets on social media without fear (Opera News, 2021). Because of this intensified greed, it has also become a natural phenomenon for organised crime syndicates and grand corruptors to operate across international borders to hide and enjoy their gargantuan illicitly obtained profits (Thornhill & Dare, 2020:8).

Poyo (2020:9) states that when a crime is being investigated, the nature thereof should be considered to determine the type of evidence that should be collected and presented in court. It is the opinion of the researcher that the application of search and seizure operations can be an invaluable legal tool to peruse and seize documents not only as evidence but also as a source of financial intelligence that could build on evidence in the investigation of money laundering cases. This enhanced standard process will also provide a better foundation and support for the initiation and investigation of money laundering cases, as well as improving the quality and quantity of reliable data and statistics.

The researcher further agrees with Pasco (2013:63), who emphasises the importance of documentation in financial investigations, stating that documentation makes up the bulk of evidence in a financial investigation. In the researcher's opinion, it is no different with a money laundering investigation, where the investigator should not only obtain and peruse documentation such as financial documentation but all types of documentation that can lead to financial intelligence relating to the proceeds of the illicit and predicate offence. A high number of such documents can be identified through the application of search and seizure operations.

## **1.2 OVERVIEW OF SEYCHELLES AND BACKGROUND TO THE STUDY**

Seychelles is a Republic with a population of just under 107,000 people across its 115 islands, with most of its citizens living on the main island of Mahe (World Population Review of Seychelles, 2022). The main law enforcement agencies who are directly responsible for addressing money laundering in Seychelles are, firstly, the Seychelles Financial Crimes Investigation Unit (FCIU), also known as the Financial Intelligence Unit (FIU), which was established in 2006 serving as the national centre for the receipt and analysis of information relevant to money laundering and terrorist financing to detect financial crime, promote compliance by reporting entities and deter the use of any persons, structures and institutions in Seychelles for financial crime, through the dissemination of financial intelligence reports and any other necessary information, on its own or on request from any other organisation, both domestically and internationally, concerning money laundering and terrorist financing activities (The Financial Intelligence Unit, 2024); the second is the Seychelles Attorney

General's Office (AGO), responsible for the prosecution of money laundering cases referred to by the two aforementioned agencies.

A fourth agency is the Anti-Corruption Commission of Seychelles (ACCS), which was established in 2016 under new legislation to address corrupt activities. This legislation was amended in 2020 to allow the ACCS to prosecute offences of money laundering that occurred not only after the current Anti-Money Laundering (AML)/Counter-Financing of Terrorism (CFT) Act (Republic of Seychelles, 2020a) came into force, but also while the previous 2006 AML/CFT Act was in force (Republic of Seychelles, 2006).

There is no formal asset forfeiture unit in Seychelles. The FCIU acts as a type of hybrid asset forfeiture unit assigned with the mandate to address proceeds and instrumentalities of crime, as well as initiating money laundering investigations for prosecutorial purposes. The FCIU is the repository for all cases referred by other specialised units, such as the Anti-Narcotics Bureau (ANB), which has in the past included cases of cash seizures and instrumentalities of crime; as well as the FIU, in cases where it is suspected that individuals and/or companies are involved in money laundering. Cases related to under-declaration, non-declaration, or false declaration of cash<sup>1</sup> at airports are also referred to the FCIU for investigation and possible non-conviction-based (NCB) asset recovery processes. Most cases referred to the FCIU for possible NCB asset recovery processes were from the ANB, which has since been disbanded.

The Basel AML Index country rankings on jurisdictions' risks in addressing money laundering (2022:26), allocated Seychelles a score of 5.49 and a listing of 50<sup>th</sup> on its risks ranking. Although Seychelles received the third-highest positive score out of 26 Sub-Saharan countries, its score of 5.49 indicates an upward (negative) trend. Transparency International (2022:2), releases an annual Corruption Perceptions Index (CPI) which reflects data from 180 countries and ranks perceptions of different jurisdictions' efforts in addressing corruption using a scale of zero (highly corrupt) to 100 (very clean). According to the CPI Seychelles did well and continues to do more so in addressing

---

<sup>1</sup> Sections 74 – 77 of the AML/CFT Act, Act 5 of 2020.

corruption, and thus received a score of 70/100. Taking into consideration that Africa received an average score of 33/100, Seychelles fared the best of 54 African countries (CPI, 2022:6). Overall, Seychelles also fared well on the Organised Crime Index<sup>2</sup> (ENACT, 2021:141), with zero being excellent and 10 high. Seychelles received a declining score on its resilience in addressing organised crime.

Hutley-Washington (2018:3) observes that money laundering has an eroding impact on the economy of a country and that the degree of destruction resulting from money laundering impedes the flow of business, risking increased financial burdens on banks and ruining the reputations of countries for allowing extensive money laundering. The Organisation for Economic Co-operation and Development (OECD) (2019:15) also highlights the concrete and intangible negative impact of crime on third parties, individuals and society. Whilst Seychelles has not been immune to international criticism in addressing money laundering, the European Union (EU) removed Seychelles from its official blacklist of tax havens, despite being named as one of the foremost destinations for offshore companies in the Pandora Papers, a massive trove of leaked data exposing the secret dealings of the wealthy elites (Euronews, 2021).

There is no shortage of interesting, high-value and, in many instances examples of cross-border, financial crimes being investigated by the law enforcement agencies (LEAs) in Seychelles. Many of these cases have the potential to initiate money laundering investigations with the scope of arresting and charging suspects under investigation for contraventions of the local AML/CFT Act (Republic of Seychelles, 2020). Data reflected and shared by local LEAs within its last FATF Country Review of Seychelles (2018:62) indicates that only three money laundering cases were passed on to the Attorney General's office for prosecution, without any data on successful convictions and or sentences. The SPF did obtain a recent success (Pointe, 2020), where four accused pleaded guilty to money laundering with human trafficking as a predicate offence. Seychelles is currently preparing for its country risk assessment in 2024 and, according to preliminary data viewed by the main LEAs responsible for initiating investigations of potential

---

<sup>2</sup> The ENACT Africa Organised Crime Index highlights longitudinal data trends and resilience to organised crime across the continent.



money laundering, since then has not been able to increase its effectiveness in the investigation and prosecution of money laundering related offences, which may result in a negative finding for the country in this area.

### **1.3 RESEARCH PROBLEM**

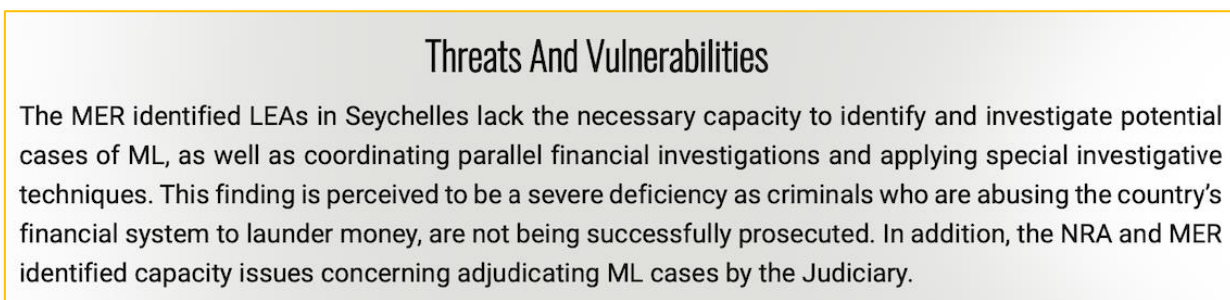
According to Leedy and Ormrod (2010:44), research projects aim to address issues of direct relevance to current practices, procedures and policies. Kale and Jayanth (in Bairagi & Munot, 2019:28) further state that a problem statement is a challenge based on the limitations that a researcher recognises within the framework of a practical or theoretical situation for which the researcher aims to find a solution and define a research problem. The view of Nagmode (2019:56) is very similar in that it presents a problem statement as a challenge considering the limitations identified in the context of a situation (practical or theoretical) that a researcher desires to solve for the same.

In his poem *“Ode on a Distant Prospect of Eton College,”* Thomas Gray wrote: *“Where ignorance is bliss, tis folly to be wise”* (Gray, 1742). This is similar to the sentiment of Mudaly (2011:42), who indicates that investigators’ ignorance will most probably hinder their work if they disregard what might be possible evidence (and potential intelligence) since it does not mould with their definition, and thus investigators must know that a document is defined as any material containing information, whether it be printed, written or engraved, including metal, mirrors or any other surface that contains information. A similar view is presented by Govender (2018:20), who quotes van der Westhuizen (1996:33), reflecting that previous research has shown that criminals tend towards a constant “stereotyped pattern of conduct”. The researcher believes that this is also true for police officials and investigators who rely on criminals to act the same and repeat mistakes, effectively where traditional strategies and tactics sustain the culture of policing according to Phillips (2012:15), thus supporting their own stereotyped actions. However, this is not always the case, especially where criminal enterprises seek efficiency to maximise profits, which may drive operational changes (Cid, 2012:2). The researcher has experienced that investigators do not realise the value of documents as a source of financial intelligence in financial investigations, since investigators only glance over documents that seem unimportant and or not

directly tied to a predicate offence investigated, thus risking losing the opportunity to obtain valuable information and financial intelligence that could be extracted from such documents.

Since the inception and implementation of legislation in 2006 to address money laundering in Seychelles, very little success has been obtained in the investigation and prosecution of money laundering contraventions in the Republic. The Seychelles National AML/CFT Strategy 2020 - 2023 (2020d:20) summarised this shortcoming as a key area posing a threat to Seychelles, as reflected in Image 1.1, as extracted from the Seychelles National AML/CFT Strategy 2020 - 2023.

**Image 1.1: Extract from the Seychelles National AML/CFT Strategy 2020 - 2023**



*Source: Seychelles National AML/CFT Strategy 2020 – 2023 (2020d:20).*

From the researcher's experience, background and exposure to money laundering investigations - including having had direct access to data and case files of the SPF FCIU, data and dissemination reports of the FIU and daily engagement with analysts and investigators of these agencies - the researcher has drawn a similar conclusion as that in Image 1.1 above. Drawing data from local media publications with a focus on the ANB, a high number of search and seizure operations are conducted by the ANB, including searches of premises (294), vehicles (324) and vessels (59), resulting in 425 arrests between January and May 2020 (Seychelles Nation, 2020:20).

The researcher experienced that although there is positive data on the execution of search and seizures by the ANB, it has overall resulted in very little action on the identification and seizure of documents for potential use as financial intelligence in money laundering investigations. Interviews by the researcher with members of the FCIU revealed that the number of physical search and seizure operations had been far fewer and mostly only by request from other

specialised units such as the ACCS and/or ANB. Only one case was identified where documents were seized in a narcotics and trafficking in humans related case which had been identified and successfully used to pursue a money laundering case. Analysts from the FIU further agreed that they have never received any copies of any documentation obtained during search and seizure operations from any LEA, which could have contributed to the intelligence reports submitted to the different LEAs.

As a result of his involvement with international development projects in Africa, including the Republic of Seychelles, over the last decade, the researcher has gained experience and knowledge of the financial crime investigative methodologies of several African countries' LEAs. In this regard, the researcher gained insight both as a financial crimes investigator and as a consultant focusing on the development of skill sets related to the investigation of financial crimes, including the investigation of money laundering. Consequently, the researcher found that similar shortcomings are experienced by all these countries' LEAs, regarding the non-identification and seizure of documentation as a source of financial intelligence in money laundering investigations. These international experiences and knowledge gained provided the researcher with sufficient knowledge of the value of documents as a source of financial intelligence in money laundering investigations.

### **1.3.1 The Researcher's Experience and Exposure to Money Laundering Investigations**

As an independent international technical advisor on financial and money laundering investigations, the researcher has had the opportunity to assist with numerous development projects in Africa since 2008, but with an increased focus from 2014 (Tanzania, Malawi and Seychelles) through the United Nations (UN) and the Basel Institute on Governance International Centre for Asset Recovery.

On these projects, the researcher was allowed to view and analyse investigative cases, investigative strategies and methodologies (including search and seizure operations) by different law enforcement agencies and see real and electronic evidence and intelligence collected in predicate offences that had been committed to obtain a material and/or financial benefit. Since

2004, and before being involved in these projects, the researcher had been investigating finance-related crimes, including money laundering, in cooperation with several forensic accounting firms in South Africa. His interest in financial and money laundering investigations started in 1997 when he was part of a team that initiated financial investigations on organised crime syndicates for the first time with the South African Police Service, where he served for 15 years. The researcher is currently based at the Seychelles FIU as a technical advisor under the directive of the European Union.

During his law enforcement career, the researcher was involved in several search and seizure operations, where he identified documents for use in adding financial intelligence to the proceeds of criminal activity investigations and building money laundering cases. It was during this time that the researcher realised the shortcomings in the approach of investigators and the value of documents in the identification of potential money laundering cases during search and seizure operations.

### **1.3.2 Crime Statistics and Money Laundering in the Republic of Seychelles**

“There is a much greater need to be able to handle particularly the qualitative information in a way that allows you to see meaning, even where no substantive proof or statistical reliability can be found” (McDowell, 2009:23). Wagner, Botha and Mentz (2012:176) also indicate that research data collection is aimed at making relevant conclusions about the problem under investigation and that the data must be interpreted and analysed to extract the most meaningful information. One way to measure both successes and challenges in addressing proceeds of crime and money laundering would be to look at a range of statistics provided by LEAs with the mandate to investigate and prosecute incidences of reported financial crimes, including money laundering, in Seychelles - mainly the FCIU and the AGO.

However, the true extent and nature of illicit profits of crime in Seychelles is unknown. For instance, corruption (its reach and quantifying the illicit profits derived from it) is difficult to quantify (Chance & King, 2020:07), as is the scope of money laundering. Similar concerns are expressed about the threat and quantification of money laundering, elaborated by Van Duyne,

Harvey and Gelemova (2018:183-186), whilst De Morais (2016) also presents that it is impossible to know exactly how much money is “legalised” globally every year. Regrettably, current national crime statistics lack the reflection of the accurate illicit financial and or material value obtained from the commissioning of criminal offences such as theft, all forms of burglary, narcotic-related crimes and commercial-related crimes, to mention a few, which could assist in the contribution of a guessed estimate of laundered proceeds within Seychelles.

The researcher drew on the below-listed range of statistics and reports to provide the reader with a different view and allow the reader to apply his/her pragmatic synopsis of what was extracted from the statistics of each of the following Seychelles law enforcement agencies:

- *2019b – 2021 Annual Reports of the Financial Intelligence Unit (FIU) of Seychelles*
- *2017/18/19/20b/21 Crime Statistics reflected by the Seychelles National Bureau of Statistics*
- *2017/18/19/20/21 Statistics of the Seychelles Police Force (SPF) Financial Crimes Investigation Unit (FCIU)*
- *2017/18/19/20/21 Statistics of prosecutions undertaken by the AGO of Seychelles*
- *Different and applicable Acts of Seychelles as published by the Government of Seychelles*

Seychelles crime statistics are released quarterly and cover 21 crime categories – six of which were isolated by the researcher due to their reference to crimes where a material and/or financial benefit was obtained because of the crime. Even though provision is made to reflect crimes that were specifically perpetrated to obtain an illicit financial and or material benefit by the suspect/accused, it is lacking in reporting a more detailed view of the monetary value of loss incurred by victims and no space is provided to establish, debate and/or project the illicit financial and material value obtained by perpetrators stemming from these related criminal acts.

**Table 1.1: Crime Statistics of Seychelles from 2017 to 2021**

CRIME STATISTICS OF SEYCHELLES (2017 – 2021)							
	CRIME CATEGORY	2017	2018	2019	2020	2021	TOTAL
1.	Drugs	411	226	279	313	374	<b>1503</b>
2.	Environment and fisheries	20	44	39	32	49	<b>174</b>
3.	Robberies	86	47	42	27	39	<b>241</b>
4.	Burglaries	1367	1124	1041	522	535	<b>4589</b>
5.	Theft	1326	1227	1136	818	1001	<b>5508</b>
6.	Fraud	283	220	176	182	183	<b>1044</b>

The researcher had the opportunity to review current data (both published and unpublished) of the FIU and the FCIU and to a certain extent data of the ANB. Over the four years (2018 - 2021) the FCIU had been the recipient of 149 intelligence (dissemination) reports issued by the FIU, as illustrated in Table 1.2.

**Table 1.2: Intelligence Reports Issued by the FIU**

INTELLIGENCE REPORTS ISSUED BY THE FIU (2018 – 2021)					
LAW ENFORCEMENT AGENCY	2018	2019	2020	2021	TOTAL
Seychelles Police FCIU	8	27	50	64	<b>149</b>
Seychelles Revenue Commission (SRC)	9	10	0	5	<b>24</b>
Anti-Corruption Commission (ACCS)	0	2	3	5	<b>10</b>
<b>TOTAL</b>	<b>61</b>	<b>69</b>	<b>114</b>	<b>158</b>	

From the data presented by the FCIU (as illustrated in Table 1.3) 176 cases have been identified by the FCIU for financial investigation (profiling) since its inception in 2017. From a total of 88 cases, the FCIU found that insufficient evidence of criminal conduct existed to warrant the registration of an active investigation. It is unclear how many of the 149 intelligence reports provided by the FIU actively contributed to the initiation of investigations (profiling) by the FCIU.

As the FCIU was a newly established unit at the time, data recording on cases initiated only began in 2018. Most of the cases involved narcotics-related crimes.

**Table 1.3: Cases Investigated by the Seychelles Police FCIU**

CASES INVESTIGATED BY THE FINANCIAL CRIMES INVESTIGATION UNIT SEYCHELLES POLICE					
	Oct-2018	2019	2020	2021	2022
Total number of cases registered for Financial Investigation (FI)	4	14	39	91	28

Even though there had been a steady effort to address the proceeds of crime within Seychelles by the FCIU since its inception in 2017, most of these involved instrumentalities that led to successful NCB asset recovery cases (civil process), but very little progress had been made over the same period on the arrest and conviction of individuals for money laundering. Of the 176 financial investigations (financial profiling) initiated since 2018, only four cases had been registered for money laundering, of which most accused in these four money laundering cases pleaded guilty.

### **1.3.3 A South African Perspective on the Non-Identification of Documents in Money Laundering Investigations as a Source of Financial Intelligence**

The value of seized documents as a source of financial intelligence in money laundering investigations is not restricted to Seychelles. A similar shortcoming, for example, exists in South Africa. The above perspective by the researcher is further supported by data collected in South Africa of 44 cash seizure cases reported to the Asset Forfeiture Unit (AFU), Cape Town (as per Appendix 3) over 11 years (1998 – 2009), which reflected only two cases from a total of 44 where documentation seized during the search and seizure operations was presented. Even though these 44 cases presented are historical (1998 – 2009), they support the current data presented by LEAs within Seychelles, as well as data presented within the 2018 FATF Country Report, which indicates a low number of registered investigations, prosecutions, and convictions for money laundering spanning the last decade in Seychelles.

In only one of the two identified AFU cases were the seized documents effectively used as a source of financial intelligence to present a successful case to the court, which led to the preservation and forfeiture of all the assets of the subject under investigation. Due to the lack of

similar data available in Seychelles, a comparison could not be drawn, however, the researcher is confident that the essence of international and similar investigative practices by LEAs is reflected in the presentation of this data set.

Analysis of these 44 cases presented the following deductions by the researcher to support the research problem:

- The primary reason for LEAs involved in the 44 search and seizure actions was to obtain evidence of the suspected predicate offence: the presence of narcotics and or illegal natural resources; the presence of suspicious cash was accidentally discovered during the application of these operations.
- In the two instances where the evidence indicated that documents were seized and used for additional financial intelligence, only one case presents a successful prosecution for money laundering, and additionally– and more importantly – where the suspect lost all his assets due to evidence represented from seized documents proving that he obtained all his assets from the proceeds of crime (sale of narcotics).
- Search and seizure operations were indicated in all these cases as a method to discover illicit funds in predicate offences related to narcotics and natural resource investigations.
- Of the 44 recorded cash seizure cases, 42 involved search and seizure of suspicious cash in narcotics-related cases. Two (2) cases involved natural resources (abalone).
- In 25 of the 44 cases, the researcher found no evidence to indicate that the officers who conducted the search and seizure operations reflected the value of the narcotics seized, which is important to calculate the possible value of the operations and funding involved in these cases.
- The same applies for the cash that was seized in the two natural resource cases.



- The researcher found minimal evidence in statements submitted and presented to the AFU to indicate that the members who conducted the search and seizure operations had focussed on the seizure of any related notes and documents.
- The researcher found an overall absence of attempts to undertake investigations of a financial nature (money laundering/proceeds of crime) in cases where (i) a large amount of cash had been seized both in local currency and foreign currency, and (ii) where the value of the seized narcotics was high.<sup>3</sup>
- All these cases involving cash seizures had successfully been characterised as illicit proceeds of crime through the civil application; no indication was found that individuals involved in these cases had been investigated and/or charged for money laundering.

The conclusions the researcher wants to draw on his analysis of the 44 cases are:

- Though the 44 cases only represent seizures of suspicious cash, it is the opinion of the researcher that it is indicative of the investigative actions and approach by law enforcement officers to focus mostly on obtaining evidence of the predicate offence and not extend their search to also obtain documents as a source of financial intelligence during money laundering investigations for analysis, especially during search and seizure operations.
- The analysis of the above crime statistics, as well as data from the different LEAs in Seychelles as illustrated above, supports the researcher's view that investigators do not realise the value of documents as a source of financial intelligence in money laundering investigations. Consequently, shortcomings exist within Seychelles LEAs to address the registering, investigation and increased prosecution of money laundering.

---

<sup>3</sup> Entries 6, 19, 30 and 36 for seized foreign currency and entries 6, 24, 40, 41, 43 and 44 which collectively amount to approximately R21 million in suspicious cash

#### **1.4 DELIMITATION OF THE STUDY**

The research report should provide clarity on both the extent and the boundaries of the research effort (Leedy & Ormrod, 2019:415). Geographically, the researcher limited this study to two LEAs in Seychelles. These LEAs included the intelligence analysts of the Seychelles FIU, who work with financially related documents daily to present tactical dissemination reports (intelligence reports), as well as the SPF FCIU, which acts as a hybrid asset forfeiture unit, and which is also responsible for initiating investigations on money laundering related offences in Seychelles.

#### **1.5 AIM OF THE RESEARCH**

According to Denscombe (2012:49) the aims or purpose statement of the research signals the direction of the research, highlighting the research objective. Further, it intends to establish facts, gather new data and uncover any interesting patterns that may be hidden in the data (Mouton, 1996:103).

This research aimed to underline the value of identifying and analysing all documents as a source of financial intelligence seized during search and seizure operations in the investigation of money laundering. This research concludes with recommendations based on the extrapolations of the research that could be used to create a better understanding and awareness of the value of reviewing all documentation during money laundering investigations.

#### **1.6 PURPOSE OF THE RESEARCH**

Kale and Jyanth (in Bairagi & Munot, 2019:3) identify the main purpose of research as a quest to solve unsolved problems with the application of scientific procedures, and to gain a scientific understanding of various occurrences. A similar view is presented by Welman, Kruger and Mitchell (2005:22), who state the purpose of research as the definition, explanation and resultant prediction and even modification or control of human behaviour, its organisations, products and/or events. In the researcher's experience, investigators act predictably when they conduct search and seizure operations during money laundering investigations and do not focus on the seizing of documents as a source of financial intelligence, but rather only on identifying proof

that connects the main suspect to the alleged predicate offence (crime), such as narcotics, firearms or stolen vehicles.

The purpose of this research is:

- To educate investigators and analysts on the value of documents seized during search and seizure operations as a source of financial intelligence in money laundering investigations, and to broaden their understanding of the significance of analysing all seized documents.
- To enhance good practice and the performance of investigators and analysts with added knowledge relating to the application of document analysis in general, as well as those documents that had been collected during search and seizure operations to build concrete money laundering cases.
- To arrive at recommendations for best practices, based on the results of the analysis that address the problem and enhance money laundering investigation skills of investigators and analysts.

## **1.7 RESEARCH QUESTION**

Wagner et al., (2012:18) list several motivations for the formulation of a research question, including:

- The identification of the object of the study
- It leads directly to the hypotheses
- To focus the research on specific details and criteria that should be met
- To direct the chosen methodology, e.g., qualitative, quantitative, or mixed method.

Flick (2014:145) compares research questions to a door to the subject of the study and believes that the essential criteria by which to evaluate research questions include their soundness and clarity, as well as the probability that they can be answered in the context of given and limited resources. According to Flick, one should consider the formulation of a research question as the

definition of the overall guiding question of the entire undertaking. Research questions define the kind of data the researcher should collect, and direct how the data should be analysed and interpreted (Leedy & Ormrod, 2010:56). It also necessitates sufficient subject knowledge to identify the types of investigations likely to make significant contributions to the field (Leedy & Ormrod, 2019:54).

The primary research question under investigation for this study is:

- What is the value of documentation as a source of financial intelligence in money laundering investigations?

## **1.8 KEY THEORETICAL CONCEPTS**

The definition of a provisional research problem and related keywords are required for an in-depth literature search and study (Kale & Jayanth, (in Bairagi & Munot, 2019:14). Key theoretical concepts encapsulate the core of the study and are defined for the sake of clarity on the part of both the researcher and the reader about the specific meaning of the concepts (Denscombe, 2002:292). The key concepts fundamental to this study are:

### **1.8.1 Document**

According to Zeffertt, Paizes and Skeen (2003:685), a document is any book, map, plan, drawing or photograph. Manamela and Mokwena (2015:123) have a slightly different view, stating that a document is anything that contains marks, signs or symbols that carry meaning or convey a message.

For this study, the researcher offers his definition of a 'document' in the context of forensic investigation and defines a document as any paper, record, deed, file, text or photograph that can lead to financial intelligence in the identification of proceeds and instrumentalities of crimes, syndicate members, movement of a suspect(s), spending patterns, assets and liabilities, directly or indirectly linking the suspect with the predicate offence and the source of funds obtained, whether legal and or illegal.

### **1.8.2 Intelligence**

According to the Republic of Seychelles Intelligence Services Act, Act 2 (2019:10), 'intelligence' means information that has been collated, evaluated, and analysed and that is relevant to a government decision-making formulation or implementation of policy concerning any internal or external threat, or potential threat to the security of Seychelles, as well as opportunities relevant to the protection and promotion of the security of Seychelles. It further defines 'security intelligence' as information that relates to, or may be relevant to, any internal or external threat to the security of Seychelles in any field.

### **1.8.3 Financial Intelligence**

The UNODC (2011a:1) firstly defines 'information' as knowledge in raw form and then 'intelligence' as information capable of being understood; information with added value and information that had been evaluated in context to its source and reliability. Gilbert (2010:529) describes financial intelligence as "the product resulting from the collection, evaluation, analysis, integration and interpretation of all available information which concerns one or more aspects of criminal activity, and which is immediately or potentially significant to police planning". Financial intelligence is an integral part of an investigation and has been so since the first investigation was conducted. Collected information is not intelligence; intelligence is the product of collected data being evaluated and analysed. The UNODC (2011b:7) continues to describe intelligence as "the process of interpreting information to give it a meaning".

### **1.8.4 Analysis**

The International Association of Law Enforcement Intelligence Analysts (1996:1) describes analysis as "the taking of information collected in the course of an investigation or from internal or external files and arriving at something more than was evident before". The UNODC (2011:1) defines the analysis of information or intelligence as the following:

- "The resolving or separating of a thing into its component's parts,
- Ascertainment of those parts,

- The tracing of things to their source to discover the general principles behind them, and
- A table or statement of the results of this process.”

### **1.8.5 Money Laundering**

Interpol (2021) defines money laundering as “concealing or disguising the origins of illegally obtained proceeds so that they appear to have originated from legitimate sources. It is frequently a component of other serious crimes such as drug trafficking, robbery or extortion.” The United Nations (2021) defines money laundering in the UN Vienna Convention (1988:3(j)) as: *“the conversion or transfer of property, knowing that such property is derived from any offense(s), for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in such offense(s) to evade the legal consequences of his actions.”*

The following definitions of money laundering are provided according to various sources for the benefit of the reader:

### **1.8.6 Seychelles Legislation**

The crime of money laundering is described in the Seychelles AML/CFT Act, Act 5 of 2020 under Part II, Sections 3, 4 and 5 of the Act. There are several comparative views on the definition of money laundering, including international definitions that are similar to the definition within the Act of Seychelles. Some of these reflected are from:

### **1.8.7 The United Nations**

The United Nations (2021) states that money laundering is “the processing of criminal proceeds to disguise their illegal origin” and that “this process is of critical importance, as it enables the criminal to enjoy these profits without jeopardising their source”.

