



# **OECD-GREECE ANTI-CORRUPTION TECHNICAL ASSISTANCE PROJECT**

## ***Asset Recovery Capacity-Building Workshops***

## **AGENDA**

**Athens, Greece**

13-16 November 2017

## Background Information

Corruption and other types of serious financial and economic crime wreak havoc on a large part of the world's population, infiltrating the highest levels of both the public and private sectors and negatively affecting those less protected – the public citizenry. Indeed, one of the major driving forces behind corrupt activity is the prospect of illicit gain and the allure of elevating one's status in society and overall level of comfort. This is the very reason that going after said illicit gains and depriving criminals of their enjoyment and use often proves to be one of the most effective methods of eradicating corruption, or at the very least, making it less attractive and hence less frequent. Greece has experienced the effects of corruption and financial crime and as a result, passed the National Anti-Corruption Action Plan (NACAP) to address and eventually resolve many of the issues that allow corruption to thrive.

As such, one of the specific focus areas chosen by NACAP is asset recovery – the identification, freezing, seizure, and confiscation of assets obtained illicitly. In this respect, Greece has indicated a need to build a stronger legal and institutional framework for asset recovery, a process in which the OECD Anti-Corruption Division plays a role as technical advisor in the context of a Technical Assistance Project.

As part of the Technical Assistance Project, experts from the OECD are responsible for reviewing existing legislation and mechanisms relating to asset recovery and making recommendations and proposals for improvement. OECD experts are to carry out such tasks after engaging in-depth analyses of the existing framework and referring to best practices and experiences from other OECD countries. It is in this context that the OECD team of experts have organised workshops on asset recovery (domestic and international aspects and tools) and produced various deliverables ranging from framework and institutional analyses to draft legislation and guidelines, best practices and tools pertaining to asset recovery. If implemented by Greece, such proposals and recommendations would contribute to the ability of Greek authorities to combat corruption and assert ownership over illicitly obtained assets in the name of the Greek state.

It is in this context that the team of experts from the OECD Anti-Corruption Division organizes the workshops described below. The workshops serve a capacity-building purpose, involve international experts, and are specifically dedicated to the development of specific skills needed to pursue asset recovery cases, through knowledge and information exchange, and providing hands-on training in asset tracing and international legal cooperation.

## Workshop

The OECD Anti-Corruption Division will organise a **4-day workshop** in Athens for Greek law enforcement practitioners who are involved in asset recovery. Together with the European Commission, and in cooperation with the General Secretariat against Corruption of the Hellenic Ministry of Justice, Transparency & Human Rights, the OECD has committed to supporting the implementation of Greece's National Anti-Corruption Action Plan (NACAP) by providing technical guidance to implement the reform agenda in a series of pre-identified areas.

The Workshop will bring together experts from foreign jurisdictions such as Ireland, Italy, the Netherlands, the United Kingdom, and the United States, to provide insights on a range of issues pertaining to asset recovery, such as best practices for tracing assets, executing freezing, seizure and confiscation orders, and engaging with foreign counterparts.

The workshop will also bring together Greek authorities and practitioners with extensive experience in domestic and international asset recovery. All sessions will be interactive. Topics will be further developed through case studies and hypothetical examples. Sessions will draw from four OECD Draft documents: (i) Asset Recovery Framework Analysis and Draft Legislation; (ii) Asset Recovery Guidelines, Best Practices and Tools; (iii) Asset Recovery Institutional Analysis and Proposals; (iv) Asset Management Office proposal and best practices.

#### ■ **Date, time and venue**

##### **Athens, Greece (13-16 November 2017)**

Ground Floor, General Conference Room

Special Secretariat of the Financial and Economic Crime Unit (SDOE)

Pireos 207 & Alkifronos 92, Athens 118 53

#### ■ **Contacts**

##### **Efstathios Tsirmpas**

Anti-Corruption Analyst

OECD Anti-Corruption Division

Tel. +30 210 3401226

Email: [efstathios.tsirmpas@oecd.org](mailto:efstathios.tsirmpas@oecd.org)

##### **Mark de Barros**

Legal Analyst

OECD Anti-Corruption Division

Tel.: +33 1 45 24 82 00

Email: [mark.debarros@oecd.org](mailto:mark.debarros@oecd.org)

## ■ Agenda: Day One

9:00 - 9:30 *Registration and coffee*

### 09:30-09:45 **Opening Remarks**

Speakers

- Konstantinos Christou, **Secretary General against Corruption (GSAC)**
- William Loo, **Deputy Head of the OECD Anti-Corruption Division**

### SESSION ONE

### 09:45-11:00 **Hellenic Legal Framework Applicable to Asset Recovery: Obstacles and Opportunities**

**Objectives**

This session will provide an overview of the existing asset recovery legal framework in Greece, including provisions allowing for the identification, tracing, freezing, seizure, and confiscation of assets. The session will help Greek practitioners view asset recovery from a wider perspective and understand the roles of other stakeholders in the asset recovery process. The OECD will also discuss its analytical report on the current Greek framework and present draft proposals for reforming Greece's asset recovery framework and institutional arrangements.

