



Effective Elements of Export Controls for APEC Economies

Requesting Investigative Information

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Evidence from afar...

- **Letters Rogatory (LR) (COMES IN PLACE WHEN THE U.S. DOES NOT HAVE A FORMAL TREATY WITH HOST GOVERNMENT)**
 - request by a court to a foreign court
 - from the court to Office of International Affairs, Department of Justice (DOJ) for review
 - DOJ sends to Department of State, which sends to the foreign country
 - Foreign country gives LR to its' court
 - The process then is reversed!

Foreign Evidence

- **Mutual Legal Assistance Treaties**
(formal mechanism to request investigative cooperation)
 - vary from country to country
 - Requested through DOJ if treaty applies
 - Are replacing Letters Rogatory

Foreign Evidence

- **Customs Mutual Assistance Agreements**
 - assist in ensuring compliance with laws and regulations enforced by Customs
- **Procedure**
 - collateral to Attaché
 - Attaché liaisons with counterparts
 - results reported in Agency's Report of Investigation (ROI)



Mutual Legal Assistance Treaties

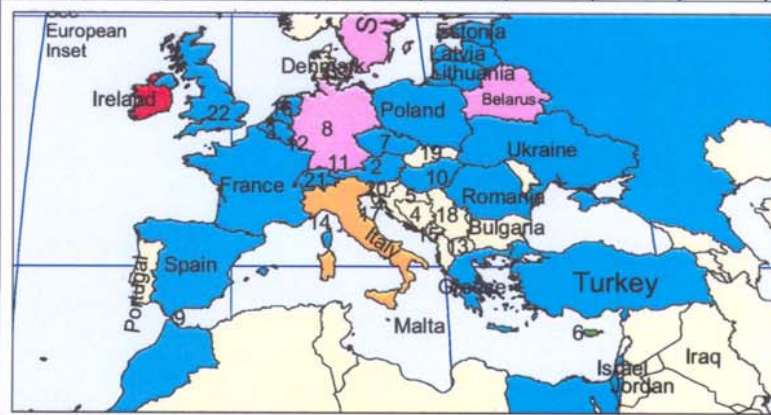
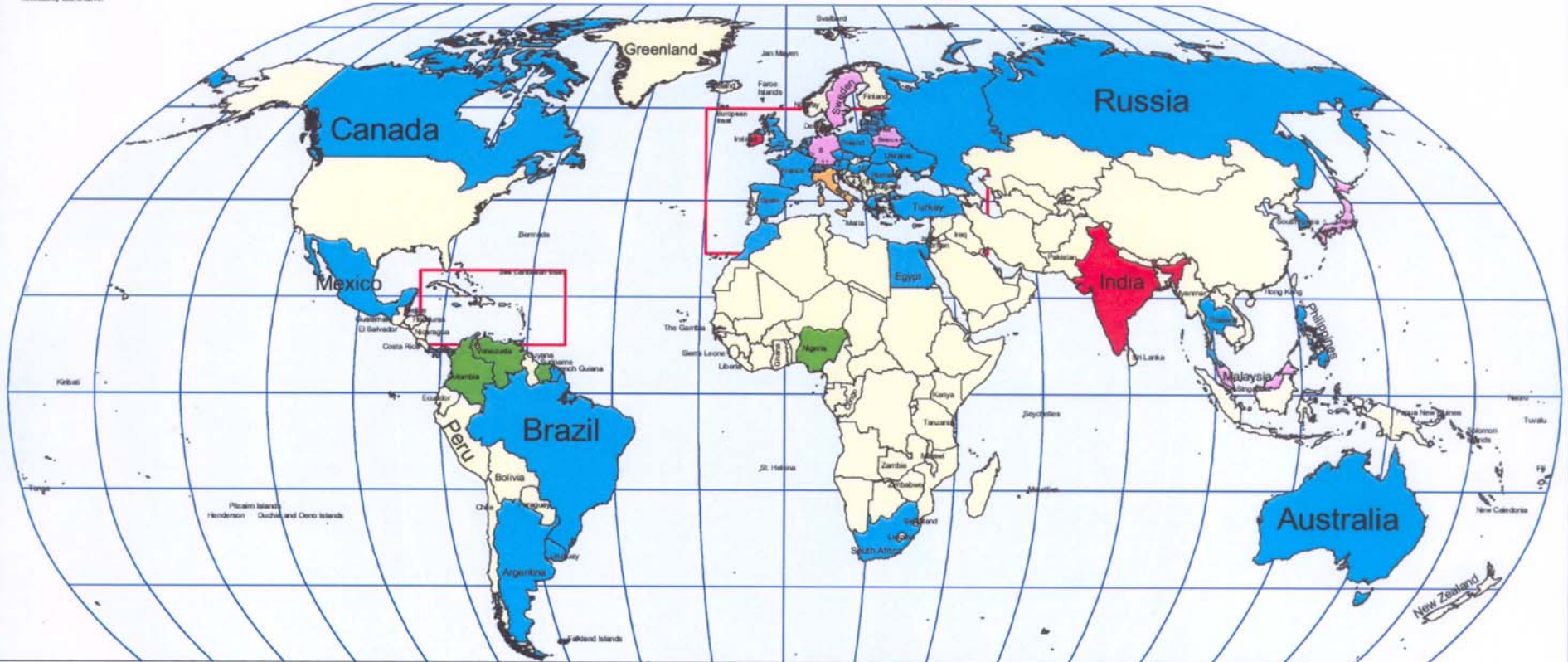
Currently the US has MLAT treaties with
51 Countries