### **1.8.8 The Association of Anti-Money Laundering Specialists (ACAMS)**

The Association of Anti-Money Laundering Specialists describe money laundering as “taking criminal proceeds and disguising their illegal source to use the funds to perform legal or illegal

activities,” (2016:1) which is similar to the definitions by the International Monetary Fund (2021) and the Financial Intelligence Centre (FIC) of South Africa (2019:4).

### **1.8.9 Egmont Group**

The Egmont Group is an international body overseeing 166 financial intelligence units (FIUs) globally. It defines money laundering as “the method by which criminals disguise the illegal origins of their wealth and protect their asset bases, to avoid the suspicion of law enforcement agencies and prevent leaving a trail of incriminating evidence” (Egmont Group, 2021).

### **1.8.10 Financial Action Task Force**

The FATF (2021) states that the act of money laundering is applied to legitimise the ill-gotten gains obtained from any crime committed with the sole purpose of benefiting from that crime illicitly and materially and that this process is of critical importance, but also states that for many major proceeds-generating offences, money laundering is simply the by-product of criminal activity (FATF, 2012:10).

### **1.8.11 Global Financial Integrity (GFI)**

The GFI is a Washington D.C. (formally the District of Columbia) based think tank that focuses on illicit financial flows, corruption, illegal trade and money laundering, which defines money laundering as the process of disguising the proceeds of crime and integrating it into the legitimate financial system (Global Financial Integrity, 2021).

### **1.8.12 Association of Certified Fraud Examiners (ACFE)**

The ACFE (2021) defines money laundering as operations designed to take the proceeds of illegal activity and disguise the existence, source or use of those funds so that the proceeds appear to come from a legitimate source. It adds that money laundering is a common element in many fraud, corruption and terrorist-financing cases and has an economic impact on most businesses and government entities.

### **1.8.13 International Monetary Fund (IMF)**

The IMF (2020) states that money laundering is the processing of assets generated by criminal activity to obscure the link between the funds and their illegal origins. Terrorism financing involves raising funds to support terrorist activities.

### **1.8.14 Other Views**

Van Duyne, et al. (2018:92-93) provide an alternative definition of money laundering, describing it as the construction of a criminalised conduct that has yet to be proven. They continue to elaborate and propose to restrict the phrase (money) laundering to the following conduct:

*“a justifying activity intended to falsely legitimise or ‘whiten’ (an) unlawfully obtained asset(s) or advantage(s), or summarised: all handling of criminal assets is criminal asset management. That part of the management that aims to falsely justify the acquisition of these assets is, strictly speaking, criminal asset laundering”.*

A fuller, albeit historical, legal description of money laundering is provided by Ashe and Rider (2002: A1.1-A1.3), which reflects that money laundering is an economic process that exploits the loopholes and letter of the law to create an appearance of legal cleanness, as distinct from the reality of illegal taint, through a process that obscures or removes any taint attaching to money, or other forms of wealth into which money may be transformed, by preventing its movement from being accurately traced so that it becomes immunised against criminal, civil or equitable legal action.

The researcher is also of the opinion that money laundering is not a white-collar crime investigation, as it intractably connects to many other crimes committed for the sole purpose of gaining illicit material and/or financial benefit. Applying the terms white collar crime, commercial crime, financial crime from a law enforcement perspective is ambiguous and sometimes leads to confusion when wanting to address money laundering. Gillespie (2014:27) presents the South African Police Service (SAPS) Circular (South African Police Service, 1995:2) in his dissertation, reflecting on the meaning of certain terms, such as white-collar crime – in that it is a component of commercial crime, the



latter being defined as all crimes that take place within the commercial sphere, including common law, statutory offences, and regulations, as well as white-collar crime. Gillespie, rightfully, does not indicate money laundering as part of such a crime.

#### **1.8.15 Financial Investigations**

The United Kingdom (UK) College of Policing (2021) echoes that a financial investigation is any investigation into a person or a person's financial matters or those of a business or private limited company and that a financial investigation can determine where the money comes from, how it is moved and how it is used. This is similar to the definition of PInow (2021) indicating that a financial investigation is an analysis of where money comes from, how it moves and how it is used, which is also similar to the view of Bortnyk, Tsurcan-Saifulina and Kotukha (2018:37) stating that, as a general rule, it is a specific activity related to the study of documents and other sources find information about the turnover of funds, origin and establishment of property, etc.

The FATF (2021) describes a financial investigation as "an enquiry into the financial affairs related to a criminal activity, with a view to:

- Developing evidence that can be used in criminal proceedings;
- Identifying the extent of criminal networks and/or the scale of criminality, and
- Identifying and tracing the proceeds of crime, terrorist funds or any other assets that are, or may become, subject to confiscation".

#### **1.8.16 Search and Seizure**

Joubert (2013:318) states that a search may be regarded "as any act whereby a person, container or premises is visually or physically examined with the object of establishing whether an article is in, on or upon such person, container or premises". Pasco's (2013:92) definition is similar to that of Joubert and states that a search can be defined as a close examination of an item, place or person in an attempt to find something concealed or locate something missing. A seizure can be defined as taking possession of an item or person, legally or by force (Pasco, 2013:92).

For this study, search and seizure refers to when investigators search a person, place, container, vessel, aeroplane or vehicle for documentary evidence of money laundering as a source of financial intelligence and, if they find such evidence, they may seize such documents. In *Ntoyakhe v Minister of Safety and Security* 2000 1 SA 257 (E) the court held that the word “seize” encompasses not only the act of taking possession of an article but also the subsequent detention thereof.

## **1.9 VALUE OF THE RESEARCH**

Welman et al., (2005:284) state that research entails the indication of a measure of research capability or problem-solving ability and adds to the body of knowledge in the field of science. According to Denscombe (2002:43) research must be relevant in terms of contributing to existing facts, solving practical requirements and being of relevance to existing issues.

After the completion of analysing the value of documentation as a source of financial intelligence during search and seizure operations in the investigation of money laundering, this study and its results could be to the advantage of several LEAs including investigators of such agencies in Seychelles, such as the intelligence analysts of the FIU, who are partly and primarily responsible for the investigation of money laundering and the FCIU of Seychelles. As a result, this study could have the following value:

- Enhance the intelligence capacity of all criminal investigations, including money laundering cases;
- Improve awareness of the value of seizing and analysing documents as a source of financial intelligence in the investigation of money laundering;
- Contribute to the existing body of knowledge as an academic source for students and potential researchers;
- Contribute to the broader Seychelles law enforcement community and the intelligence industry, as money laundering increasingly remains a negative statistic in both the initiating and the prosecution of cases.

## **1.10 RESEARCH DESIGN**

Leedy and Ormrod (2019:174 & 175) present that the term 'descriptive research' refers to a selection of methodologies that are best suited to examining and working to understand events and situations as they are at a specific point in time. They continue to add that in the study of human beings, the focus generally is on specific behavioural characteristics, intending to quantify such behaviour to a greater or lesser extent. Evidence that was collected from participants was a direct result of their own experiences or observations (Punch, 2014:2).

The research design for this study is empirical. Johnson and Christensen (2012:13) explain empiricism as the idea that all knowledge comes from experience. These authors further explain that 'empirical' is an elaborate word meaning "based on observation, experiment or experience" and that the word 'empirical' means that a statement is verifiable or that it can be disproved by observation, experiment or experience. Empirical research allowed the researcher to obtain information on the participants' lived experiences regarding the value of seizing and analysing documentation as a source of financial intelligence during search and seizure operations in money laundering investigations. The main purpose of this approach was to indicate the advantages of analysing all documents during a search and seizure and not only targeting specific documents, and how this then could contribute to collecting financial intelligence, especially for money laundering investigations.

A case study research design was followed in this study. According to Flick (2022:146), a case study can be seen as a practical study by a researcher concerned with a real-life occurrence. Yin (2003:13) highlights that when a case is being studied, it addresses, for example, a phenomenon in an organisation. The case study for this research included intelligence analysts of the Seychelles FIU and the SPF FCIU. The real-life occurrence that was studied relates to the value of seizing and analysing documentation as a source of financial intelligence during search and seizure operations in money laundering investigations by the Seychelles FIU and the SPF FCIU.

### **1.11 RESEARCH APPROACH**

Leedy and Ormrod (2019:116 & 117) present that qualitative researchers working with human beings ought to be able to establish rapport with their participants so that they can interact on a personal level of trust. More specifically, they ought to apply a combination of methods that yield meaningful results and enable them to draw defensible conclusions. The researcher followed a qualitative research approach. Matthews and Ross (2010:142) explain that qualitative research methods are primarily concerned with stories and accounts including subjective understandings, feelings, opinions and beliefs. These authors further explain that qualitative data typically refers to data collected in the form of the own words and expressed opinions of the research participants.

The researcher believes a qualitative research approach was best suited for this research because he wished to obtain the understanding, feelings, opinions and experiences of investigators of Seychelles SPF FCIU primarily responsible for investigating money laundering, as well as intelligence analysts of the FIU of Seychelles. The researcher chose to conduct face-to-face, semi-structured interviews to obtain information about participants related to practical knowledge and personal experience of the phenomenon under study.

### **1.12 TARGET POPULATION AND SAMPLING**

According to Ritchie, Lewis, Elam, Tennant and Rahim (in Ritchie, Lewis, Nichols & Ormston, 2014:120) good sample design hinges on two questions that need to be answered early on: 1) Who or what is the study population? 2) What information source, or sample frame, is appropriate for the sample selection? According to these authors, one should identify the population able to provide the richest and most relevant information as a result of their proximity to the research question.

The target population for this study included two divisions within the Seychelles LEAs. The target population comprised investigators attached to SPF (FCIU), who are responsible for the investigation of money laundering-related crimes and instrumentalities, and proceeds of crime,

as well as intelligence analysts from the FIU in Seychelles who function within the Monitoring and Analysis Division of the FIU.

The researcher followed a purposive sampling method. Gray (2014:217) explains that purposive sampling is used when particular people, events or settings are chosen because they are known to provide important information that could not be gained from other sampling designs. The researcher exercised a degree of judgement about who would provide the best perspectives on the phenomenon of interest and then invited these participants into the study. The researcher deemed the five intelligence analysts from the FIU in Seychelles and five investigators from the SPF FCIU included in the sample, as those best able to provide viewpoints on the value of documentation as a source of financial intelligence in the investigation of money laundering, based on their everyday experience of the phenomenon. Data was collected until the saturation point had been reached.

### **1.13 DATA COLLECTION**

Qualitative research involves the assembly of a great many field notes, including interview responses (Leedy & Ormrod, 2019:116), and can often yield a rich body of qualitative information (2019:281). Pellissier (2007:31) also states that there is little value in an opinion if it is not based on data that the researcher is partly to collect through semi-structured interviews. Through a combination of data collection, a comprehensive literature study, and semi-structured interviews used by the researcher to collect data, a better understanding of the issue at hand was formed to enable a conclusion for the research.

#### **1.13.1 Literature Study**

A literature study related to the field of financial investigations, money laundering investigations, financial intelligence, data analysis, and search and seizure was used by the researcher to affirm and corroborate observations (Leedy & Ormrod, 2001:158). Literature from different libraries, including the online Unisa library, digital ProQuest database and other public libraries was scrutinised. Further, a large variety of law enforcement and academic journal articles, conference

material and internet resources, which included similar dissertations available online, as well as training material, magazines and newspapers were considered for data collection. Several publications the researcher had collected over a decade, were also consulted.

The researcher further reviewed official publications such as the Seychelles Criminal Penal Code, Act 12 of 1952 (Republic of Seychelles), AML/CFT Act (Republic of Seychelles, 2020), the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) Mutual Evaluation Report on Seychelles (Republic of Seychelles, 2018), the Seychelles AML/CFT 2020-2023 National Strategy (Republic of Seychelles, 2020), the FIU 2019 - 2022 Strategic Plan (Republic of Seychelles, 2019a) and Seychelles 2017 National Risk Assessment (NRA) (Republic of Seychelles, 2017). Other sources include the latest relevant data from several international publications and reports, including reports that reflected statistics from key LEAs such as the SPF and the FIU of Seychelles. Statistics from the Seychelles National Bureau of Statistics Statistical Bulletin were scrutinised for data on crimes within Seychelles.

The researcher further sourced several international publications of relevance to present a parallel view of similar issues that specifically presented the use of the financial investigative methodology to enhance the quality of the investigation of serious crimes.

### **1.13.2 Semi-Structured Interviews**

Data collection necessitates the use of a type of instrument, as well as interview questions related to the research question and overall research problem (Leedy & Ormrod, 2015:282). Nagmode (2019:37) similarly presents the research interview as an exploration of the viewpoint, understanding, and perspective of individuals on the problem under research. These authors further state that interviews are qualitative, offer a deep understanding of a problem and are mainly suitable in situations where participants might not want to discuss the matter in a group environment.

There are three different types of interviews: (1) structured interviews, (2) unstructured interviews, and (3) semi-structured interviews (Nagmode, 2019:37). For this study the researcher applied semi-structured interviews with open-ended questions as a combination of both structured and unstructured types of questions. Nagmode further states that whilst semi-structured interviews list key questions, they provide opportunities for the interviewer to further explore both the answers given and the knowledge of the interviewee. This approach delivers a dataset that can be quantified, whilst also giving depth to data, and oftentimes leads to the discovery of data not previously considered.

#### **1.14 DATA ANALYSIS**

Denscombe (2007:254) states that data analysis is mainly linked to surveys and experiments as research strategies, as well as methods of research methods such as interviews and observations. The researcher applied thematic analysis as described by Gray (2014:609). Thematic analysis is useful in the identification and analysis of patterns (themes) within qualitative data (Braun & Clarke (in Gray, 2014:609); it is a means of pattern recognition within the data. In terms of the practical approach to thematic analysis, Braun and Clarke stipulate the following six phases, which were qualitatively applied by the researcher:

1. Phase 1: Familiarise yourself with data. Transcribe the data if necessary or at least read and re-read the data, making note of initial ideas.
2. Phase 2: Produce initial codes. Code interesting features of the data systematically across the entire data set. If coding by hand, do this by writing notes in the texts you are analysing and indicating potential patterns. Make sure all data is ordered to a code.
3. Phase 3: Search for themes. Organise codes into possible themes and sub-themes, collecting all data relevant to each theme.
4. Phase 4: Review themes. Confirm that the selected themes are valid concerning the coded extracts and the entire data set.
5. Phase 5: Define and name the themes. Refine each theme, creating clear definitions and names for each and find the 'story' told by each theme.

6. Phase 6: Produce the report. Select vivid and compelling extracts that relate to the original research questions and literature.

### **1.15 METHODS TO ENSURE TRUSTWORTHINESS**

Quantitative and qualitative research differs, amongst other things, in the use of the concepts of validity and reliability, and the weight assigned to each (Kumar, 2011:184). Guba and Lincoln (in Kumar, 2011:184) are of the view that reliability in a qualitative study hinge on four indicators: credibility, transferability, dependability, and confirmability. These four indicators are a measure of the validity and reliability of qualitative research.

#### **1.15.1 Credibility**

Credibility indicates the extent to which research participants view the results of qualitative research as believable and worthy of their trust (Trochim & Donnelley (in Kumar, 2011: 185). According to Kumar, research participants are in the best position to judge the research findings as far as they accurately reflect their opinions and feelings, given that qualitative research studies investigate people's perceptions, experiences, beliefs and feelings. In this study, the participants' responses to the questions asked in the semi-structured interviews were verified with the participants for approval. The data was electronically stored only after this credibility was established. Credibility was further ensured through the triangulation of data collection methods.

#### **1.15.2 Transferability**

According to Leedy and Ormrod (2019:459), 'transferability' is the term most often used by qualitative researchers. They define transferability as the extent to which a research study's findings might parallel that of others or might apply to other individuals, settings and contexts Trochim and Donnelley (in Kumar, 2011:185) describe transferability as the extent to which qualitative research results can be generalised or transferred to other contexts or settings. In this study, the researcher aimed to ensure transferability with a thorough description of the adopted process, such as the sampling strategy and data collection methods, so that it can be replicated by others.



### **1.15.3 Dependability**

Quantitative assessment strategies are deemed reliable if they consistently yield similar results. For this reason, qualitative researchers often favour the term 'dependability' over 'reliability'. Dependability accounts for the changeability of research contexts, which is also why researchers must provide in-depth descriptions of their data collection methods (Leedy & Ormrod, 2019:269). Trochim and Donnelley (in Kumar, 2011:185) state that dependability addresses the probability of obtaining the same results by observing the same thing twice. To enhance the dependability of this study, the researcher made sure to keep comprehensive records of the process that was followed so that it may be replicated by others. These include standardised interview questions put to participants and electronic storage of their responses electronically. The researcher also applied a member-checking process after participants' responses to verify whether participants' answers were a true reflection.

### **1.15.4 Conformability**

Conformability can be likened to reliability in quantitative research, as it indicates the extent to which the results can be confirmed or substantiated by other researchers. Conformability is only possible if both researchers adhere to an identical process so that results can be compared (Kumar, 2011:185). To ensure conformability in this study, the researcher kept detailed records of all participants' answers in digitised recordings. This ensured that the findings and interpretation of the findings did not originate from the thoughts of the researcher, but were linked to the data, as suggested by Liamputtong (2013:26). The researcher further set aside any biases, motivation and perspectives that could influence the study and focused on being steered by the participants.

## **1.16 ETHICAL CONSIDERATIONS**

One of the objectives of the University of South Africa (UNISA) Policy on Research Ethics (University of South Africa, 2007:2) is to enable researchers to enhance their capability to undertake ethical research. The researcher also familiarised himself with the content of the

updated UNISA Policy on Research Ethics (University of South Africa, 2016:4), which states its purpose as to:

- Inform the researcher of his/her responsibilities in conducting ethical research,
- Understand and promote adherence to all applicable procedures,
- Protect the rights of all stakeholders.

Kirton (2011: 248) states that if research involves human beings, as does this study, it must protect the human rights, dignity, health and safety of participants and researchers. Simply put it should not harm, consent should be voluntary, and confidentiality should be respected throughout. Leedy and Ormrod (2010:101) provide four categories for ethical issues: (1) protection from harm, (2) informed consent, (3) right to privacy, and (4) honesty, which is again affirmed by Leedy and Ormrod (2015:278) presenting that most importantly, data collection methods must be consistent with ethical principles. Welman, Kruger and Mitchell (2005:201) echo these same ethical considerations that the researcher adhered to including:

#### **1.16.1 Informed Consent**

Ogletree and Kawulich (2012:68-69) indicate that informed consent is founded on the personal right of an individual to choose whether to participate in the research study and that this choice should be based on the individual's accurate understanding of the research process in total and the consequences thereof. It is the researcher's responsibility to convey this information electronically and again repeat it verbally during the interviews. Individuals' participation should be by informed consent that is given freely and specific to the research study (Unisa, 2016:14).

The researcher further adhered to internal standard operating procedures (SOP) of the involved agencies (FIU Seychelles and FCIU Seychelles) and sought permission from the director of the FIU as well as the commissioner of police (COMPOL) within Seychelles to conduct the research.

After obtaining informed consent and permission from both these offices within the guidelines of the Unisa Policy on Research Ethics (2016:14), the researcher communicated with the commanding officer of the FCIU as well as the head of the Analysis and Monitoring Division (M&A) within the FIU, who are both based in Seychelles, to obtain consent for this research.

Prior informed consent was further obtained from the selected participants after informing them truthfully and thoroughly about the purpose of the research. Potential participants were comprehensively informed about every facet of the research and their role in it. They were also informed that participation is voluntarily and that they could choose not to participate without any consequences. Participants were notified that the information they supply is to be kept confidential, that participation in this study was voluntary and they would be not entitled to any form of compensation, reimbursement, gifts or services. Participants were informed that they could withdraw from this study without giving any explanation and that withdrawal would not result in any penalty.

#### **1.16.2 Adhering to Right of Privacy**

Ethics in research includes safeguards in protecting identities of participants (Ogletree & Kawulich, 2012:70). The intended interviews were communicated to each potential participant and the right to privacy was reflected within that communication, as well as an assurance that their identities will remain anonymous. When any electronic correspondence was made to the official e-mail addresses of participants, the researcher undertook not to abuse this line of correspondence or share it with anyone else and only use it for the research.

#### **1.16.3 Protection From Harm**

Ogletree and Kawulich (2012:65-66) present the following ways harm may manifest with participants:

- Inconvenience, because of time commitments
- Stress, as a result of discussing sensitive topics from one's past

- Apprehension, when the participant worries about what (s)he shares and what may be disclosed
- Humiliation and loss of pride and dignity when one's identity is compromised or when private details are made public, and
- Retribution, when others attribute to the participants' statements that are perceived to be damaging such as can occur with whistle-blowers.

The researcher considered all the above guidelines in preparation for and in conducting his interviews and communications.

Chapter 2 provides an overview of money laundering. It further reflects on the international conventions and recommendations on money laundering and provides practical examples of money laundering.

## CHAPTER TWO: MONEY LAUNDERING

---

*"I think money laundering is giving oxygen to organised crime"*

Enrique Pena Nito (2012)

---

### 2.1 INTRODUCTION

Brun, Sotiropoulou, Gray, Scott and Stephenson(2021:1), as well as Cox (2014:6), explain that the concept of money laundering is in principle quite simple: A person receiving some form of ill-gotten gains seeks to ensure that such gains or funds can be used without others discovering that such gains were the result of inappropriate or illegal conduct, which is why criminals have an enduring wish to avoid any semblance of a paper trail that law enforcement can follow (Cassella, 2004:104). For this reason, it is increasingly important for investigators to consider reviewing all documents as a source of financial intelligence they can identify through search and seizure operations.

Stessens (2000:5) simplifies the concept, explaining that money laundering essentially has two aims:

1. To prevent 'dirty money' from serving the crimes by which it was produced, and
2. To ensure that the (illicitly) obtained funds can be used without any risk of confiscation.

He further elaborates that money laundering aims to frustrate law enforcement authorities' interests, which lie in identifying the connection between the offender and the proceeds, also for two reasons:

1. To identify and confiscate the proceeds of crime, and
2. To detect the crime(s) that were committed and bring the alleged perpetrators to trial.

The researcher concurs with both Stessen and the statement of Hatchard (2014:274) that corruption and money laundering are also inextricably linked and believes that where money laundering is prevalent, there is certainly a greater likelihood that corruption is present. Typically, the infiltration of organised crime groups in a jurisdiction is interconnected with public and private sector corruption, where criminals will attempt to bribe government officials, lawyers and

employees of financial or non-financial institutions so that they can go about their criminal business, especially in countries with weaker laws and enforcement. Money laundering is triggered by corruption.

## **2.2 CONVENTIONS ADDRESSING MONEY LAUNDERING**

It is essential to recognise that addressing money laundering started many decades ago internationally before it was introduced in Seychelles. Viewing the efforts of the UN since the early 1980s, there has been a more concerted effort by several global programmes to address money laundering and the proceeds of crime. The initial drive for this was to fight money laundering as a means of reducing narcotics-related criminal activity in the United States, where huge illegal consignments of cocaine were distributed in the 1980s. However, this has since been extended to most countries and includes terrorist financing and, more recently, funds resulting from any form of illegal act (Cox, 2014:5).

Consequently, several international conventions focused on the challenge of money laundering (by addressing the proceeds of (narcotics-related) crimes early on, including the below summary (Jansen van Vuren, 2022:17-23):

### **2.2.1 The 1988 United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

This convention (United Nations, 1988) was the first international legal instrument to embody the money laundering aspect of this new strategy and is also the first international convention to criminalise money laundering specifically applicable to predicate offences related to narcotics. The following sections within this convention have been summarised by the researcher in Table 2.1 below, and make provision for money laundering and proceeds derived from offences committed related to narcotics:

**Table 2.1: Summary of recommendations in the 1988 UN Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

UNITED NATIONS RECOMMENDATIONS RELATED TO MONEY LAUNDERING		
Section	Recommendation	Details of proposed measures to member countries
<p><b>OFFENCES &amp; SANCTIONS</b></p> <p>Article 3, 1 b) i) and ii)</p>	<p>Each Party shall adopt such measures as may be necessary to establish criminal offences under its domestic law, when committed intentionally:</p> <p><b>Addressing the property</b></p>	<p>i) The conversion or transfer of property, knowing that such property is derived from any offence or offences established in accordance with subparagraph a) of this paragraph, or from an act of participation in such offence or offences, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an offence or offences to evade the legal consequences of his actions;</p> <p>ii) The concealment or disguise of the true nature, source, location, disposition, movement, or rights with respect to, or ownership of property, knowing that such property is derived from an offence or offences established in accordance with subparagraph a) of this paragraph or from an act of participation in such an offence or offences;</p>
<p><b>OFFENCES &amp; SANCTIONS</b></p> <p>Article 3, 1 c) i)</p>	<p><b>Addressing the property</b></p>	<p><b>Subject to its constitutional principles and the basic concepts of its legal system:</b></p> <p>i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property was derived from an offence or offences established in accordance with subparagraph a) of this paragraph or from an act of participation in such offence or offences;</p>
<p><b>CONFISCATION</b></p> <p>Article 5, 1</p>	<p><b>Provides for confiscation of property</b></p>	<p><b>Each Party shall adopt such measures as may be necessary to enable confiscation of:</b></p> <p>a) Proceeds derived from offences established in accordance with article 3, paragraph 1, or property the value of which corresponds to that of such proceeds;</p> <p>b) Narcotic drugs and psychotropic substances, materials and equipment or other instrumentalities used in or intended for use in any manner in offences established in accordance with Article 3, paragraph 1.</p>
<p><b>CONFISCATION</b></p> <p>Article 5, 2</p>	<p><b>Provides for confiscation of property</b></p>	<p><b>Each Party shall also adopt such measures as may be necessary to enable its competent authorities to:</b></p> <p>Identify, trace, and freeze or seize proceeds, property, instrumentalities or any other things referred to in paragraph 1 of this article, for the purpose of eventual confiscation.</p>
<p><b>CONFISCATION</b></p> <p>Article 5, 3</p>	<p><b>Provides for confiscation of property</b></p>	<p>In order to carry out the measures referred to in this article, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A Party shall not decline to act under the provisions of this paragraph on the grounds of bank secrecy.</p>

Source: United Nations, 1988

### **2.2.2 The 2003 UN Convention Against Transnational Organised Crime**

Following the 1988 UN Convention, recommendations were made towards instruments in the Convention Against Transnational Organised Crime (United Nations, 2003), which widened the scope of the money laundering offence by stating that it should not only apply to the proceeds of illicit drug trafficking as stipulated in the 1988 convention but should include the proceeds of all serious crimes.

Both the Convention Against Transnational Crimes (United Nations, 2003) and the Convention against Corruption (United Nations, 2004) urged states to set up a comprehensive national supervisory and regulatory framework for banks and non-bank financial institutions, including natural and legal persons, as well as any entities particularly vulnerable to involvement in money laundering schemes. These conventions also called for the establishment of financial intelligence units (FIUs). The researcher summarised the specific portions applicable to proceeds of crime and money laundering as per attached Appendix 2.

Following the above-mentioned conventions, several international organisations were born over the last three decades to specifically address money laundering as part of the recognition of the seriousness and severity of the problem. The researcher, Jansen van Vuren (2022:31-42) provides a summary of the purpose of international and regional bodies that had been set up to address money laundering in his unpublished Guide for Prosecutors as per attached Appendix 2.

### **2.3 CRIMINAL OFFENSES LEADING TO MONEY LAUNDERING CHARGES**

Money laundering cannot occur on its own: Another criminal act is either involved or underlying in the process. Such other act is called the predicate offence or the source of illegal financial gain (Baloyi, 2020:24). Part of the initial 40 recommendations made by the FATF (2010:15) states that “when deciding on the range of offences to be covered as predicate offences under each of the categories listed above, each country may decide, under its domestic law, how it will define those offences and the nature of any elements of those offences that make them serious offences.”



