

based on intelligence about potential migrant smuggling and human trafficking activity.

*INTERPOL's response to human trafficking.* Strive to empower police in our member countries to investigate and handle cases of human trafficking. This is done via:

- Training: building long-term capacity by sharing the latest investigation and victim interview techniques with officers;
- INTERPOL's policing capabilities and expertise: tools and systems for sharing intelligence globally;
- Global operations: concrete action in the field to disrupt and dismantle human trafficking networks;
- Partnerships: working across sectors to improve the ways in which trafficking can be identified, reported and investigated;
- Events and conferences: gathering experts from across the world;
- Specialist groups which focus on frontline police work and the exchange of operational information;
- Resources: covering general information, international legislation, and law enforcement guides and manuals.

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## **MONEY LAUNDERING: INTERNATIONAL EXPERIENCE**

Money laundering is the process of changing large amounts of money obtained from crimes, such as drug trafficking, into origination

from a legitimate source. It is a crime in many jurisdictions with varying definitions. It is a key operation of the underground economy. In US law it is the practice of engaging in financial transactions to conceal the identity, source, or destination of illegally gained money. In UK law the common law definition is wider. The act is defined as "taking any action with property of any form which is either wholly or in part the proceeds of a crime that will disguise the fact that that property is the proceeds of a crime or obscure the beneficial ownership of said property" [1].

In the past, the term "money laundering" was applied only to financial transactions related to organized crime. Today its definition is often expanded by government and international regulators such as the US Office of the Comptroller of the Currency to mean "any financial transaction which generates an asset or a value as the result of an illegal act", which may involve actions such as tax evasion or false accounting. In the UK, it does not even need to involve money, but any economic good. Courts involve money laundering committed by private individuals, drug dealers, businesses, corrupt officials, members of criminal organizations such as the Mafia, and even states. In UK law money laundering is defined in the Proceeds of Crimes Act 2002 (POCA) and includes all forms of handling or possessing criminal property, including possessing the proceeds of one's own crime, and facilitating any handling or possession of criminal property.

Criminal property (defined in POCA) constitutes or represents a person's benefit from criminal conduct where the alleged offender knows or suspects that the property in question represents such a benefit. Criminal property may take any form, including money or money's worth, securities, tangible property and intangible property.

Money laundering can be carried out in any part of the world and can range from a single act involving one person to complex set ups involving various individuals. There are no materiality or de-minis exceptions in relation to money laundering. As financial crime has become more complex, and "Financial Intelligence" (FININT) has become more recognized in combating international crime and terrorism, money laundering has become more prominent in political, economic, and legal debate. Money laundering is ipso facto illegal; the acts generating the money almost always are themselves criminal in some way (for if not, the money would not need to be laundered). Laws against money laundering were created to use against organized crime during the period of Prohibition in the United States during the 1930s. Organized crime received a major boost from Prohibition and a large source of new funds that were obtained from illegal sales of alcohol. The successful prosecution

of Al Capone on tax evasion brought in a new emphasis by the state and law enforcement agencies to track and confiscate money, but existing laws against tax evasion could not be used once gangsters started paying their taxes [3].

In the 1980s, the war on drugs led governments again to turn to money laundering rules in an attempt to track and seize the proceeds of drug crimes in order to catch the organizers and individuals running drug empires. It also had the benefit, from a law enforcement point of view, of turning rules of evidence "upside down". Law enforcers normally have to prove an individual is guilty to seize their property, but with money laundering laws money can be confiscated and it is up to the individual to prove that the source of funds is legitimate to get the money back. This makes it much easier for law enforcement agencies and provides for much lower burdens of proof. However, this process has been abused by some law enforcement agencies to take and keep money without strong evidence of related criminal activity, to be used to supplement their own budgets [2].

Task Force on Money Laundering to put pressure on governments around the world to increase surveillance and monitoring of financial transactions and share this information between countries. Starting in 2002, governments around the world upgraded money laundering laws and surveillance and monitoring systems of financial transactions. Anti-money laundering regulations have become a much larger burden for financial institutions and enforcement has stepped up significantly. During 2011–2015 a number of major banks faced ever-increasing fines for breaches of money laundering regulations.