U.S. Mutual Legal Assistance Treaties



Prepared by:
U.S. Department of Justice
Criminal Division
Office of Administration
March 11, 2002
Boundary representation is not
necessarily authoritative.

- | | | |
|----------------------------|--------------------|---------------------|
| 1 = Albania | 9 = Gibraltar | 17 = San Marino |
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| 5 = Croatia | 13 = Macedonia | 21 = Switzerland |
| 6 = Cyprus | 14 = Monaco | 22 = United Kingdom |
| 7 = Czech Republic | 15 = Montenegro | |
| 8 = Germany | 16 = Netherlands | |



LEGEND

- Treaty In Force
- Signed And Approved But Not In Force, Older Treaty In Force
- Signed And Approved But Not In Force, No Older Treaty In Force
- Signed But Not Approved By Senate, Older Treaty In Force
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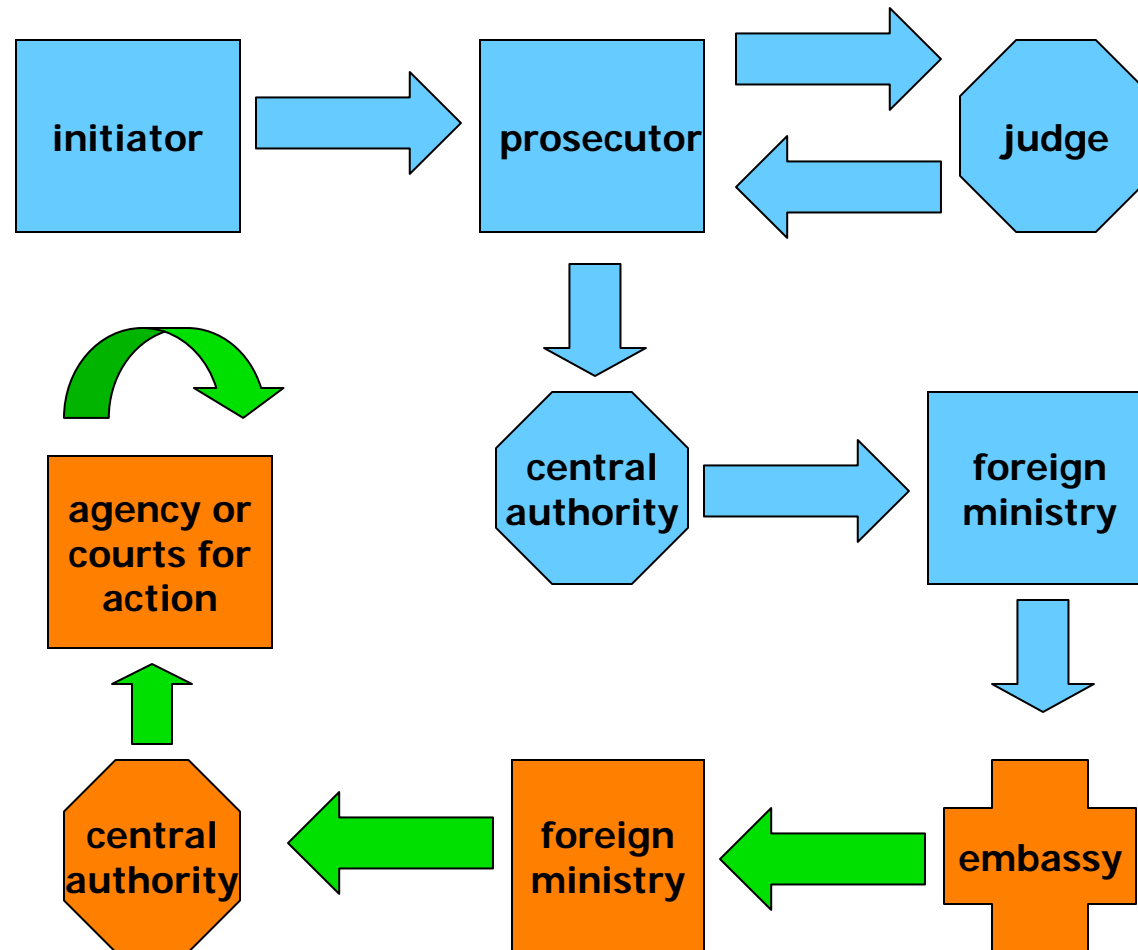