The updated FATF Recommendations (2020:38) state that countries should apply the crime of money laundering to all serious offences, including the widest range of predicate offences as reflected in Table 2.2 below. It further states that “predicate offences may be described by reference to all offences; or to a threshold linked either to a category of serious offences; or to the penalty of imprisonment applicable to the predicate offence (threshold approach); or a list of predicate offences; or a combination of these approaches.”

This is important: For example, if a country does not have anti-terror legislation in place (such as Malawi) but does have countering funding of terrorism (CFT) legislation reflected in its Financial Crimes Act (Republic of Malawi, 2017), then individuals committing the acts of money laundering for the main purpose of committing an act of terrorism, couldn’t be charged for the act of money laundering. The situation is the same if an individual commits a robbery with the purpose of financially benefitting from it, and then uses the money to purchase assets: That individual can then not be charged for money laundering unless local legislation includes a schedule of crimes to include the crime of money laundering.

**Table 2.2: Serious offences prescribed by the FATF where a person can be charged for money laundering**

<b>(RECOMMENDED) RANGE OF OFFENCES WHERE A PERSON CAN BE CHARGED FOR MONEY LAUNDERING</b>	
<b>FATF Interpretive Note - Recommendation 3</b>	
1.	Fraud
2.	Piracy
3.	Forgery
4.	Extortion
5.	Smuggling
6.	Robbery or theft
7.	Environmental crime
8.	Illicit arms trafficking
9.	Corruption and bribery
10.	Counterfeiting currency
11.	Murder, grievous bodily injury

<b>(RECOMMENDED) RANGE OF OFFENCES WHERE A PERSON CAN BE CHARGED FOR MONEY LAUNDERING</b>	
FATF Interpretive Note - Recommendation 3	
12.	Counterfeiting and piracy of products
13.	Terrorism, including terrorist financing
14.	Insider trading and market manipulation
15.	Illicit trafficking in stolen and other goods
16.	Kidnapping, illegal restraint and hostage-taking
17.	Trafficking in human beings and migrant smuggling
18.	Sexual exploitation, including sexual exploitation of children
19.	Illicit trafficking in narcotic drugs and psychotropic substances
20.	Participation in an organised criminal group and racketeering

Source: FATF Recommendations (2020:38)

The relevance of including local offences where an individual can be charged for money laundering is that investigators conducting investigations related to a predicate offence, for example, theft, may not realise that they can also consider that such an individual could have committed the offence of money laundering and can be additionally charged for the act of money laundering. During search and seizure operations, the investigator would then only focus on the predicate offence and not look for any information/intelligence/evidence that could assist in identifying potential for a money laundering case.

## **2.4 THE IMPACT OF MONEY LAUNDERING IN SEYCHELLES**

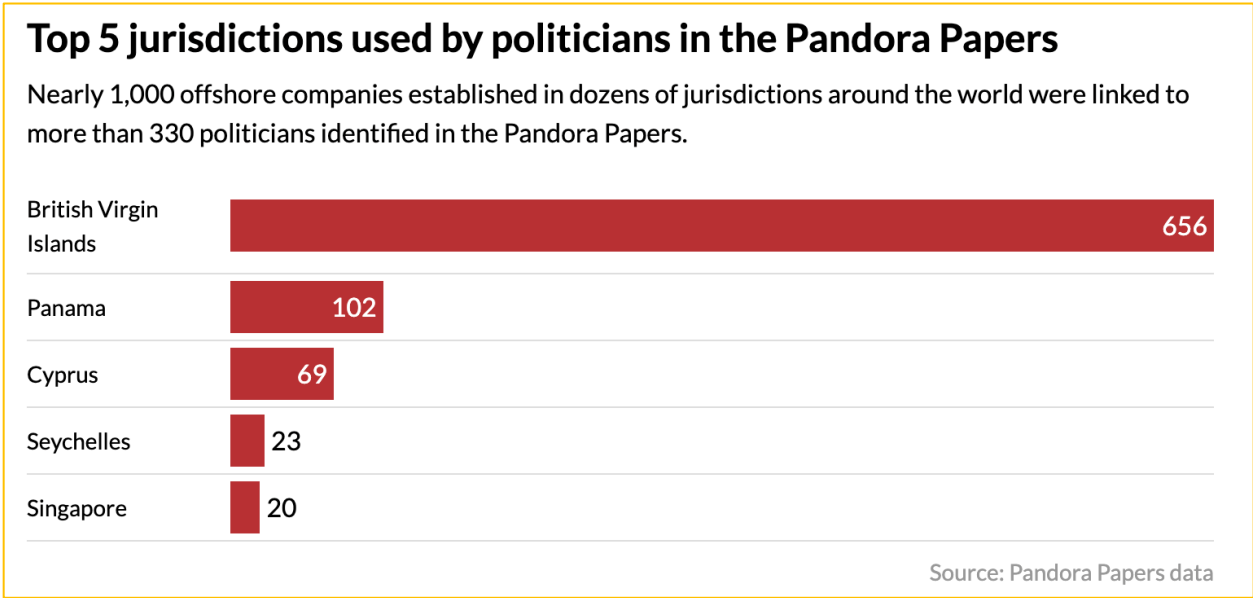
Rightly so, money laundering is regarded as an off shoot of predicate (often organised) criminal activities and can therefore and as such it can expand the negative impact of such criminal activities to many parts of society (Stessens, 2000:84). Stessen further writes that money laundering is generally not seen as a reprehensible activity, but simply as part of more extensive (organised) criminal activity, which is harmful to society. This is supported by ACAMS (2016:4) presenting that money laundering can have significant social and economic consequences, especially for developing countries and emerging markets. Some of the potential macroeconomic consequences of unchecked money laundering listed include:

- Legal risk
- Social costs
- Reputational risk
- Loss of tax revenue
- Risk of international sanctions
- Weakening financial institutions
- Dampening effect on foreign investments
- Undermining the legitimate private sector

It is fair to say that under the new government of the Republic of Seychelles, major positive strides have been initiated and made against corruption and money laundering, including the adoption and implementation of new legislation, as well as the formation of the Seychelles Anti-Corruption Commission (ACCS) and the Financial Crimes Investigation Unit (FCIU) in 2017. Under the new government, it has also presented its first grand corruption case involving US\$50 million, with the arrests of a prominent businessman with links to politically exposed people (PEP) being an advisor to the former president of Seychelles (Joubert-Lawen, 2022).

This case is also seen as the first case in which an elite mentioned in the Pandora Papers had been charged with money laundering (Marley, 2021). According to Alecci and Fitzgibbon (2021), the Pandora Papers are the results of an investigation by the International Consortium of Investigative Journalists and media partners into the financial secrets of the world's rich and powerful. Seychelles had not escaped international criticism when the EU removed the archipelago from its official blacklist of tax havens, despite it being named as one of the main destinations for offshore companies in the Pandora Papers (Euronews, 2021).

**Figure 2.1: Top 5 jurisdictions used by politicians as destinations for offshore companies: International Consortium of Investigative Journalists**



Source: Pandora Papers (2021)

Part of the current effort by the (new) government of Seychelles to change this perception is continued revision of its Beneficial Ownership Act (Republic of Seychelles, 2020) and processes to ensure the country knows which individuals are behind the offshore companies (Athanas, 2022), as well as the recent tightening of some of its current legislation to address money laundering, which includes a reduction in declared threshold amount that can be taken out of the country from US\$10 000 to approximately US\$3 500 (50 000 Seychelles Rupees).

Egmont (2019:6) signifies that the crime of money laundering and the proceeds of corruption, itself, significantly threaten the national security of all countries and jurisdictions. This is also the stance taken by Ewi (2018), who reflects that in developing countries, and Africa in particular, financial crime undermines any gains in economic growth and negatively impacts development. Further, these crimes propagate poverty because funds are misdirected, the corrupt get richer and the vulnerable become poorer. For investigations to be effectual, LEAs would not only have to effectively address the predicate offences committed by individuals and entities, but can

practically and proactively collect related information, financial intelligence and evidence using search and seizure operations of documents to assist money laundering cases.

The problem is not only created by politicians and public officials; bankers, lawyers and accountants also contribute (The Commission for Africa, 2005:150). This is expanded on by the OECD (2019:1), which states that money laundering can cause the public to lose faith in certain professions such as lawyers, accountants and notaries, as well as confidence in economic sectors like real estate, hospitality, banks and other financial institutions. The OECD (2021:10) further recognises these professionals as enablers of financial crimes, including tax evasion and money laundering. In at least one case recorded in 2020, a lawyer in Seychelles had been charged with money laundering involving the sale of a property (Pointe, 2020).

To understand the makeup of a money laundering investigation, it is important to recognise what a criminal (or predicate offence) investigation and a financial investigation in the context of the investigation of money laundering is. The researcher agrees with the statement of Benson, Jones and Horne (2015:19) that a criminal investigation is a systematic, organised, thinking, reasoning process of examination and analysis, designed to seek the truth, and that it is very similar in process and thinking to a money laundering investigation, but with the focus on the finances.

#### **2.4.1 The need to Investigate Money Laundering**

Thornhill and Dare (2020:9) present that money launderers may first attempt to distance themselves from the illicit gains or conceal them, as secondary objectives to the primary goal of laundering the funds. Such secondary objectives include:

- Concealing the fact that they own the property
- Concealing the fact that they may manage and control the property
- Concealing the fact that the property is derived from criminal activity
- Placing as much distance as possible between themselves and the property, both physically and 'on paper'

With the above in mind, Stessen (2000:84-87) lists three fundamental reasons to investigate money laundering:

1. The first reason is to enable law enforcement to confiscate the illicit and or material proceeds derived from criminal activity in those situations where confiscation might otherwise not be possible, which was initiated by the United Nations Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances (United Nations, 1988).
2. The second reason stems from the evidential difficulties prosecutors face when they have tried to secure convictions of top/high-level criminals. Money laundering legislation supports the gathering of evidence of the top members of organised crime syndicates by following the 'paper trail' - for example, tax information that is normally not legally available to be shared in certain jurisdictions, such as South Africa.
3. The third reason to investigate money laundering is to prevent the access and misuse of the local financial sector by criminals to launder the illicit proceeds of crime through the banks and or any available financial services. This is where AML legislation kicks in: The financial sector is regulated and guided by AML regulations and local legislation.

Hatchard (2014:149) explains that those involved in grand corruption and/or the laundering of the proceeds of corruption will often seek to develop complex financial, corporate and/or trust arrangements designed to disrupt the audit trail and conceal the beneficial owner. To follow this trail, investigators require access to key financial information. As a result, investigators must always remember that they need to patiently 'follow the money'. Criminals tend to leave minimum evidence behind, however such evidence could be discovered during search and seizure operations. Once evidence is discovered, it will often be difficult for any investigator to follow the money trail. However, if the investigator applies a certain set of rules through alternative ways of gathering financially related intelligence, (s)he will be able to enhance the scope and quality of intelligence collected, which will further enhance the potential discovery of

money laundering. This will further enhance the way investigators approach search and seizure operations.

This broadly encapsulates the investigative methodology that investigators must focus on and which Robinson (2001:19) highlights in stating that if criminals go where the money goes, so too should investigators, and is assented by Madinger (2012:297), who reflects that most of the criminal activity taking place today, involves money. Pasco (2013: xv) has the same view and states that most crimes are committed for financial gain, which is extended by the Association of Law Enforcement Forensic Accountants (ALEFA) (2018:3) in stating that the primary incentive for most serious and organised crime networks is financial gain and that stripping them of their proceeds is the most effective way to dismantle them.

Focusing on documents as a potential source of information and financial intelligence obtained using search and seizure operations as a tool would contribute to more efficient money laundering investigations. Criminal organizations are investigated for all the serious offences that they may be involved with, but the ultimate purpose of the group's activities is the accumulation of financial and/or material wealth, especially for the group's leaders. This always leaves a trace of transactions that are reflected on various documents.

#### **2.4.2 International Recognition of Financial Investigative Methodology**

The Association of Law Enforcement Forensic Accountants (ALEFA, 2018:12) summarises that a financial investigation can be seen as an 'add-on' to an investigator's role, which can often result in important evidence being overlooked because it is not the investigator's primary focus. Haenlein and Keatinge (2017:14) present that the value of financial investigation as an evidence-gathering tool is well established. However, the researcher believes that financial investigation as an investigative methodology is not used to its fullest potential regarding predicate offences, especially regarding narcotics-related cases. Brown and Gillespie (2015:371) state that financial investigations and asset-recovery procedures are increasingly being used by United Kingdom (UK) based law enforcement agencies as essential tools in tackling organised crime. This is a similar

approach to Seychelles through the FIU, which has investigative powers, although it was later changed and extended in 2017 with the establishment of the FCIU under the SPF.

ECORYS (2019:50) reflects that financial investigation policies should be incorporated into a long-term national strategy that includes:

- The notion of financial-intelligence-led investigation to be clearly defined and promoted
- The formulation of guidelines on how to support the application of (proactive) financial investigations, and
- The national strategies should be complemented with support and strategies at EU
- The national strategies should be complemented with support and strategies at EU level (through Europol and Eurojust).

It is also widely accepted that money laundering further leads to increases in the use of bribery in financial institutions, amongst professional enablers such as lawyers and accountants, the legislature, enforcement agencies, police and supervisory authorities, and even courts and prosecutors (OECD, 2021:10). A summary of similar findings is presented in Table 2.3 below, where the researcher summarises the findings of his exposure in the financial investigation of organised crime syndicates in South Africa. This summary further presents the added value that can be obtained through the application of financial investigative methodology to collect financial intelligence on the operations of criminal syndicates.



**Table 2.3: Summary of operational intelligence obtained through the application of a financial investigative methodology**

<b>SUMMARY OF FINANCIAL INVESTIGATIONS ON 14 ORGANISED CRIME SYNDICATES</b>	
<b>Financial aspects:</b>	<b>Corruption links:</b>
<ul style="list-style-type: none"> <li>o Three syndicates had accounts in trusts.</li> <li>o All had bank accounts in personal names.</li> <li>o 70% knew how to operate internet banking.</li> <li>o 80% had bank accounts in names of businesses.</li> </ul>	<ul style="list-style-type: none"> <li>o 70% of syndicate family members were involved.</li> <li>o Found members of the police were indirectly involved in some of these syndicates.</li> <li>o Suspected tipping off in some instances of bank personnel at branches<sup>4</sup>.</li> </ul>
<b>Communication used:</b>	<b>Suspected proceeds of crime identified:</b>
<ul style="list-style-type: none"> <li>o 80% of syndicates mostly used cell phones.</li> <li>o All syndicates had access to and used e-mail.</li> <li>o All syndicates had access to and used the internet.</li> <li>o One syndicate used landlines more than cell phones.</li> </ul>	<ul style="list-style-type: none"> <li>o All syndicates made debt and spent cash.</li> <li>o 80% of syndicates liked to live expensive lifestyles.</li> <li>o 60% used proceeds to start businesses for such purposes.</li> <li>o All syndicates had processes in place where they used their business accounts to launder proceeds of crime.</li> </ul>
<b>Other interesting facts:</b>	<b>Summary:</b>
<ul style="list-style-type: none"> <li>o 50% of mandrax syndicates investigated were <u>run by women</u>.</li> <li>o 100% of syndicates stayed and worked within their race groups, but all syndicates were willing to trade across race groups.</li> <li>o African syndicates were by far the most sophisticated: *               <ul style="list-style-type: none"> <li>- Intelligence network far superior</li> <li>- Had trusts and bank accounts in trusts</li> <li>- Had a full range of bank portfolio (cheque, CC, call, HL, savings, excess, etc.)</li> <li>- Used accounts for high rate of inter-account transfers</li> <li>- Always had bank accounts in names of their children</li> <li>- Had a business that traded legally and made profits</li> <li>- Import and export industry successfully exploited</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>o All these syndicates knew basic business principles.</li> <li>o Made use of intricate businesses: car dealerships; garment manufacturing industry</li> <li>o Used cash-generating businesses: night clubs; soccer teams; music recording studios</li> <li>o Most of these syndicates had run a business for longer than three years.</li> <li>o They knew how to trade to create a paper trail financial history and a taxable income.</li> <li>o They knew that they had to use and run a business to increase their wealth and decrease their risks.</li> </ul>

<sup>4</sup> This was during a time when investigators communicated directly with branches and not with legal or forensic divisions of banks.

*Source: Researcher's files*

The researcher further shares the opinion of Mostert (2012:21) who is of the view that investigators need to utilise innovative ways of obtaining intelligence about a suspect because it could assist in the investigation of alleged contraventions, and that the gathering of financial information about an individual may assist the investigator to create a paper trail of the transactions conducted by a suspect. It is the view of the researcher that optimising search and seizure operations would be one such initiative to obtain results, including information and financial intelligence that could enhance the investigative process considerably in identifying and building potential money laundering cases.

### **2.4.3 Financial Investigation**

The recognition of the application of financial investigations as an investigative methodology is not a new one, and over the last few years, there has been a growing recognition of its practical application and benefits. Pheijffer (1998:34) views financial investigation as an inquiry in which financial expertise is applied to gather, check, refine, process and analyse financial information in aid of law enforcement. According to the FATF (2012:6), a financial inquiry comprises the collection, collation and analysis of all available information to facilitate the prosecution of crime and deprive criminals and syndicates of any gain from and means to the commission of crime. From experience, the researcher believes that one of the key results that can be obtained through the application of a financial investigative methodology is that it could lead to the identification of (potential) financial intelligence, acts and evidence of money laundering as a chargeable offence.

The FATF (2012:6) recommended that all member countries incorporate financial investigations as a keystone of every major inquiry into cases of proceeds-generating and terrorist financing and that their primary objectives include:

- Initiating money laundering investigations when appropriate;

- Identifying proceeds of crime, tracing assets and starting asset confiscation measures, using temporary measures such as freezing/seizing when appropriate, and;
- Uncovering financial and economic structures, disrupting transnational networks, and gathering knowledge on crime patterns.

Jordaan (2007:20) believes that employing financial and other documented records to create a trail of evidence of illegal financial pursuits is a pivotal feature of financial investigation.

According to the Misuse of Drugs Act, Act 5 of 2016 (MODA) (Republic of Seychelles, 2016b:102), which should lead to the forfeiture of assets that were illegally obtained. The SAPS continues to present a very similar view of the above statements, explaining financial investigation as 'follow the money' with the following objectives:

- To develop a financial profile of the subjects under suspicion;
- To identify the beneficiaries of the proceeds of illegal activities;
- To support the criminal investigating officer in sourcing evidence about who was involved, and
- To find the proceeds of crime and/or the assets of the suspect(s) to facilitate an asset recovery process.

A different and extended view is offered by Jansen van Vuren (2022:27-28), who distinguishes between the objectives and the purpose of a financial investigation as, amongst others:

**Table 2.4: Objectives and purpose of financial investigations**

FINANCIAL INVESTIGATIONS	
OBJECTIVE	PURPOSE
To collect evidence of the proceeds of crime for preservation, freezing and forfeiture purposes	To identify the assets of an individual/entity
To collect evidence of the instrumentalities of crimes for preservation, freezing and forfeiture purposes	To identify the legal ownership of an asset(s)
To use financial investigations to collect (financial) intelligence to enhance and/or complement a criminal investigation	To directly and/or indirectly link an asset to an entity or individual
To investigate the above for supporting evidence to formulate and add money laundering charges to the criminal offence(s) charges	To establish the net worth of an asset(s) to see if it is equitable
To differentiate between the assets, liabilities, income and expenses of an individual to discover if there is a hidden income that justifies further and more detailed financial investigation	To identify possible criminal offence(s) related to the finances of the suspect or entity
	To determine a direct and/or indirect connection between the asset, the owner and the criminal offence
	To differentiate between the assets, liabilities, income and expenses of an individual in order to discover if there is a hidden income that justifies further and more detailed financial investigation

*Source: Researcher's files*

#### **2.4.4 Parallel Financial Investigation**

One of the findings of the ESAAMLG Mutual evaluation of Seychelles (2018:62) was a low capacity in all the LEAs (including the FIU) to conduct parallel financial and money laundering (ML) investigations. Since then, with the establishment of the Seychelles FCIU in 2017 this capacity has steadily increased.

The FATF (2012:104) suggests that a 'parallel financial investigation' refers to a financial inquiry that runs in parallel to, or against the background of a (traditional) criminal investigation into money laundering, terrorist financing and/or predicate offence(s). Atkinson (2019) infers the same meaning to a 'parallel financial investigation,' stating that it runs alongside the criminal investigation. The FATF (2012:9) lists some of the advantages of employing financial information for a parallel investigation into predicate (criminal) offences:

- Trace persons;
- Inform on a suspect's movements;
- Locate or identify suspects, witnesses or victims;
- Identify motives, associations and links to people and places;
- Identify the use of other services such as phones, transport, and amenities relevant to the case, and.
- Provide information to address the issue of prolific and priority offenders where no previous method has been successful.

The UK College of Policing (2021) indicates that a financial inquiry should be done alongside all other investigative methods, and whilst some form of asset recovery may be involved, such an investigation may also be used for other purposes, such as to inform a criminal money laundering investigation, trace missing persons or witnesses, or simply to enhance the quality of any criminal investigation. Similarly, the FATF (2012:10) indicates that a parallel investigation helps knowledgeable authorities uncover and identify all the agents in a criminal enterprise and gives insight into the hierarchy of criminal organisations, exposing them to possible prosecution. Although not presented as a parallel financial investigative method, the researcher also agrees with the analysis of Kirbey and Keay (2021:101) that a financial transaction can provide information relating to the below, but the researcher would add that it can, directly and indirectly, lead to further (financial) intelligence.

Taking into consideration Anancapa Sciences Inc. (2018:2-11), which refers to ten different sources of financial information, as well as the FATF (2012), and Kirbey and Keay (2021), the researcher draws on the comparison of these views to present the similarities in outlook of the use and benefits of the application of the financial investigative methodology. This comparison is summarised in Table 2.5 below.

**Table 2.5: Comparison of the use of the financial investigative methodology listed by different sources**

COMPARISON OF USE AND BENEFITS OF FINANCIAL INVESTIGATIVE METHODOLOGY		
FATF (2012:9)	Anancapa Sciences Inc. (2018:2-11)	Kirbey and Keay (2021:101)
Trace persons	Informants	Trace victims
Provide information on a suspect's movements	Open sources	Find locations
Locate or identify suspects, witnesses or victims	Investigate discarded property	Identify assets
Identify motives, associations and links to people and places	Computerised databases	Identify witnesses
Identify the use of other services such as phones, transport and amenities relevant to the case	Previous investigations	Establish lifestyle
Provide information to address the issue of prolific and priority offenders where no previous method has been successful	Administrative discovery	Identify networks
	Law enforcement information systems	Identify offenders
	Analysis of business accounting records	Identify specific possessions
	Concerned citizens, witnesses, third parties	
	Records of financial institutions	

Source: Researcher's files

A slightly adapted version of parallel financial investigations is offered by the researcher, Jansen van Vuren (2022:25), who reflects that a parallel financial investigation involves the systematic investigation of an instrumentality used in a crime (for example, the vehicle that was used to transport drugs alongside the criminal investigation of the drug case), but can also involve the investigation of the proceeds of a crime (for example, the unexplained wealth accumulated by the same drug dealer). Jansen van Vuren further adds that investigators also refer to a financial investigation as an asset investigation or a money laundering investigation, and understand in a South African context that the main purpose of such an investigation would be to collect intelligence and/or evidence that the asset had been obtained as a result of criminal activities, such as drug trafficking, which is crucial when dealing with money laundering, asset searches, criminal intelligence gathering, and many other types of investigations.

In the context of the investigation of criminal activity, intelligence should yield better results and fresh leads into new areas of inquiry (Milne, 2013:1). Many investigators and legal practitioners understand that the act of money laundering is only identifiable once a process has been put in place to distance the illicit proceeds obtained from a crime. Of these, the most commonly identifiable act is the acquisition of an asset with payment from illicitly obtained profits, for example purchasing a vehicle with the profits of the sale of narcotics. For the crime of money laundering to be active, a predicate offence must happen, where these crimes are committed with the sole purpose of obtaining an illicit financial and/or material gain from the crime.

Table 2.6 below presented by the researcher, Jansen van Vuren (2018:31-32), lists samples of predicate offences that can be committed for financial and/or material gain.

**Table 2.6: Examples of crimes that enable illicit and/or material gain**

<b>EXAMPLES OF PREDICATE OFFENCES COMMITTED FOR FINANCIAL AND/OR MATERIAL BENEFIT</b>		
	<b>CRIME</b>	<b>APPLICATION TO GAIN A MATERIAL AND OR FINANCIAL BENEFIT</b>
1.	<b>Arson</b>	Paid to commit arson or for insurance policy benefits
2.	<b>Armed robbery</b>	Banks, jewellery stores, cash-in-transit heists
3.	<b>Burglary</b>	Organised fashion, targeting high-value items, jewellery, art, cash
4.	<b>Child pornography</b>	Child pornography: production of film material for commercial purposes
5.	<b>Corruption</b>	Corrupt activities in all their forms including bribery and supply chain management-related corruption
6.	<b>Drug trafficking</b>	Sales from drug trafficking in all its forms
7.	<b>Fraud</b>	Fraud in all its forms
8.	<b>Trafficking in Persons</b>	Sales from slavery and sexual exploitation for commercial purposes
9.	<b>Kidnap for ransom</b>	Kidnapping of high-profile individuals and/or children to obtain illicit funds for personal gain, funding of organised crimes and/or terrorism
10.	<b>Murder</b>	Murder, for insurance policy benefits (insurance fraud)
12.	<b>Organised crimes</b>	All crimes related to the definition of organised crime
13.	<b>Prostitution</b>	For purposes of sexual exploitation to benefit financially
14.	<b>Rape</b>	Payment for digital material related to organised rape
15.	<b>Ransomware</b>	Use of software to take control over data of an individual and/or company for the exchange of illicit funds, such as Bitcoin
16.	<b>Sextortion</b>	Occurs when someone threatens to distribute private and sensitive material if the victim does not provide images of a sexual nature, sexual favours or money
17.	<b>Tax evasion</b>	Tax evasion in all its forms

EXAMPLES OF PREDICATE OFFENCES COMMITTED FOR FINANCIAL AND/OR MATERIAL BENEFIT		
	CRIME	APPLICATION TO GAIN A MATERIAL AND OR FINANCIAL BENEFIT
18.	<b>Theft</b>	Theft of warehouse goods, expensive paintings, organised theft
19.	<b>Vehicle theft</b>	Syndicate vehicle theft, stripping of parts, selling locally and/or in foreign countries
20.	<b>Crimes related to natural resources, wildlife</b>	Illicit poaching and selling of sea-related resources, plants, and exotic animals, such as pangolin, birds, reptiles, ivory and rhino horn
21.	<b>Terrorism</b>	Any of the above (organised) crimes with the sole purpose of funding the act of terrorism

Source: Jansen van Vuren (2018:31-32)

Participants of the FIU and FCIU were asked the following question: *In your opinion, does documentation seized during search and seizure operations in money laundering investigations have value as a source of financial intelligence?*

- All 10 participants from the FIU and the FCIU correspondingly confirmed that they indeed understand the value of documentation, seized during search and seizure operations in money laundering investigations, as a source of financial intelligence.

#### 2.4.4.1 Challenges in the application of financial investigative methodology

Having committed a crime, a perpetrator will at first attempt to hide their conduct from the tax administration, police and/or other law enforcement authorities. If arrested or taxed on the proceeds of crime, such a person will aim to prevent any possibility that the illegal gains could be traced back to their illegitimate origin, whilst also trying to avoid their confiscation (OECD, 2019:13). The Egmont Group (Egmont) of Financial Intelligence Units (2019:6), presents that the negative impact of the crime of laundering the proceeds of corruption is most pronounced when LEAs, FIUs, Anti-Corruption Agencies (ACAs), attorney general's office and other competent authorities, are not effective in the application of countermeasures, especially vis-à-vis asset recovery.

