

THE ROLE OF INTERPOL IN THE UNITED KINGDOM TO TACKLE INTERNATIONAL CRIMES

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ABSTRACT

International Criminal Police Organization is an inter-governmental organization consisting of 195 member countries and it assists the police in the member countries to prevent crimes. The organization enables the law enforcement agencies to share and access data on crimes and criminals, and it offers a range of technical and operational support in order to make the world a safer place to live. The General Secretariat coordinates day - to - day activities to fight a range of crimes. Run by the Secretary General, it is staffed by both police and civilians and comprises a headquarters in Lyon, a global complex for innovation in Singapore and several satellite offices in different regionsⁱ.

Considering the situation in the United Kingdom where the globalized nature of serious and organized crime is arguably the single greatest threat to UK national security. Corruption is one of the threats to UK's national security as it can undermine political, social and economic stability, and ultimately threaten the safety and security of society as a whole. Moreover, corruption is a universal crime and creates a proliferating ground for organized criminal activities, even terrorism, as criminals are aided in their illegal activities by the complicity of corrupt public officials.

INTRODUCTION:

The international characteristics of organized crime make the role of the INTERPOL National Central Bureau (NCB) in the United Kingdom fundamental to maintaining national and regional securityⁱⁱ. Basically, NCB acts as an intelligence agency and detects the flow of illicit

goods and money along trafficking routes in and around the country. It also informs other law enforcement forces such as Police in the United Kingdom to take immediate action if any criminal act is about to happen or being planned.

Financial crime in the United Kingdom is on rise such as theft, fraud, deception, blackmail, corruption, money-laundering from other countries. Money laundering is concealing or disguising the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources. Money laundering is omnipresent and found in areas where it might least be expected, such as environmental crimes. The advent of cryptocurrency, such as bitcoins, has exacerbated this phenomenonⁱⁱⁱ. Most of the money is laundered from developing countries in the world into the UK due to which they suffer with adverse economic effects and severe poverty in the region.

MONEY LAUNDERING LAWS IN THE UK:

Un-policed and often unenforceable anti - corruption laws have made the UK the global money-laundering capital for a post - Soviet Union elite, severely damaging Britain's international reputation and the rule of law, the London-based think tank Chatham House produced a report in which it urged ministers to recognize that Britain's laws do not simply help organised crime, but are a way for kleptocratic authoritarians to launder their illegal assets and remain in power^{iv}. It is evident that the British government has completely failed to recognise the intimate connections UK society and country's institutions have with kleptocratic states and their elites, the latter of which continue to find a home - from - home in London.

The report also revealed the failure of enforcement of laws by the National Crime Agency (NCA) and other law enforcing agencies, as expensive and experienced lawyers are hired by transitional elites to defeat the regulators and succeed in their corrupt motives. In the United Kingdom money laundering is defined under the Proceeds of crime Act 2002 (2002) POCA and covers all the aspects of money laundering such as handling or possessing criminal property, including the proceeds of ones's own crime, and facilitating any handling or possession of criminal property.

The *Money Laundering, Terrorist Financing and Transfer of funds (Information on the payer) Regulations 2017* (Money Laundering Régulations 2017) and the *The Money Laundering and Terrorist Financing (Amendment) Regulation 2019*. (Money Laundering Regulations 2019) applies to all individuals and businesses that provide accountancy services, trust and company services or related services such as tax advice, audit or insolvency by way of business^v.

Moreover, there is a certain legal procedure which has to be followed in order to establish money laundering as a criminal offence. In relation to each money laundering offence, the prosecution has to prove that the property in question is 'criminal property'. Under POCA criminal property is defined as property that is bought through illegal means and constitutes a person's benefit from criminal conduct. The prosecution shall also prove that the person accused ought to know or suspected that property is criminal property. Although there are certain complications with regards to proving that the person ought to know or suspects that the property is criminal and the threshold for suspicion required to prove a person is quite low. In order to mitigate these complications the Court of Appeal in the case of *R v Da Silva*^{vi}; clearly mentioned that where the court held that a person 'must think there is a possibility, which is more than fanciful, that the relevant facts exist.' A vague feeling of unease would not be sufficient to prove it.

