

STATE INVESTIGATION AND PROTECTION AGENCY FINANCIAL INVESTIGATION DEPARTMENT

STATISTICAL DATA AND EMERGING TYPES OF MONEY LAUNDERING AND FINANCING OF TERRORIST ACTIVITIES

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INTRODUCTION

The Financial Intelligence Department (hereinafter: FID) is a central state-level financial intelligence unit in B&H operating in accordance with binding international standards pertaining to the area of prevention, investigation and fight against money laundering and financing of terrorist activities.

Unlike neighbouring countries, where the financial intelligence units are of administrative type and operate as independent organisations within ministries of finance, the FID of SIPA is a main organisational unit of SIPA, with all police and investigative powers.

The Law and international standards provide for that the system of preventing money laundering and financing of terrorist activities is not only within the jurisdiction of a single institution, but it is the system in which the law defines the roles of the Financial Intelligence Unit and all other participants in the system of preventing money laundering and financing of terrorist activities, as well as their mutual interaction and cooperation.

The main tasks of the FID is to receive, collect, record and analyse the information, data and documents as well as to investigate and forward the findings of the analyses and/or investigations, data and documents to prosecutor's offices and other relevant authorities in B&H and abroad.

The first Law on the Prevention of Money Laundering and Financing of Terrorist Activities was adopted and entered into force in late 2004, when the FID became functional and operational within SIPA. The FID has been a member of the Egmont Group of financial intelligence since 29/06/2005.

The new Law on the Prevention of Money Laundering and Financing of Terrorist Activities (Official Gazette of B&H No. 47/14) entered into force on 17/06/2014.

I. LEGAL FRAMEWORK

The competences of the FID are set out in the Law on State Investigation and Protection Agency ("Official Gazette", Nos. 27/04, 63/04, 35/05, 49/09 and 40/12) and the Law on Prevention of Money Laundering and Financing of Terrorist Activities ("Official Gazette", No. 47/14), which define:

- a) measures, actions and procedures in financial and non-financial sectors, which are taken to prevent and detect money laundering and financing of terrorist activities;
- b) obligors conducting measures, actions and procedures, who are required to act according to this law;
- c) supervision of obligors in implementing measures, actions and procedures in financial and nonfinancial operations aimed at prevention of money laundering and financing of terrorist activities;
- d) duties and competence of the SIPA FID;
- e) inter-institutional cooperation between relevant authorities of B&H, B&H Federation, Republic of Srpska, B&H Brčko District and other state-level authorities on preventing money laundering and financing of terrorist activities;
- f) international cooperation in the area of preventing money laundering and financing terrorist activities;
- g) duties, competence and actions of other authorities and legal entities having public authorisations in preventing money laundering and financing terrorist activities in B&H, and
- h) other tasks significant for developing the system of preventing money laundering and financing terrorist activities.

Rulebook on implementation of the Law on Prevention of Money Laundering and Financing of Terrorist Activities ("Official Gazette B&H" No. 41/15) regulates thoroughly this area thus facilitating implementation of the Law on Prevention of Money Laundering and Financing of Terrorist Activities.

Moreover, the Instructions to obligors on the manner of filling out forms and electronic data entry when reporting transactions ("Official Gazette", No. 41/15) are in place. The Instructions determine the manner of filling out forms and electronic data entry in the procedure of reporting financial transactions to the SIPA FID, in accordance with the Law on Prevention of Money Laundering and Financing of Terrorist Activities.

II. ORGANISATIONAL STRUCTURE

In accordance with the Rulebook on Internal Organisation of the State Investigation and Protection Agency, the FID is one of the main organisational units, composed of:

- a) Analytical Section
- b) Investigation Section and
- c) Section for Legal Matters, International Cooperation and Support.

Civil servants, police officials and employees work in the FID. Police officials are majority in the Investigation Section while civil servants and administrative staff work in other two sections. Current staffing of the FID is 82%.



III. TRANSACTION REPORTING

Obligors stipulated by the Law on the Prevention of Money Laundering and Financing of Terrorist Activities (hereinafter: the Law) shall implement measures to detect and prevent money laundering and financing of terrorist activities. Obligors from both financial and non-financial sector are registered in the FID data bases.

Transactions reported to the FID in compliance with the Law are suspicious transactions, clients or individuals, as well as cash transactions and related cash transactions. All transactions reported by obligors are registered and processed in the AMLS database, which is the main database of the FID containing all open and current cases as well as requests for database checks. During the first semester of 2015, according to statistical data from the AMLS, 184,873 reports of transactions were received totalling 8,252,438,069.91 BAM.