The difference between the monetary value of crimes committed to obtain an illicit financial and/or material benefit and the value of the illicit benefit that is restrained, seized and forfeited through law enforcement action, is immense. This point is asserted by Europol (ALEFA, 2018: 4) in reporting



that in the EU only 1.2 per cent of illicit proceeds are confiscated, which means that criminals have 98.8 per cent of such proceeds at their disposal. The content of the ALEFA Handbook (2018:4), which mainly deals with the application of financial investigations on trafficking in persons (TIP), further reflects that although key elements of money laundering are often evident in TIP cases, they found that financial investigations are not routinely carried out in such investigations.

Challenges in the investigation of money laundering are universal and not only experienced in Seychelles. One of the challenges facing prosecutors and investigators is that financial investigations are a labour-intensive process, although recognised as an essential tool for the disruption of organised crime (Keatinge & Reid, 2020:4). In her research Baloyi (2020:60) found that investigators tended to apply a limited number of investigative techniques because they lack knowledge of other investigative techniques. The researcher concurs with the findings of Baloyi (2020:60) on the reason for the limited investigation techniques of investigators, a finding similar to that presented in the 2018 ESAAMLG Mutual Evaluation of Seychelles (2018:62).

Parallel financial investigations focus simultaneously on the predicate offence and the money laundering (FATF, 2012:9). One of the main challenges listed by the Environmental Investigation Agency (EIA) (2020:13), is that there is a need to deploy the financial investigative methodology from the outset of a case. This has been a key recognised challenge in the investigation of a wide variety of crimes committed for financial and/or material illicit benefit. In the past, it has happened all too frequently that investigators proved understandably disinclined to extend the range of their investigations into the financial arena, which meant negating the potential evidentiary value of leads that could have been successfully developed if properly explored. In part, this disinclination was a result of a historical belief on the part of criminal investigators that financial transactions are overall difficult to investigate by someone without an accounting background. According to Nossen (1972:1), one of the seminal sources on financial investigations, many criminal investigators were pessimistic and simply dismissed the investigation of financial leads by rationalising their minimal evidentiary value, instead of taking positive action to mitigate this disinclination (Nossen, 1972:1).

A study by the Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) (2015:10) and the Ministry of Justice in the Netherlands, found that financial investigations are widely recognised as compelling, and even cost and time-efficient, tools when amalgamated with 'classical' methods of inquiry. Bacarese (2009:42) concurs, stating that the perusal of criminals' finances is today viewed as pivotal in gathering intelligence and establishing evidence of criminal activity. However, the International Centre for Asset Recovery (2015:19) suggests that this process is hampered by poor intelligence, which makes it difficult, if not impossible, to mount a successful (financial) investigation.

Having had the benefit of viewing both investigative files of the FCIU and dissemination (intelligence) reports issued by the FIU, the researcher is of the view that poor intelligence is not the issue, as in many cases an overwhelming volume of good quality intelligence is presented by the FIU, but rather that the lack of follow up and operational use of the intelligence reports to build money laundering cases through the FCIU is at fault. This is further supported by data on dissemination reports that had been issued to the FCIU (133 since its establishment), with very few cases to show where proceeds of crime had been recovered, as well as initiating the registration of money laundering cases.

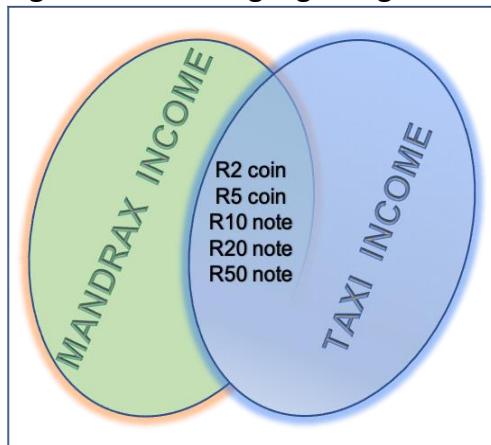
Smith (2003:52 & 53), further points out that financial investigations are underused, undervalued and under-resourced, which is also confirmed by Haenlein and Keatinge (2017: vii) in stating that the use of financial investigative methodology is not used enough in illicit wildlife investigations and human trafficking (ALEFA, 2018). A tangible way to monitor the success of crime investigations where there had been illicit financial and/or material benefit, is to view statistics on the identification, seizure and forfeiture of proceeds of crimes. According to Guardia (2020), even though the EU provides its member countries with impressive technical AML recommendations, 99 per cent of criminal proceeds still escape control in the EU.

To understand the workings of money laundering, the researcher illustrates a few case studies from his experience and observation as an investigator in South Africa.

#### 2.4.5 Case Study 1: Narcotics (Co-Mingling of Funds)

A high-level mandrax<sup>5</sup> dealer made use of the taxi industry to distribute his illicit product and used this business model to hide the illicit profit from mandrax sales by co-mingling it with the income derived from his taxi business. According to Mr Combrink (2021), a former member of SAPS DPCI, Cape Town, this is a perfect 'co-mingling' model, as the money received by a taxi operator in notes and coins from commuters, is similar to that which the mandrax dealer will receive from buyers, namely, ZAR2 and ZAR5 coins, as well as ZAR10 and ZAR20 notes, and sometimes ZAR50 notes. Depending on the supply and demand of the mandrax tablet, the average street sales price will be between ZAR25 and ZAR40 (Combrink, 2021).

Figure 2.2: Co-mingling of legitimate and illicit funds



---

<sup>5</sup> Mandrax is a highly addictive drug, available as a small tablet, varying in colour. Originally white, with the letters Mx appearing on the side, it is crumbly textured or freckled and yellow or grey. It is usually crushed, mixed with dagga and smoked in a pipe or broken glass bottleneck (also known as a *white pipe*), or swallowed whole or injected (ADC, 2010).

**Image 2.1: Cash seizure involving mandrax**



*Source: Researcher's files*

**Image 2.2: Cash seizure involving mandrax**



Combrink further reflected from his 30 years' experience investigating narcotic cases, that these denominations would always be present during search and seizure (drug raid) operations where mandrax was sold, as illustrated in Figure 2.2, Image 2.1 and Image 2.3 above depicting ZAR600 000 (US\$35 000) in suspicious cash that was discovered in two suitcases. The court found that the cash was proceeds from the sale of narcotics and it was forfeited to the state. During the raid, no documents were found to indicate a legitimate source of the suspicious cash, but several documents were seized as a source of financial intelligence indicating elaborate spending patterns by the main suspect, even though he was unemployed.

The ZAR5 coin, a ZAR10 and a ZAR20 note, which is similar to what the taxi operator receives from a commuter, provides anonymity for the illicit portion (mandrax sales) of the funds. The drug dealer increases his capacity to bank more with the number of taxis he owns and operates. Consequently, proceeds from the sale of mandrax are added to the cash collected from paying commuters on the taxis, and the money looks the same. When the combined incomes are cashed at the bank at the end of each week, the bank clerk is none the wiser as to what is illegal or what is legal cash, and as there is no official audit process to establish how much income each taxi generates each day, it is challenging for the bank clerk to estimate what income amount is suspicious for this kind of business. It is estimated that the informal and unregulated taxi industry is worth around ZAR90 billion in revenue each year (The Conversation, 2020). Since illicit funds

and legally obtained funds could so easily be co-mingled, and there are no audit trails or documentation, it makes a challenging process for investigators to investigate. However, documentation found during search and seizure operations could be a valuable source of financial intelligence.

#### **2.4.6 Case Study 2: Natural Resources and Counterfeit Products**

During an initial financial investigation of a subject who was withdrawing large amounts of cash, it was discovered that he acquired a property in an affluent suburb. Once the financial investigator had interviewed the neighbours of the subject, he established that there were reasonable grounds to obtain a search and seizure order of the said property. It was subsequently discovered that the house was mainly used to dry illegally obtained abalone. The owner of the house was arrested with several other occupants for contravening natural resources legislation. The financial investigator discovered a business card (document) of an estate agent in an empty sports bag. The estate agent acknowledged that he knew the suspect and subsequently provided two additional addresses to the financial investigator, which the main suspect was leasing under his name. These premises were searched, which led to the discovery of a large number of unexplained cash (US\$45 000). After officers searched and viewed documents on the premises, it was subsequently discovered that the suspect imported containers full of counterfeit goods into South Africa and that his business account showed ZAR48 million (approximately US\$2.5 million) being transferred to China over a year. This discovery highlights the value of documents as a source of financial intelligence through a document found in a bag – a mere business card.

**Image 2.3: Suspicious cash seized**

ZAR815 000 in suspicious cash seized as a result of the analysis of a document (business card) obtained during the search and seizure operation. The accused was fined more than a R1 million for undeclared taxes.



*Source: Researcher's files*

**Image 2.4: Seized abalone illegally obtained**



*Source: Researcher's files*

### **2.4.7 Case Study 3: Narcotic Proceeds (Concealment)**

Fear, weakness, greed or shame results in a desire to conceal things from one another (Mashiloane, 2014:20) – a statement with which the researcher agrees. It is also the researcher's view that fear drives criminals to find innovative ways to hide the direct link between him/herself, the predicate criminal act and the illicitly obtained wealth. De Koker, Basson, Symington and Smit (2020:3) accentuate this by stating that money laundering refers in general to any act that obscures the illicit nature or the existence, location or application of proceeds of crime. Criminals clearly understand that when their (illegal) activities generate substantial profits, they must devise ways in which to exercise control of the funds without drawing attention to the underlying activity or people involved. This necessitates a means of money laundering to mask the (illicit) sources, change the form, or move the (illicit) funds to a place less likely to attract attention and

makes it possible for offenders to enjoy these (illicit) gains without endangering their (illegal) source of illicit income (the crime) (FATF, 2020).

In other words, offenders attempt to distance themselves as far as possible from the illicitly obtained funds (through a process that constitutes the act of money laundering) so that they cannot be directly linked to an illegal act or be required to explain the source of funds that were used to accumulate any assets, including the beneficial ownership of such discoverable assets (Hatchard, 2014:149). Similarly, the OECD (2019:13) states that criminals will endeavour to sever any direct link between the proceeds of their crime and the actual illegal activities so that they may be able to openly spend money. It is therefore essential to realise the value of documentation as a source of financial intelligence that can be obtained through search and seizure operations since documentation seized could assist the investigator in connecting the perpetrator with the proceeds of the crime, as well as the act of money laundering.



**Image 2.5: Concealed cash proceeds obtained from narcotics sales**



**Image 2.6: Concealed cash proceeds obtained from narcotics sales**



**Image 2.7: Concealed cash proceeds from narcotics sales**



**Image 2.8: Concealed cash proceeds from narcotics sales**



In the researcher's experience, investigators did not consider documents related to financial data or the proceeds obtained during the search and seizure operation through the manufacturing, sale and distribution of illegal narcotics by the individuals as important, even after the discovery of the suspicious cash in 2008, as per Image 2.5 to 2.8 above, as this was not the focus of the investigating team. Consequently, no money laundering (concealment) charges were brought by the prosecution in this case.



#### **2.4.8 The Use of Search and Seizure Operations as a Method to Identify Relevant Documents for the Extraction of Information and Intelligence**

The World Bank (2011:13) reflects that “the execution of a search warrant on houses and businesses is a tremendous opportunity to gather evidence of criminal activity, discover information about assets, identify co-conspirators and develop other leads that support the investigation”. To obtain the relevant information and evidence during an investigation, investigators require the power to compel the production of banking and other (financial) records, the taking of witness statements and the search and seizure of evidence (Hatchard, 2014:149), which is also a similar argument made by Joubert (2013:317) and Baloyi (2020:51).

Raymond and Julian (2015:372) mention the Standing Council on Police and Emergency Management’s document, Directions in Australian New Zealand Policing 2012 - 2015, which presents that policing agencies should enhance investigations by effectively using intelligence from a wide range of sources, which the researcher agrees with. Information is the greatest tool for use by investigators in the examination of crime (Govender, 2008:1) and the life force of any investigation (Van Rooyen, 2008:17). However, intelligent and efficient information gathering is fundamental to achieving the desired goal of crime solution (Van Rooyen, 2007:11). The researcher believes that financially related intelligence can contribute considerably to the value of the intelligence process in identifying relevant documents as a source of financial intelligence for the extraction of information during money laundering investigations.

Raymond and Julian (2015:374) state that the use of various types of intelligence as a means to an end is not new and includes financial intelligence. What importance can documentation have as a source of intelligence for money laundering and/or financial investigations? World-renowned and founding member of the Medellin drug cartel, Pablo Escobar thought it important enough to destroy all documents that were seized from his accountant by attacking the building where the documents were in safe keeping (Palace of Justice), burning it down in its entirety and killing scores of innocent people (Fowle, 2015). However, it was a small piece of paper that was discovered during a search and seizure operation that led police to Escobar’s accountant. This

small piece of paper not only led to the further discovery of huge amounts of documents revealing a US\$60 million a day narcotics empire but also exposed the high levels of corruption these funds had upheld. The catalyst here was that investigators focused on more than just evidence of the predicate offence, namely drug trafficking, but decided to expand their scope to include documents – and this opened a massive can of illicit worms.

When other investigative means do not uncover any evidence of criminal activity, it is imperative to employ compulsory measures to obtain evidence, including search warrants and other available instruments (Baloyi, 2020:51). Joubert (2013:318) explains that a search is defined as any act whereby a person, container or premises is examined (visually or physically) to determine whether an item is in, on or upon such person, container or premises.

Bielska and Pallaris (2017:4) are quite on point in their observation that access is necessary to exercise influence and that without influence, one cannot hope to optimise thinking, decision making or action. Without certain tools and laws at their disposal to gain access to information, intelligence and evidence, (financial) investigators would be lost. Joubert (2013:317) emphasises the application of a search and seizure approach as one of the most powerful tools at the disposal of the investigator – without it, the investigator would not be able to optimise thinking, decision making or action in search of the truth. The following LEAs and legislation in Seychelles allow for search and seizure actions:

#### **2.4.9 Agencies in Seychelles Allowed to Undertake Search and Seizure Actions**

Obtaining evidence through the search of persons and places, and the seizure of things is an important aspect of crime investigation (Basdeo, 2009:1). Mudaly (2011:51) is of the view that the discovery of evidence is just one aspect of a search and seizure action. The researcher concurs and believes that these operations ought to be broadened to include the collection of financially related intelligence such as documents for possible use in money laundering cases. Such seized documents could assist investigators in identifying proceeds of crime accumulated by the

suspect(s) and obtained through illicit acts of crime such as the sale of narcotics or receiving a sizable kickback after illegally awarding a government tender.

The ACAMS Study Guide (2016:252) defines seizure as “to prohibit the transfer, conversion, disposition or movement of funds or other assets based on an action initiated by a competent authority or a court under a freezing mechanism”. In other words – the freezing of a bank account. However, unlike a freeze, a seizure allows the competent authority full control over the specific funds or other assets. It is the opinion of the researcher that seizure involves any asset, including fixed, movable, virtual and/or liquid assets. The seized assets remain the property of the person(s) or entity(ies) that held an interest in them at the time of the seizure, although the competent authority will often take over possession, administration or management of the seized assets.

#### **2.4.9.1 Seychelles Police Force**

Chapter 54 of the Criminal Procedure Code (CPC) (Republic of Seychelles, 2020b:27), enables LEAs to issue a search and seizure warrant (Section 95), to be executed (Section 96) and seized property to be detained (Section 97), but these powers are further extended to the AML/CFT Act 5/2020 through Sections 65 (1) to (10), as well as within the Misuse of Drugs Act in Section 25 (2016:95). Section (4) and section (6)(b) of the CPC includes documents –

- “(4) The authority conferred by subsection (3) to seize and retain any material includes, in the case of a document or record—*
  - (a) to make and retain a copy of the document or record;*
- (6) For the purposes of this section—*
  - (a) “computer at the place of search” includes any other computer, whether at that place or at any other place, which is lawfully accessible by means of the first mentioned computer; and*
  - (b) “material” includes a copy of the material and a document or record.”*

The Misuse of Drugs Act (MODA) (Republic of Seychelles, 2016b:102) provides police officials in Seychelles with local legislation that enables the application of surveillance on voice conversations, computer systems and bank accounts for up to six months if they suspect that an

act of money laundering is being committed, but it is unknown whether these special investigative techniques have ever been applied in Seychelles.

#### **2.4.9.2 Seychelles Revenue Commission**

The ESAAMLG Mutual Evaluation of Seychelles (2018:62) found that the SRC was unaware of the fact that the AML Act, Act 5 (Republic of Seychelles, 2020) provides it with a mandate to investigate ML arising from tax-related cases. In addition, the SRC also could not investigate ML cases. From the exposure of the researcher to intelligence reports shared by the FIU to the SRC, there is consistent evidence that individuals and companies contravened tax legislation by deliberately not declaring income. The suspicion in many of these cases is that this is because the income collected by these individuals is from illicit sources, including the suspected sale of narcotics. The researcher could not find any evidence that the SRC undertakes any search and seizure operations on any business and/or personal premises of suspects and/or accused persons to obtain any intelligence and/or evidence, including documents, which could assist them in their investigations.

The SRC is currently relatively lenient in addressing and prosecuting tax evasion, which is summarised in the Seychelles National Bureau of Statistics Bulletin (2022:2) as follows: *“Cases at SRC begin from the time companies or sole traders lodge their returns at SRC. The audit section then raises an assessment based on the return and sends out reminders for tax payments. If a company or sole trader fails to make payment, the case is referred to ‘Enforcement’, and from there, it goes to the ‘Recovery unit’. Recovery procedures include fieldwork, interviews and sending out Final Notices. If there is still no payment, the case goes to prosecution, and if negotiation fails, a Notice of Intention to Prosecute is issued and thereafter the case moves to court.”*

Though the SRC does have search and seizure powers limited under the Customs Management Act, Act 22 (Republic of Seychelles, 2011), it is also extended under Section 25 (2) and (3) of the

Misuse of Drugs Act, Act 5 of 2016 (2016: 94 and 95). They may examine and take account of any goods that are:

- Being transhipped
- In a free trade zone
- In a public or private warehouse
- On board a calling vessel or aircraft
- Imported, including goods release for home use
- Loaded into any ship or aircraft at any place in the Seychelles
- Declared and entered at any approved premises or place for exportation or for use as stores
- On which claim for drawback, allowance, rebate, remission or repayment of duty is made

#### **2.4.9.3 Anti-Corruption Commission of Seychelles**

The Republic of Seychelles Anti-Corruption Act, Act 2 of 2016a (2016:50-53) Sections 54(1) and (2) and Section 55(1) to (5) provide authority to the ACCS to execute search warrants. The Anti-Corruption Act also more pertinently addresses the seizure of documents within legislation, but it is unclear if searches and seizures can only be executed when officers of the SPF are present. The investigation of money laundering was also included in the ACCS's mandate under Section 5 of the Anti-Corruption Act, Act 2 of 2016 in 2020, through an amendment of the Act (Republic of Seychelles, 2020).

In addition to the above-mentioned sets of legislation applied by the mentioned LEAs, S74(1) of the AML/CFT Act, Act 5 (Republic of Seychelles, 2020) states that "an officer of the SPF or an officer of the Anti-Corruption Commission of Seychelles or an officer of Customs or an immigration officer or an officer of any other authority as may be specified by notice, may search without a warrant, a person at or in the vicinity of any port or airport or within the limit of the territorial sea as defined in the Maritime Zones Act, Act 2 (Republic of Seychelles, 1999) his or her luggage or other property in his or her possession or in the immediate vicinity and any vehicle

or vessel belonging to him or her, or in which, or in the vicinity of which, he or she was found, which is suspected of being connected to him or her, if –

- (a) the person is importing or exporting, or intends or is about to import or export, or has possession or control of an amount of cash which is not less than the prescribed sum; or*
- (b) the cash found on the person represents the proceeds of crime or is intended by any person for use in connection with any criminal conduct; or*
- (c) the cash is more than the prescribed sum and was not declared by the person when entering or leaving the Seychelles.”*

Participants of the FIU were asked the following question: *From your experience as an analyst, do the local LEAs implement and maintain training interventions for investigators for the effective identification and analysis of documentation as a source of financial intelligence during search and seizure operations in money laundering investigations?* The purpose of this question was to establish whether the analysts were able to recognise the importance of local LEAs undergoing relevant training that could assist in identifying additional interventions to build money laundering investigations.

- *Apart from one participant, all participants of the FIU only attended training provided by external service providers. All participants of the FIU shared that training interventions for investigators to effectively identify documentation as a source of financial intelligence during search and seizure operations in money laundering were broadly covered under basic training, but presented the opinion that no training specifically focussed on the issue of money laundering.*

Participants from the FCIU reacted as follows to the above question:

- *All participants from the FCIU acknowledged that the FCIU does not provide any internal training interventions to effectively address the required training of FCIU investigators to identify documentation as a source of financial intelligence during search and seizure operations in money laundering investigations.*

- *In addition, all participants from the FCIU concurred that the FCIU does not have any internal guidelines in dealing with search and seizure operations during money laundering investigations to empower investigators with the knowledge to identify documentation as a source of financial intelligence during search and seizure operations.*
- *All participants from the FCIU furthermore agreed that the FCIU does not have an SOP or policy to address both the above-mentioned points.*

The participants of the FIU were presented with an additional question: *In your opinion, do LEAs realise the value of documents as a source of financial intelligence during search and seizure operations in money laundering investigations?*

- *Two participants of the FIU believed most LEAs do not realise the evidential value of documents as a source of financial intelligence during search and seizure operations in money laundering investigations. Three participants further indicated that the importance and value placed on documents as a source of financial intelligence during search and seizure operations in money laundering investigations depended largely on individual LEAs, some valuing documents as sources of financial intelligence, while other LEAs do not realise the evidential value of documents in money laundering investigations.*
- *Four of the five participants indicated that not realising the value of documents as a source of financial intelligence in money laundering investigations affects the potential evidentiary linkages that could be made to initiate a money laundering investigation. Participants were furthermore of the opinion that such shortcoming impacts the evidentiary burden required by the courts to successfully link the subject to a particular money laundering activity to be convicted, which could result in the non-conviction of a suspect.*
- *Additionally, one participant raised concern about the social and economic impact of having financial crimes subjects, such as money laundering subjects, not being prosecuted. Another participant indicated that not realising the value of documents as a source of financial*

*intelligence poses the risk that other individuals who could be linked to the subject would not be identified to build further cases.*

## **2.5 ANALYSIS OF DOCUMENTATION TO ENHANCE THE FINANCIAL INTELLIGENCE VALUE FOR MONEY LAUNDERING INVESTIGATIONS**

In this discussion, the analysis of documentation to enhance the financial intelligence value for money laundering investigations will be discussed.

### **2.5.1 Analysis of Information and Intelligence Obtained through Search and Seizure Actions**

“Most detectives work in a routine and repetitive fashion” (Altbeker, 1998:28), and examining any form of document not related to the crime at hand during a routine search and seizure operation does not form part of the routine. For this reason, a wide variety of documents found at search and seizure sites are not considered possible sources of information and/or intelligence. Considering ‘unrelated’ documents in a new light usually tests our perspective abilities to the limit (Van Rooyen, 2008:88). This fact was accentuated through discovery when the researcher obtained and reviewed 44 copies of asset forfeiture cases related to cash seizures in the Western Cape between 1999 and 2007<sup>6</sup>.

The researcher agrees with the view of the UNODC (2010:8) that states that analysis can assist (investigators) beyond the facts they are looking for, including:

- *“It can tell you things you didn’t know before*
- *It can tell you how good (or poor) your information/intelligence is*
- *It can tell you what you need to know to understand a situation*
- *It can tell you where to look further, and*
- *It can help you to communicate your understanding to others.”*

---

<sup>6</sup> Obtained in 2014 as part of research for unpublished Guide for Police Official: Identifying and Seizing Suspicious Cash, but analysed in 2020 for purpose of research for this study. These 44 cases have been finalised and are in the public domain.



Never has there been more information available from such a wide variety of sources (Madinger, 2012:217). Financial investigators ought to amass information about their targets under investigation, and collect data from the amassed information (Baloyi, 2020:46). This view is elaborated on by Smit (2019:104), who believes that evidence ought to be analysed immediately after the items are seized. The researcher agrees with these statements but holds the opinion that investigators should not only seek out evidence but should also identify potential (financial) intelligence to be reviewed during the search and seizure process, and not after it has been seized and removed. Woods (2019:7) states that information forms the basis of any criminal investigation, however, the researcher believes that financial investigators should include intelligence-driven investigations as part of the investigative realm.

The FATF (2012:18) indicates that data formats, ranging from papers or documents to electronic data to physical items, will differ considerably. Before information and/or data can be deemed intelligence, it needs to be analysed. This involves the collection of information in its raw, unprocessed format, followed by analysis or processing to establish if it qualifies as intelligence. Thereafter, (financial) investigators will conclude and develop hypotheses based on the available information (FATF, 2012:19).

Anacapa Sciences, Inc. (2018: 2-3) describes data collection as the focused gathering of information from all sources, either through overt or by covert methods. It then lists examples of 13 sources of data collection but does not list search and seizure as a possible source of data collection. Wagner et al. (2012:141) reflect that the focus of (document) analysis should be a critical examination rather than a mere description of the documents. Also, intelligence is both a rational and methodological approach to processing and evaluating information (Walsh, 2011: 299), but will remain information if not analysed (Steenberg, as quoted by Van Niekerk, 2015: 69) and will only be effective if it reaches the right person (Bielska & Pallaris, 2017:4).

In this regard, participants from the FIU and FCIU were asked: *Have you analysed documents that have been seized during search and seizure operations to assist in money laundering*

*investigations?* The purpose of the question was to establish analysts' exposure to the analysis of documents seized during operational actions conducted by LEAs.

- *All five participants from the FIU indicated that, as intelligence analysts for the FIU, they have not been involved in a physical search and seizure operation. (FIU intelligence analysts do not conduct search and seizure operations and are, among other responsibilities, mandated to analyse seized documents presented to them.)*
- *All five participants from the FCIU responded that they had the opportunity to analyse documents obtained in a search and seizure operation.*
- *All five participants from the FCIU singled out a similar case they were involved in as an example where seized documents were collected and analysed in a money laundering investigation that led to prosecution.*
- *One participant indicated the importance of analysing the documents during the search, before the seizure, to determine their relevance and value, in addition to analysing documents already seized. One important factor emphasised by this participant was the significance of lifestyle audits of subjects and the linking of other individuals to the subject.*

Since the intelligence analysts of the FIU are not investigators, the following alternative question was posed to them: *Have you ever been presented with documents by partner LEAs for analysis that were seized during a search and seizure operation?* The purpose of the question was to establish the exposure the analysts had to documents seized during operational action by LEAs.

- *Four of the five participants from the FIU indicated that partner LEAs have never shared any copies of documents obtained during search and seizure operations for analysis.*
- *Only one participant from the FIU indicated that he had dealt with one case where he analysed seized documents that were obtained by a partner LEA.*

## 2.5.2 Types of Documents that can be Analysed as a Source of Financial Intelligence

Madinger (2012:199) emphasises that people today leave tracks (of information) wherever they go – an amazingly detailed trail of paper extending from birth to death, including documented information about what they buy, sell or own. Marais (1992:189) concurs. The researcher believes this is no different for the criminal committing a crime to obtain a(n) (illicit) material and/or financial benefit.

Any money laundering investigation necessitates a thorough examination of the relevant documents, spanning the period over which the crime is suspected to have occurred, and for several months before and after it is thought to have occurred (ACAMS, 2012:260). The researcher, Jansen van Vuren (2018:196), summarised types of documents that can be identified and collected during a search and seizure operation for analysis of information, intelligence and or evidence as per Table 2.7 below.