Many countries introduced or strengthened border controls on the amount of cash that can be carried and introduced central transaction reporting systems where all financial institutions have to report all financial transactions electronically. For example, in 2006, Australia set up the AUSTRAC system and required the reporting of all financial transactions [3].

Money laundering is the conversion or transfer of property:

- the concealment or disguising of the nature of the proceeds;
- the acquisition, possession or use of property, knowing that these are derived from criminal activity;
- or participating in or assisting the movement of funds to make the proceeds appear legitimate.

Money obtained from certain crimes, such as extortion, insider trading, drug trafficking, and illegal gambling is "dirty" and needs to be "cleaned" to appear to have been derived from legal activities, so that banks and other financial institutions will deal with it without suspicion. Money

can be laundered by many methods that vary in complexity and sophistication [1].

Money laundering typically involves three steps:

- the first involves introducing cash into the financial system by some means ("placement");

- the second involves carrying out complex financial transactions to camouflage the illegal source of the cash ("layering");

- and finally, acquiring wealth generated from the transactions of the illicit funds ("integration"). Some of these steps may be omitted, depending upon the circumstances. For example, non-cash proceeds that are already in the financial system would not need to be placed.

Money laundering in the United States of America (USA) is a serious problem. The primary source of laundered funds comes from the accessibility of the financial system. Trade-based money laundering is another method by which criminals have laundered funds in the USA. Money laundering has been a crime in the United States since 1986, making the United States one of the first countries to criminalize money laundering conduct [3].

Generally, it is a crime to engage in virtually any type of financial transaction if a person conducted the transaction with knowledge that the funds were the proceeds of "criminal activity" and if the government can prove the proceeds were derived from a "specified unlawful activity." Criminal activity can be a violation of any criminal law – federal, state, local, or foreign. Specified unlawful activities are set forth in the statute and include over 200 types of U.S. crimes, from drug trafficking, terrorism, and fraud, to crimes traditionally associated with organized crime, and certain foreign crimes.

Certain foreign crimes are specified unlawful activities, including drug crimes, murder for hire, arson, foreign public corruption, foreign bank fraud, arms smuggling, human trafficking, and any crime subject to a multilateral extradition treaty with the United States [3].

Jurisdiction is generally along the lines of the responsibility for the investigation of the underlying specified unlawful activity. The various federal agencies frequently work together on cases, sometimes along with state and local authorities, where jurisdiction overlaps.

The Federal Bureau of Investigation, the Drug Enforcement Administration, the U.S. Secret Service, U.S. Immigration and Customs Enforcement, the Internal Revenue Service Criminal Division, and the Postal Inspection Service frequently conduct money laundering investigations. An investigation unit of the Environmental Protection

Agency can investigate money laundering crimes relating to environmental crimes.

Each year, between \$500 billion and a trillion dollars of laundered money is generated through international banks and financial institutions. It is estimated that half of this laundered money is conducted through banks in the USA [2].

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## **MEXICO'S LONG WAR. THE IMPROVED STRATEGIES TO FIGHT DRUG TRAFFICKING**

The illicit drug industry in Mexico primarily targets foreign markets, but the industry's socioeconomic and political effects within Mexico have led to corruption, militarization, violence, and unintended victims. Originally designed to impose order along the border between Mexico and the United States, Mexico's drug control policies gravitated toward prohibiting production and interdicting smugglers.

At first, Mexico tried to exercise a semblance of control over the U.S. border and drug agents. In the latter phase of prohibition and interdiction, Mexico attempted to deal not only with aggressive U.S. agents but also with a smuggler counterstate growing on Mexican soil. U.S. prohibitionism created an extremely profitable climate for drug smugglers to use Mexico as a country for both production (marijuana and heroin) and transit (cocaine). While socioeconomic and political costs of drug consumption have mounted, Mexico's policy initiatives to reduce these costs have simply aggravated rather than solved the drug problem.