In particular, OECD analysts will set the stage for dialogue in subsequent sessions on what is needed in the Greece national asset framework, in areas ranging from tracing to confiscation and repatriation, both in relating to domestic and international dimensions. Analysts will also highlight three or four major areas for asset recovery reform in Greece, with a view to discussing proposals to this effect put forth by the OECD during sessions in Day 4 of the workshops.

Chair

Efstathios Tsiropas, **Anti-Corruption Analyst, OECD Anti-Corruption Division**

Discussants

- Nicolaos Tsironis, **President of First Instance Judges of Athens and former Investigative Judge of Crimes of against Corruption (Law 4022/2011)**
- Nikolaus Paschalis, **Prosecutor at the Court of First Instance, Deputy Economic Crime Prosecutor (ECP)**
- Christiana Fragkia, **Prosecutor at the Court of First Instance, Deputy Public Prosecutor for Crimes against Corruption – Athens (PPACC)**

11:00-11:15 *Coffee break*

## SESSION TWO

### 11:15-12:30 Tracing and Identification of Assets Located in Greece – Maximising Law Enforcement Efforts and Putting Intelligence to Use

#### Objectives

This session will discuss the types of factors that practitioners should think about when first setting out to trace assets, including how to develop an asset detection strategy. Experts will discuss the types of intelligence available in existing Greek registers and databases, the utility of suspicious transaction reports, and so forth. Additionally, experts will discuss the current asset declaration system in Greece across different stakeholders, their contents and highlight red flags that may indicate illicit assets or other suspicious activity that could be useful for investigative purposes.

Additionally, an OECD Legal Analyst will discuss current deficiencies relating to existing databases and panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

#### Chair

- Margarita Gasparinatos, **Adviser, General Secretariat against Corruption (GSAC)**

#### Panellists

- Investigator, **Hellenic Financial Intelligence Unit (FIU)**
- Iliana Anagnostou, **Investigator, Financial Police Division**
- Georgia Hatzikalifa, **Investigator, Financial and Economic Crime Unit (SDOE)**

12:30-13:30 Lunch

## SESSION THREE

### 13:30-15:00 Securing and Confiscating Assets Located in Greece – How Greek Authorities Can Apply the Existing Legal Framework

#### Objectives

This session will focus on the legal and institutional arrangements regarding asset freezing, seizure, and confiscation, and the relevant obstacles and limitations.

Once assets have been traced and identified, the next step is to secure and confiscate said assets. Understanding how to employ provisional and confiscation measures effectively and swiftly against criminal actors is one of the best ways to fight against corruption. This section will also expand more upon freezing and confiscation (both conviction-based and non-conviction based) by referring to relevant provisions in the Greek legal framework and in light of existing best practices and international standards. Specifically, this session will also cover value-based confiscation, extended confiscation, and confiscation of assets belonging to legal persons. OECD Legal Analysts will also briefly touch upon existing issue areas such as asset management practices, laying the groundwork for further discussion in the section on Strengthening Asset Recover Efforts in Greece – Day 4.

Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair	Anastasia Matella, <b>Adviser, General Secretariat against Corruption (GSAC)</b>
Panellists	<ul style="list-style-type: none"><li>• Georgios Kaloudis, <b>Prosecutor at the Court of First Instance, Deputy Economic Crime Prosecutor (ECP)</b></li><li>• Christiana Fragkia, <b>Prosecutor at the Court of First Instance, Deputy Public Prosecutor for Crimes against Corruption – Athens (PPACC)</b></li><li>• Investigator, <b>Hellenic Financial Intelligence Unit (FIU)</b></li></ul>

15:00-15:15 *Coffee break*

## SESSION FOUR

### 15:15 -16:30 **Case Study: Domestic Asset Recovery Case**

<b>Objectives</b>	Participants will be divided into small groups to work on a hypothetical case study on domestic asset recovery (50 mins), and will return from the small groups to discuss their approaches, strategies and findings (25 mins). OECD Experts and Panellists will guide discussion.
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16:30 **End of Day 1**

