
SPECIALISED INTELLIGENCE AND INVESTIGATION UNITS AGAINST TRANSBOUNDARY ENVIRONMENTAL CRIMES A Preliminary Proposal

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I. INTRODUCTION

Despite global recognition of the importance of forests and biodiversity for essential life processes^{1,2} in recent decades, there has been an increase in environmental crime that undermines countries' institutions and economies, destroys the environment, and endangers public health and the well-being of citizens.^{3,4}

According to the US National Security Council (2011), transnational organised crime represents a serious and growing threat to countries' national and international security, with dangerous consequences for public health, democratic institutions and economic

stability worldwide. While financial and technological globalisation has facilitated communications and markets opening to new investments, it has also contributed to trade deregulation and an increased flow of people, goods and capital between countries. This trend has led to the accelerated dispersion and increase in the diversification of transnational and cross-border crime⁵.

In the same sense, US Executive Order 14060 also stated, "Transnational organised crime poses a direct and escalating threat to public health, safety, and national security. Transnational criminal organisations engage in various

¹ On November 2, 2021, at CoP 26 of the United Nations Framework Convention on Climate Change, Peru, together with 136 countries, signed the Glasgow Leaders' Declaration on Forests and Land Use, committing to reduce forest loss and land degradation by 2030, limit global warming to 1.5°C, and maintain ecosystem services.

² The World Bank (2021) states that "biodiversity is an essential element of life, the fabric of natural capital. The enormous variety and complex interactions between species keep our ecosystems functioning and make our economies productive. Nature provides nourishing food, supplies clean air and water, sustains livelihoods, buffers against livelihoods, buffers against extreme weather events, and regulates climate". World Bank. 2021. The Value of Biodiversity. Washington, 21 May 2021.

³ May, Ch. 2017. Transnational Crime and the Developing World. Washington, DC: Global Financial Integrity.

⁴ Transnational organized crime seeks to generate money from the commission of serious crimes spanning multiple countries, disguising its operations under the guise of underground and formal economies. The study "Transnational Crime and the Developing World" by Global Financial Integrity (2017) estimates that transnational crime has an average annual retail value of between USD 1.6 and 2.2 trillion, of which crimes against forests and terrestrial ecosystems would reach an estimated USD 69 - 228 billion per year. Idem.

⁵ US National Security Council (2011). Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security. Threats to National Security. The White House. Washington DC, 38 p.

criminal activities, including drug and weapons trafficking, migrant smuggling, human trafficking, cybercrime, intellectual property theft, money laundering, wildlife and timber trafficking, illegal fishing, and illegal mining"⁶.

Likewise, INTERPOL confirms that in recent years, there has been evidence of convergence between environmental crimes and other criminal activities, such as drug trafficking, money laundering, corruption, human trafficking, financing of subversive groups, and arms trafficking, among others, which use the same criminal networks, channels and operational routes. In this sense, environmental crime characteristics are:

- being highly lucrative, complex and low risk;
- having an organised illegal supply chain that is linked to legal and underground economies, as well as to corruption networks in state and control entities;
- be transnational or transcontinental. Transporting the goods uses various concealment and smuggling techniques, resorting to complex circulation routes⁷.

For these reasons, the fight against Transnational Organized Environmental Crime requires new comprehensive and integrated approaches, increased

international cooperation for investigation and prosecution, and institutional reforms focused on strengthening intelligence programs and improving intergovernmental and inter-agency coordination.

Criminal justice practitioners must be able to work across borders as successfully as criminals, with full respect for national laws and sovereign authorities. To this end, several international treaties and agreements, such as the United Nations Convention against Transnational Organized Crime and its protocols, have been signed to provide a solid and legitimate basis for such cooperation. Less formalised channels of cross-border cooperation, such as direct engagement between law enforcement practitioners through liaison officers between governments, are also important⁸.

Due to the geographical ease of access, the weakness of cross-border control mechanisms and the existence of areas not covered by checkpoints, the border area between Peru and Ecuador is vulnerable to corruption and transnational environmental crimes, favouring the passage of criminal organisations from one country to the other to trafficking wildlife and timber, illegal mining, illegal fisheries, among other illicit activities.