Letters Rogatory

- Formal Method
- Diplomatic Channels
- Laborious
- Time-Consuming
- No Treaty Required
- Evidence in Admissible Form

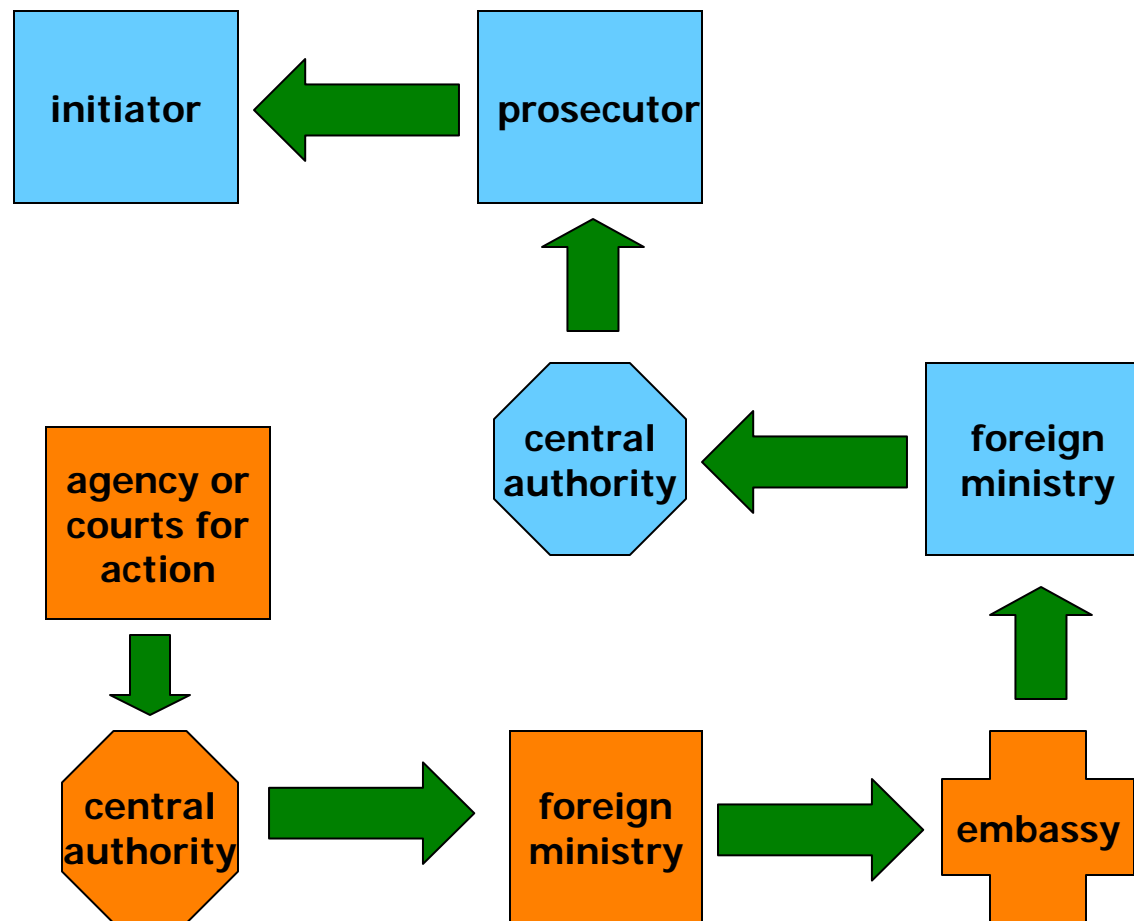
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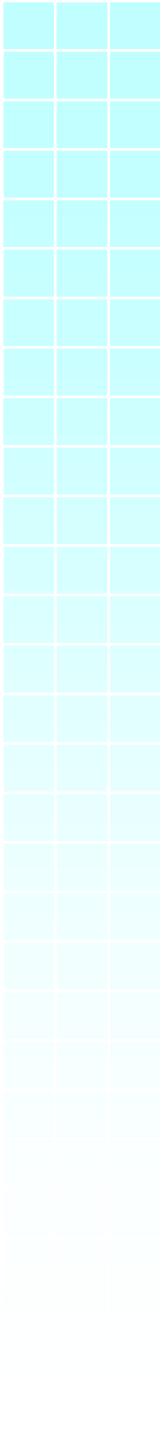
Country A 
Country B 



Letters Rogatory

Country A 
Country B 





Mutual Legal Assistance Treaty (*MLAT*)

- Less cumbersome
- Not as time-consuming
- Admissible evidence
- Streamlined handling
- Patience still required



Mutual Legal Assistance Treaty (*MLAT*)

Argentina

Australia

Austria

Bahamas

Barbados

Belgium

B.V.I

Canada

Cayman

Islands

Czech Rep.