Analysis of statistical data on the number of reported transactions over the past five years shows an increase of the total number of transactions reported by obligors as well as a proportional increase of the total value of reported transactions.

B&H financial services sector is dominated by banks which account for about 87% of the overall financial sector. Other participants in the financial sector are insurance companies and reinsurance companies (4.86%), investment funds (3%), micro-credit organisations (2.65%) and leasing companies (2.36%).

Hence, the most significant obligors, who report transactions to the FID are banks. Currently, there are 27 active banks in B&H, from the aspect of measures to detect and prevent money laundering and financing of terrorist activities.

According to the records of the FID, out of the total number of reported transactions, 95 reports have been related to suspicious transactions totalling 9.558.418,23 BAM, during the first six months of 2015.





Analysis of the structure of obligors, who reported suspicious transactions, indicates that out of the total 95 suspicious transactions reported, banks reported 74 transactions while other obligors reported 21.



Share of suspicious transactions reported to the FID by banks and other obligors

21 transactions totalling 399.675,98 BAM were assessed as suspicious by other obligors in their reports:

- Leasing companies -8,
- Microcredit organisations 8,
- Electronic money transfer 3,
- Insurance companies -1, and
- Post offices 1.



Suspicious transactions reported by obligors in the first semester of 2015

IV. ANALYTICAL – INTELLIGENCE ACTIVITIES

Analytical intelligence activities of the FID include receiving, requesting, collecting and analysing information, data and documents, primarily pertaining to suspicious transactions reported to the FID by banks and other obligors, as well as analytical evaluation of other transaction reports assessed as having grounds for suspicion of money laundering and financing terrorist activities in the country and abroad.

Moreover, the Analytical Section of the FID performs analytical processing of information, data and documents within the prescribed competencies also at the request of foreign financial intelligence units if the information submitted may be linked to money laundering or financing of terrorist activities.

The FID exchanges relevant analytical intelligence, data and documents with relevant institutions and agencies in B&H and acts upon them.

During the first semester of 2015, the FID has started analytical intelligence activities in 80 new cases, which, according to information sources, can be divided into:

- 53 cases initiated on the basis of suspicious transactions;
- 22 cases opened on the basis of international requests;
- 5 cases opened on the basis of inter-agency or inter-institutional cooperation.



Comparative review of numbers of new cases in the first semesters of 2014 and 2015

In addition to the mentioned cases, the Analytical Section of the FID, during the reporting period, has acted upon some previous cases which resulted in receiving, collecting and exchanging of 258 information from different sources.

By their structure, this information can be divided into:

- 8 financial intelligence analyses forwarded to the FID Investigation Section;
- 79 financial intelligence analyses and information received/forwarded from/to foreign financial intelligence units;
- 161 financial intelligence from/to relevant police, judicial, tax and other authorities and/or institutions;
- 1 financial intelligence analysis and information for relevant prosecutor's office;
- 9 financial intelligence analyses and information forwarded to other organisational units of SIPA (Criminal Investigation Department and SIPA Regional Offices).



Comparative review of information exchanged in the first semesters of 2014 and 2015

V. INVESTIGATIVE ACTIVITIES

The Financial Intelligence Department, through the Investigation Section, is involved in all major investigations of organised and economically motivated crime in BiH by providing available and/or collected information, carrying out complex financial analyses, providing expert support to prosecutors by participating in investigation teams, or direct guidance of investigations of money laundering / financing of terrorist activities.

During the reporting period, the investigative activities were focused on 32 investigations, of which 11 investigations were initiated in the reporting period, and 21 of them are from the previous period. 21 orders in total were received of which 13 were issued by the Prosecutor's Office B&H, 8 orders were from Cantonal Prosecutor's Offices and four orders were dated from the previous year.