⁶ The White House. 2021. Executive Order 14060 of December 15, 2021. Establishing the United States Council on Transnational Organized Crime. Presidential Documents. Federal Register Vol. 86, No. 241. <https://www.federalregister.gov/documents/2021/12/20/2021-27605/establishing-the-united-states-council-on-transnational-organized-crime>

⁷ INTERPOL-UN Environment. 2016. *Strategic Report: Environment, Peace and Security – A Convergence of Threats*. www.interpol.int.

⁸ US Department of State. 2021. Strengthening the Fight Against Transnational Organized Crime: Adapting to the Evolving Situation Asian Partners for Cooperation Conference.

This has led various international organisations such as INTERPOL, UNODC, Project El PACCTO, and WCS to make significant efforts to strengthen binational cooperation between Peru and Ecuador for developing joint investigations and operations aimed at dismantling criminal organisations operating in both countries within the framework of its national regulations and bilateral agreements. Despite this, there are still some considerable challenges to resolve, jeopardising joint interventions' sustainability and efficiency. These challenges include:

- High political instability hinders the implementation of bilateral agreements and the continuity of internal and regional security policies.
- High vulnerability of law enforcement authorities to corruption, political misuse, and influence peddling by transnational corporations linked to environmental crimes
- The Specialised Environmental Units are affected by a high turnover rate of senior commanders and police personnel. This trend leads to a lack of clear leadership in the management of plans and programmes, in the implementation of national and bilateral strategies to combat transboundary environmental crime, and in the continuity of the coordination of tactical and operational units.
- A complex hierarchical, bureaucratic system of various coordination bodies hinders the rapid, effective, and safe

exchange of information and the development of joint activities between the law enforcement authorities of both countries.

- Lack of knowledge of other countries' legal and institutional frameworks for joint operations, particularly unawareness of the equivalences of Infractions regulation, Sanctioning Procedures, Criminal Codes and Prosecutors' procedures.
- Gaps and incompatibility in the competencies and regulatory equivalencies for joint action at the Prosecutor's Offices, Border Police, Investigation Police, Intelligence Units, Customs Authorities, Administrative Authorities, and Tactical Operations make binational coordination more complex and bureaucratic.
- Lack of trust between law enforcement authorities of different countries and international coordination and cooperation agencies to share sensitive information and joint investigations and operations funding.

In this context, this report offers some general guidelines for establishing Specialised Intelligence and Investigation Units against cross-border environmental crimes in Peru and Ecuador, taking as a model the SIU Vetted Units as the DEA's International Elite Intelligence Divisions against drugs. The proposal seeks to promote debate on this initiative so that it can be reviewed by competent and specialised entities and its revision and adjusted for its eventual approval.

II. JUSTIFICATION

Recent investigations confirm that *"criminal structures have seized on environmental crime as a business opportunity with high earning potential and low risk. Profits generated by environmental crime complement earnings from other criminal economies, such as drug trafficking, human trafficking and arms trafficking"*⁹. For RHIPTO and INTERPOL, as of 2018, environmental crime amounted to a value equivalent to USD 110 - 281 billion annually, an increase of approximately 14% over 2016 and 44% higher than the 2014 estimated value, without considering inflation¹⁰. As of 2020, the value generated by environmental crime was estimated to range from USD 110 to 281 billion annually (FATF, 2021)¹¹. Furthermore, the World Bank (2021) estimates that environmental crime inflicts damages to developing countries of more than US\$ 70 billion/per year, and deforestation contributes to 25% of global GHG emissions. In addition, the loss of biodiversity reduces ecosystem resilience to climate change.

The Amazon forests face not only the consequences of environmental crime but also the deforestation policies promoted by agribusiness, the invasions of Indigenous territories and Natural

Protected Areas, the expansion of illicit crops, and the lack of adequate resources and cohesion between nations to prevent the destruction of habitats and the loss of biodiversity.

According to the US Defense Intelligence Agency (2021), criminal networks will continue to threaten and challenge governance and stability in Latin America. The pandemic has unleashed new problems as criminal actors seek to take advantage of overburdened governments and rising unemployment, leaving security forces facing new instability challenges. Some armed groups and drug trafficking organisations in the region imposed closure restrictions and increased recruitment of new members during the pandemic. In addition, long-standing disputes over drug trafficking routes and other sources of illicit income, such as illegal mining and extortion, remain a challenge for South America¹².