Dominica

Hong Kong

Hungary

Israel

Italy

Jamaica

Latvia

Lithuania

Mexico

Morocco

Netherlands

Panama

Philippines

Poland

South Korea

Spain

St. Lucia

St. Vincent

Switzerland

Thailand

Turkey

United Kingdom

Uruguay

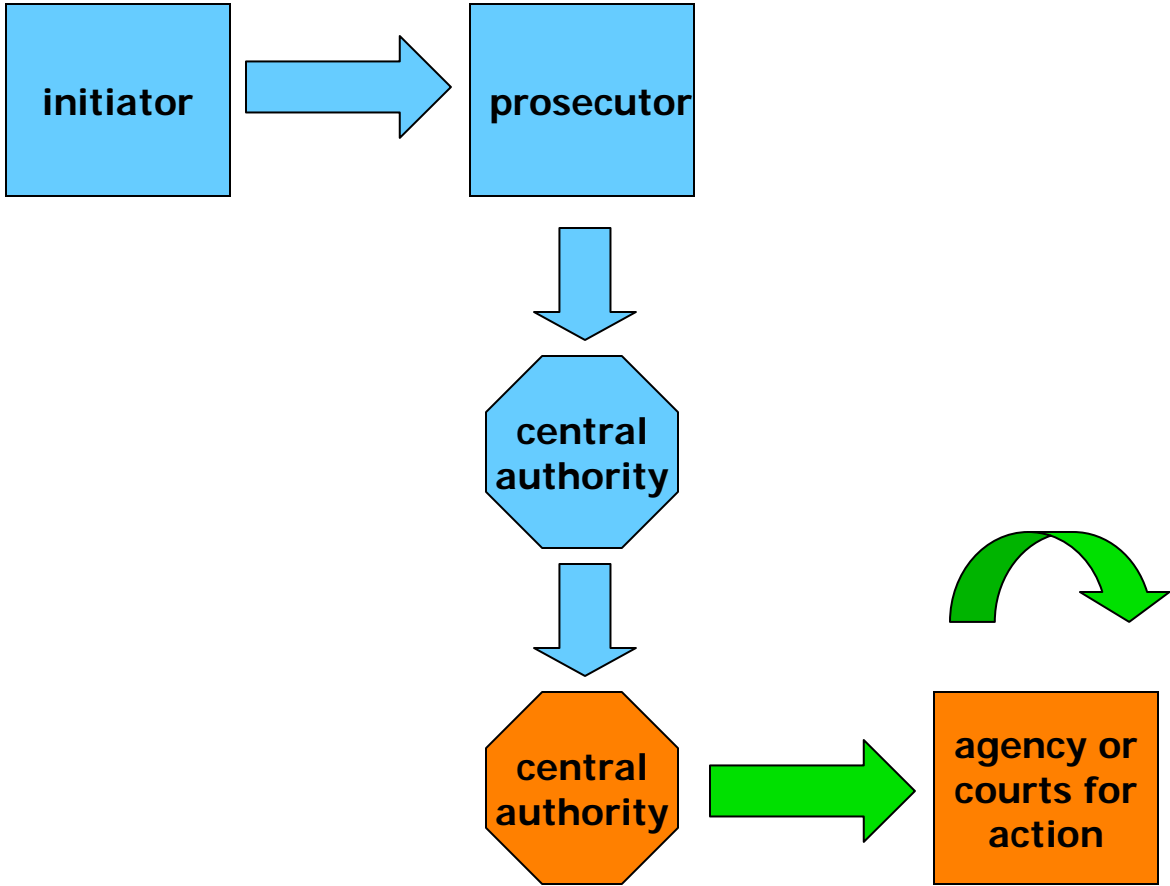


Mutual Legal Assistance Treaty (*MLAT*)

- Cyprus
- Estonia
- Nigeria
- Antigua
- Romania
- Singapore
- Trinidad
- Barbuda
- South Africa
- Ukraine
- St. Kitts & Nevis
- Russia
- Egypt
- Luxembourg
- Grenada
- Greece
- France