**Table 2.7: List of documents containing potential (financial) intelligence**

DOCUMENTS CONTAINING POSSIBLE FINANCIAL INTELLIGENCE DURING A SEARCH AND SEIZURE OPERATION	
Examples of document	Potential for intelligence to be collected
<b>Trash</b>	Whatever you can think of that can be in a trash bin and or trash can
<b>Faxes</b>	Contact numbers, associates, destinations, correspondence
<b>Stamps</b>	DNA, destination, correspondence address received/sent, dates
<b>Invoices</b>	Assets, liabilities, banking details, spending pattern
<b>Passport</b>	Movement, photograph, bank details, assets, liabilities
<b>Bank statements</b>	Assets/liabilities, banking details, spending pattern
<b>Matchbox</b>	Details of venues: hotels, restaurants, telephone numbers
<b>Utility bills</b>	Unknown assets, addresses, spending patterns, means of payment
<b>Photographs</b>	Family, associates, assets, liabilities, movement
<b>Soap (boxes)</b>	Details of venues: hotels; indication of travels and spending
<b>Fax machine</b>	Details of last ten faxes sent, received in autodial memory
<b>Money notes</b>	Fingerprints if new, DNA, narcotics and other chemical traces
<b>Desk credenza</b>	Contact numbers, names of associates, meetings, addresses
<b>Business cards</b>	Address, contact number, business details, witness
<b>Theatre tickets</b>	Movement, associates, banking details, lifestyle
<b>Credit card slips</b>	Assets, liabilities, banking details, spending pattern
<b>Hand-written notes</b>	Names of individuals/narcotics, price of narcotics/size of operation
<b>Diaries/personal organiser</b>	Contacts, meeting schedules, addresses, pin numbers

DOCUMENTS CONTAINING POSSIBLE FINANCIAL INTELLIGENCE DURING A SEARCH AND SEIZURE OPERATION	
Examples of document	Potential for intelligence to be collected
<b>ANYTHING THAT MEETS THE DEFINITION OF A DOCUMENT!</b>	

Dou, Juillet and Clerck (2019:191) present that intelligence is characterised by the quality of its source, which is evaluated by its proximity to the origin of the information and its reliability. Gathering documentation, and retaining intelligence and evidence are crucial steps in any investigation - one never knows where investigations may lead if an LEA decides that the investigation is of interest (Miller & Marston, 2006:423) or, as Van Rooyen (2008:88) put it: carefully studying (documents), yields truth's gems. Woods (2019:38) puts it differently by stating that the crime you think you are investigating during the search may turn out to be something quite different, as discovered on many occasions by the researcher through the application of the financial investigative methodology and subsequent discovery of potential money laundering committed by the subject under investigation.

Taking the accumulative (crime) statistics of Seychelles into consideration, (where a potential material and/or financial gain was obtained), LEAs must contemplate three questions: 1) was any search and seizure operation conducted in the investigation of these crimes, 2) were any documents obtained in the process, whether directly and or indirectly, to support the intelligence process, and 3) can the seized documents support the initiation of a potential money laundering investigation. Conducting successful search and seizure operations during for example narcotics investigations may reveal the obvious, i.e., evidence of narcotics and traces of narcotics, but such scenes also have huge potential to reveal more than just the obvious.

Five participants from the FCIU were asked: *Do you regard documents found during search and seizure operations in money laundering investigations as a source of financial intelligence?* The purpose of the question was to establish if the participants of the FCIU recognised the potential linkages between seized documents and their financial intelligence value.

- *All the participants placed significant value on documentation as a source of financial intelligence, citing the potential linkage value of such documents between the subject and assets, bank accounts both local and abroad, and other individuals that could be involved in financial crimes.*

### **2.5.3 Case Studies Illustrating the Financial Intelligence Value of Analysed Documents Seized**

To highlight the focus on the financial intelligence value of documents and their potential link to building sound money laundering cases, the researcher presents several case studies of investigations he was involved in. During these investigations, different types of documents were seized and analysed for further investigation. These case studies range from narcotics-related cases, natural resource-related cases and actions taken on suspicious cash. From experience, the researcher always found that photos/photo albums and handwritten notes provide excellent information and intelligence value, which increased the value of investigations, including the potential to add money laundering charges to predicate offences.

#### **2.5.3.1 Photographs/photo albums**

One of the key questions the UNODC (2011:2) poses to analysts is “What meaning can we extract from the information and what does it tell us about what is going on?” From experience, the researcher initially viewed accessing and viewing personal photograph albums of a suspect in his/her home as insignificant and even too personal, until he realised the added value of collecting such information on assets, liabilities, connections and places that these photographs can offer in financial investigations. The US Drug Enforcement Agency (DEA) (1994:128 & 134) also states that photographs can assist in connecting a person to an offence and that as part of the search operation agents should be alert for any intelligence or documentary evidence they can gather, including such items as telephone bills, telephone books, utility bills, personal letters, tax records, etc.

**Image 2.9: Photograph (document) seized from photo album of a suspect**



*Source: Researcher's file*

Image 2.9 above illustrates a vehicle found in the personal photograph album of a suspect during a search and seizure operation that does not seem to be intelligence, but if processed, for example, identifying a registration number on the vehicle and subsequently determining ownership, such information becomes intelligence. The vehicle's registration number can lead to information about current legal ownership, as well as former owners linked to the vehicle. Investigators may believe going through photographs and/or photograph albums of a suspect is a fruitless exercise or even that it is too personal. However, photographs and/or photograph albums of suspects could provide the following valuable intelligence:

- Identified co-conspirators
- Identified spouse, children and/or family members
- Verified ownership of known movable and fixed assets
- Identified movable and fixed assets previously unknown
- Identified potential intelligence of suspects' travels and travel destinations
- Identify the potential spending patterns of the suspect (assets/travels)

Image 2.9 above illustrates a photograph of a Porsche with German (Stuttgart) registration numbers that was found in the personal photograph album of a suspected drug dealer during a

search and seizure operation. However, this suspect had no such vehicle registered in his name, even though the photograph was taken on the property of the main suspect. Though no evidence was found of any narcotics during the operation, the photograph assisted in leading to the discovery of the possible legal owner of the Porsche, which again could lead to the discovery of a potential crime (such as theft of a motor vehicle) in Germany.

**Table 2.8: Information that could be extracted from seized photographs that may be turned into financial intelligence**

**Information that could be extracted from seized photographs that may be turned into (financial) Intelligence**

- *Registration number*
- *Make, model, colour of vehicles*
- *Legal owner (company/trust/individual)*
- *Current retail value (possible AFU purposes)*
- *How was it purchased? (Cash/bank loan/other)*
- *Movement control data using registration number*
- *Use same data to establish occupants of vehicle (passports)*
- *Marital status and name and IDN of spouse*
- *Names and IDs of children (possible bank accounts in names/ trusts)*
- *Who was the previous owner? (Possible witness/suspect)*
- *Number of vehicles (compared to database) owned by suspect*
- *Immediate link between suspect and assets through photographs*
- *Value assists in establishing net worth (could (s)he afford to purchase the asset?)*

*Source: Researcher's files*

Image 2.10 and Image 2.11 below illustrate photographs that were discovered and seized by the researcher in the personal photograph album of the main suspect during a narcotics raid. During this raid, cash proceeds of US\$35 000 were seized and found to be the proceeds of unexplained wealth linked to illegal narcotics activities. These photographs assisted the investigator in

collecting (financial) intelligence and evidence about the income of the main suspect, as well as assets he accumulated over a period without evidence of any legal income.

**Image 2.10: Photo (document) seized from photo album of suspect**



**Image 2.11: Photo (document) seized from photo album of suspect**



### **2.5.3.2 Paper/hand-written notes**

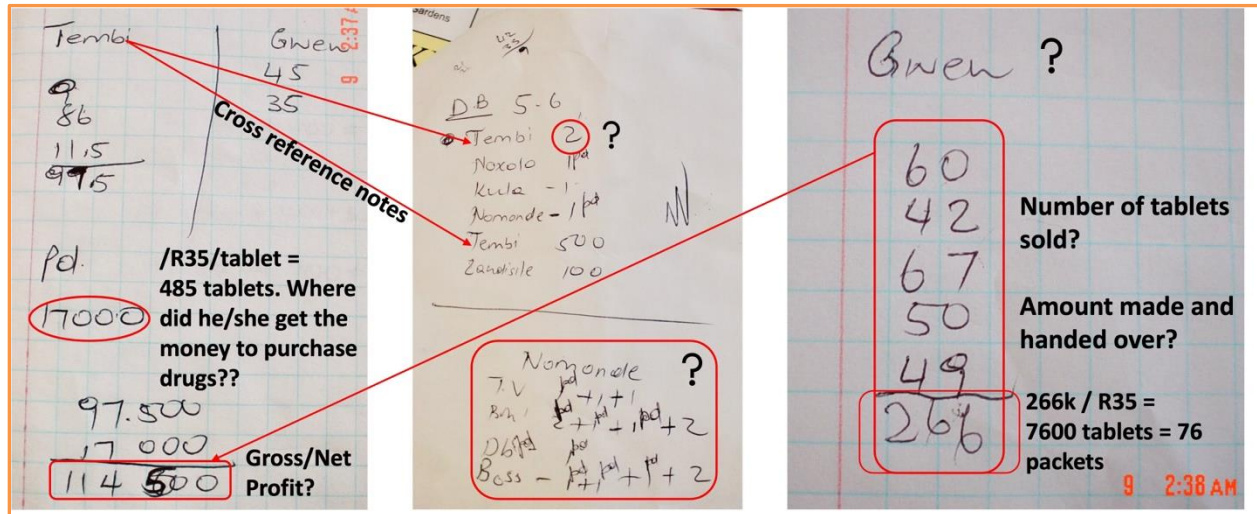
ACAMS (2012:259) states that quite often the review of documents is what yields information that helps uncover misconduct, and that pivotal information is available from a large number of document types, such as internal memos, transactional documents, calendars, e-mails, financial records, travel records, phone logs, signature cards, deposit tickets, cheques, withdrawal items, credit and debit memoranda, and loan records. Van Rooyen (2008:88) points out that an investigator can create chronologies from various documents discovered, for example, the relationship between individuals.

During narcotics investigations, for example, it is common to find handwritten notes in searches of premises used to process and sell narcotics. Image 2.12 below was collected by the researcher during a search and seizure operation and depicts numbers and descriptions of names of specific narcotics. These types of notes (and bookkeeping of sales) can lead to crucial financial intelligence in the uncovering of the size and profit margins of a narcotics syndicate. It further complements the criminal investigation and provides crucial evidence that the suspect/accused had been living beyond his/her legal means. This provides LEAs with a platform to address all the



assets owned by the suspect/accused and not only the seized narcotics and/or cash that had been discovered, both physically and in bank accounts.

**Image 2.12: Notes seized during a drug raid<sup>7</sup>**



Source: Jansen van Vuren, J.P., 2022.

Law enforcement agencies can effectively expand their intelligence on syndicates through the regular seizure of notes similar to the above, as illustrated in Image 2.12 above, which, if analysed properly, could reveal, amongst others, the following potential information and which, over time, can contribute to the value of potential money laundering investigations:

- Contact numbers
- Bank account numbers
- Current market price
- Profit margins gained by suspects
- Size of (estimated financial) operation
- Amount he/she had to spend on acquiring narcotics

<sup>7</sup> Notes presented at an information session on the identification and handling of suspicious cash to Seychelles LEAs, 8 – 26 August 2022. Notes were seized during a search and seizure operation in Cape Town in 2002.

- Individual names and nicknames involved in the syndicate
- Debt owed by individuals/profits made by individuals (individualise); volume of distribution and sales tied to a specific person

Collecting notes, especially hand-written notes, could additionally present the following opportunities to investigators when reviewing and analysing these types of notes<sup>8</sup>:

- Identify similar/same handwriting on a range of notes
- Observe that notes are neat and consistent – possibly an educated person/who knows how to work with numbers
- Deduct that it could be handwriting from a female; establish if any females were present during search and seizure
- The individual who is usually responsible for keeping notes, can be a great source of financial intelligence and establishing modus operandi of syndicate
- Once this individual is identified, investigators can question him/her separately and obtain an explanation of numbers, symbols and abbreviations used on notes
- Good chance he/she is also handling all finances and laundering of illicit proceeds
- Investigators can establish if this individual could become a possible informant/state witness

Participants were asked the following question: *In your opinion, what do you regard as 'documents' as a source of financial intelligence that have been seized during search and seizure operations in money laundering investigations?* The purpose of the questions was to establish if participants understood what could constitute a document in terms of money laundering investigations and if they were able to provide examples of such documents. The participants responded in the following way:

---

<sup>8</sup> Jansen van Vuren, J.P. 2021. Notes presented at information session on search and seizures presented to Seychelles FCIU and AFU

- All ten participants provided an adequate explanation of what could constitute a ‘document’ that could be identified and seized in money laundering investigations and further presented several examples of such documents. Examples of documents mentioned by participants included:
  - Photos
  - Diaries
  - Receipts
  - Cheques
  - Deposit slips
  - Municipal bills
  - Bank statements
  - Hand-written notes

## **2.6 SUMMARY**

This chapter elaborated on money laundering investigations, (parallel) financial investigations, and how the seizure and analysis of documents can enhance the quality and effectiveness of financial intelligence collected, which could contribute to the identification of elements of money laundering being committed by subjects under investigation. If not adequately addressed, money laundering can have a dire effect on the reputation and local economy of a country. With its historical exposure to be recognised as a potential tax (and additionally) money laundering haven, Seychelles should prove that the country is serious about addressing this crime through innovative investigative techniques. It is the view of the researcher that the elements of money laundering would almost always be present in all cases where there had been a deliberate illegal act to obtain an illicit material and/or financial benefit (including investigations undertaken in Seychelles) and investigators must recognise this as a key element to consider when conducting their investigations.

Examples of crimes included that need to address elements of money laundering permanently include fraud, corruption and narcotics-related offences, especially where huge volumes of fraud

and corruption are involved and where the value of seized narcotics are similar. This should present investigators with an increased view that they need to expand their search for additional intelligence and evidence to build potential money laundering cases against those who illicitly benefit from crimes. One way to achieve enhanced money laundering investigations is to realise the value of all types of documents during search and seizure operations as sources of financial intelligence.

## CHAPTER THREE: FINDINGS AND RECOMMENDATIONS

---

*When money speaks, the truth is silent*

*Russian proverb*

---

### 3.1 INTRODUCTION

This chapter presents the findings and recommendations of this study. This study aimed to underline the value of identifying and analysing all documents seized during search and seizure operations as a source of financial intelligence in the investigation of money laundering.

The purpose of this study was to educate investigators and analysts on the value of documents seized during search and seizure operations as a source of financial intelligence in money laundering investigations and to broaden their knowledge and understanding of the significance of analysing all seized documents.

The research undertaken further highlights the glaring opportunity that exists to enhance current investigative methodologies through parallel financial investigations when investigating predicate offences of money laundering, which is committed to obtaining a material and/or financial illicit benefit. The findings and recommendations of this study presented below not only address the purpose of this study but also provide answers to the primary research question that was explored, namely, what is the value of documentation as a source of financial intelligence in money laundering investigations? However, the findings and recommendations presented not only address the value of documentation as a source of financial intelligence in money laundering investigations but also present findings and recommendations on financial investigations related to money laundering in general.

### 3.2 FINDINGS

Based on the information obtained from the literature study, the researcher's broad experience as a financial investigator and exposure to international assistance to LEAs in Africa, particularly related to money laundering, as well as the interviews with the participants, the following findings are presented:

### **3.2.1 Findings on the Investigation of Money Laundering Cases in Seychelles**

- The research indicates that appropriate legislation is available for use by LEAs for the registration and investigation of money laundering as a chargeable offence in Seychelles.
- This includes legislation to apply special investigative techniques through the interception and monitoring of conversations and/or physical surveillance, as well as surveillance of bank accounts and computers for up to six months, where it is suspected that money laundering is being committed.
- The main agency in Seychelles responsible for registering money laundering cases since its inception in 2017, i.e., the FCIU, commenced 176 investigations (financial profiling) of individuals. Of these 176 financial profiles, only four cases of money laundering have been conducted.
- In most cases, successful prosecutions through the AGO are attributed to guilty pleas by the accused. As a result, limited jurisprudence exists that clarifies or provides certainty as to whether the current legislation in Seychelles is sufficiently or effectively applied.
- The application of current AML/CFT legislation in Seychelles by investigators to charge individuals for money laundering is hampered by the fact that accused persons receive minimal sentences when found guilty of money laundering, and thus it is not seen as an effective deterrent to criminal actions of money laundering in Seychelles.
- The AML/CFT Act and/or relevant additional Acts are not included in the Bar examinations of qualified lawyers in Seychelles, which limits the knowledge base of relevant Acts to the office of the AGO.
- The need for high-quality education on the practical application of money laundering legislation in Seychelles for all LEAs, especially agencies investigating offences where the

suspect committed crimes with the sole purpose of obtaining a material and/or financial benefit from the predicate offence is required. This includes the Commercial Crime Investigations Unit (CCIU), the FCIU and all members of SPF Crime Investigation Division (CID) stations.

- The application of financial investigations, focussing on money laundering and asset recovery, is not part of the current curricula introduced into the Seychelles national police training for new students.
- Intelligence reports compiled by the FIU and shared with LEAs in Seychelles, illustrate that ample intelligence exists of money laundering being committed in the country.
- The effective use of intelligence reports, compiled and shared by the FIU to other LEAs, including the FCIU, which is the designated agency to investigate money laundering, needs to be reviewed as the current data indicates that these reports are hardly used by the FCIU as a foundation to assist in initiating registered money laundering investigations.
- Training presented by the researcher from 1 to 5 August 2022 to several LEAs in Seychelles, (including the SPF CCIU and general detectives), concluded that LEAs do not consider the application of available money laundering legislation in enhancing investigations. The primary reason is that trainees believe it is the responsibility of the FCIU to deal with anything related to the investigation of money laundering and asset recovery.

### **3.2.2 Findings on Search and Seizure Operations as a Method to Enhance Collection of Data to Initiate Money Laundering Investigations**

- All participants provided a basic understanding of the definition of a document and were able to provide ample examples of the types of documents that can be seized as a source of financial intelligence in money laundering investigations.

- All the participants from the FCIU indicated that although new police recruits receive training on search and seizure operations during basic inception training, these training interventions mainly focus on collecting evidence directly related to the predicate offence and do not expand on the benefits of using search and seizures to collect potential intelligence, including financial intelligence, through the identification of documents on crime scenes.
- Except for the ANB, which was responsible for investigating narcotics-related cases (and was disbanded in 2022), very little evidence exists that investigators plan and execute any search and seizure operations regularly in support of current cases to obtain (financial) intelligence and or any evidence that could assist in the identification of potential money laundering cases.
- From the interviews with the participants of the FCIU, it was established that only one case exists where documents were seized and effectively used in a recent successful money laundering investigation.
- Documents that are seized by LEAs are not shared with the FIU and the SRC for additional analysis, especially financially related documents, which could contribute to the overall value of its intelligence base on suspects, and to enhance intelligence reports for use in further money laundering investigations.

### **3.2.3 Findings on Enhancing Intelligence Through Sharing of Data Between Different LEAs**

- No data on cash seizures are shared with the FIU.
- When it comes to sharing of data, copies of seized documents and intelligence, LEAs in Seychelles operate in isolation. For example, when physical cash is seized by LEAs, the seizure of the cash and any related documentation found during the search and seizure action is not shared and or reported to the FIU. Another example is where copies of financially related documents seized in narcotic-related cases are not shared with the FIU or SRC for the development of potential additional intelligence.



- The FCIU has dedicated data analysts who work through case files to produce workable data for investigators. This includes data obtained from the FIU shared with the FCIU. Once results has been obtained from FCIU analysts, results is not shared with the FIU who could use updated results to complement their database. The same applies to data shared between the ACCS and the FIU.
- Data sets of individuals' date of birth, address, contact number, case number, and crime information from agencies such as the SPF and the ACCS, are not shared with the FIU. Additional data such as this updated on a regular basis, will enhance the internal intelligence capacity of the FIU.
- Agencies do not share any data obtained from seized electronics. such as mobile phones, desktop computers, laptops, electronic memory storage devices and internal or external computer hard disk drives amongst themselves and including any financially related data with the FIU discovered on these seized electronic devices.
- The ACCS which is responsible for managing all information related to asset declarations of public officials, do not share any of this data with the FIU which could enhance its anti-corruption efforts amongst these officials.
- Data related to supply chain management or procurement of services and goods managed through the National Treasury of Seychelles and/or the office of the Auditor is not actively shared with the FIU.
- The SRC doesn't share any bulk data with the FIU of all data related to its Automated System for Customs Data (ASYCUDA) database which is managed by the Seychelles Customs Authority.

- The FIU should be able to enhance its intelligence by requesting the CCTV footage linked to STRs to initiate an image database of suspects identified through STRs, for sharing with both local LEAs and international LEAs. This is currently not an action initiated by the FIU.
- Current government data on fixed assets and movable assets such as yachts, boats, and jet skis are not updated and, in some cases, difficult to access. This hampers and frustrates efforts to identify potential intelligence and evidence of the proceeds of crimes.

### **3.2.4 Findings on Prosecution Guided Investigations**

- There is a lack of a standardised investigative methodology and or embedded SOPs to follow prosecutor-led investigations within Seychelles LEAs which could enhance the effectiveness of current investigations, especially on large complex cases that Seychelles is experiencing.
- Currently no internal standing orders or SOPs exist within LEAs to ensure (parallel) financial investigations are initiated from the onset of an investigation. Such guidance will ensure the implementation and initiation of parallel financial investigations, especially in large complex cases.
- There is also a lack of internal SOPs guiding, initiating and presenting potential cases for review by senior management including prosecutions for example producing and presenting an investigation plan in complex and sensitive cases using PowerPoint presentations.

### **3.3 RECOMMENDATIONS**

It is the view of the researcher that there is huge potential for the identification, registration and investigation of potential money laundering cases in Seychelles. Some of the researcher's recommendations include:

### **3.3.1 Recommendations on the Investigation of Money Laundering Cases in Seychelles**

- All investigators in the SPF should be (re) sensitised that they are all responsible for and can apply the AM/CFT Act during money laundering investigations since it is not only the function of the FCIU to apply the provisions of the AML/CFT Act. Though it is a key focus of the FCIU, its primary mandate revolves around the investigation of instrumentalities and proceeds of crime in cases referred to the unit.
- It is recommended that regular training interventions are initiated between the Seychelles AGO and LEAs to initiate a strategic plan to increase registered money laundering cases.
- It is further recommended that training interventions be initiated within the Seychelles Judiciary to debate the current application of the AML/CFT Act, including the low rate of convictions and low sentences imposed on accused persons, and what is required to enhance money laundering convictions.
- The AML/CFT Act and other relevant legislation should be included in the curriculum of Bar examinations of qualified lawyers in Seychelles, as well as appropriate curricula in the country's LLB (Bachelor of Laws) qualification offered to students. The inclusion of relevant curricula in the qualifications will enhance the knowledge base, awareness and implementation of the AML/CFT Act beyond the office of prosecutors working with the office of the AGO.
- An SOP should be introduced by Seychelles LEAs, which will guide and oblige investigators to confer with prosecutors regularly from the onset of all investigations, and not only on potential money laundering cases. Such an SOP will help investigators develop a different perspective, albeit a legal view, of the application and interpretation of the AML/CFT Act, as well as a thorough understanding of the evidence that is required to build sound cases for prosecution.

- It is proposed that an audit be conducted on all current case dockets investigated by specialised units and agencies, where a suspect had obtained a material and/or financial benefit because of a predicate offence, to establish if any elements of money laundering can be identified for the initiation of potential money laundering investigations and the addition of further charges.
- It is further proposed that once the new Asset Management Agency in Seychelles has been established, it should incorporate an SOP that will guide the agency on referring potential cases to the FCIU for possible money laundering investigation, which would otherwise not reach and/or be referred to the FCIU for investigation. Once such an SOP has been implemented, it is further proposed that several low-key cases be identified for initial 'testing' in courts for prosecution and criminal conviction. The purpose of initially only introducing low-key cases will be to build jurisprudence to lay the foundations for more complex cases.
- One area for the potential testing of these low-key cases could be through the application of the concept of 'concealment' as an element of money laundering. The researcher believes that there is ample opportunity to identify potential money laundering cases where cash had been seized, both in narcotics-related investigations involving cash seizures and in cases where cash had been seized at airports because of false declaration of currency in terms of Section 75 of the AML/CFT Act (Republic of Seychelles, 2020), where the element of concealment is present.
- Internal policies, through an SOP, should guide and oblige investigators to initiate parallel financial investigations with the purpose of initiating money laundering cases in all investigations where the suspect(s) committed a crime with the sole purpose of obtaining a material and/or financial benefit. Such an SOP needs to be implemented by all specialised investigative units, as well as general detectives.

- To increase effectiveness, law enforcement agencies should increasingly collaborate through a memorandum of understanding (MOU), in particular the FCIU, CCIU, ACCS and the SRC, to enhance effectiveness in disrupting operations of suspects and/or organised crime syndicates.
- It is proposed that a money laundering forum be established amongst private and public entities in Seychelles, where suggestions and knowledge can be shared and initiated in terms of potential money laundering typologies. Such a money laundering forum could assist in the overall national plan against AML/CFT in Seychelles.
- Global Financial Integrity (2021) recommends that all offenses should be made predicate offenses for money laundering, as many countries do not regard certain key crimes, such as tax evasion, as the basis for a money laundering charge. Consequently, the Republic of Seychelles should consider including money laundering as a chargeable offence under tax-related crimes.
- The Republic of Seychelles should consider the establishment of an official asset forfeiture unit under the judiciary (DPP/AGO), with several attorneys working in conjunction with the FCIU investigators and analysts under the oversight of such an asset forfeiture unit, but with different mandates. Lawyers will then have direct and immediate access to investigators to assist in asset recovery-related cases. This can enhance the effectiveness of the current model used to address asset recovery in Seychelles.
- Increased public awareness about the impact and legal ramifications of money laundering is needed and should be promoted via all spheres of media available in Seychelles to create awareness and educate the public on money laundering.
- Where law enforcement actions include successful search and seizure operations, and/or successes where assets are frozen and/or individuals arrested for money laundering, there

should be a more visible and proactive public relations effort to present these successes to the public of Seychelles through all media outlets.

- It is recommended that the sections of the current Seychelles AML/CFT Act should be incorporated into the current Proceeds of Crimes (Civil Confiscation) Act, 2008 of Seychelles (POCCCA Act) to have both criminal and civil aspects of the Act under one legislation, as in the case of South African legislation, namely, the Prevention of Organised Crime (POCA) Act, 121 (South Africa, 1998) versus the Financial Intelligence Act (South Africa, 2003).
- The functions, powers and mandate of the FIU should be enacted in a separate stand-alone Act, as this is an administrative unit.
- The Republic of Seychelles should consider establishing a stand-alone interception and monitoring act, to include building capacity for the application of appropriate technology for specific use in obtaining intelligence and evidence from individuals and syndicates in high-level (financial-related) crimes, including money laundering. This will increase the effectiveness of investigations, using special investigative techniques as proposed by the United Nations (2020:15).
- It is recommended that the current Seychelles Ministry(ies) overseeing the Asset Recovery Fund, established in terms of the AML/CFT Act, should consider providing Seychelles LEAs with access to apply for portions of the Fund for exclusive use in acquiring additional resources and/or funding for specialised training, such as i2 analyst notebook to enhance money laundering investigations.
- Since the FIU is the main LEA in Seychelles mandated to investigate instances of potential money laundering from an intelligence perspective, it is largely reliant on technology, including software licences and computer hardware, to conduct analyses of information for use in intelligence reports. It is proposed that the Republic of Seychelles allocates a budget

towards a sustainable process for the implementation, update and renewal of key software licences (including i2<sup>9</sup>, iBase<sup>10</sup> and goAML<sup>11</sup>) at least every five years to keep up with the latest developments in technology to assist with money laundering investigations.

### **3.3.2 Recommendations on Effective Use of Search and Seizures as a Means to Enhance the Collection of Data to Initiate Money Laundering Investigations**

- Although SPF basic training includes training on the power to issue a search and seizure warrant and seized property to be detained, the researcher believes that the training on search and seizures presented to police recruits and new officers needs to be expanded to include the specific search, collection and seizure of documents for financial intelligence, which could be used in the identification and investigation of possible money laundering.
- It is further recommended that all LEAs in Seychelles collectively develop a practical guide on search and seizure operations for inclusion in the curriculum as standard training within agencies. This guide should particularly include the identification and analysis of documents as a possible source of financial intelligence in money laundering investigations.
- All LEAs should introduce and adopt a standardised SOP for the application and execution of search and seizure operations, including the identification and seizure of documents.
- Team leaders/commanding officers should introduce regular feedback sessions (lessons learnt) after each search and seizure operation to critically discuss and reflect on practice and standards applied during such operations, with the aim of identifying areas of improvement.