Number of orders and requests received and executed in the first semester of 2015

	I-VI/2015.				
	No of received orders	No of executed orders	No of reports on conducted financial investigation	No of reports on measures and actions taken	No of notifications
Orders/requests of					
the Prosecutor's					
Office B&H	15	10	1	7	2
Orders/requests of					
the cantonal					
prosecutor's office	10	7	1	4	2
Total	25	17	2	11	4





VI. INTERNATIONAL COOPERATION

VI. A.) INTERNATIONAL EXCHANGE OF INFORMATION AND EGMONT GROUP

As provided for by legal provisions, one of the important tasks of the FID is also the international exchange of information, data and documents. The FID may request information, data and documents from foreign financial intelligence units (hereinafter: FIUs), foreign law enforcement authorities, prosecutorial or administrative authorities as well as international organisations involved in prevention of money laundering and financing of terrorist activities. International exchange of the Egmont Group of FIUs. The Egmont Group is a global network of FIUs. It was established in 1995 as an unofficial association of the FIUs, whose role is strengthening and coordinating international cooperation between the FIUs in exchange of financial intelligence, in compliance with principles defined by the Group as well as the best practices in the area of money laundering and financing of terrorist activities. The FID of SIPA, as a financial intelligence unit of B&H, became a member of the Egmont Group on 29/06/2005.

During the first semester of 2015, the FID sent 18 requests to 11 countries. These requests included data about 55 individuals and 18 legal entities.



Number of FID requests for information exchange

Number of physical and legal entities per countries subjects of FID requests for information



The FID my submit information, data and documents obtained in B&H to other FIUs at their request or on its own initiative. In the first semester of 2015, there were 30 such requests received from 14 countries and they included exchange of intelligence for 99 physical persons and 62 legal entities.



Number of incoming requests to the FID per countries





In the first semester of 2015, the FID received also 15 of the so called spontaneous information from six countries and sent one such information. These types of information in seven cases were related to suspected financing of terrorist activities, while the other cases were linked to suspected money laundering offences. These information included data about 55 physical persons and 9 legal entities.



Number of spontaneous information

Number of physical and legal entities subjects of spontaneous information



VI. B.) MONEYVAL

B&H is a member of MONEYVAL. MONEYVAL is a special committee of experts of the Council of Europe, responsible for monitoring the implementation of measures to prevent money laundering and financing of terrorist activities. It was founded in 1997. MONEYVAL works on the principle of mutual evaluations of the Member States according to the FATF methodology and standards - an international body that sets standards to combat money laundering and terrorism financing.

The Council of Ministers B&H appointed MONEYVAL delegation of Bosnia and Herzegovina on 14 May 2015, and a representative of the FID was appointed as the Head of Delegation.

In November 2014, MONEYVAL team of experts was in Bosnia as part of the fourth round of mutual evaluation of BiH. In the reporting period, the activities to prepare information, data and documentation for the fourth round of mutual evaluation were carried out. The representative of the FID, as a chair, coordinates the work of the Working Group of BiH institutions to prevent money laundering and financing of terrorist activities, which conducted all preparatory activities for a preliminary meeting with the MONEYVAL team of experts in connection with the Fourth Round Mutual Evaluation Draft Report for B&H. This preliminary meeting was preceded by four meetings of the Working Group, which agreed and gave comments as well as collected and disseminated relevant legislation in relation to the Fourth Round Mutual Evaluation Draft Report.

The preliminary meeting held between the B&H Delegation and MONEYVAL Team of Experts took place in Strasbourg, France in the period 15-17 June 2015. The meeting discussed all relevant issues with regard to the Draft Report with the aim of developing a final Fourth Round Mutual Evaluation Report, which should be presented, discussed and adopted in September 2015 at the 48th Plenary Session of MONEYVAL and published in October 2015.

VII. MONEY LAUNDERING TYPOLOGIES

Money laundering typologies are trends, methods and techniques used by money "launderers", which have some common characteristics. From the aspect of fight against money laundering, these typologies are results of application of specific indicators of suspicious transactions and customers, and their checking and verification in practice.

The observed typologies point to a necessity of risk analysis in order to take more efficient preventive actions in the case of recognition of essential elements. An aggravating circumstance, but also a challenge in the development of the system against money laundering, is that the money laundering is a constantly evolving "phenomenon in movement". Money "launderers", by improving and applying new techniques and modalities, make this process more complex and more complicated to detect, and thus more difficult to prove.

Based on available data, information, documents and suspicious transactions reported by obligors, provided for by the Law on Prevention of Money Laundering and Financing of Terrorist Activities in the period 01/01-30/06/2015, some trends in money transfers taking place in the financial sector of Bosnia and Herzegovina as well as in money transfers from/to B&H were observed.

Reports of suspicious transactions in the banking sector indicate that tax evasion is still a high-risk crime in terms of money laundering. The majority of reports are related to specific elements of tax evasion, followed by fraudulent legal operations and withdrawal of cash from accounts on the basis of fictitious business documents. Moreover, there are also reports related to suspicious funds deposited in the accounts of individuals and related business entities. Namely, considerable amounts of successive payments of unknown origin were observed. Based on the collected data (e.g. about property and business activities) it was concluded that the money in the accounts of natural persons did not originate from business operations or other known sources of funds.