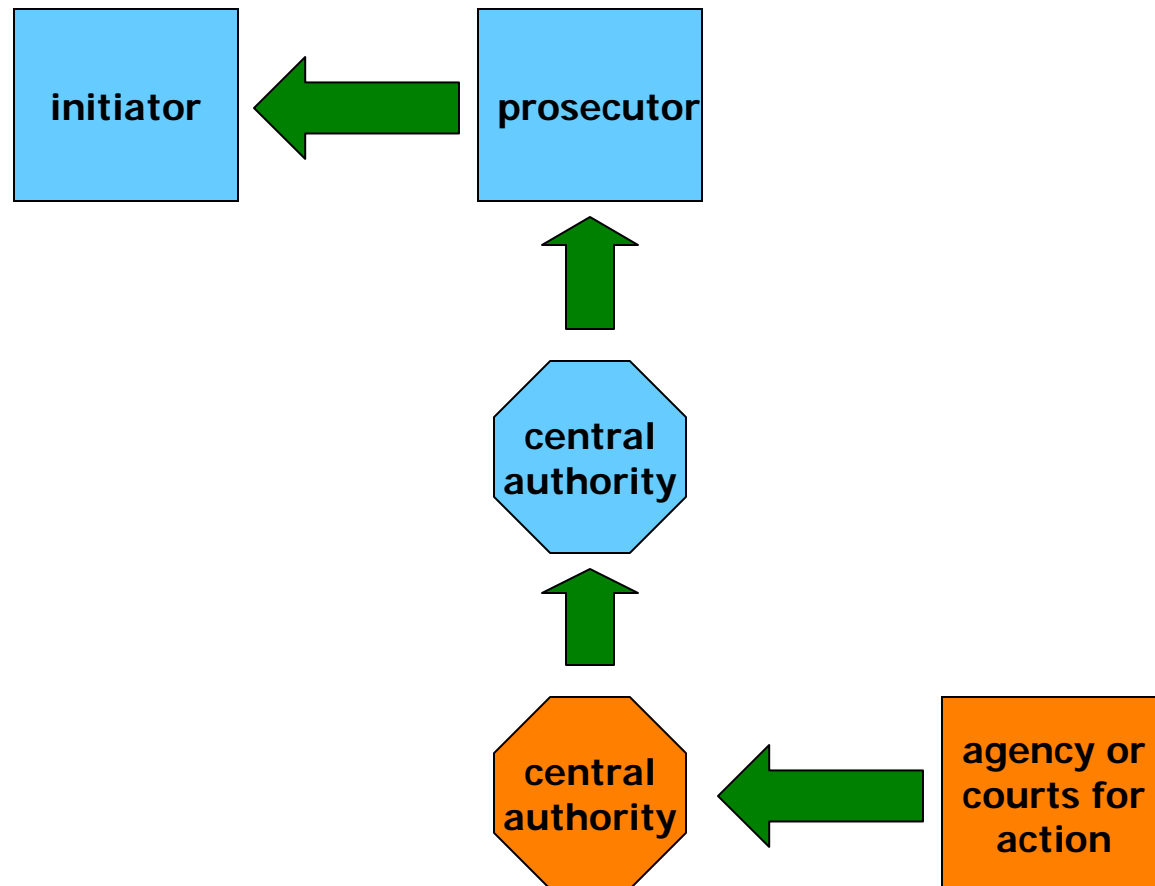
MLAT

Country A 
Country B 



Country A 
Country B 

MLAT

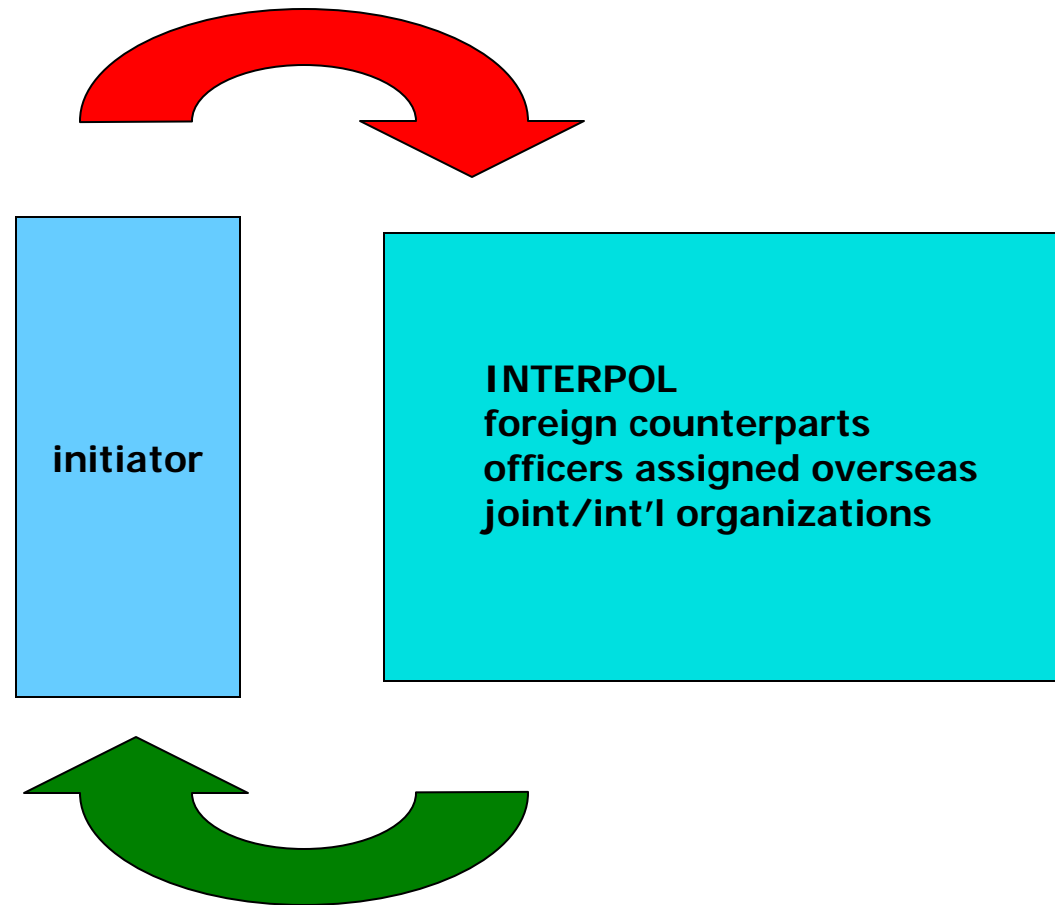




Informal Assistance

- Fast, direct method
- Case development
- Evidence identification
- When no coercive process required
- Not generally admissible
- Minimizes unnecessary work

Informal Assistance



INTERPOL

- ✉ **foreign criminal record checks**
- ✉ **foreign telephone subscriber information**