## ■ Agenda: Day Two

9:00-09:30 *Welcome and coffee*

### SESSION ONE

#### 09:30-10:45 **International Standards and Tools Relating to Asset Recovery**

<b>Objectives</b>	This session will provide an overview of the international best practices and standards involving asset recovery. Topics covered will include, among others, mutual legal assistance, informal cooperation and information exchange, enforcement of orders issued by Greek authorities by foreign jurisdictions and repatriation of recovered funds. Sources of law discussed will include the United Nations conventions (UNCAC, UNTOC, etc.), EU directives and other best practices.
Chair	Mark de Barros, <b>Legal Analyst, OECD Anti-Corruption Division</b>
Panellists	<ul style="list-style-type: none"> <li>• Georgios Voulgaris, <b>Prosecutor at the Appeals Court, MLA Department of the Athens Appeals Prosecutor's Office</b></li> <li>• Ann Brickley, <b>Senior Trial Attorney, United States Department of Justice – Criminal Division, Money Laundering and Asset Recovery Section (MLARS)</b></li> <li>• Alessandro Jazzetti, <b>Prosecutor – Naples Court of Appeal (Italy) &amp; European Judicial Network Contact Point for Italy</b></li> <li>• Marcella Van Berkel, <b>Europol Asset Recovery Specialist / CARIN Secretariat</b></li> </ul>

10:45-11:00 *Coffee break*

### SESSION TWO

#### 11:00 – 12:45 **Tracing and Identification of Assets Located Overseas – Understanding how to navigate foreign systems**

<b>Objectives</b>	<p>This session, apart from the possibilities of MLA, will discuss the functions and powers of the Hellenic Asset Recovery Office (ARO), the Hellenic International Police Cooperation Directorate (IPCD), and other relevant agencies involved in the international dimensions of asset recovery. In particular, the session will focus on building the capacity of Greek law enforcement authorities to seek and obtain informal and formal assistance from overseas jurisdictions in order to identify assets subject to confiscation. The panel of experts will give an overview of relevant concepts such as the legal basis for exchange of information (informal and MLA); international agreements signed by Greece; and spontaneous exchange of information for the purpose of locating illicit assets. Recently enacted Greek legislation transposing in EU Directives and instruments, such as European Investigation Orders (EIOs), will also be discussed as they allow for increased tracing powers overseas and enhance direct cooperation. Lastly, the session will, in the context of the abovementioned topics, touch on the advantages of cooperation networks such as CARIN, INTERPOL, EUROPOL, EU-ARO Platform.</p> <p>A representative from the OECD will also discuss the guidelines, best practices and tools</p>
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document prepared by the OECD Anti-Corruption Division.

Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair

Efstathios Tsirmpas, **Anti-Corruption Analyst, OECD Anti-Corruption Division**

Panellists

- Meni Veliouri, **Hellenic Asset Recovery Office (ARO) – Financial and Economic Crime Unit (SDOE)**
- Ann Brickley, **Senior Trial Attorney, United States Department of Justice – Criminal Division, Money Laundering and Asset Recovery Section (MLARS)**
- Alessandro Jazzetti, **Prosecutor – Naples Court of Appeal (Italy) & European Judicial Network Contact Point for Italy**
- Marcella Van Berkel, **Europol Asset Recovery Specialist / CARIN Secretariat**
- Aristeidis Stamoulis, **Deputy Police Director, Hellenic International Police Cooperation Directorate (IPCD)**

12:45 -13:45 Lunch

### SESSION THREE

#### 13:45-15:15 **Securing and Confiscating Assets Located Overseas – Ensuring Proper Execution of Asset Recovery Measures**

**Objectives**

Securing the execution of provisional measures (freezing and seizure) and final confiscation orders issued by Hellenic and foreign authorities is no easy task. Several factors come into play such as different applicable evidentiary standards, differences in legal regimes and traditions, choosing which instrument to use to make a request and how and when informal channels should be used to ensure quick action before the dissipation of the identified illicit assets. All of these issues can be of great concern to practitioners seeking to stay one step ahead of criminal actors. Additionally, questions relating to the enforcement of seizure and confiscation orders will be addressed, including legal and procedural requirements related to such requests, and issues relating to urgent measures.