However, despite the challenges posed by guaranteeing an effective fight against transnational crime, corruption is at the origin and the end of every criminal organisation. It penetrates and infiltrates all levels of power and public

⁹ Ramírez, M. F. 2022. Money Grows on Trees: Environmental Crime in Peru's Amazon. Insight Crime, June 2022. In: <https://insightcrime.org/investigations/money-grows-on-trees-environmental-crime-in-peru-amazon/>

¹⁰ Nellemann, C.; Henriksen, R., Pravettoni, R., Stewart, D., Kotsovou, M., Schlingemann, M.A.J., Shaw, M. and Reitano, T. (Eds). 2018. World Atlas of Illicit Flows. A RHIPTO - INTERPOL - GI Assessment.

RHIPTO - Norwegian Center for Global Analyses, INTERPOL and the Global Initiative Against Transnational Organized crime. 152 p.

¹¹ FATF (2021). Money Laundering from Environmental Crimes. Paris - France 70 p.

¹² Berrier, Scott. 2021. Role and Effect of Transnational Organized Crime in the Region Statement for the Record: Worldwide Threat Assessment – 2021. Defense Intelligence Agency.

administration, undermining countries' institutional frameworks and the rule of law.

Corruption at the highest levels of power generates policies that favour illicit businesses, such as illegal mining and agribusinesses, that cause the deforestation of millions of hectares in the Amazon. It involves some of the country's presidents, ministers, congress members, environmental authorities, and also, in some cases, high-ranking police and military officials, as well as some international agencies.

Corruption in the guardian institutions, i.e., those in charge of law enforcement, such as the Judiciary, the prosecutor's office and the police forces, generates impunity and undermines any possibility of fighting illegality. On the ground, corruption is bribe payments to administrative authorities and checkpoints.

Corporate environmental crime networks are supported by legal actors, such as financial institutions, ministries, security forces, regulators, authorities, and legally registered companies that facilitate land grabbing, illegal logging, illegal mining and wildlife trafficking¹³.

Underground economies cannot operate independently, either. They require formal

business participation as a front for laundering money and distributing illicit profits through parallel accounting, offshore companies, unregistered shares, tax havens, and access to black markets, among other forms of financial crime.

For these reasons, one of the uncompromising strategies to eradicate corruption associated with environmental crimes is to ensure suitable, highly trained prosecutors and police officers with a strong sense of honour, duty and loyalty to the rules and institutions they defend. In this sense, Vetted Units allow the establishment of elite divisions, highly specialised for specific tasks, where officers undergo rigorous training and scrutiny of their professional record, integrity and honesty, soft skills for interpersonal communications, discipline and self-control, among other qualities of great value for these commitments.

The Strategic Intelligence and Investigation Units to fight transboundary environmental crimes also respond to the need to change the reactive intervention model of policing to an intelligence-led approach focused on identifying the behavioural patterns of major criminal organisations, criminal hypothesis modelling, environmental scientific forensic investigation, and foresight.

¹³ Jones, K. 2022. Corruption: The Common Source of Environmental Crime in the Amazon. *Insight Crime* November 8, 2022.

<https://insightcrime.org/investigations/corruption-common-source-environmental-crime-amazon/>

III. INSTITUTIONAL FRAMEWORK: PERU - ECUADOR

"Global multi-stakeholder cooperation is key to effectively tackling transnational criminal networks, from seizure to arrest to prosecution, as with the data collected, customs administrations can refine their risk management and strategies."

Kunio Mikuriya
WCO Secretary General.

The criminological process of transnationalisation of organised crime has meant that criminal repression against this phenomenon is not limited to national reaction mechanisms but includes international ones¹⁴. In this respect, Suárez González (2005) points out that in the legal sphere, measures to intensify the repression of organised crime have developed in two directions: i) strengthening police and judicial

cooperation at the international level through the signing of international agreements, and ii) strengthening criminal legislation¹⁵. Hence, in the political-criminal analysis of the fight against organised crime, it is possible to differentiate between decisions taken at the international level and those taken at the national level without denying the intrinsic link between them¹⁶.