---

<sup>9</sup> i2® Enterprise Insight Analysis is a suite of server and client software that supports the work of analysts and investigators at all stages of the intelligence analysis cycle. Enterprise Insight Analysis provides tools that accelerate teams through the process of acquiring, fusing, and analysing data, and then help them to publish their intelligence products (i2 Enterprise Insight Analysis, 2023).

<sup>10</sup> i2® iBase provides powerful solutions for configuring, capturing, controlling, analysing and displaying complex information and relationships in link and entity data. iBase is both a database application and a modelling and analysis tool (Overview of i2 iBase, 2023).

<sup>11</sup> The goAML application is a fully integrated software solution developed specifically for use by Financial Intelligence Units (FIU's) and is one of UNODC's strategic responses to financial crime, including money-laundering and terrorist financing (goAML (Anti-Money-Laundering System), 2023).

- Law enforcement agencies should share information on practical case studies of money laundering investigations that are executed with their training divisions regularly, to share knowledge and best practices learnt during training interventions, including court decisions that affected the application and execution of search and seizure operations.
- The search and seizure powers of the SRC should be strengthened and expanded to include the power to obtain and execute search warrants of individuals' properties, as well as those of companies suspected and/or known to deliberately evade paying taxes in general and through illicit schemes. Consequently, the SRC would have the authority to enter any private residence and/or business to search and seize financial intelligence and/or evidence that may assist the Commission's investigations for prosecutorial purposes.
- In support of the above recommendation, it is further proposed that the SRC should be provided the authority to seize any movable, immovable, virtual and/or liquid property, to sell this on public auction, where it had been determined that an individual and or entity deliberately did not declare income to make up for the losses that were not declared, or where an individual or entity is found guilty of money laundering, including the fines that are imposed on the subject and/or entity. The proceeds of these auctions should be allocated to the Seychelles Asset Recovery Account.
- It is recommended that an SOP be introduced for implementation by all LEAs to address in particular the identification and handling of suspicious cash. From the researcher's experience, all these types of cases are initiated through a search and seizure action. Consequently, the implementation of such an SOP would assist in guiding investigators on effectively dealing with instances where suspicious cash has been identified. If executed correctly, these cases have huge potential to initiate money laundering investigations.
- All LEAs should reflect on the value of the loss investigated, the value of narcotics involved, as well as the value of proceeds and instrumentalities seized, in collective data sets.



Collective data sets would assist in establishing the potential illicit value gained by criminals, and would, in turn, provide an indication of the potential benefit that was laundered in Seychelles, as well as across the borders of the country. Consequently, such collective data sets would assist LEAs in the formulation and implementation of national prevention plans and required adaptations.

- It is also recommended that electronic copies of all financially related documents identified and collected in Seychelles during search and seizure operations should be made available to the FIU. These documents could include utility bills, which could assist in identifying fixed assets and spending patterns; photos from a suspect's photo albums; photos of movable and fixed assets taken during the search and seizure operation, as well as images obtained of all debit and or credit cards found in a suspect's wallet, which could assist investigators in identifying bank accounts used by the suspect(s).
- An SOP should also be introduced for specialised LEAs to consistently allow the FIU to receive copies of documentation obtained during search and seizure operations.
- Where it is suspected that the subject under investigation is committing any tax-related crimes, it is recommended that a copy of seized documents is also shared with the SRC.

### **3.3.3 Recommendations on Enhancing Intelligence Through Sharing of Data between LEAs**

- Law enforcement agencies in Seychelles traditionally operate in isolation when collecting and analysing data for intelligence purposes. To address serious transnational organised and financial crimes, including money laundering, The following recommendations are proposed:
- The SPF and the ACCS should expand and enhance their computer forensics investigative capabilities through regular up-to-date training, updated technological equipment, obtaining the relevant software operating licences, and adhering to International

Organization for Standardisation (ISO) standards to enable the Republic of Seychelles to keep abreast of the latest criminal trends and modus operandi.

- To enhance the above proposals, it is further recommended that the SPF and the ACCS actively use the imaged data of seized electronics to build and enhance their own internal intelligence capacity through their own databases. These databases could be as simple as an Excel spreadsheet that includes names, physical addresses, contact numbers, e-mail addresses and photos of persons suspected of potential proceeds of crime.
- When search and seizure operations are planned, the team leader or commanding officer of the SPF or ACCS should follow prescribed protocols and ensure the relevant support personnel are in place to assist in the search and seizure of all identifiable electronics, such as mobile phones, desktop computers, laptops, electronic memory storage devices and internal or external computer hard disk drives.
- The ACCS should enter into an MOU with the FIU to share the data on all declarations of assets and liabilities by government officials to enhance anti-corruption efforts amongst these officials. This data could assist LEAs in identifying government officials who are living beyond their means and initiating net-worth investigations for possible criminal actions, including money laundering.
- The National Treasury of Seychelles and/or the office of the Auditor General should closely liaise with the FIU to share data of all registered service providers to the Republic of Seychelles. This data should include data on services and/or goods provided to the military and/or police. The data could assist in identifying potential red flags for corrupt activities, including the issuance of tenders to government employees or gross inflation of the value of goods.

- Where LEAs manage an active case management system (CMS), it is recommended that the data of all previous and active investigations of offences that had been committed to obtain an illicit material and/or financial benefit should be shared with the FIU. This data could assist the FIU in linking any active and/or past investigation to individuals or organised crime groups.
- The relevant Seychelles law enforcement agencies should have direct electronic access to external electronic databases containing asset-related information of individuals or groups. Consequently, the integrity of the data would be considerably enhanced and third-party meddling of the data and leaking of such data would be minimised.
- The SRC should enter into an MOU with the FIU to share all data related to its Automated System for Customs Data (ASYCUDA) database. The ASYCUDA database<sup>12</sup> is managed by the Seychelles Customs Authority, which can provide a treasure trove of financial intelligence. This type of data is very relevant in investigations involving large-scale government corruption through tender fraud, illicit financial flows, and tax evasion and for research on trade-based money laundering trends.
- When investigators obtain copies of or documents, such as bank statements not requested through the FIU, including opening documents, statements, as well as cheques and deposit slips, copies of these documents should be shared with the FIU. It is imperative that all documents should have been collected by the investigator using a legal instrument. As the FIU mostly works with suspicious reports compiled by accountable institutions, additional documents collected using a legal instrument will assist the FIU in obtaining a better view of financials, which increases the quality of data available for analysis and subsequent financial intelligence.

---

<sup>12</sup> 39 African countries make use of the ASYCUDA database.

- When LEAs obtain the records of mobile phones (itemised billing), these records should be shared regularly with the FIU, especially in instances where it involves high-level and sometimes sensitive investigations. In many instances, it is not standard operating procedure for the FIU to collect this type of information, which can enhance the intelligence used, for example connecting and comparing mobile numbers with numbers reflected within the annual asset declarations of government employees.
- When the FIU receives a suspicious transaction record (STR) or large suspicious cash transaction from an accountable institution, it should request an electronic copy of the closed-circuit television (CCTV) footage from that same institution in support of evidence of the specific suspicious transaction, which could assist in identifying a suspect(s) as well as assisting in the formation of a specific view of the suspicious actions. The FIU could also use the CCTV footage to initiate an image database of suspects identified through STRs, for sharing with both local LEAs and international LEAs. The FIU could, in addition, consider keeping a repository of signatures made during these suspicious transactions for future use in training officials at banking institutions.
- Lastly, the Republic of Seychelles should consider enhancing all current databases that can assist LEAs in identifying any movable, fixed, liquid and/or virtual assets. This includes a visual audit and verification of all fixed assets, including land and structures on the 115 islands of Seychelles. Where these types of databases are reliant on hard copy documents, it is proposed that these be digitised and centralised with an enhanced process to also search and find related documents with ease.

#### **3.3.4 Recommendations on Prosecution Guided Investigations**

- Law enforcement agencies should collectively consider and adopt a standardised investigative methodology to follow prosecutor-led investigations. This standardised prosecutor-led investigative methodology should also be incorporated in an agency's SOP for implementation. Prosecutor-led investigations could not only increase the quality of

evidence collected by investigators, but could also assist investigators with an improved understanding of the specific evidence standard required to be collected and presented in court.

- Both prosecutor and investigation team leaders should take equal responsibility in planning, managing and leading investigations. However, it is the responsibility of both prosecutors and team leaders to ensure (parallel) financial investigations are initiated from the onset of an investigation.
- When a trained financial investigator is not available, LEAs should approach analysts from the FIU, FCIU and/or SRC as part of the investigation team to assist with the collection and analysis of financial data.
- During high-level and sensitive investigations, it is further proposed that investigation teams should prepare and present detailed investigative plans and progress reports to senior management, heads and DGs of LEAs. Subsequently, the accountability of investigation teams would be enhanced, and investigators could also be guided by senior management regarding the proposed investigation plan and subsequent progress. The guidance of a prosecutor could further assist the investigation team with the investigation plan and the provision of guidance on the progress of an investigation where required.

### **3.4 CONCLUSION**

To enhance its efforts to address the active investigation, registration and prosecution of money laundering-related activities, a collective effort is required by all the LEAs in Seychelles. These efforts include the sharing of databases that contain sensitive information among LEAs, especially with the FIU, the use of interception and monitoring, as well as increased collaboration between investigators and prosecutors.

The Republic of Seychelles has introduced ample legislation to support money laundering investigations. However, the judiciary should consider increasing the sentences of those found guilty of money laundering, which could serve as a deterrent and reduce the incidences of money laundering. The value of identifying and analysing all documents seized during search and seizure operations, as a source of financial intelligence, in the investigation of money laundering has been illustrated.

## REFERENCES

- ACAMS. 2012. *ACAMS Certification Exam Study Guide*. (5<sup>th</sup> edition.). FL, Miami: ACAMS.
- ACAMS. 2016. *ACAMS Certification Exam Study Guide*. (6<sup>th</sup> edition.). FL, Miami: ACAMS.
- ACFE. 2021. Money laundering. From: <https://www.acfe.com/money-laundering.aspx#:~:text=Money%20laundering%20operations%20are%20designed,come%20from%20a%20legitimate%20source> (accessed 12 May 2021).
- Alldridge, A. 2016. *What went wrong with money laundering law?* London: Palgrave Macmillan.
- Alecci, S. & Fitzgibbon, W. 2021. *Anti-corruption activists but fails to lift Pandora Papers' Pall over Seychelles*. International Consortium of Journalists. From: <https://www.icij.org/investigations/pandora-papers/massive-money-laundering-probe-heartens-anti-corruption-activists-but-fails-to-lift-pandora-papers-pall-over-seychelles/> (accessed 27 January 2023).
- ALEFA - Association of Law Enforcement Forensic Accountants. 2018. *Trafficking in human beings (THB): Financial Investigation Handbook*. Brussels: ALEFA.
- Anacapa Sciences, Inc, 2018. *Analytical investigation methods: A five-day course in analytical techniques for investigators of various complex criminal activities – fraud, narcotics, violent crimes, terrorism, organised crime, vice and others*. Santa Barbara: VA-Worldwide
- Ashe, M. & Rider, B. 2002. *International tracing of assets*. Volume 1. London: Sweet & Maxwell.
- Altbeker, A. 1998. *Solving Crime: The State of the SAPS Detective Services*. Monograph 31. Pretoria: Institute of Security Studies.
- Athanase, P. 2022. *FCA CEO: Pandora Papers refer to old cases, action already taken by Seychelles*. Seychelles News Agency. From: <http://www.seychellesnewsagency.com/articles/16198/FSA+CEO+Pandora+Papers+refer+to+old+cases%2C+action+already+taken+by+Seychelles> (accessed 27 January 2023).
- Atkinson, P. 2019. *Effective training on financial investigations: Quick Guide series 06*. Basel: Basel Institute on Governance.
- Bacarese, A. 2009. *The role of intelligence in the investigation and tracing of stolen assets in complex economic crime and corruption cases. Tracing stolen assets: A practitioner's handbook*. Basel: International Centre for Asset Recovery.

- Baloyi, R.P. 2020. *An evaluation of money laundering investigation at the Financial and Asset Forfeiture Investigation Unit of the South African Police Service in Pretoria*. MA dissertation, University of South Africa, Pretoria.
- Basdeo, V. 2009. *A constitutional perspective of police powers of search and seizure in the criminal justice system*. MA dissertation, University of South Africa, Pretoria.
- Basel AML Index. 2022. *Ranking money laundering and terrorist financing risks around the world*. (11<sup>th</sup> Public Edition.). Basel: Switzerland.
- Benson, B.C., Jones, G. & Horne, J.S. 2015. Forensic investigation of crime, irregularities and transgressions. In Zinn, R.J & Dintwe, S. (eds.). 2015. *Forensic investigation: Legislative principles and investigative practice*. Cape Town: Juta.
- Bielska, A. & Pallaris, C. 2017. *Redefining the intelligence skill set through the prism of the intelligence analysis impact model*. Paper delivered at the International Studies Association Annual Convention (Baltimore: 22-25 February 2017).
- Bortnyk, N., Tsurcan-Saifulina, J., & Kotukha, O. 2018. Essence and content of category “financial investigations” and concept development amid European integration. *Baltic Journal of Economic Studies*, 4(5): 36-39.
- Braun, V. & Clarke, V. 2006. *Using thematic analysis in psychology. Qualitative Research in Psychology*, 3 (2). Bristol: University of West England.
- Brown, R., & Gillespie, S. 2015. Overseas financial investigation of organised crime: Examining the barriers to effective implementation. *Journal of Money Laundering Control*, 18 (3): 371-381.
- Brun, J.P., Sotiropoulou, A., Gray, L., Scott, S. & Stephenson, K.M. 2021. *Asset recovery handbook: A guide for practitioners*. (2<sup>nd</sup> edition.). Washington: Stolen Asset Recovery Initiative, World Bank UNODC.
- Cassella, S.D. 2004. Bulk cash smuggling and the globalization of crime: overcoming constitutional challenges to forfeiture order under 31 U.S.C. ss5332. *Berkeley Journal for International Law*, 1(23): 101-107.
- Chance, A. & King, C. 2020. *Safe haven? Targeting the proceeds of foreign corruption in Ireland*. Dublin: Transparency International Ireland.



- Cid, D. 2012. The next worst thing. *FBI Law Enforcement Bulletin*, 81(4), September:1-7.
- College of Policing. c2021. *Effective financial investigation*. From: <https://www.college.police.uk/app/investigation/investigative-strategies/financial-investigation/effective-financial-investigation> (accessed 6 January 2023).
- Combrink, J. Former SAPS DPCI narcotics investigator, Western Cape. 2021. Statement to author, 23 February. Cape Town.
- Commission for Africa. 2005. *Our common interest. Report for the Commission for Africa*. London: Commission for Africa.
- Cox, D. 2014. *Handbook of anti-money laundering*. London: Wiley.
- DEA - Drug Enforcement Administration. 1994. *Drug enforcement handbook*. Washington, DC: US Department of Justice.
- De Koker, L., Basson, M., Symington, J. & Smit, P. 2020. *Money laundering and terror financing: Law and compliance in South Africa*. Durban: Lexis Nexis.
- De Morais, J.P. 2016. *The fight against money laundering – An African perspective*. *Financial Times*. From: <https://www.ft.com/content/c8184a87-0590-3aa9-b0af-2c6ba5f28c33> (accessed 19 April 2021).
- Denscombe, M. 2002. *Ground rules for good research: A 10-point guide for social researchers*. Berkshire: Open University Press.
- Denscombe, M. 2007. *The good research guide: for small-scale social research projects*. Berkshire: Open University Press.
- Denscombe, M. 2012. *Research proposals. A practical guide*. Berkshire: Open University Press.
- Dornbierer, A. 2021. *Illicit enrichment: A guide to laws targeting unexplained wealth*. Basel: Basel Institute on Governance.
- Dou, H., Juillet, A, & Clerck, P. 2019. *Strategic intelligence for the future: A new strategic and operational approach*. London: United Kingdom.
- Duyn, P.C., Harvey, J.H & Gelemerova, L.Y. 2018. *The critical handbook of money laundering: policies, analysis and myths*. London: Palgrave MacMillan.
- ECORYS. 2019. *Needs assessment on tools and methods of financial investigation in the European Union: Final Report*. Rotterdam: Wetenschappelijk Onderzoek- en Documentatiecentrum.

- EIA. 2020. *Money trails: Identifying financial flows linked to wildlife trafficking*. London: UK Aid.
- Egmont Group. 2021. *Money laundering and the financing of terrorism*. From: <https://egmontgroup.org/en/content/money-laundering-and-financing-terrorism> (accessed 7 March 2021).
- Egmont Information Exchange Working Group (IEWG) Report. 2019. *Public Summary: FIU tools and practices for investigating laundering of the proceeds of corruption*. Ottawa, ON: Egmont Group.
- ENACT. 2021. *Organised Crime Index 2021. Evolution of crime in a COVID world: A comparative analysis of organised crime in Africa, 2019-2021*. Brussels: European Union.
- ESAAMLG Mutual Evaluation of Seychelles. 2018. *Anti-money laundering and counter-terrorist financing measures - Seychelles, second round mutual evaluation report*. Dar es Salaam: ESAAMLG.
- Euronews. 2021. *EU removes Seychelles from tax havens blacklist despite Pandora Papers revelations*. From: <https://www.euronews.com/my-europe/2021/10/05/eu-removes-seychelles-from-tax-havens-blacklist-despite-pandora-papers-revelations> (accessed 5 October 2021).
- Ewi, M. 2018. *IFF's and money laundering: Is Africa doing enough to fight financial crime?* Pretoria: ENACT. From: <https://enactafrica.org/enact-observer/is-africa-doing-enough-to-fight-financial-crime> (accessed 11 April 2020).
- FATF. 2010. *FATF Standards: 40 Recommendations*. Paris: FATF.
- FATF. 2012. *Operational issues – financial investigations guidance*. Paris: FATF.
- FATF. 2018. *The Financial Action Task Force*. From: <http://www.fatf-gafi.org/faq/moneylaundering/> (accessed on 6 February 2019).
- FATF. 2020. *International Standards on Combatting Money Laundering and the Financing of Terrorism Proliferation*. FATF Standards. Paris: FATF.
- FATF. 2021. *The Financial Action Task Force*. From: <https://www.fatf-gafi.org/faq/moneylaundering/> (accessed on 7 May 2021).
- Financial Intelligence Centre (FIC) of South Africa. 2019. *Case studies and indicators collection, October 2019*. Pretoria: Financial Intelligence Centre.

- FIU. 2019a. *National Strategic Plan 2019-2022*. Victoria: Government of Seychelles.
- FIU. 2019b. *Seychelles FIU: 2019 Annual Report*. Victoria: Government of Seychelles.
- FIU 2020. *Seychelles FIU: 2020 Annual Report*. Victoria: Government of Seychelles.
- FIU, 2021. *Seychelles FIU: 2021 Annual Report*. Victoria: Government of Seychelles.
- Flick, U. 2014. *An introduction to qualitative research*. (5<sup>th</sup> edition.). Thousand Oaks, CA: Sage.
- Flick, U. 2022. *An introduction to qualitative research*. (7<sup>th</sup> edition). Thousand Oaks, CA: Sage.
- Fowle, K. 2015. *Narcos recap: The palace in flames*. From: <https://ew.com/recap/narcos-season-1-episode-4/> (accessed 15 March 2020).
- Gilbert, J. N. 2010. *Criminal investigation*. (8<sup>th</sup> edition.). New Jersey: Pearson Prentice Hall.
- Gillespie, R.T. 2014. *The best practices applied by forensic investigators in conducting lifestyle audits on white collar crime suspects*. MA dissertation, University of South Africa, Pretoria.
- Global Financial Integrity. 2021. Money laundering. From: <https://gfintegrity.org/issue/money-laundering/> (accessed 12 May 2021).
- goAML (Anti-Money-Laundering System). 2023. From: <https://www.unodc.org/unodc/en/global-it-products/goaml.html> (accessed 12 August 2023).
- Govender, D. 2008. *The nature and extent of problems experienced by detectives in the collection, processing and utilisation of crime information for the investigation of crime*. MA dissertation, University of South Africa, Pretoria.
- Govender, P. 2018. *The value of modus operandi in fraud investigation: A short-term insurance industry perspective*. MA dissertation, University of South Africa, Pretoria.
- Gray, D.E. 2014. *Doing research in the real world*. (3<sup>rd</sup> edition.). Thousand Oaks, CA: Sage.
- Gray, T. 1742. *Ode on a distant prospect of Eton College*. From: <https://www.smashingmagazine.com/2011/08/ignorance-bliss-creative-mind/#:~:text=The%20saying%20%E2%80%9C%9C%20Ignorance%20is%20bliss,that%2C%20weren't%20you%3F&text=The%20more%20knowledge%20you%20have,are%20to%20deal%20with%20life> (accessed 5 April 2021).
- Guardia, A.B. 2020. *The worlds dirty money by numbers: Regulations are in place - but 99 percentage of criminal proceeds escape control in the EU*. From:

<https://www.politico.eu/article/the-world-dirty-money-by-the-numbers/> (accessed 30 May 2020).

Guba, E. G., & Lincoln, Y. S. 2005. Paradigmatic controversies, contradictions, and emerging confluences. In N. K. Denzin & Y. S. Lincoln (Eds.). *The Sage handbook of qualitative research* (3<sup>rd</sup> edition.). pp. 191–215. Thousand Oaks, CA. Sage.

Haelein, C & Keatinge, T. 2017. *Following the money: Using financial investigation to combat wildlife crime*. London: RUSI.

Hatchard, J. 2014. *Combatting corruption: Legal approaches to supporting good governance and integrity in Africa*. Cheltenham: Edward Elgar Publishing Limited.

Hutley-Washington, M. 2018. Investigative practices for large money laundering crimes. Economic Crime Forensics Capstones. Pennsylvania: La Salle University Digital Commons.

International Association of Law Enforcement Intelligence Analysts. 1996. *Successful law enforcement using analytic methods*. Florida: IALEIA.

International Centre for Asset Recovery. 2015. *Tracing illegal assets: A practitioner's guide*. Basel: Basel Institute on Governance.

International Consortium of Journalists. 2022. *Pandora Papers: By the numbers – Highlighting and visualizing a selection of the key data points found in the leak of more than 11.9 million files*. From: <https://www.icij.org/investigations/pandora-papers/pandora-papers-by-the-numbers/> (accessed 4 December 2022).

IMF - International Monetary Fund. 2020. *The IMF and the fight against money laundering and the financing of terrorism*. Washington, D.C.: International Monetary Fund.

Interpol. 2021. From: <https://www.interpol.int/en/Crimes/Financial-crime/Money-laundering> (accessed 7 March 2021).

i2 Enterprise Insight Analysis. 2023. From: [https://docs.i2group.com/eia/2.5.0/eia\\_understanding.html](https://docs.i2group.com/eia/2.5.0/eia_understanding.html) (accessed 12 August 2023).

Jansen van Vuren, J.P. 2002. Financial investigations organised crime syndicates South Africa: An overview 1997-2002. Report to SAPS Head of Detectives on results of application of financial investigations on 14 Organised crime syndicates (Unpublished).

- Jansen van Vuren, J.P. 2018. *Financial investigations: Addressing financial gains amassed through illegal activities: A basic guide for prosecutors*. Pretoria: Institute for Security Studies.
- Jansen van Vuren, J.P. 2022. *Financial investigations: Addressing financial gains amassed through illegal activities: A basic guide for investigators*. Pretoria: Institute for Security Studies.
- Johnson, B. & Christensen, L. 2012. *Educational research. Quantitative, qualitative, and mixed approaches*. (4<sup>th</sup> edition.). Thousand Oaks, CA: Sage.
- Jordaan, J. 2007. *The analysis of bank account statements to establish evidence of illicit financial activity*. MA dissertation, University of South Africa, Pretoria.
- Joubert, C. 2013. *Applied law for police officials*. (4<sup>th</sup> edition.). Cape Town: Juta.
- Joubert-Lawen, R. 2022. *Missing \$50m case: change to AML/CFT law awaited – former first lady released on bail*. Victoria: Seychelles News Agency. From: <http://www.seychellesnewsagency.com/articles/16725/%27Missing+m%27+case+Changes+to+AMLFT+law+awaited++Former+First+Lady+released+on+bail> (accessed 27 December 2022).
- Kale, G.V. & Jayanth, J. 2019. Introduction to research. In Bairagi, V. & Munot, M. (eds). 2019. *Research methodology: A practical and scientific approach*. New York: CRC Press.
- Keatinge, T. & Reid, T. 2020. *Case closed? We should review historic wildlife trafficking cases from a financial perspective*. RUSI Newsbrief, March 2020. From: <https://www.alexandriareid.com/publications-archive/blog-post-title-one-f7cle-r4blm> (accessed 7 January 2023).
- Kirbey, S., & Keay, S. 2021. *Improving intelligence analysis in policing*. New York: Routledge.
- Kirton, B. 2011. *Brilliant dissertation: What you need to know and how to do it*. Essex: Pearson Education.
- Kruger, A. 2008. *Organised and proceeds of crime law in South Africa*. Durban: LexisNexis
- Kumar, R. 2011. *Research methodology: A step-by-step guide for beginners*. (3<sup>rd</sup> edition.). London: Sage.
- Leedy, P.D. & Ormrod, J.E. 2001. *Practical research. Planning and design*. (7<sup>th</sup> edition.). New Jersey: Prentice-Hall Inc.

- Leedy, P.D & Ormrod, J.E. 2010. *Practical research, planning and design*. (9<sup>th</sup> edition.). New Jersey: Pearson Education Inc.
- Leedy, P.D. & Ormrod, J.E. 2015. *Practical research. Planning and design*. (11<sup>th</sup> edition). New Jersey: Pearson Education Inc.
- Leedy, P.D & Ormrod, J.E. 2019. *Practical research. Planning and design*. (12<sup>th</sup> edition.). New Jersey: Pearson Education Inc.
- Liamputtong, P. 2013. *Qualitative research methods*. (4<sup>th</sup> edition.). Melbourne: Oxford University Press.
- Madinger, J. 2012. *Money laundering: A guide for criminal investigators*. (3<sup>rd</sup> edition). Florida: CRC Press.
- Manamela, M.S. & Mokwena, R.J. 2015. Imprint evidence and other specialties. In Zinn, R.J. & Dintwe, S. (eds.) *Forensic investigation: Legislative principles and investigative practice*. Cape Town: Juta.
- Marais. C.W. 1992. *Fisiese getuienis in misdaadondersoek*. Wierda Park: Henmar Publications.
- Marley, R. 2021. *Seychelles prosecutes first money laundering case against elites from Pandora papers*. From: <https://shuftipro.com/news/seychelles-prosecutes-first-money-laundering-case-against-elites-from-pandora-papers/> (accessed 3 December 2022).
- Mashiloane, P. 2014. *The use of intelligence led policing in crime prevention by the South African Police Service*. PhD thesis, University of South Africa, Pretoria.
- Matthews, B. & Ross, L. 2010. *Research methods: A practical guide for the social sciences*. Essex: Pearson.
- McDowell, D. 2009. *Strategic intelligence: A handbook for practitioners, managers and users*. (Revised edition.). Maryland: Scarecrow Press.
- Mentz, M. & Botha, A. 2012. Descriptive statistics. In Wager, C., Kawulich, B. & Garner, M. (eds). *Doing social research. A global context*. Berkshire: McGraw-Hill Education.
- Miller, R., & Marston, D.L. 2006. Building a case: Gathering and documenting evidence. In Golden, T.W., Shalak, S.L., and Clayton, M.M. (eds). *A guide to forensic accounting investigation*. New Jersey: Wiley & Sons.
- Milne, R. 2013. *Forensic intelligence*. Boca Raton: CRC Press.