- ✉ **foreign vehicle registration and VIN checks**



INTERPOL

National Central Bureau

- **ICE Agents assigned to INTERPOL:**
- Receive and reply to criminal investigative requests.
- Transmit national requests for international cooperation.
- Ensure requested police action or operations.
- Collect and share relevant criminal intelligence.



International Affairs

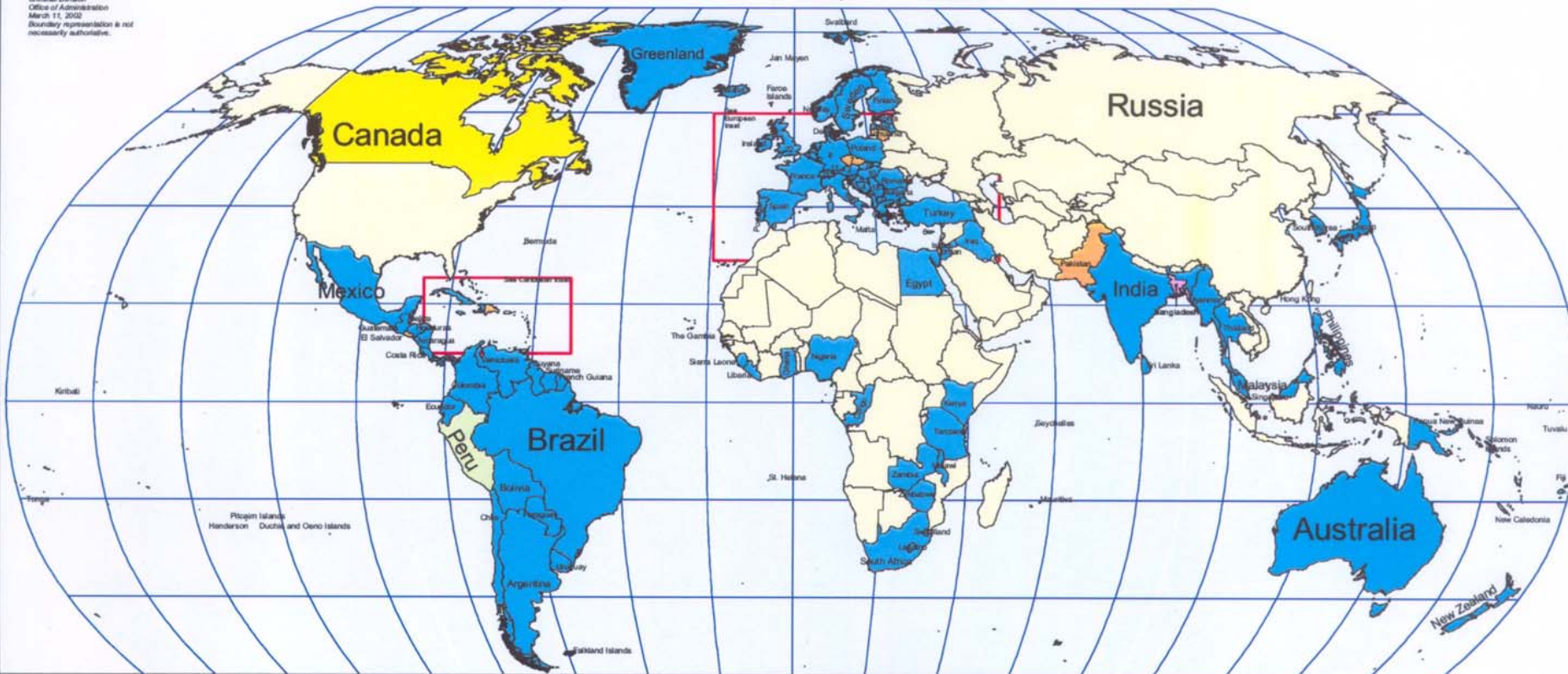
Currently there are Extradition Treaties
with 164 Countries.