III.1 Geographical Context

According to El PACCTO Project (2021), environmental crime organisations in Latin America are nurtured and favoured by the breadth and porosity of land, sea and air borders, the fragility of some countries' states, internal conflicts, corruption and social and economic inequality. Moreover, these scenarios coincide with a significant incidence of drug trafficking, be it cocaine, cannabis/marijuana, synthetic drugs, New

Psychoactive Substances (NPS) and precursor chemicals¹⁷.

Peru shares a 1,529 km long border with Ecuador, from the Pacific coastal zone to the Amazon rainforest. Due to its geographical, cultural, economic, social, and demographic characteristics, the Peruvian-Ecuadorian border region presents a heterogeneity of ecosystems, facilitating the integration of neighbouring

¹⁴ García, P. 2019. La lucha contra la criminalidad organizada en el Perú: la persecución del patrimonio criminal, el lavado de activos y la responsabilidad penal de las personas jurídicas 1.a ed. Lima: Europa Latinoamérica Programa de Asistencia contra el Crimen Transnacional Organizado (EL PACCTO)/Fondo Editorial del Poder Judicial, 2019. 96 pp.

¹⁵ Suárez, C. (2005). Organización delictiva, comisión concertada u organizada. Homenaje al

profesor Dr. Gonzalo Rodríguez Mourullo. Navarra: Civitas, 1771-1790.

¹⁶ García, P. 2019. Óp. Cit. p: 19.

¹⁷ Catarino, B. et al. 2021. Evaluación de la Amenaza del Crimen Transnacional Organizado en Latinoamérica IDEAL 2021: Bolivia, Chile, Costa Rica, Ecuador, El Salvador, México y Panamá. El PACCTO Project. Madrid, 86 p.

populations. Likewise, it is articulated in nine transboundary basins: Puyango—Tumbes, Zarumilla, Catamayo—Chira, Chinchipe—Mayo, Santiago—Morona, Pastaza, Tigre y Napo rivers.

The Border Region in the Peruvian sector covers the departments of Tumbes and

Piura and partially Cajamarca, Amazonas and Loreto, involving 136 districts in 21 provinces of the abovementioned departments. On the Ecuadorian side, the border with Peru covers the provinces of El Oro, Loja, Zamora-Chinchipe, Morona Santiago, Pastaza, Orellana and Sucumbíos.



III.2 International Agreements

International agreements and treaties on organised crime and environmental crime have been extensively developed and analysed in various academic, legal and political publications, so in this section, we will cite the most important ones:

- The UN Economic and Social Council created the **Commission on Narcotic Drugs** (1946) to help monitor the implementation of international drug control treaties. In 1991, the General Assembly extended the mandate of the CND to function as the governing body of UNODC. At the Ministerial Segment of its 62nd session in 2019, the Commission adopted the Ministerial Declaration on Strengthening Actions at the National, Regional and International Levels to Accelerate the Implementation of Joint Commitments to Jointly Address and Combat the World Drug Problem¹⁸.
- **Inter-American Convention on Mutual Assistance in Criminal Matters** of the Organisation of American States (1992), by which States Parties undertake to provide mutual assistance in criminal investigations, prosecutions and proceedings concerning offences within the jurisdiction of the requesting State at the time of the request for help¹⁹.
- **The UN Commission on Crime Prevention and Criminal Justice** (1992) serves as the principal policy-making body of the United Nations in the field of crime prevention and criminal justice. Its priorities are improving international action to combat national and transnational crime and the efficiency and fairness of criminal justice systems. The Commission also provides a forum for States to exchange expertise, experience and information to develop national and international strategies in the fight against crime²⁰.
- **The United Nations Convention against Transnational Organised Crime (2000), or the Palermo Convention**, constitutes the most transparent international effort to repress organised crime. Peru ratified its accession to this Convention through Legislative Resolution N° 27527 of October 5, 2001²¹.
- **The United Nations Convention against Corruption** (2003) is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach

¹⁸ UNODC. 2022.