Both Greek and international panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair

Mark de Barros, **Legal Analyst, OECD Anti-Corruption Division**

Panellists

- Georgios Voulgaris, **Prosecutor at The Appeals Court, MLA Department of the Athens Appeals Prosecutor's Office**
- Ann Brickley, **Senior Trial Attorney, United States Department of Justice – Criminal Division, Money Laundering and Asset Recovery Section (MLARS)**
- Alessandro Jazzetti, **Prosecutor – Naples Court of Appeal (Italy) & European Judicial Network Contact Point for Italy**
- Marcella Van Berkel, **Europol Asset Recovery Specialist / CARIN Secretariat**

15:15-15:30 Coffee break



## SESSION FOUR

15:30-16:45 **Case Study: International Asset Recovery Case**

### Objectives

Participants will be divided into small groups to work on a hypothetical asset recovery case study with international dimensions (50 mins), and will return from the small groups to discuss their approaches, strategies and findings (25 mins).

OECD Experts and Panellists will guide discussion.

16:45 **End of Day 2**

## ■ Agenda: Day Three

9:30-9:45 Welcome and coffee

### SESSION ONE

#### 9:45 – 11:30 Proactive Investigations: Joint Investigations and Special Investigative Techniques (Domestic and International Facets)

##### Objectives

Proactive investigations constitute powerful tools in relation to asset recovery. International and Greek experts will discuss the domestic and international aspects, advantages, limitations and challenges, relating to joint investigations (and joint investigation teams) and special investigative techniques. With respect to joint investigations, the discussion will centre on joint investigative efforts made possible pursuant to Article 13 of the 2000 MLA Convention as well as by Council Framework Decision 2002/465/JHA on joint investigation teams, and Greek Law 3663/2008.

Regarding special investigative techniques, experts will provide an overview of the use of special techniques available for asset recovery purposes and related advantages, challenges and limitations.

Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

##### Chair

Antonios Baltas, **Adviser, General Secretariat against Corruption (GSAC)**

##### Panellists

- Cyril Claffey, **Detective Sergeant, Irish Criminal Assets Bureau**
- Marcella Van Berkel, **Europol Asset Recovery Specialist / CARIN Secretariat**
- Clive Michel, **Head of Asset Confiscation, United Kingdom National Crime Agency**
- Panagiota Papakyriakou, **Investigator, Financial and Economic Crime Unit (SDOE)**

11:30 – 11:45 Coffee Break

### SESSION TWO

#### 11:45 – 13:15 Ensuring Efficient and Successful Financial Investigations

##### Objectives

This session will provide Greek authorities with a better understanding of important specific concepts related to asset recovery-related efforts in the context of financial investigations (including definition, characteristics and scope of financial investigations, techniques and strategies, interagency & international cooperation, etc.). Specifically, experts will discuss how to determine what to look for during a financial investigation and discuss best practices for following the money in investigations as well as challenges in obtaining financial information and leads. Additionally, panellists will discuss: (i) the need for and utility of parallel & proactive financial investigations in the framework of or alongside the investigation into the predicate offence(s); and (ii) the importance of inter-agency cooperation and use of materials held by other

governmental authorities (such as the FIU) as evidence.

Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair

Efstathios Tsirmpas, **Anti-Corruption Analyst, OECD Anti-Corruption Division**

Panellists

- Cyril Claffey, **Detective Sergeant, Irish Criminal Assets Bureau**
- Marcella Van Berkel, **Europol Asset Recovery Specialist / CARIN Secretariat**
- Clive Michel, **Head of Asset Confiscation, United Kingdom National Crime Agency**
- Konstantina Evdaimon, **Investigator, Financial and Economic Crime Unit (SDOE)**

13:15–14:15 Lunch

### SESSION THREE

#### 14:15 – 15:45 Opening New Doors of information – Exploiting Open Data and Analysing Intelligence Gathered

**Objectives**

If used correctly, open data can be an immensely useful tool in the recovery of illicitly obtained assets. In this session, international experts will provide an overview of the possible open sources of information that can be used to identify and trace assets, including media, social networks, and so forth. Among the concepts addressed will be the use of open source intelligence (OSINT) technology, prioritisation of open sources for the purpose of asset tracing and detection, and prior examples and explanations of what tools work well and which do not.

Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair

Eirini Koumparouli, **AFCOS Officer, General Secretariat against Corruption (GSAC)**

Panellists

- Marcella Van Berkel, **Europol Asset Recovery Specialist / CARIN Secretariat**
- Clive Michel, **Head of Asset Confiscation, United Kingdom National Crime Agency**
- Antonios Harakidas, **Investigator, Hellenic Financial Intelligence Unit (FIU)**
- Representative, **Hellenic Police Intelligence Division**

15:45

**End of Day 3**

## ■ Agenda: Day Four

9:30-9:45 Welcome and coffee

### SESSION ONE

#### 9:45-11:15 **Strengthening the Potential of Asset Recovery Efforts in Greece: The Need to Establish an Asset Recovery Agency and a Specialised Asset Management Body in Greece**

<b>Objectives</b>	<p>The existing Greek asset recovery framework does not currently have a specialised asset recovery agency. This session will focus on obstacles and problems that the inexistence of such a body creates and how such an entity could address the issues Greek authorities currently face in the area of asset recovery.</p> <p>Additionally, unlike a significant number of other jurisdictions, Greece does not have a specialised asset management office (AMO). This results in ad hoc custodial efforts across all agencies, and an unclear legal basis for the management of assets. This session will also focus on best practices for AMOs with a view to identifying the criteria for a Greek-specific AMO.</p> <p>In the context of the abovementioned issues, OECD experts will discuss proposals for the establishment of a specialised Hellenic Asset Recovery Agency and Asset Management Body.</p>
Chair	Efstathios Tsimpas, <b>Anti-Corruption Analyst, OECD Anti-Corruption Division</b>
Panellists	<ul style="list-style-type: none"> <li>• Meni Veliouri, <b>Hellenic Asset Recovery Office (ARO) – Financial and Economic Crime Unit (SDOE)</b></li> <li>• Marcella Van Berkel, <b>Europol Asset Recovery Specialist / CARIN Secretariat</b></li> <li>• Athanasios Kopanas, <b>Head of Unit, Directorate for Managing Public Materials, DG for Customs and Excise</b></li> <li>• Nikitas Bellas, <b>Head of Organisation and Studies Unit, Hellenic Deposits and Loans Fund</b></li> </ul>

11:15-11:30 Coffee break

### SESSION TWO

#### 11:30 – 13:00 **Embracing the Modern Age – Different Forms of Assets and How to Recover Them (prepaid cards, digital currencies, etc.)**

<b>Objectives</b>	<p>Assets in the modern age assume various types of structures and are utilised and transferred in ways that did not exist before (e.g. digital currencies, cryptocurrencies, stored-value cards, pre-paid cards, etc.). Such assets represent significant challenges for law enforcement authorities, as they are difficult to trace, locate and secure. In addition, existing legal frameworks often do not apply to non-cash assets often used by</p>
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criminal actors such as prepaid cards (which are outside the scope of EU Regulation 1889/2005 on controls of cash entering or leaving the Community).

Law enforcement authorities around the world are stepping up efforts to identify and secure such assets, through the employment of capacity-building initiatives and improving their expertise in relation to the “darknet” and other large illegal marketplaces that enable criminal activity and the exchange of funds.

This session will focus on improving the understanding of Greek law enforcement authorities surrounding such complex technologies and improve their capacity to carry out investigations that take such aspects into consideration. Panellists will present/discuss real case example(s)/studies and the problems/obstacles they have faced in practice.

Chair

Krystallia Tsironi, **Head of Unit, General Secretariat against Corruption (GSAC)**

Panellists

- Giorgios Papapodromou, **Director, Cyber Crime Division of the Hellenic Police**
- Douglas Freeman, **Country Attaché – Greece, United States Homeland Security Investigations (HSI) (TBC)**
- Themistoklis-Ioannis Antoniou, **Deputy Director, Bank of Greece (TBC)**

13:00 -14:00 Lunch

### SESSION THREE

#### 14:00 – 15:15 Asset Repatriation

**Objectives**

Once a foreign court issues a final order of confiscation for assets, authorities must secure their return for use in Greece. Such repatriation of assets may take place pursuant to international treaties to which Greece is a party or pursuant to foreign judicial processes. Asset may also be returned in accordance with asset-sharing agreements entered into by Greece and foreign countries. Greek authorities have several options at their disposal and should carefully consider how to: (i) ensure the return of illicitly obtained assets; and, (ii) engage in cooperation with other jurisdictions to arrange for the return of said assets. Experts with practical experience in facilitating such returns will present their viewpoints and ideas on how to maximise such efforts and ensure the quick return of assets and maintaining long-term relationships with foreign counterparts.

Chair

Mark de Barros, **Legal Analyst, OECD Anti-Corruption Division**

Panellists

- Ioannis Aggelis, **Deputy Public Prosecutor of Areios Pagos (Supreme Court )**
- Efstathios Tsimpas, **Anti-Corruption Analyst, OECD Anti-Corruption Division**

#### 15:15 Concluding Remarks