- Mostert, D. 2012. *Utilization of the financial intelligence centre as a financial intelligence source*. MA dissertation, University of South Africa, Pretoria.
- Mouton, J. 1996. *How to succeed in your masters and doctoral studies. A South African guide and resource handbook*. Pretoria: Van Schaik.
- Mudaly, L. 2011. *Search and seizure of documents in the investigation of tax-related cases*. MA dissertation, University of South Africa, Pretoria.
- Nagmode, M.S. 2019. Literature survey and problem statement. In Bairagi, V. & Munot, M.V. (eds). *Research methodology. A practical and scientific approach*. New York: CRC Press.
- Nossen, R.A. 1972. *The seventh basic investigative technique: Analysing financial transactions in the investigation of organised crime and white-collar crime targets*. Washington, DC: US Department of Justice.
- Ntoyakhe v Minister of Safety and Security 2000 1 SA 257 (E).
- OECD. 2019. *Money laundering and terrorist financing awareness handbook for tax examiners and tax auditors*. Paris: OECD.
- OECD. 2021. *Ending the shell game: Cracking down on professionals who enable tax and white-collar crimes*. Paris: OECD.
- Ogletree, T. & Kawulich, B.B. 2012. Ethical considerations in conducting research. In Wagner, C., Kawulich, B., & Garner, M. (eds). *Doing social research: A global context*. New York: McGraw-Hill.
- Opera News. 2021. *Mzansi's "Bill Gates" Gets Very Bad News After Bragging on Social Media – South Africa*. From: <https://za.opera.news/za/en/society/ae7c14c672746a7e51637b15d1f4cc9c> (accessed 01 October 2021).
- Overview of i2 iBase. 2023. From: <https://docs.i2group.com/ibase/9.1.0/welcome.html> (accessed 12 August 2023).
- Pasco, A.P. 2013. *Criminal financial investigations: The use of forensic accounting techniques and indirect methods of proof*. (2<sup>nd</sup> edition.). Boca Raton: CRC Press.
- Pheijffer, M. 1998. Financial investigations and criminal money. *Journal of Money Laundering Control*, 2(1): 33-38.

- Pellissier, R. 2007. *Business research made easy*. Cape Town: Juta.
- Phillips, S.W. 2012. The attitudes of police managers towards intelligence-led policing. *FBI Law Enforcement Bulletin*, 81(9), September:13-17.
- Pinow. c2021. *Financial investigation: What is a financial investigation?* From: <https://www.pinow.com/investigations/financial-investigations> (accessed 5 April 2021).
- Pointe. E. 2020. *Five Seychellois face money laundering charges*. Seychelles Nation. From: <https://nation.sc/articles/5506/five-seychellois-face-money-laundering-charges> (accessed 3 December 2022).
- Poyo, U. 2020. *A Historical-legal analysis of search and seizure of electronic records for the prosecution of financial crimes in South Africa*. MA dissertation, University of South Africa, Pretoria.
- Punch, K.F. 2014. *Introduction to social research: Quantitative & qualitative approaches*. (3<sup>rd</sup> edition.). London: Sage.
- Raymond, T. & Julian, R. 2015. Forensic intelligence in policing: organisational and cultural change. *Journal of Forensic Sciences*, 47(4): 371-385.
- Republic of Malawi. 2017. *Financial Crime Act, Act 14 of 2017*. Lilongwe: Government Gazette.
- Republic of Seychelles. 1992. *Constitution of the Republic of Seychelles, Act 2 of 1992*. Victoria: Government Gazette.
- Republic of Seychelles. 1999. *Maritime Zones Act, Act 2*. Victoria: Government Gazette.
- Republic of Seychelles. 2006. *Anti-Money Laundering and Countering the Financing of Terrorism Act, 2006*. Victoria: Government Gazette.
- Republic of Seychelles. 2008. *Proceeds of Crime (Civil Confiscation) Act, Act 19 of 2008*. Victoria: Government Gazette.
- Republic of Seychelles. 2010. *Police Force Act, Chapter 172*. 2010. Victoria: Government Gazette.
- Republic of Seychelles. 2011. *Customs Management Act, Act 22*. Victoria: Government Gazette.
- Republic of Seychelles. 2016a. *Anti-corruption Act, Act 2 of 2016*. Victoria: Government Gazette.
- Republic of Seychelles. 2016b. *Misuse of Drugs Act, Act 5 of 2016*. Victoria: Government Gazette.
- Republic of Seychelles. 2017. *National Risk Assessment Report for Money Laundering and Terrorist Financing*. Victoria: Ministry of Finance.



- Republic of Seychelles. 2019. *Intelligence Services Act, Act 2 of 2019*. Victoria: Government Gazette.
- Republic of Seychelles. 2020a. *Anti-Money Laundering and Countering the Financing of Terrorism Act, Act 5 of 2020*. Victoria: Government Gazette.
- Republic of Seychelles. 2020b. *Criminal Procedure Code, Chapter 54*. Victoria: Government Gazette.
- Republic of Seychelles. 2020c. *Statistical Bulletin, Catalogue No: CJS2019/Q4: 28 February 2020*. Victoria: National Bureau of Statistics.
- Republic of Seychelles. 2020d. *Seychelles National Anti-Money Laundering and Countering the Financing of Terrorism Strategy 2020-2023*. Victoria: Ministry of Finance.
- Republic of Seychelles. 2021. *Statistical Bulletin, Catalogue No: CJS2020/Q4: 26 February 2021*. Victoria: National Bureau of Statistics.
- Republic of Seychelles. 2022. *Statistical Bulletin, Catalogue No: CJS21/Q4: 28 February 2022*. Victoria: National Bureau of Statistics.
- Republic of South Africa. 1998. *Prevention of Organised Crime Act, Act 121*. Pretoria: Government Gazette.
- Republic of South Africa. 2003. *Financial Intelligence Centre Act, Act 38*. Pretoria: Government Gazette.
- Ritchie, J., Lewis, J., Elam, G., Tennant, R. & Rahim, N. 2014. Designing and selecting samples. In: Ritchie, J., Lewis, J, Nichols, C & Ormston, R. (eds.). (2<sup>nd</sup> edition.). *Qualitative research practice. A guide for social science students & researchers*. Thousand Oaks, CA: Sage.
- Robinson, J. 2001. Following the money. *Nexus*, Issue 10, Spring: 18-20.
- Ruggiero, V. 2017. *Dirty money. On financial delinquency*. London: Oxford Press.
- Seychelles Nation. 2020. *ANB statistical bulletin – from January to May 2020 | 25 June 2020, ANB makes 3,932 searches, 425 arrests in five months*. From: <https://www.nation.sc/articles/5133/anb-statistical-bulletin--from-january-to-may-2020> (accessed 3 December 2022.)
- Smit, C.J. 2019. *An assessment of the multi-disciplinary approach to investigate corruption in the South African public service*. PhD thesis, University of South Africa, Pretoria.

- Smith, I. & Owen, T. 2003. The powers of investigation in POCA 2002, Pt 8. In: Smith, I., & Owen, T. (eds.) *Asset recovery: Criminal confiscation and civil recovery*. Leeds: Lexis Nexis.
- South Africa. 1998. Prevention of Organised Crime Act, 121 of 1998. <https://www.gov.za/sites/default/files/a121-98.pdf> (accessed 5 January 2023).
- South African Police Service. 1995. *Circular: Introduction to the Commercial Branch*. Pretoria: Commissioner of the SAPS.
- Steenberg, D.J. 2008. Crime intelligence course. Pretoria: Commissioner of the SAPS.
- Stessens, G. 2000. *Money laundering: A new international law enforcement model*. Cambridge Studies in International and Comparative Law. Cambridge: University Press.
- The Conversation. 2020. *South Africa's minibus taxi industry has been marginalised for too long. This must change*. From: <https://theconversation.com/south-africas-minibus-taxi-industry-has-been-marginalised-for-too-long-this-must-change-142060> (accessed 23 February 2021).
- The Financial Intelligence Unit. 2024. From: <https://seychellesfiu.sc/about-the-financial-intelligence-unit/> (accessed 14 July 2023).
- Thornhill, S., & Dare, P. 2020. *ICS certificate in anti-money laundering*. International Compliance Association: Birmingham.
- Transparency International. 2022. *Corruption Perception Index, 2022*. Washington, DC: Transparency International.
- Trochim, W.M.K. & Donnelly, J.P. 2007. *The research methods knowledge base*. (3<sup>rd</sup> edition). Hampshire: Cengage Learning.
- UK College of Policing. 2021. From: <https://www.college.police.uk/app/investigation/investigative-strategies/financial-investigation/using-financial-information> (accessed 18 July 2021).
- University of South Africa. 2007. *Policy on Research Ethics*. Florida: UNISA.
- University of South Africa. 2016. *Policy on Research Ethics*. Pretoria: UNISA.
- United Nations. 1988. *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*. Vienna: United Nations
- United Nations. 2003. *Convention Against Transnational Organised Crime*. Vienna: United Nations.

- United Nations. 2004. *Convention Against Corruption*. Vienna: United Nations.
- UNODC. 2010. *Criminal intelligence: Manual for front-line law enforcement*. Vienna: United Nations Office on Drugs and Crime.
- UNODC. 2011a. *Criminal Intelligence: Manual for analysts*. Vienna: United Nations Publications.
- UNODC. 2011b. *Criminal Intelligence: Manual for managers*. Vienna: United Nations Publications.
- UNODC. 2019. Money laundering and globalisation. From: <https://www.unodc.org/unodc/en/money-laundering/globalization.html> (accessed 15 March 2019).
- United Nations. 2020. *International Cooperation Involving Special Investigative Techniques*. Working Group on International Cooperation. Conference of the Parties to the United Nations Convention Against Transnational Organised Crime. Vienna: United Nations.
- UNODC. 2021. *Money laundering, proceeds of crime and the financing of terrorism*. From: <https://www.unodc.org/unodc/en/money-laundering/index.html#:~:text=Money%20laundering%20is%20the%20processing,profits%20without%20jeopardising%20their%20source> (accessed 7 March 2021).
- Van der Westhuizen, J. 1996. *Forensic criminalistics*. (2<sup>nd</sup> edition.). Johannesburg: Heinemann.
- Van Duyne, P.C., Harvey, J.H. & Gelemerova, L.Y. 2018. *The critical handbook of money laundering: Policy, analysis, myths*. London: Palgrave Macmillan.
- Van Niekerk, A.M. 2015. *The analysis of a cell phone record as a source of intelligence in the investigation of copper cable theft*. MA dissertation, University of South Africa, Pretoria.
- Van Rooyen, H.J.N. 2007. *Crime scene investigation*. Wierda Park: Henmar Publications.
- Van Rooyen, H.J.N. 2008. *The practitioner's guide to forensic investigation in SA*. Wierda Park: Henmar Publications.
- Wagner, C., Botha, A. & Mentz, M. 2012. Developing a research topic and planning the research project. In Wagner, C., Kawulich, B., & Garner, M. (eds). *Doing social research: A global context*. New York: McGraw-Hill.
- Walsch, F.P. 2011. *Intelligence and intelligence analysis*. New York: Routledge.
- Welman, C., Kruger, F & Mitchell, B. 2005. *Research methodology*. (3<sup>rd</sup> edition.). Goodwood: Oxford.

Woods, D.D. 2019. *O'Hara's fundamentals of criminal investigation*. Springfield, IL: Charles C Thomas.

World Bank. 2011. *Planning investigations: Investigation of corruption and money laundering* (Adopted from the Handbook for Practitioners on Asset Recovery under StAR Initiative). Module 4. Washington: World Bank.

World Population Review of Seychelles. 2022.From:

<https://worldpopulationreview.com/countries/seychelles-population> (accessed 14 July 2023).

Yin, R. K. 2003. *Case study research: Designs and methods. Applied social method series*. (2<sup>nd</sup> edition.). Thousand Oaks, CA: Sage.

Zeffertt, D.T., Paizes, A.P. & Skeen, A. 2003. *The South African law of evidence*. Durban: Butterworths.

APPENDIX 1

RECOMMENDATIONS IN UNITED CONVENTION AGAINST  
TRANSNATIONAL ORGANISED CRIME [MONEY LAUNDERING]

RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME [MONEY LAUNDERING]		
Section	Recommendation	Details of Proposed Measures to Member Countries
Article 6.1	<p>Criminalising the laundering of the proceeds of crime</p> <p><b>Addressing the property</b></p>	<p>1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or assisting any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;</p> <p>(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;</p> <p>(b) Subject to the basic concepts of its legal system:</p> <p>(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;</p> <p>(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating, and counselling the commission of any of the offences established in accordance with this article.</p>
Article 6.2	Inclusion of all serious predicate offences and	<p><b>For purposes of implementing or applying paragraph 1 of this article:</b></p> <p>(a) Each State Party shall seek to apply paragraph 1 of this article to the <u>widest range of predicate offences</u>;</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**  
**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
	Serious offences committed within and outside Jurisdictions	<p>(b) Each State Party shall include as predicate offences all serious crimes as defined in Article 2 of this Convention and the offences established in accordance with Articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organised criminal groups;</p> <p>(c) For subparagraph (b), predicate offences shall include <u>offences committed both within and outside the jurisdiction of the State Party</u> in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there.</p>
Article 7.1	<b>Addressing Money Laundering</b>	<p><b>Each State Party:</b></p> <p>(a) Shall institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions and, where appropriate, other bodies particularly susceptible to money laundering, within its competence, to deter and detect all forms of money laundering, which regime shall emphasise requirements for customer identification, record-keeping and the reporting of suspicious transactions;</p> <p>(b) Shall, without prejudice to articles 18 and 27 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money laundering</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**  
**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		(including, where appropriate under domestic law, judicial authorities) can cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law and, to that end, shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money laundering.
Article 7.2	<b>Addressing Money Laundering</b>	2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.
Article 7.3	<b>Addressing Money Laundering</b>	In establishing a domestic regulatory and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money laundering.
Article 7.4	<b>Addressing Money Laundering</b>	States Parties shall endeavour to develop and promote global, regional, sub-regional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities to combat money laundering.
Article 12	<b>Confiscation &amp; Seizure</b>	1. States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of:

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME****[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		<p>(a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds;</p> <p>(b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.</p> <p>2. States Parties shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for eventual confiscation.</p> <p>3. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.</p> <p>4. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.</p> <p>5. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from the property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner, and to the same extent as proceeds of crime.</p>



**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**  
**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		<p>6. For the purposes of this article and article 13 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. States Parties shall not decline to act under the provisions of this paragraph on the grounds of bank secrecy.</p> <p>7. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law and with the nature of the judicial and other proceedings.</p> <p>8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.</p>
Article 13	International Cooperation for purposes of <b>confiscation</b>	<p>1. A State Party that has received a request from another State Party having jurisdiction over an offence covered by this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:</p> <p>(a) Submit the request to its competent authorities for obtaining an order of confiscation and, if such an order is granted, give effect to it; or</p> <p>(b) Submit to its competent authorities, to give effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with article</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME****[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		<p>12, paragraph 1, of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, situated in the territory of the requested State Party.</p> <p>2. Following a request made by another State Party having jurisdiction over an offence covered by this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 12, paragraph 1, of this Convention for eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.</p> <p>3. The provisions of Article 18 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in Article 18, paragraph 15, requests made pursuant to this article shall contain:</p> <p>(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;</p> <p>(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**

**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		<p>statement of the facts and information as to the extent to which execution of the order is requested;</p> <p>(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested.</p> <p>4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party.</p> <p>5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.</p> <p>6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.</p> <p>7. Cooperation under this article may be refused by a State Party if the offence to which the request relates is not an offence covered by this Convention.</p> <p>8. The provisions of this article shall not be construed to prejudice the rights of bona fide third parties.</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**  
**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		<p>9. States Parties shall consider concluding bilateral or multilateral treaties, agreements, or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article.</p>
<p>Article 14</p>	<p><b>Disposal of confiscated proceeds of crime</b></p>	<p>Proceeds of crime or property confiscated by a State Party pursuant to articles 12 or 13, paragraph 1, of this Convention shall be disposed of by that State Party in accordance with its domestic law and administrative procedures.</p> <p>2. When acting on the request made by another State Party in accordance with article 13 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners.</p> <p>3. When acting on the request made by another State Party in accordance with articles 12 and 13 of this Convention, a State Party may give special consideration to concluding agreements or arrangements on:</p> <p>(a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 30, paragraph 2 (c), of this Convention and to intergovernmental bodies specializing in the fight against organized crime;</p> <p>(b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from</p>

**RECOMMENDATIONS IN UNITED CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME**  
**[MONEY LAUNDERING]**

Section	Recommendation	Details of Proposed Measures to Member Countries
		the sale of such proceeds of crime or property, in accordance with its domestic law or administrative procedures.

**APPENDIX 2**

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

<b>INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS</b>		
	<b>Organisation</b>	<b>Purpose</b>
1.	<b>AML-WA:</b> Anti-Money Laundering and Financial Crime Initiative in West Africa	<p>The AML/WA project is designed to enhance inter-regional anti-money laundering skills and capacities between four West African states. It also seeks to develop international working with European asset recovery agencies, support the formation of a West African Asset Recovery network and raise awareness of the responsibilities of non-banking and non-financial businesses and professions.</p> <p>With these aims, the capacity to undermine trafficking in cocaine by taking the profit out of the business will be enhanced. The project office is based in Dakar, Senegal, also for better access to the UNODC ROSEN office and GIABA.</p>
2.	<b>APGML:</b> Asia / Pacific Group on Money Laundering	<p>The Asia/Pacific Group on Money Laundering (APG) is an autonomous and collaborative international organisation founded in 1997 in Bangkok, Thailand consisting of 41 members and several international and regional observers.</p> <p>The APG has five primary functions:</p> <ol style="list-style-type: none"> <li>1. Mutual evaluations: assess compliance by APG members with the global AML/CFT standards through a mutual evaluation (peer review) programme;</li> <li>2. Technical assistance and training: coordinate bi-lateral and donor-agency technical assistance and training in the Asia/Pacific region to improve compliance by APG members with the global AML/CFT standards;</li> </ol>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>3. Typologies research: conduct research and analysis into money laundering and terrorist financing methods to better inform APG members and the general public of trends, methods, risks and vulnerabilities of the financial and non-financial sectors to these crimes;</p> <p>4. Global policy development: participate in, and contribute to, policy development of the international AML/CFT standards by active participation in the global network of FSRBs; and</p> <p>5. Private sector engagement: provide information to the private sector to better inform them of international developments in AML/CFT and provide a forum for them to engage with the APG.</p> <p>6. The APG also assists its members in establishing national coordination mechanisms to better utilise resources to combat money laundering and terrorist financing.</p>
3.	<b>ARIN-AP:</b> Asset Recovery Inter-Agency Network – Asia Pacific	<p>ARIN-AP is to exchange information on individuals, companies, and assets at the international level to facilitate the pursuit and recovery of proceeds of unlawful activities.</p> <p>ARIN-AP aims to increase the effectiveness of members' efforts in depriving criminals of their illicit profits on a multi-agency basis by establishing itself as the centre of professionals' networks in tackling the proceeds of crime.</p>
4.	<b>ARINSA (UNODC):</b> Asset Recovery Inter-Agency of Southern Africa	<p>ARINSA aims to increase the effectiveness of members' efforts, individually and collectively, on a multi-agency basis, in depriving criminals of instrumentalities of crime and illicit profits, through the Key Objectives.</p> <p>In seeking to meet its Aim, ARINSA will:</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<ul style="list-style-type: none"> <li>• focus on the proceeds and instrumentalities of all crimes, within the scope of international obligations;</li> <li>• establish itself as a Centre of Excellence in all aspects of tackling the instrumentalities and proceeds of crime;</li> <li>• promote the exchange of information and good practice;</li> <li>• establish a network of contact points;</li> <li>• facilitate and promote, the establishment, where possible, of national centres of excellence in all aspects of tackling the proceeds of crime;</li> <li>• make recommendations to other bodies such as the Eastern and Southern African Anti-Money Laundering Group (ESAAMLG) and SADC, relating to all aspects of tackling the proceeds of crime;</li> <li>• act as an advisory group to appropriate authorities;</li> <li>• facilitate, where possible, training in all aspects of tackling the proceeds of crime;</li> <li>• recognise the importance of cooperation with the private sector in achieving its aim.</li> </ul>
5.	<b>BASEL Committee:</b> Bank for International Settlements	<p>The Basel Committee on Banking Supervision provides a forum for regular cooperation on banking supervisory matters. Its objective is to enhance understanding of key supervisory issues and improve the quality of banking supervision worldwide.</p> <p>With its Head Office based in Switzerland, BASEL was established on 17 May 1930, the Bank for International Settlements (BIS) is the world's oldest international financial organisation. The BIS has 60</p>



**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		member central banks, representing countries from around the world that together make up about 95% of world GDP.
6.	<b>CFATF:</b> Caribbean Financial Action Task Force	<p>The Caribbean Financial Action Task Force (CFATF) is an organisation of twenty-seven states of the Caribbean Basin, which have agreed to implement common countermeasures to address the problem of criminal money laundering. It was established as the result of meetings convened in Aruba in May 1990 and Jamaica in November 1992.</p> <p>The CFATF Secretariat monitors members' implementation of the Kingston Ministerial Declaration through the following activities:</p> <ul style="list-style-type: none"> <li>• Annual Ministerial meetings</li> <li>• Biannual plenary meetings for technical representatives</li> <li>• An ongoing programme of Mutual evaluation of members</li> <li>• Self-assessment of the implementation of the recommendations</li> <li>• Co-ordination of, and participation in, training and technical assistance programmes</li> </ul>
7.	<b>CARIN:</b> Camden Asset Recovery Inter Agency Network	<p>CARIN is an informal network of expert practitioners in the field of asset tracing, freezing and confiscation. It is an interagency network which means that each member state is represented by a law enforcement officer and a judicial expert (prosecutor, investigating judge, etc. depending on the legal system).</p> <p>The purpose of CARIN is to increase the effectiveness of its members efforts, on a multi-agency basis, to deprive criminals of their illicit profits. The concept is that the whole process from the starting point in the investigation, to the asset tracing, to end forfeiture/confiscation is covered.</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>The representatives of the member states are called “national contact points”. All of them are English speaking because the working language of the network is English and may be contacted directly by phone or email.</p> <p>CARIN aims to increase the effectiveness of members’ efforts, on a multiagency basis, in depriving criminals of their illicit profits.</p> <p>CARIN has 53 registered member jurisdictions, including 27 EU Member States and nine international organisations.</p>
8.	<p><b>EAG:</b> The Eurasian Group on Combating Money Laundering and Terrorist Financing</p>	<p>The EAG was created for the countries of the Eurasian region not included in the existing FATF-style regional groups and is intended to play an important role in reducing the threat of international terrorism and ensure the transparency, reliability and security of the financial systems of states and their further integration into the international infrastructure for combating money laundering and terrorism financing</p> <p>The EAG founding conference was held in Moscow on October 6, 2004, and was attended by six founding countries: Belarus, Kazakhstan, China, Kyrgyzstan, Russia and Tajikistan. In 2005 and 2010 the group was expanded to include Uzbekistan, Turkmenistan and India, which previously had observer status.</p> <p>The main tasks of EAG are:</p> <ul style="list-style-type: none"> <li>• assisting member states in implementing the 40 FATF anti-money laundering Recommendations and the 9 Special FATF Recommendations on combating terrorist financing (FATF 40+9 Recommendations);</li> <li>• developing and conducting joint activities aimed at combating money laundering and terrorist financing;</li> </ul>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<ul style="list-style-type: none"> <li>• implementing a program of mutual evaluations of member states based on the FATF 40+9 Recommendations, including assessment of the effectiveness of legislative and other measures adopted in the sphere of AML/CFT efforts;</li> <li>• coordinating international cooperation and technical assistance programs with specialised international organizations, bodies, and interested states;</li> <li>• Analysing money laundering and terrorist financing trends (typologies) and exchanging best practices for combating such crimes taking into account regional specifics.</li> </ul>
9.	<p><b>ESAAMLG:</b> Eastern and Southern African Anti-Money Laundering Group</p>	<p>Membership of ESAAMLG is based on Article II of the Memorandum of Understanding which stipulates that members are:</p> <ol style="list-style-type: none"> <li>a) Countries which subscribed to the MOU by signing it on 27th August 1999 or within six months thereafter, or</li> <li>b) Any country within the region whose application for membership has been approved by the Council.</li> </ol> <p>The objectives of ESAAMLG members are:</p> <ol style="list-style-type: none"> <li>(a) adopt and implement the 40 Recommendations plus Special Recommendations of the FATF;</li> <li>(b) apply anti-money laundering measures to all serious crimes;</li> <li>(c) implement measures to combat the financing of terrorism; and</li> <li>(d) implement any other measures contained in multilateral agreements and initiatives to which they subscribe for the</li> </ol>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p style="text-align: center;">prevention and control of the laundering of the proceeds of all serious crimes and the financing of terrorist activities</p> <ul style="list-style-type: none"> <li>•</li> </ul>
10.	<b>EGMONT Group</b>	<p>Governments have created specialised government agencies as part of their system to deal with money laundering. One of these systems is known as FIU's. First FIU's established in 1990's (106 Countries members).</p> <p>FIUs began to work together in 1995 – known as Egmont Group (named for the location of 1st meeting in the Egmont-Arenberg Palace in Brussels)</p> <p>The goal of the group was to provide a forum for FIU's:</p> <ul style="list-style-type: none"> <li>• <i>to improve support for their respective anti-money laundering programs</i></li> <li>• <i>Includes expanding &amp; systemizing the exchange of financial intelligence</i></li> <li>• <i>Improving the expertise and capabilities of personnel of such organizations</i></li> <li>• <i>To foster better communication among FIUs through the application of new technologies</i></li> </ul> <p>23/55 African countries have an active FIU/FIC and are members of the EGMONT Group. They are:</p> <p>Algeria, Angola, Burkina Faso, Cameroon, Chad, Cote d'Ivoire, Egypt, Gabon, Ghana, Malawi, Mali, Mauritius, Morocco, Namibia, Niger, Nigeria, Senegal, Seychelles, South Africa, Tanzania, Togo and Tunisia</p>
11.	<b>FATF: Financial Action Task Force</b>	<p>The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.</p> <p>The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas.</p> <p>The FATF has developed a series of Recommendations that are recognised as the international standard for combating money laundering the financing of terrorism and the proliferation of weapons of mass destruction.</p>
12.	<p><b>GAFISUD:</b> Financial Action Task Force against Money Laundering in South America</p>	<p>A FATF-style regional body founded on Dec. 8, 2000, The group’s efforts are aimed at developing the legal framework in the sphere of AML/CFT, creating a messaging system on suspicious transactions, mutual legal assistance, as well as the continuous improvement of national policies and strengthening methods of cooperation among the member states.</p> <p>GAFISUD Member States are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru and Uruguay.</p>
13.	<p><b>GIABA:</b> The Inter-Governmental Action Group against Money Laundering in West Africa</p>	<p>GIABA is an institution of the Economic Community of West African States (ECOWAS) responsible for facilitating the adoption and implementation of Anti-Money Laundering (AML) and Counter-Financing of Terrorism (CFT) in West Africa. It is also a FATF-Styled Regional Body (FSRB) working with its member States to ensure compliance with international AML/CFT standards. Core functions of GIABA are to address the following in West Africa:</p> <ul style="list-style-type: none"> <li>• <i>Partnerships</i></li> <li>• <i>Compliance Monitoring</i></li> </ul>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<ul style="list-style-type: none"> <li>• <i>Institutional Development</i></li> <li>• <i>Typologies and other Research</i></li> <li>• <i>Technical Support to Member States</i></li> <li>• <i>Regional and International Cooperation</i></li> </ul>
14.	<b>IMF:</b> International Monetary Fund	<p>In 2000, the IMF responded to calls from the international community to expand its work in the area of anti-money laundering (AML). After the tragic events of September 11, 2001, the IMF intensified its AML activities and extended them to include combating the financing of terrorism (CFT).</p> <p>During the past 14 years, the IMF's efforts in this area helped shape domestic and international AML/CFT policies. They included over 70 AML/CFT assessments, multiple involvements in Article IV consultations and inputs into the design and implementation of financial integrity-related measures in Fund-supported programs, as well as a large number of capacity development activities, and research projects.</p> <p>The IMF's broad experience in exercising surveillance over members' economic systems, conducting financial sector assessments, and providing capacity development to its member countries has been particularly helpful in providing financial integrity advice in the context of surveillance, evaluating countries' compliance with the international AML/CFT standard and in developing programs to help them address identified shortcomings.</p>
15.	<b>INTERPOL/FOPAC</b>	<p>FOPAC is a French abbreviation for '<i>Fonds Provenant d'Activites Criminelles</i>'. It is a specialised Branch created in 1983, by the ICPO-Interpol General Assembly in Cannes, within the Police Division of ICPO-Interpol General Secretariat, to deal with all the offenses relating to money laundering.</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>The FOPAC Group’s focus is on financial operations connected with criminal activities particularly on the laundering of money that is involved in drug trafficking</p>
16.	<p><b>MENAFATF:</b> Middle East and North Africa Financial Action Task Force</p>	<p>MENAFATF Member countries endeavour towards achieving the following objectives:</p> <ul style="list-style-type: none"> <li>• <i>To adopt and implement the FATF 40 Recommendations on combating money laundering and financing of terrorism and proliferation;</i></li> <li>• <i>To implement the relevant UN treaties and agreements and United Nations Security Council Resolutions;</i></li> <li>• <i>To co-operate among each other to raise compliance with these standards within the MENA Region and to cooperate with other international and regional organizations, institutions and agencies to improve compliance worldwide;</i></li> <li>• <i>To work jointly to identify issues of regional nature related to money laundering and terrorist financing, and to share relevant experiences and to develop solutions for dealing with them;</i></li> <li>• <i>To take measures throughout the region to effectively combat money laundering and terrorist financing in a way that does not contradict the cultural values, constitutional frameworks and legal systems in the member countries.</i></li> </ul>
17.	<p><b>MONEYVAL:</b> Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism</p>	<p>MONEYVAL is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>recommendations to national authorities in respect of necessary improvements to their systems.</p> <p>MONEYVAL aims to ensure that its member states have in place effective systems to counter money laundering and terrorist financing and comply with the relevant international standards in this matter.</p> <p>To achieve this goal, MONEYVAL is vested with several key competencies and tasks. It shall:</p> <ul style="list-style-type: none"> <li>• <i>assess its members' compliance with all relevant international standards in the legal, financial and law enforcement sectors through a peer review process of mutual evaluations, including assessment of the effectiveness of the implemented measures in practice;</i></li> <li>• <i>formulate recommendations on ways to improve the effectiveness of domestic regimes to combat money laundering and terrorist financing and states' capacities to cooperate internationally in these areas;</i></li> <li>• <i>conduct thematic typologies research of money laundering and terrorist financing methods, trends and techniques and issue reports thereabout;</i></li> <li>• <i>conduct other research into issues relating to money laundering and the financing of terrorism, including horizontal reviews of the progress of evaluated States in meeting the international standards in each evaluation round;</i></li> </ul>