Analyses of sources of the funds in the accounts of legal entities indicated suspected money laundering as certain transactions related to repayment of loans, founders' loans for liquidity of businesses and, to a less extent, deposits of daily takings were observed. It could not be concluded that these funds were intended for business development or ongoing business activities so the question raised was about the motives of the founder to execute these payments.

Also, there has been an increase of the number of reports on different types of frauds including identity thefts, forging documents, abuses of authority, payment cards, etc.

CASE 1

A founder/owner of a company uses their own account with a commercial bank in Bosnia and Herzegovina for the collection of receivables from customers (legal entities) on behalf of the company. Quick cash withdrawals from the account take place and in this way the proceeds generated from the sale of goods and services are diverted i.e. paid into the account of the owner instead of into the transaction account of the company XX.

In this way, they tried to cover up traces and avoid payment of direct and indirect taxes thus having obtained an unlawful profit.

These activities indicated a suspicion of predicate crime of tax evasion (direct and indirect tax), and continued criminal offence of money laundering.



CASE 2

A Company A transfers funds to the current account of a physical person A on the basis of a profit distribution. The same day, the funds are transferred to the account of a physical person B, which are then partially withdrawn from the account while the rest of the funds are channelled into the accounts of several companies on the basis of repayment of the loan and into the accounts of a physical person C.

The Company A and physical person B are brought into connection with several companies which are suppliers of public enterprises, and there is a suspicion that the Company A is used to extract funds from public enterprises.



CASE 3

A Company A imports footwear from a European Union supplier company B and sells it to the customers in B&H. Debt collection is done in cash instead of noncash transactions from one account to another. For the sold goods, the company issues invoices with wholesale prices to customers and collects debts in cash at retail prices in order to present lower VAT accounting basis. A founder of the Company A keeps the difference between retail and wholesale prices and places it further into the financial flows (deposits less amounts in accounts with other banks, buys movable and immovable property, etc.).

In this case, there is a suspicion that criminal offence of tax evasion and continued criminal offence of money laundering have been perpetrated.



CASE 4

A Company A transfers funds into the current account of a physical person A on the basis of profit distribution. The same day, the funds are transferred to an account of physical person B, who withdraws a part of the funds. Other payments from the accounts of several natural persons from abroad into the account of a physical person in Bosnia and Herzegovina are further transferred to the account of a seller for the purpose of payment of a property on behalf of a third party. There is a suspicion that the third party introduces unlawfully acquired funds into the financial system of Bosnia and Herzegovina through bank accounts of associates / friends / relatives, with the aim of buying a property in B&H.



CASE 5

Noncash foreign inflows of money performed by several individuals from current accounts opened with banks in the countries of the Arabian Peninsula, with the purpose indicated as "financial support" into the account of a natural person in BiH, associated with a person who is brought into connection with terrorism. Bearing in mind that the user of the mentioned funds is indirectly brought into connection with terrorism, there is a suspicion that the funds are used for financing of terrorist activities.



VIII. ASSESSMENT OF FUTURE TRENDS

The FID assesses that the obligors will continue, in the following period, to focus on "high"-risk transactions connected with virtual money trading on the Internet since this area is insufficiently explored and regulated area in B&H, which gives room for new ways to invest money gained from illegal activities. This type of trade is characterized by a lack of legal regulations and oversight as well as a high degree of anonymity.

Special attention should be paid to the various types of games of chance and entities organising games of chance. Insufficient oversight by competent authorities leaves plenty of room for abuse of this area.

Public procurement and financial transactions associated with the procurement of goods and services should be subject to an enhanced supervision and analysis.

Transactions conducted on the basis of consulting and marketing services, research and development-related services are an easy way to layer and integrate a "dirty" money, because it is difficult to determine their real market price and whether these services were actually provided in practice. These are international transactions most often associated with "offshore" countries. This area can be regulated only by reinforced legislation and more "aggressive" market controls.

Selling real estate for cash and payment of funds into personal accounts of investors or entrepreneurs remain a matter of debate. The real money is not recorded through the banking sector, which results in disguise of the origin of funds and real property owners.

Short-term cash payments in large amounts deserve a special approach especially when it comes to foreign currencies. Cash payments for the purpose of founders' loans and loans are often used to conceal money for the goods sold on a "black market" and these transactions should always be thoroughly analysed.