U.S. Extradition Treaties



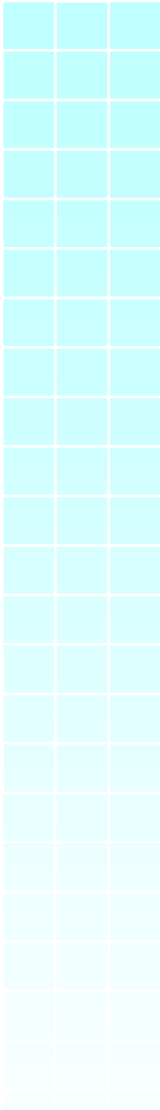
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Provisional Arrest Warrant

There must be an Extradition Treaty with
Countries involved

Request must be submitted by the AUSA.

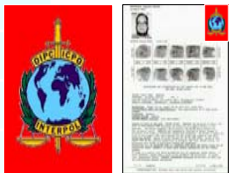
Through the DOJ/OIA who will apply to
the country where fugitive is residing.

Exact location of the Fugitive.

What are Interpol's unique tools?

International Diffusions

Worldwide electronic broadcast messages seeking a fugitive's location with a view to requesting provisional arrest and extradition (*international APB*).



INTERPOL Notices

Color-coded circulars published by the INTERPOL Secretariat General and disseminated to all 181 Member NCBs on a range of enforcement topics.

URGENT

FROM: INTERPOL WASHINGTON

TO: Z1,Z2,Z3,Z4,Z5,Z6,Z7,Z8,Z9

DATE: 22 MAY 97

OUR REF: 970505461/CRM/FDW

TO: IPCQ, GENERAL SECRETARIAT

DIFFUSION ZONES, 1,2,3,4,5,6,7,8,9

SPECIAL ATTENTION: IP MANILA; IP PARIS

REGARDING; DIFFUSION - ANDREW PHILLIP CUNANAN, ALSO KNOWN

AS ANDREW PHILLIP DESILVA, DREW CUNNINGHAM

PLEASE SEARCH WITH A VIEW TOWARDS EXTRADITION, FOR THE

FOLLOWING:

PRESENT FAMILY NAME: CUNANAN

FAMILY NAME AT BIRTH: CUNANAN

FIRST NAME(S): ANDREW, PHILLIP (MIDDLE NAME)

SUMMARY OF THE CASE:

ON 07 MAY 1997, ANDREW PHILLIP CUNANAN WAS CHARGED WITH THE MURDER OF DAVID MADSON IN CHICAGO COUNTY, MINNESOTA. CUNANAN FLED IN MADSON'S JEEP CHEROKEE, WHICH SEVERAL DAYS LATER WAS LOCATED ON A STREET IN CHICAGO, ILLINOIS, WHERE AUTHORITIES WERE INVESTIGATING ANOTHER MURDER. DISCOVERED MISSING FROM THIS NEW CRIME SCENE WAS THE VICTIM'S 1994 LEXUS, WHICH LATER TURNED UP IN A CEMETERY PARKING LOT IN PENNSVILLE, NEW JERSEY. THE CARETAKER AT THIS CEMETERY WAS DISCOVERED MURDERED, AND HIS VEHICLE, A 1995 CHEVROLET PICKUP IS MISSING. CUNANAN IS THE PRIME SUSPECT IN ALL THREE SUBSEQUENT MURDERS. SUBJECT HAS TRAVAELED IN THE PAST IN THE FRANCE AND OTHER EUROPEAN COUNTRIES AND ALSO IN THE PHILLIPPINES. SEVERAL FRIENDS AND ASSOCIATES OF THE SUBJECT HAS STATED THAT THEY BELIEVE HE HAS FLED THE UNITED STATES. HOWEVER, THE POLICE HAVE NOT DEVELOPED ANY SPECIFIC COUNTRY OR AREA. NCB'S ARE REQUESTED TO