<https://www.unodc.org/unodc/en/commissions/CND/index.html>

¹⁹ OAS. 2022.

<https://www.oas.org/juridico/spanish/tratados/a-55.html>

²⁰ UNODC. 2022.

<https://www.unodc.org/unodc/en/commissions/CCPCJ/index.html>

²¹ UNODC. 2022.

<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

- and the mandatory character of its provisions make it a unique tool for developing a comprehensive response to a global problem. The Convention covers five main areas: preventive measures, criminalisation and law enforcement, international cooperation, asset recovery, technical assistance and information exchange. In addition, the Convention covers different forms of corruption, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. It also includes a specific chapter on asset recovery, aimed at returning assets to their rightful owners, plus countries from which they had been taken illicitly²².
- Ecuador (1992) and Peru (1999) ratified the Vienna Convention on International Treaties.
 - Convention on International Trade in Endangered Species of Wild Fauna and Flora - CITES (1973)²³
 - Treaty on Amazonian Cooperation (1978)²⁴
 - Convention on the Conservation of Migratory Species of Wild Animals (1979)²⁵
 - Convention for the Conservation and Management of the Vicuña (1979)²⁶
 - Convention on Biological Diversity (1992)²⁷
 - Inter-American Convention for the Protection and Conservation of Sea Turtles (1996)²⁸
 - International Convention for the Regulation of Whaling (1946)²⁹

²² UNODC. 2022.

<https://www.unodc.org/unodc/en/corruption/uncac.html>

²³ Perú: Entrada en vigor: 25 de septiembre de 1975
Ecuador: Entrada en vigor: 1 de julio de 1975

²⁴ Perú: Aprobado por Decreto Ley N° 22660 (27 de agosto de 1979)

Ecuador: Ratificado por Decreto Supremo N° 3242 (21 de febrero de 1979)

²⁵ Perú: Estado parte desde: 1 de junio de 1997

Ecuador: Estado parte desde: 1 de febrero de 2004

²⁶ Perú: Aprobado por Decreto Ley N° 22984 (15 de abril de 1980)

Ecuador: Ratificado por Decreto Ejecutivo N° 794 (21 de abril de 1982)

²⁷ Perú: Estado parte desde: 7 de junio de 1993

Ecuador: Estado parte desde: 23 de febrero de 1993

²⁸ Perú: ratificación: 18 de noviembre de 1999

Ecuador: ratificación: 6 de octubre de 2000

²⁹ Perú: parte de la convención desde el año 1979

Ecuador: parte de la convención desde el año 2007

III.3 Bilateral Agreements

Peru and Ecuador have ratified several international treaties and conventions on environmental matters, such as The CITES Convention, the Convention on Biological Diversity, the Convention on Cooperation on Climate Change, Conservation of Biological Diversity and Environmental Development between the Republic of Ecuador and the Republic of Peru, the Joint Action Programme of the Minister of the Interior of Peru, and Minister of Government, Police and Worship of Ecuador, among others.

- Broad Peruvian - Ecuadorian Agreement on Border Integration, Development and Neighbourhood signed on January 19, 1998, on the importance of harmonising development policies for the sustainable use of ecosystems on the common border, making possible the preservation and projection of biodiversity and the rational use of shared resources. The Peruvian Government ratified the Convention by Legislative Resolution No. 26995 on November 25, 1998.
- Binational Development Plan for the Peru-Ecuador Border Region
It was established within the Broad Agreement on Border Integration, Development and Neighbourhood framework, signed in Brasilia on October 26, 1998. It is an organisation

with an international legal personality. The Binational Plan is a state policy that promotes cooperation between the two countries to help improve the standard of living of the populations of the north and northeast of Peru and the south and east of Ecuador. It promotes projects and programmes that allow the economic integration of the border region and accelerate productive and social development, trying to minimise the adverse effects of the environmental impact generated³⁰.