There are various remedies available under the Proceeds of crime Act 2002 such as confiscation of illegal acquired assets, civil recovery under section 241 of POCA, asset freezing and forfeiture, compensation and disgorgement. Civil courts provide judicial remedy considering all the relevant aspects of the case such as a confiscation order may be made against a defendant and is made in order to recover the sum said to represent the value of the benefit from criminal conduct. Part 5 of the POCA provides for the making of a civil recovery order (CRO) by the High Court for the recovery of property which is or represents property obtained through unlawful conduct. It is evident that there are various legal procedures available to deprive an offender of the proceeds of crime.

MONEY LAUNDERING CASES IN THE UNITED KINGDOM

Money laundering and fraud can have a severe impact on everyone from regular citizens to multinational corporations. In fact, the National Crime Agency puts the cost of money laundering and fraud to British businesses, citizens and government at over £190 billion a year^{vii}. In the United Kingdom, there have been some extraordinary examples of these crimes over the years. We have analyzed 10 of the most lucrative (and shocking!) cases, to reveal exactly what happened and how businesses and individuals can learn from these cases moving into 2022.

There was a case where Maythem Al- Ansari, aka 'Mr Big', after serving a three - year prison sentence for laundering drug money was staring down the barrel of an additional jail term for a mortgage fraud that cost millions of pounds. However, after handing over his passport as part of the bail terms, an error allowed Al-Ansari to acquire another passport from the Home Office, which he used to flee to Syria. Eventually Mr Big gave himself up at London Heathrow in 2016, but the blunder was highly embarrassing at the time and left millions of pounds unaccounted for. Of course, this was a high profile case and this kind of error rarely occurs, but it highlights the necessity of government bodies to continue working closely together to avoid lapses in communication that allow such issues to happen^{viii}.

Moreover, In November 2019, police arrested ten suspected members of an organized crime gang, under suspicion of smuggling £15.5 million pounds out of the UK to Dubai in suitcases. This is another example of the authorities building a case around suspected illegal activity, in this instance unusual travel patterns and living well above one's means , and acting upon their investigations. Another scandal surfaced related to the Bank of Scotland, where hundreds of people were left in serious financial difficulty due to rogue employees at Bank of Scotland's (HBOS) Reading branch colluding with consultants to defraud small businesses of around £245 million between 2003 and 2007. The scam involved referring small businesses to a 'turnaround consultancy', which would convince the businesses they needed help, before loading them with astronomical debts and fees. For failing to disclose information about the activity, HBOS was fined over £45 million. Small businesses should always proceed with caution when being passed over to outside consultancies without seeking their own, independent advice^{ix}.

British Bank was fined 264.8 million pounds (USD 354.30 million) for failing to comply with money laundering rules in a case that marked the first time U.K. financial regulators pursued criminal charges for such violations. The fine was handed down at Southwark Crown Court in

London. NatWest, the partially state-owned bank formerly known as Royal Bank of Scotland, had pleaded guilty on Oct. 7 to charges related to deposits made by a jewellery business between 2012 and 2016.

Over the course of the relationship, the customer deposited 365 million pounds with the bank, about 264 million pounds of it in cash, the U.K.'s Financial Conduct Authority said in a statement. Although some NatWest workers reported suspicions about the transactions, the bank failed to take appropriate action, the regulatory agency said ^x. It is evident from the cases being reported that agencies are monitoring and scrutinizing suspicious transactions in order to curb illicit flow of money.

CONCLUSION

It is evident from the cases mentioned above that United Kingdom has been aggressively pursuing money laundering investigations and prosecutions, achieving 1400 convictions each year for money laundering. United Kingdom's law enforcement agencies have powerful tactics to obtain beneficial ownership and information, including through effective public-private partnerships, and make good use of this information in their investigations. However, the UK financial intelligence unit needs a substantial increase in its resources and the suspicious activity reporting regime needs to be modernized and reformed.

United Kingdom being a global leader in promoting corporate transparency utilizes its risk assessment to further strengthen the reporting and registration of corporate structures. Strong features of the system include the outreach activities conducted by supervisors and the measures to prevent criminals or their associates from being professionally accredited or controlling a financial institution. However, the intensity of supervision is not consistent across all of these sectors and UK needs to ensure that supervision of all entities is fully in line with the significant risks the UK faces^{xi}.

Although, it is evident that laws related to money laundering in the United Kingdom have been highly effective in investigating, prosecuting and convicting a range of terrorist financing activity and has taken a leading role in designating terrorists at the UN and EU level. United Kingdom is pulling up its socks in this area of law by promoting global implementation of proliferation-related targeted financial sanctions, as well as achieving a high level of effectiveness in implementing targeted financial sanctions domestically.

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