IMMEDIATELY ADVISE INTERPOL WASHINGTON, SHOULD SUBJECT ANDREW PHILLIP CUNANAN BE LOCATED IN YOUR COUNTRY IN AS MUCH AS HIS PROVISIONAL ARREST AND EXTRADITION WILL BE REQUESTED. IN CASE OF ARREST, THE PRESCRIBED EXTRADITION DOCUMENTS WILL BE SENT THROUGH DIPLOMATIC CHANNELS VIA THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF INTERNATIONAL AFFAIRS, WHO COORDINATES EXTRADITIONS TO AND FROM THE UNITED STATES.

IT IS ANTICIPATED THAT AN INTERNATIONAL RED NOTICE WILL BE ISSUED IN THE FUTURE.

What is an Interpol Notice ?



Seeks location and arrest of fugitives for whom arrest warrants have been issued and where extradition will be requested. Provisional Arrest Warrant for 74 nations.



Seeks info re: criminals (I.D., criminal record) and used to trace a subj. where extradition may be sought (unidentified offenders, witnesses), not a arrest request

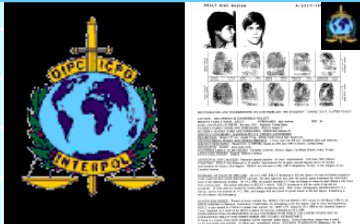


Provides information on career criminals who have committed, or are likely to commit, offenses in several countries (habitual offenders, child molesters).

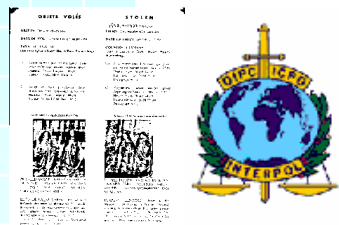


Seeks missing or lost persons (includes parental abduction cases and missing children)

What is an Interpol Notice ? (cont.)



Provides details of unidentified dead bodies or deceased persons who may have used false identities



Circulates details and descriptions of all types of stolen or seized property, including art and cultural objects

**INTERNATIONAL CRIMINAL
POLICE ORGANIZATION -
INTERPOL
MODUS OPERANDI**

Provides details of unusual modus operandi, including new methods of concealment

**INTERNATIONAL CRIMINAL
POLICE ORGANIZATION -
INTERPOL
OPERATIONAL MATTER**

Provides information on criminal activity with international ramifications, but not involving a specific person or group

**ORGANIZED
CRIME
BULLETIN**

Provides information on various organized crime groups and their activities

**FOPAC
BULLETIN**

Provides money laundering information for use in countering international money laundering



RED NOTICES

- Purpose is to have foreign countries search for persons wanted on arrest warrants or court orders.
- Means to circulate national arrest warrants or court rulings internationally.
- Requests that person concerned is wanted either to be tried for an offense or to serve a sentence already imposed.



Red Notices (cont.)

- Should submit Red Notice to Interpol regardless of extradition policy.
- Required Information: Name, Aliases, DPOB, Nationality, Parent's Names, Passport Number, Place of Issuance, Current Address, Fingerprints and Details of the offense (Person's identity and Judicial Information).



AGENCY RESULTS

Through the use of Red Notices:

- DEA located 26% of their reported fugitives
- FBI located 25% of their reported fugitives

CONTACTING INTERPOL FOR INVESTIGATIVE ASSISTANCE



NLETS TO ORI: DCINTER00



OUR REFERENCE NUMBER: (PUT YOUR CASE NUMBER HERE)



RFR: REASON FOR REQUEST, TYPE OF INVESTIGATION BEING CONDUCTED, WHO YOU ARE SEEKING INFORMATION/ASSISTANCE FROM OR IF DATABASE CHECK ADVISE CHECK OF 1) ENVOY, 2) ASF AND 3) ICIS



PLEASE CHECK ALL DATABASES FOR INFORMATION ON THE FOLLOWING INDIVIDUAL:



NAME, DOB, ADDRESS, VEHICLES, ETC. (ANY IDENTIFIERS YOU MAY HAVE)



YOUR CONTACT INFORMATION