The transfer of money from "offshore" destinations in the form of loans, various types of credit arrangements and initial capital should be the subject of increased attention in the future, especially when there is a doubt about real owners of companies registered in the so-called "paradise destinations".

Illegal trade and smuggling of high-value goods (luxury goods) are a considerable source of "dirty" money in B&H. These activities should always be monitored while luxury market should be under enhanced supervision.

Analyses of financial transactions with foreign countries, particularly those connected with providing aid and inheritance, show that these are often used for payment of goods imported illegally from abroad, and these should be considered as high-risk transactions

Unregulated area of trade in gold leaves significant room for manipulation. Purchase of broken gold by organized criminal groups, illegal transfer across borders, smuggling of gold jewellery and further resale, as well as buying gold through goldsmiths and money exchange chains are the issues which should be given a considerable attention.

Withdrawal of funds from the accounts of companies and abuses of billing codes – trade in goods and services - in order to conceal the real purpose of the transfer of funds between entities, are the most frequent ways in which "bogus" legal businesses acquire illegal profit and withdraw money from the accounts. It is estimated that this type of fictitious operations will continue in the future.

Special attention should be paid to trade in goods on "black market" where there is still the same "modus operandi". Namely, entities import and sell the goods on the "black market" and then transfer the money intended for payment of the imported goods from personal accounts indicating a basis for payment as, for example "providing help to a family member" or alike. These transactions are most frequently conducted with the People's Republic of China and physical persons are mainly owners of legal entities. It is significant to pay attention to small-scale transactions and quick transfers, which may be important for financing of the organisers and mediators responsible for the transport and storage of narcotics in BiH, if we take into account the fact that Bosnia and Herzegovina with its strategic position is on the so called "Balkan route" and it is a transit country for the transport of narcotics from Asia and South America to Europe. Sometimes these types of transactions only represent a kind of a transfer of information between the perpetrators.

The FID will continue to analyse the situation and follow-up all the trends within its competence and adjust its activities accordingly with the aim of reducing money laundering and financing of terrorist activities to a minimum.

USEFUL LINKS

SIPA	www.sipa.gov.ba		
Ministry of Security B&H	www.msb.gov.ba		
Council of Ministers B&H	www.vijeceministara.gov.ba		
Parliamentary Assembly B&H	www.parlament.ba		
Central Bank B&H	www.ccbh.ba		
Judiciary BiH	www.pravosudje.ba		
High Judicial & Prosecutorial Council B&H	www.hjpc.pravosudje.ba		
Prosecutor's Office B&H	www.tuzilastvobih.gov.ba		
Court B&H	www.sudbih.gov.ba		
Indirect Taxation Authority	www.uino.gov.ba		
Border Police B&H	www.gp.gov.ba		
Intelligence Security Agency B&H	www.osa-oba.gov.ba		
Civil Service Agency B&H	www.ads.gov.ba		
Federal Prosecutor's Office of the B&H Federation	www.ft-fbih.pravosudje.ba		
Republic Prosecutor's Office of Republic of Srpska	www.rt-rs.pravosudje.ba		
B&H Brčko District Prosecutor's Office	www.jt-brckodistriktbih.pravosudje.ba		
Banking Agency of B&H Federation	www.fba.ba		
Republic of Srpska Banking Agency	www.abrs.ba		
Agency for Intermediary, IT and Financial Services – APIF	www.apif.net		
FB&H Centre for Education of Judges and Prosecutors in	www.fbih.cest.gov.ba		
RS Centre for Education of Judges and Prosecutors	www.rs.cest.gov.ba		
Federal Police Administration	www.fup.gov.ba		
Republic of Srpska Ministry of Interior	www.mup.vladars.net		
Tax Administration of B&H Federation	www.pufbih.ba		
Tax Administration of	www.poreskaupravars.org		

Republic of Srpska	
Tax Administration of B&H Brčko District	www.bdcentral.net/index.php/ba/institucije/direkcija- za-finansije/poreska-uprava
MONEYVAL	www.coe.int/moneyval
FATF	www.fatf-gafi.org
Egmont Group	www.egmontgroup.org
Council of Europe	w bhww.coe.int
European Union	www.europa.eu
INTERPOL	www.interpol.int
ICITAP	www.justice.gov/criminal-icitap
United Nations Development Programme	www.ba.undp.org
International Monetary Fund	www.imf.org
World Bank	www.worldbank.org