**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<ul style="list-style-type: none"> <li>• undertake activities to raise awareness of major global policy <i>and operational initiatives to counter money laundering and the financing of terrorism;</i></li> <li>• <i>after consultation with the European Committee on Crime Problems (CDPC), propose recommendations for adoption by the Committee of Ministers which would improve the international fight against money laundering and the financing of terrorism;</i></li> <li>• <i>contribute actively to the global fight against money laundering and the financing of terrorism by working closely with other key international partners, including the FATF, the IMF, the World Bank, the United Nations, the European Union and other FATF-Style Regional Bodies (FSRBs) in the global network of AML/CFT assessment bodies.</i></li> </ul>
18.	<p><b>UNODC - IMoLIN:</b> International Money-Laundering Information Network (IMoLIN)/Anti-Money-Laundering International Database (AMLID)</p>	<p>IMoLIN is an Internet-based information network developed by the UN and supported by other international organizations including ICPO-Interpol to encourage the fight against money laundering. The FOPAC Branch and other international and regional organizations collect the information of directly from the countries and keep the database updated.</p> <p>There are several principal components of IMOLIN:</p> <ul style="list-style-type: none"> <li><i>i. News Forum - an electronic forum that allows a client to place messages, queries and information on an electronic bulletin board for other clients to review and respond.</i></li> <li><i>ii. Library - reference data such as conventions, recommendations, and samples of model laws</i></li> <li><i>iii. AMLID- Anti Money Laundering International Database - an intensive database on legislation and regulations throughout</i></li> </ul>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<i>the world. Information is presented in English, French and Spanish.</i>
19.	<b>The Wolfsberg Group</b>	<p>The Wolfsberg Group is an association of eleven global banks, which aims to develop financial services industry standards, and related products, for Know Your Customer, Anti-Money Laundering and Counter Terrorist Financing policies.</p> <p>The Group came together in 2000, at the Château Wolfsberg in north-eastern Switzerland, in the company of representatives from Transparency International, including Stanley Morris, and Professor Mark Pieth of the University of Basel, to work on drafting anti-money laundering guidelines for Private Banking. The Wolfsberg Anti-Money Laundering Principles for Private Banking were subsequently published in October 2000, revised in May 2002 and again most recently in June 2012.</p> <p>The Group then published a Statement on the Financing of Terrorism in January 2002 and released the Wolfsberg Anti-Money Laundering Principles for Correspondent Banking in November 2002 and the Wolfsberg Statement on Monitoring Screening and Searching in September 2003. In 2004, the Wolfsberg Group focused on the development of a due diligence model for financial institutions.</p>
20.	<b>World Bank</b>	<p>The World Bank is not a standard setter in the area of AML/CFT; rather, its main role is to assist countries in meeting global standards of FATF 40+9 Recommendations. Specifically, the World Bank contributes to the prevention and suppression of ML/TF by providing technical assistance on risk management; on building stronger legal and institutional frameworks and on building strong governance frameworks. Since 2001 the World Bank has strengthened partnerships with other institutions in global AML/CFT efforts – IMF, UNODC, GOPAC, FATF, etc.</p>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
		<p>In its efforts to combat ML/TF the World Bank is country/region-oriented and does not segregate between the two phenomena. It encourages countries to undertake legislative and institutional reforms, change in mindset and culture, and strive for better governance.</p> <p>There are five key principles in the World Bank Country Assistance Programs:</p> <ol style="list-style-type: none"> <li>1. <i>AML/CFT measures of importance for financial system soundness. This entails making a balance between compliance needs and access to financial services. Therefore, countries should have in place oversight commensurate with risks and abuse.</i></li> <li>2. <i>Creating awareness and commitment that a sound AML/CFT system is part of the financial regulatory framework – promotion of risk-based approach.</i></li> <li>3. <i>Taking into account level of development of financial sector and specific features of domestic systems.</i></li> <li>4. <i>Ensuring reform measures are appropriate to meet international standards but designed to suit local conditions. In other words, CDD &amp; KYC rules should be tailored to fit the domestic system and should not preclude liberalization of financial services.</i></li> <li>5. <i>Working towards the effectiveness of systems and measures. This requires close cooperation and joint responsibility of government authorities, but also networking of foreign law enforcement authorities, FIUs and financial supervisors.</i></li> </ol>

**INTERNATIONAL AND REGIONAL BODIES COMMITTED TO ADDRESSING MONEY LAUNDERING AND FINANCIAL GAINS AMASSED THROUGH ILLEGAL MEANS**

	Organisation	Purpose
21.	<b>World Bank – StAR Project:</b> Stolen Asset Recovery Initiative	<p>StAR provides technical assistance to individual countries that face significant challenges when trying to recover the proceeds of corruption and then to help them overcome obstacles, which include:</p> <ul style="list-style-type: none"> <li>• <i>Preventing the laundering of the proceeds of corruption</i></li> <li>• <i>Investigating complex international corruption cases and generating evidence of corrupt acts</i></li> <li>• <i>Tracing the location of the proceeds of corruption, which are often disguised and mingled with legitimate funds</i></li> <li>• <i>Conducting legal proceedings to recover assets in cases where the accused have died, are fugitives, or have immunity from prosecution due to their position</i></li> <li>• <i>Navigating different legal systems across jurisdictions where the theft occurs and where the money is ultimately laundered</i></li> </ul>

**APPENDIX 3 CASH SEIZURE ORDERS OBTAINED - ASSET FORFEITURE UNIT, WESTERN CAPE 1998 - 2009**

CASH SEIZURE ORDERS OBTAINED - ASSET FORFEITURE UNIT, WESTERN CAPE 1998 - 2009									
	AFU Case Name	Case No [NPA]	Case No [SAPS]	Discovery through Search & Seizure	Value of Seized Cash [R]	Foreign Currency? [USD]	Value of Narcotics/ Loss Amount	Discovered Documents listed/mentioned in statements?	Related Crime
1	Bonzaaier	4759/01	Woodstock CAS 312/06/2000	Yes	19,941.93	-	5,000.00	No	Drugs
2	Kyamandi	10272/07	Stellenbosch CAS 644/04/2007	Yes	101,957.00	-	Not stipulated	No	Drugs
3	Mazda 626	10613/01 7252/01	Sea Point CAS 667/02/2001	Yes	11,260.00	\$900.00	18,600.00	No	Drugs
4	Mathews	10692/01	Phillipi CAS 300/07/2001	Yes	62,654.85	-	1,500.00	No	Drugs
5	Van Wyk	10695/01	Bishop Lavis CAS 203/11/2001	Yes	62,067.31	-	Not stipulated	No	Drugs
6	Ubobuaku	10738/01	Ravensmead CAS 454/06/2001	Yes	-	\$10,000.00	3,000,000.00	No	Drugs
7	Karriem	10856/99	Bishop Lavis CAS 309/07/1999	Yes	78,307.00	-	Not stipulated	No	Drugs
8	Machona	1271/01	Nyanga CAS 84/07/99	Yes	54,000.00	-	69,000.00	No	Drugs
9	Bothasig	12779/07	Bothasig CAS 57/02/2007	Yes	59,650.00	-	Not stipulated	No	Drugs
10	Violtjie	1455/07	Mitchells Plain CAS 1977/04/2006	Yes	80,000.00	-	Not stipulated	No	Drugs
11	Cupido	15120/07	Mitchells Plain CAS 2069/12/2005	Yes	44,000.00	-	Not stipulated	No	Drugs

**CASH SEIZURE ORDERS OBTAINED - ASSET FORFEITURE UNIT, WESTERN CAPE 1998 - 2009**

	AFU Case Name	Case No [NPA]	Case No [SAPS]	Discovery through Search & Seizure	Value of Seized Cash [R]	Foreign Currency? [USD]	Value of Narcotics/ Loss Amount	Discovered Documents listed/mentioned in statements?	Related Crime
12	Leonsdale	15910/07	Elsies River CAS 454/04/2007	Yes	19,380.00	-	6,000.00	No	Drugs
13	Macassar	16352/07	Delft CAS 723/12/2007	Yes	73,778.60	-	Not stipulated	No	Drugs
14	Mercia	16511/07	Kirstenhof CAS 235/01/2007	Yes	19,540.00	-	Not stipulated	No	Drugs
15	Jakkals II	16617/07	Bishop Lavis CAS 478/09/2007	Yes	33,810.00	-	Not stipulated	No	Drugs
16	Mace	2166/03	Wynberg CAS 209/11/2003	Yes	45,980.00	-	Not stipulated	No	Drugs
17	Woods	2691/03	Woodstock CAS 218/01/2003	Yes	88,663.74	\$1,680.00	Not stipulated	No	Drugs
18	Acacia	3/1547/06	Michells Plain CAS 862/07/2006	Yes	26,710.00	-	Not stipulated	No	Drugs
19	Beertjie	3239/03	Unknown	Yes	-	\$8,400.00	Not stipulated	No	Drugs
20	Puma	3815/04	Unknown	Yes	124,000.00	-	Not stipulated	No	Natural Resources (abalone)
21	Abrahams	4790/01	Bishop Lavis CAS 148/032001	Yes	31,150.00	-	2,000.00	No	Drugs
22	Nonso	5055/07	Maitland CAS 238/01/2007	Yes	68,836.00	-	Not stipulated	No	Drugs
23	Valhalla	5822/02	Bishop Lavis CAS 197/02/2002	Yes	28,735.50	-	Not stipulated	No	Drugs

**CASH SEIZURE ORDERS OBTAINED - ASSET FORFEITURE UNIT, WESTERN CAPE 1998 - 2009**

	AFU Case Name	Case No [NPA]	Case No [SAPS]	Discovery through Search & Seizure	Value of Seized Cash [R]	Foreign Currency? [USD]	Value of Narcotics/ Loss Amount	Discovered Documents listed/mentioned in statements?	Related Crime
24	Libra	5823/02	Ocean View CAS 51/11/2001	Yes	20,703.10	-	Not stipulated	No	Drugs
25	Angus/Essa	6258/00	Athlone CAS 315/05/2000	Yes	41,292.50	-	19,672.00	No	Drugs
26	R34000	6706/12	Parrow CAS 180/10/1997	Yes	34,000.00	-	7,000,000.00	No	Drugs
27	Kuti	6854/00	Table View CAS 125/08/2000	Yes	39,470.00	-	42,000.00	No	Drugs
28	Jungfrau	6986/07	Mitchells Plain CAS 383/09/2005	Yes	110,730.00	-	None Found	No	Drugs
29	Igshaan Davids	6995/09	Cape Town CAS 148/02/1999	Yes	145,739.00	-	Not stipulated	No	Drugs
30	US\$ 9100	7202/02	Unknown	Yes	-	\$9,100.00	15,000.00	No	Drugs
31	Kilimanjaro	7422/06	Delft CAS 784/09/2005	Yes	298,970.00	-	Not stipulated	No	Drugs
32	Raj4	8191/07	Cape Town 17/03/2006	Yes	262,040.00	-	Not stipulated	No	Natural Resources (abalone)
33	Jakkals 1 & 2	8191/07	Bishop Lavis CAS 381/01/2007	Yes	83,943.30	-	Not stipulated	No	Drugs
34	Blue Belle	8511/05	Hermanus CAS 667/03/2005	Yes	20,769.80	-	Not stipulated	No	Drugs
35	Piliso	8865/01	Gugulethu CAS 78/06/01	Yes	68,527.00	-	1,200.00	No	Drugs
36	Mauritius	9580/04	AITT Enquiry No 08/2004	Yes	-	\$8,450.00	Not stipulated	No	Drugs

**CASH SEIZURE ORDERS OBTAINED - ASSET FORFEITURE UNIT, WESTERN CAPE 1998 - 2009**

	AFU Case Name	Case No [NPA]	Case No [SAPS]	Discovery through Search & Seizure	Value of Seized Cash [R]	Foreign Currency? [USD]	Value of Narcotics/ Loss Amount	Discovered Documents listed/mentioned in statements?	Related Crime
37	Tony	MC 23/1287/07	Unknown	Yes	27,350.00	-	800,000.00	No	Drugs
38	Lyster	Not Reflected	Unknown	Yes	35,050.00	-	Not stipulated	No	Drugs
39	IL van Zyl	Regional Court RC 3/191/98	Unknown	Yes	191,444.00	-	898,234.70	No	Theft
40	Da Gamaskop	10740/01	Da Gamaskop CAS 198/09/2001	Yes	45,360.00	-	1,500,000.00	No	Drugs
41	Bathgate	1463/98	Cape Town CAS 16/234/98	Yes	130,000.00	-	1,500,000.00	Yes	Drugs
42	Portia	5036/03	Phillipi CAS 352/05/2002	Yes	32,470.00	-	Not stipulated	Yes	Drugs
43	Boniface	8643/02	Ravensmead CAS 116/11/2000	Yes	35,420.00	-	3,800,000.00	Yes	Drugs
44	Asa Hardien	9766/02	Athlone CAS 66/07/2002	Yes	55,390.00	-	4,501,077.28	Yes	Drugs



**APPENDIX 4 LETTER OF APPROVAL TO CONDUCT RESEARCH AT THE SEYCHELLES POLICE FORCE**

**SEYCHELLES POLICE FORCE**  
Police Headquarters, P.O Box 46, Victoria, Republic of Seychelles  
Telephone 4288004, [compol@police.gov.sc](mailto:compol@police.gov.sc)  
*Please address all correspondences to the Commissioner of Police*



Your. Ref:  
Our Ref: Compol/TB  
Enquiries to: Compol's Office  
Telephone: 4288004/ Ext: 8004  
Date: November 16, 2022

Mr. Hannes Jansen Van Vuren  
FIU  
.....

Dear Mr. Van Vuren,

**RE: Request to conduct Research**

In reference to your correspondence of 20<sup>th</sup> August, 2022, regarding the above mentioned.

Please be informed that approval has been granted for you to conduct a research/interviews related to your dissertation in the Value of documentation as a source of Crime Intelligence in Money Laundering Investigations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ted Barbe'.

Ted Barbe  
**COMMISSIONER OF POLICE**

cc. Deputy F. Songoire  
Supt. N. Thaver



**APPENDIX 5 LETTER OF APPROVAL TO CONDUCT RESEARCH AT THE FINANCIAL INTELLIGENCE UNIT: SEYCHELLES**



**FINANCIAL INTELLIGENCE UNIT**

P. O. Box 7021, Ile Perseverance, Seychelles

Telephone: (+248) 4383400

Fax: (+248) 4225002

---

**Ref:** FIU/DIR/JVV/10-2022/01

**Ext:** 400

**Email:** director@fiu.sc

**Date:** October 11<sup>th</sup>, 2022

Mr. JP Jansen Van Vuren  
Eden Views, Unit 16  
Eden Island  
Seychelles

Dear Mr. Van Vuren,

**RE: UNISA STUDENT NO: 38004372: REQUEST TO CONDUCT RESEARCH: HANNES JANSEN VAN VUREN, THE VALUE OF DOCUMENTATION AS A SOURCE OF CRIME INTELLIGENCE IN MONEY LAUNDERING INVESTIGATIONS.**

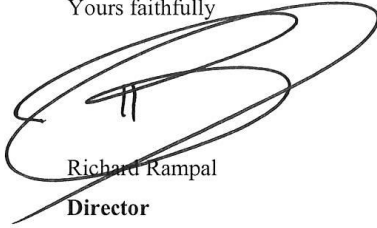
Reference is being made to your communication and above request dated August 22<sup>nd</sup>, 2022.

In this regard, kindly take note that approval is hereby granted by the Seychelles Financial Intelligence Unit ("FIU"):

1. for you to conduct research within the FIU on the above-mentioned subject;
2. provided that all the applicable Directives and SoPs of research is adhered to; and
3. for you to have access to staff within the Monitoring & Analysis division, for your interviews and research work.

Should you have any queries or challenges in respect to setting up your interviews, please contact Mrs. Angele Low-Sauzier on telephone number 4383405 or email address [angele.lowsauzier@fiu.sc](mailto:angele.lowsauzier@fiu.sc)

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a central vertical stroke, positioned over the printed name and title.

Richard Rampal

**Director**

**Financial Intelligence Unit**

## APPENDIX 6 UNISA ETHICS APPROVAL



### UNISA 2021 ETHICS REVIEW COMMITTEE

Date: 2021:09:23

ERC Reference No.: ST65

Name: JP Jansen van Vuren

Dear Mr Johannes Petrus Jansen van Vuren

**Decision: Ethics Approval from  
2021:09:23 to 2024:09:23**

**Researcher:** Mr Johannes Petrus Jansen van Vuren

**Supervisor:** Prof JG van Graan

*The value of documentation as a source of crime intelligence in money laundering investigations*

**Qualification:** MA in Criminal Justice

Thank you for the application for research ethics clearance by the Unisa 2021 Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

*The **low risk application** was **reviewed** by the CLAW Ethics Review Committee on 23 September 2021 in compliance with the Unisa Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment.*

The proposed research may now commence with the provisions that:

- 1. The researcher will ensure that the research project adheres to the relevant guidelines set out in the Unisa Covid-19 position statement on research ethics attached.**
2. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.



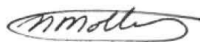
Open Rubric

3. Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study should be communicated in writing to the CLAW Committee.
4. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
5. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
6. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
7. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
8. No field work activities may continue after the expiry date **2024:09:23**. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

*Note:*

*The reference number ST65-2021 should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.*

Yours sincerely,



Prof N Mollema  
Acting Chair of CLAW ERC  
**E-mail:** [mollen@unisa.ac.za](mailto:mollen@unisa.ac.za)  
**Tel:** (012) 429-8384



Prof OJ Kole  
Acting Executive Dean: CLAW  
**E-mail:** [koleoj@unisa.ac.za](mailto:koleoj@unisa.ac.za)  
**Tel:** (012) 429-8305

## **APPENDIX 7 PARTICIPANT INFORMATION SHEET AND INFORMED CONSENT LETTER**

Title: **THE VALUE OF DOCUMENTATION AS A SOURCE OF FINANCIAL INTELLIGENCE IN MONEY LAUNDERING INVESTIGATIONS**

**Dear Prospective Participant**

My name is Mr JP Jansen van Vuren and I am doing research with Prof J Van Graan, a professor in the Department of Police Practice, towards a Master of Arts degree in the subject Criminal Justice at the University of South Africa. We are inviting you to participate in a study entitled “The value of documentation as a source of financial intelligence in money laundering investigations”.

### **WHAT IS THE PURPOSE OF THE STUDY?**

I am conducting this research:

- To educate investigators and analysts on the value of documents seized during search and seizure operations as a source of financial intelligence in money laundering investigations, and to broaden their understanding of the significance of analysing all seized documents.
- To enhance good practice and the performance of investigators and analysts with added knowledge relating to the application of document analysis in general, as well as those documents that had been collected during search and seizure operations to build concrete money laundering cases.
- To arrive at recommendations for best practices, based on the results of the analysis that address the problem and enhance money laundering investigation skills of investigators and analysts.

## **WHY AM I BEING INVITED TO PARTICIPATE?**

You were chosen to participate in this study since you have the necessary knowledge and experience in the investigation of money laundering and could thus provide insightful information. Approximately 10 participants will participate in this study.

## **WHAT IS THE NATURE OF MY PARTICIPATION IN THIS STUDY?**

The study involves semi-structured interviews. You will be expected to answer questions pertaining to money laundering and the dynamics surrounding this crime. The expected duration of the interview will be more or less 30 minutes.

## **CAN I WITHDRAW FROM THIS STUDY EVEN AFTER HAVING AGREED TO PARTICIPATE?**

Your participation is voluntary and there is no penalty or loss of benefit for non-participation. Participating in this study is voluntary and you are under no obligation to consent to participation. If you do decide to take part, you will be given this information sheet to keep and be asked to sign a written consent form. You are free to withdraw at any time and without giving a reason.

## **WHAT ARE THE POTENTIAL BENEFITS OF TAKING PART IN THIS STUDY?**

This study and its results could be to the advantage of several LEAs including investigators of such agencies in Seychelles, such as the intelligence analysts of the FIU, who are partly and primarily responsible for the investigation of money laundering and the FCIU of Seychelles. As a result, this study could have the following value:

- Enhance the intelligence capacity of all criminal investigations, including money laundering cases;
- Improve awareness of the value of seizing and analysing documents as a source of financial intelligence in the investigation of money laundering;

- Contribute to the existing body of knowledge as an academic source for students and potential researchers;
- Contribute to the broader Seychelles law enforcement community and the intelligence industry, as money laundering increasingly remains a negative statistic in both the initiating and the prosecution of cases.

**ARE THERE ANY NEGATIVE CONSEQUENCES FOR ME IF I PARTICIPATE IN THE RESEARCH PROJECT?**

I do not foresee any potential level of inconvenience and/or discomfort to you as participant. Your anonymity will be ensured, thus, there will be no risk that others will identify your participation in this research. There is no risk of injury or harm attributable to participating in the study.

**WILL THE INFORMATION THAT I CONVEY TO THE RESEARCHER AND MY IDENTITY BE KEPT CONFIDENTIAL?**

You have the right to insist that your name will not be recorded anywhere and that no one, apart from the researcher and identified members of the research team, will know about your involvement in this research. Your name will not be recorded anywhere and no one will be able to connect you to the answers you give. Your answers will be given a code number or a pseudonym and you will be referred to in this way in the data, any publications, or other research reporting methods such as conference proceedings.

Your answers may be reviewed by people responsible for making sure that research is done properly, for example, the transcriber, external coder, and members of the Research Ethics Review Committee. Otherwise, records that identify you will be available only to people working on the study, unless you give permission for other people to see the records. Your anonymous data may be used for other purposes, such as a research report, journal articles and/or



conference proceedings. However, your privacy will be protected in any publication of the information.

#### **HOW WILL THE RESEARCHER(S) PROTECT THE SECURITY OF DATA?**

Copies of your answers will be electronically stored by the researcher on a password protected computer for a period of five years for future research or academic purposes. Future use of the stored data will be subject to further Research Ethics Review and approval if applicable. Electronic copies will be permanently deleted from the hard drive of the computer through the use of a relevant software programme.

#### **WILL I RECEIVE PAYMENT OR ANY INCENTIVES FOR PARTICIPATING IN THIS STUDY?**

You will receive no payment or any incentives for participating in this study.

#### **HAS THE STUDY RECEIVED ETHICS APPROVAL**

This study has received written approval from the Research Ethics Review Committee of the College of Law, Unisa. A copy of the approval letter can be obtained from the researcher if you so wish.

#### **HOW WILL I BE INFORMED OF THE FINDINGS/RESULTS OF THE RESEARCH?**

If you would like to be informed of the final research findings or require any further information or want to contact the researcher about any aspect of this study, please contact Mr JP Jansen van Vuren at [jpjvanvuren@gmail.com](mailto:jpjvanvuren@gmail.com).

Should you have concerns about the way in which the research has been conducted, you may contact Prof J van Graan at [vgraajg@unisa.ac.za](mailto:vgraajg@unisa.ac.za) or contact the research ethics chairperson of the College of Law Research Ethics Sub-Committee, Prof L Fitz at [fitzlg@unisa.ac.za](mailto:fitzlg@unisa.ac.za) if you have any ethical concerns.

Thank you for taking the time to read this information sheet and for participating in this study.

Thank you.

Mr JP Jansen van Vuren

## **APPENDIX 8 INTERVIEW SCHEDULE**

1. In your opinion, does documentation seized during search and seizure operations in money laundering investigations have value as a source of financial intelligence?
2. From your experience as an analyst, do the local Law Enforcement Agencies implement and maintain training interventions for investigators for the effective identification and analysis of documentation as a source of financial intelligence during search and seizure operations in money laundering investigations?
3. In your opinion, do Law Enforcement Agencies realise the value of documents as a source of financial intelligence during search and seizure operations in money laundering investigations?
4. Have you analysed documents that have been seized during search and seizure operations to assist in money laundering investigations?
5. Have you ever been presented with documents by partner Law Enforcement Agencies for analysis that were seized during a search and seizure operation?
6. Do you regard documents found during search and seizure operations in money laundering investigations as a source of financial intelligence?
7. In your opinion, what do you regard as 'documents' as a source of financial intelligence that have been seized during search and seizure operations in money laundering investigations?

## APPENDIX 9 TURNITIN DIGITAL RECEIPT

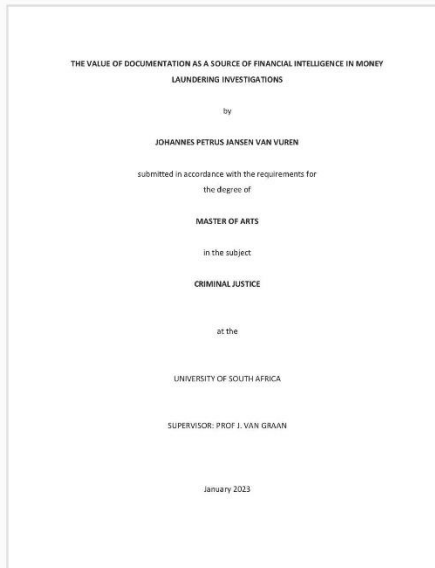


### Digital Receipt

This receipt acknowledges that Turnitin received your paper. Below you will find the receipt information regarding your submission.

The first page of your submissions is displayed below.

Submission author: Jp JANSEN VAN VUREN  
Assignment title: Revision 1  
Submission title: THE VALUE OF DOCUMENTATION AS A SOURCE OF FINANCIA...  
File name: 1.\_Dissertation\_Turnitin\_Submission\_29\_01\_2023.pdf  
File size: 4.66M  
Page count: 155  
Word count: 41,225  
Character count: 238,260  
Submission date: 29-Jan-2023 06:24PM (UTC+0200)  
Submission ID: 2001568239



Copyright 2023 Turnitin. All rights reserved.