Panel on Challenges in Identifying, Tracing and Freezing Proceeds of Corruption and Possible Solutions

Second Intersessional Meeting of the Conference of the States Parties to the UNCAC on Preparations for the Special Session of the General Assembly Against Corruption

Giovanni Tartaglia Polcini - Magistrate
A FORTY YEARS’ ITALIAN BEST PRACTICES OVERVIEW

FIGHTING CRIME PREMINENTLY THROUGH ECONOMIC COUNTERMEASURES

A HIGHLY SHAREABLE STRATEGIC PRIORITY FOR GOVERNMENTS IN THE FIGHT AGAINST CORRUPTION AND ORGANISED CRIME IS, IS THE «FOLLOW THE MONEY APPROACH»

BASED ON THE FOLLOWING MULTI-FACETED ACTIVITIES:
A) ASSET IDENTIFYING
B) ASSET TRACING

Mr. GIOVANNI TARTAGLIA POLCINI, Magistrate, legal adviser at Minister of Foreign Affairs and International Cooperation of Italy
AN OSMOTIC VISION

A Vicious Circle:

Organized Crime Syndicates and/or Transnational criminal networks or entities Infiltrate

Corruption

Public Administration

Legal Economy

Money Laundering
THE MAIN ISSUES OF THE AGENDA

- Overwhelming flows of undetected illicit profits
- Scanty confiscation activities and reassignment of the seized assets to social and local purposes
- Inadequate level of dialogue among too much diversified authorities
- Procedural complexity, both national and, given more, international
THE ITALIAN ANSWER

A) HARSH REDUCTION OF ILLICIT PROFITS FLOWS

B) «BENEFICIAL OWNERSHIP TRANSPARENCY» ENHANCEMENT

C) INSTITUTIONAL HUGE TECHNOLOGICAL EMPOWERMENT TO ACHIEVE THROUGHFULNESS AND SPEEDENESS OF INVESTIGATIONS

D) PROCEDURES’ ACCELERATION WHILE PRESERVING THEIR SAFENESS
ASSET INVESTIGATIONS
IDENTIFYING AND TRACING

A) Targeting criminals and most of all finding their illicit assets: the proliferation of criminal is strictly tied to the amount of their money availability.
1. THE CENTRAL REGISTER OF ACCOUNTS

- Data related to the legal and beneficial owners of bank accounts is promptly available to competent authorities mainly through the Register of accounts which enables the timely identification of assets.

- In adherence to the following multilateral framework of reference:

  A. The V EU Anti-Money Laundering Directive (843/2018) requires all Member States to establish a national register of accounts, including safety deposit boxes.

  B. G20 ACWG: The Compendium of Country profiles. The Beneficial ownership workstream

    Compendium of country profiles (2012)  G20.acwg@bmjv.bund.de (2017)
A further mechanism of institutional technological empowerment is the SIDNA databank, an application implemented by the 26 prosecutors district offices and managed by the Central Rome Anti-mafia Directorate, were all the information about “serious crimes” is processed and compared, so providing new investigative inputs.

Italy has a special Prosecution Office with a central bureau in Rome (Direzione Nazionale Antimafia e Antiterrorismo) and 26 Prosecutor’s district offices (Direzione Distrettuale Antimafia), which classify the information collected by the prosecutor’s offices, to allow for its operational management.

The SIDNA databank established in ............ helps the Prosecutors in their investigative work by its sophisticated retrieval system.
3. THE MOLECOLA PROGRAM

**SCICO**

**GDF**

**Molecola**

Centrality of the «natural person» under investigation

Bulk and fast data import from databases

Automatic linkage among different sources of information
FINAL REMARKS: LOOKING AT THE FUTURE

USE OF NEW I.T. TOOLS - ACCURACY AND SPEED TO INVESTIGATIONS

PROBLEMS REMAINING
a) A refinement of data's procedural uses
b) An adequate training of investigators both at the analytical and the operational levels

SKILLS OF THE INVESTIGATORS - ANALYSIS AND SELECTION

NEED TO NURTURE PROFESSIONAL SKILLS

Mr. GIOVANNI TARTAGLIA POLCINI, Magistrate, legal adviser at Minister of Foreign Affairs and International Cooperation of Italy
A QUALIFIED REFERENCE ABOUT THE ITALIAN BEST PRACTICE

- It is based on the G20 ACWG 2020 ACCOUNTABILITY REPORT. The said document states:

- Italy has developed specialized expertise on asset recovery through a National Agency for the Administration and Allocation of Confiscated Goods - ANBSC

- The Agency was established in 2010; its governance was recently strengthened

- To date, about 27,000 real estate properties as well as other commercial buildings have been confiscated for a global value of €25 billion. The system prioritizes the return of confiscated property to local communities.
Thank You for Your attention

Magistrate - Giovanni Tartaglia Polcini

- MAECI Legal Advisor

Italy