- Treaty of Commerce and Navigation between the Governments of the Republic of Ecuador and the Republic of Peru (1998).
- Agreement between the Government of the Republic of Peru and the Government of the Republic of Ecuador on Cooperation on Production, Alternative Development, Prevention of Consumption, Rehabilitation, Control of Illicit Trafficking of Drugs and Psychotropic Substances and Related Crimes (1999)

This Agreement aims to coordinate the Parties' efforts to harmonise technical and financial cooperation policies and carry out programmes in alternative

³⁰ The Binational Plan acts as a mechanism to articulate and promote the development of the border region. It also calls on the public sector (National Government, regional governments and

local governments), international cooperation and local communities to make a joint effort to guide and channel resources to binational projects of a social, economical and productive nature.

development, prevention and effective control of drug production, illicit trafficking and consumption, and related crimes.

Also, the Parties agreed to provide each other with information on a suspected individual or associated offenders, their methods of action related to illicit drug trafficking and psychotropic substances and related offences.

The Parties undertake to use their means and, where appropriate, use those provided by INTERPOL to exchange non-judicial information. In urgent circumstances, the Parties may use INTERPOL to transmit requests for mutual legal assistance and any other information as the Convention provides.

Related to the prevention and control of money laundering:

- The Parties shall provide each other with mutual assistance for the secure and expeditious exchange of financial, exchange, and commercial information to detect and follow up on suspected money laundering operations.
- The Parties shall assist each other in securing and expediting financial and commercial information exchange to detect and monitor suspected money laundering operations.
- The Parties shall ensure that financial institutions under their jurisdiction and subject to their national laws maintain information relevant to each transaction subject to control.
- The Parties shall provide that their financial institutions shall report any unusual transactions by any of their

customers to the Competent Authority.

- The Parties shall provide each other with the broadest possible technical cooperation on the most effective methods and mechanisms to prevent, detect, control, investigate and sanction acts of money laundering or terrorist financing.
- The Parties may not invoke bank or tax secrecy as a reason for refusing to provide
- mutual assistance under this Agreement and commercial secrecy or confidentiality may not become an obstacle to implementing this Agreement under the States' laws.
- The Parties shall reciprocally exchange information on assets and external signs of wealth of nationals under investigation for money laundering in both countries.

For the development of coordinated interdiction actions, the Agreement states that:

- **The Parties, whenever the effectiveness of an operation against illicit trafficking in narcotic drugs and psychotropic substances and related offences require it, shall carry out coordinated actions from the jurisdiction of each of them and may intervene in vessels of both nations suspected of illicit drug trafficking in the border river areas of both countries.**
- **To improve the cooperation provided for in this Agreement, the Parties shall consider designating liaison officers and shall proceed to define by mutual agreement the**

profile and functions to be performed.

- The Parties shall assist each other in **planning and organising coordinated actions** against illicit drug trafficking, psychotropic substances and related offences.
- The competent authorities of each Party shall act only in their respective territories to implement operations resulting from mutual assistance.

A Peruvian-Ecuadorian Commission shall be established to implement this Agreement, composed of members designated by the Competent Authorities of the two Parties. The Commission shall have the following functions:

- To serve as communication between the Competent Authorities of both countries in the application of this Agreement.
- To propose to the Competent Authorities of both countries the conditions of cooperation, administrative arrangements, and rules referred to in this Agreement.
- To monitor the implementation of the programmes and exchanges in this Agreement.
- The Commission may set up working groups within and seek the collaboration of any other appropriate entity to assist it in its work at the proposal of one or both Parties.

Agreement on Mutual Legal Assistance in Criminal Matters between the Republic of Peru and the Republic of Ecuador (1999)

The Parties undertake to assist each other, under the provisions of this Agreement

and their respective legal systems, in the conduct of investigations, prosecutions and criminal proceedings initiated in respect of acts which are for facts within the jurisdiction of the competent authorities of the requesting Party.

In case of an application for coercive measures, assistance shall be granted only if the act, which is the subject of the proceedings in the requesting Party, is punishable as a criminal offence under the requested Party's law. Alternatively, if it appears that the person against whom assistance has freely given their consent in writing.

The Parties shall assist each other in exchanging information, evidence, prosecutions and proceedings in criminal matters. Such assistance shall include the following:

- Tracing and identification of persons and property summoning and service of judicial acts
- Forwarding of judicial documents and information
- Execution of house searches and judicial inspections;
- taking of testimony and interrogation of defendants;
- Voluntary summoning and transfer of persons for this agreement as witnesses, accused persons and experts;
- Transfer of persons detained to give testimony in the territory of the requesting party,
- Freezing, seizure and confiscation of property.
- Any other form of assistance per the requested Party's laws.

The Parties shall facilitate the entry into and presence in the territory of the requested Party of competent authorities of the requesting Party to attend and participate in the requested proceedings, per the requested Party's laws. The requested proceedings shall be provided that this does not contravene the provisions of their domestic law. Officials of the requesting Party shall conform with the authorisation of the competent authorities of the requested Party.

The central authority for this Agreement is the Ministry of Foreign Affairs of the Republic of Ecuador and Peru, respectively. The central authority of the requesting Party transmits requests for mutual legal assistance from its courts or competent authorities.

The Central Authorities of the two Parties shall communicate directly with each other. The requested Party shall keep the request for mutual legal assistance confidential unless its execution is necessary for the execution of the request.

If the execution or performance of the request requires the lifting of a reservation, the requested Party shall request approval from the requesting Party. By lifting the reservation, the requested Party shall request the approval of the requesting Party by written communication. The requesting Party shall maintain the confidentiality of the evidence and information the requested Party provides. The requesting Party shall maintain the confidentiality of the evidence and information provided by the requested Party unless the lifting of the

confidentiality is necessary for the investigation or proceeding described in the request.

If the execution or performance of the request requires the lifting of a reservation, the requested Party shall request approval from the requesting Party by written communication. The requesting Party shall maintain the confidentiality of the evidence and information the requested Party provides unless the lifting of the confidentiality is necessary for the investigation or proceeding described in the request.

- The Ministries of Environment of the Republic of Ecuador and the Republic of Peru signed a Memorandum of Understanding on environmental matters dated September 8th 2009, in Lima, Peru.
- Cooperation Agreement on Climate Change, Biodiversity Conservation and Environmental Development between the Republic of Ecuador and the Republic of Peru, signed on May 20, 2011, in San Francisco de Quito, Ecuador, and ratified by Supreme Decree No. 122-2011-RE.
- Framework Agreement on Inter-institutional Cooperation on Drugs and against Transnational Organised Crime between the Ministry of the Interior of the Republic of Peru and the Ministry of the Interior of the Republic of Ecuador (2012)

By this Convention, the Parties undertake to organise effective measures to combat

illicit drug trafficking, diversion of chemical inputs and controlled products used for the manufacture of drugs, and money laundering, as well as in the fight against transnational organised crime, especially concerning vehicle theft, smuggling, trafficking in persons and arms trafficking.

The cooperation to be carried out under this Agreement shall be limited to the following areas:

- Exchange of experience and information relating to national and international arrest warrants and detention and international arrest warrants issued by the courts of justice of each country.
 - Support for interdiction efforts and the execution of joint operations through the geographical location of clandestine crossings in the border integration zone and the search and investigation of cases of illicit drug trafficking, money laundering, trafficking of chemical inputs, related crimes and transnational organised crime, which allow for the identification of persons and criminal organisations operating in the territory of each Party.
 - Identify and suppress the sources of shipment and receipt of drugs and controlled chemical inputs and products, chemical inputs and controlled products diverted for illicit drug trafficking, and identify modalities used for their illegal concealment, transport and marketing, and illicit marketing.
 - Identification of new types or classes of drugs with specialised personnel (pharmaceutical chemists)
- Co-operation and mutual assistance through the use of special investigative procedures: controlled shipment and controlled delivery and undercover agent in support of police operations in border areas; cooperation and mutual police operations in border areas;
 - To implement training and exchange learning experiences such as workshops, internships, conferences, and seminars for professional upgrading. It includes exchanging publications and specialised statistical information on illicit drug trafficking, criminal offences and illegal drug trafficking, related crimes and transnational organised crime.
 - **Exchange of Liaison Officers specialised in the fight against illicit drug trafficking located in border areas in the shared border areas, establishing channels of official communication between Peru and Ecuador.**
 - Exchange on the doctrinal and legal framework in investigating illicit drug trafficking and related crimes, transnational organised crime, and other issues of mutual interest respecting mutual interest and the regulations in force.
 - Exchange of information on the analysis of the drug trafficking situation in each country, as well as the exchange of information on detained persons, of Ecuadorian and Peruvian, for illicit drug trafficking, chemical substances and money laundering.

In addition, the Parties undertake to keep confidential the information of a

confidential nature that they produce, transfer, or have access to as a result of the execution of the Agreement. In this regard, they undertake not to provide, disclose, divulge, or communicate the information to third parties by any mechanical, electronic, or other means, being responsible for the misuse of the same unless expressly authorised by the other Party.

- **RAMPOL PERÚ – ECUADOR (2021)**

On 21 May 2021, the Ministry of the Interior of the Republic of Peru and the Ministry of Government of the Republic of Ecuador signed a Memorandum of Cooperation for the creation of the highest level Mechanism for Inter-institutional Cooperation and Coordination between the National Police of Peru and the National Police of Ecuador, called "Meeting of Senior Police Commanders and Specialised Units - RAMPOL PERU - ECUADOR", to strengthen joint work against transnational organised crime and all forms of criminality.

The RAMPOL PERU-ECUADOR will exchange information on police matters and plan, coordinate, evaluate, analyse, and supervise the fulfilment of the policy commitments agreed upon in the fight against TOD and all forms of criminality.

The "RAMPOL PERU-ECUADOR" will develop the following activities:

- To formulate and subscribe to the Regulations regulating the organisation, functions and procedures of the Meeting of Senior Police Commanders and Specialized Units "RAMPOL PERU-ECUADOR".

- Comply with the mandates established in higher-level instances, such as Presidential Meetings, Binational Cabinets, and Annual Binational Operational Plans of the Security and Defence Axis.
- Hold regular meetings alternately in each country once a year and extraordinary meetings when the situation so warrants.
- Exchange information related to the prevention, investigation, and combating of TOD, allowing the monitoring of risk factors and the adoption of measures to minimise them under the force of regulations in the States of the Parties.
- Planning and executing, within the Presidential Meetings and Binational Cabinets framework, coordinated and simultaneous binational police operations in their respective border areas to prevent and combat TOD.
- Evaluate the security and criminality situation through bilateral meetings of national commanders or senior border zone police commanders.
- Evaluate, through bilateral meetings of national commanders or senior border area police officers, the security and crime situation in the border area, recommending measures to be taken to optimise preventive control of crime or delinquency in the respective territories of their States.
- Promote cooperation mechanisms that, within the framework of the objective of "RAMPOL PERU-ECUADOR", allow for the strengthening of the fight against TOD.

JOINT POLICE INTERVENTIONS PROCEDURE	
PLANNING	<p>Intelligence</p> <p>Upon notification or request from any country, the intelligence units prepare and present the confidential and reserved Intelligence Assessment Report to understand the global scenario and context in which the offence is detected and take the necessary and timely measures to ensure adequate police operations planning to prevent, counteract, and neutralise the actions of environmental criminal organisations.</p>
	<p>Identification of the location of operations</p> <p>Based on intelligence information previously shared among environmental authorities, the investigative units verify the places and routes where the illegal activities are carried out to determine and schedule the intervention actions, which can be carried out as a preventive measure, in flagrante delicto, or at the request of the Environmental Prosecutor.</p>
	<p>Request for complementary information</p> <p>After the intervention, the investigative units may request the participation of the countries' environmental control, supervision and oversight authorities, as well as the competent administrative authorities or other entities, to establish the factual and legal basis for the investigation by the Prosecutor's Office.</p>
ENFORCEMENT	<p>Police intervention</p> <p>Police should take into account the scope of the Immediate Process of Flagrancy established in the Criminal Procedure Code and the legal framework of the country³¹ where the crime was committed when any of the following assumptions are present:</p> <ul style="list-style-type: none"> • The Accused are caught and arrested <i>in flagrante delicto</i>, in addition to the crime initially investigated. • The accused have confessed to the commission of the offence • The elements of conviction accumulated during the preliminary proceedings and after questioning of the accused are clear indications of the offending conduct. • Other elements are established in the Flagrancy regulations of the country where the intervention occurred.

International Judicial Co-operation and Extradition Unit of the Prosecutor's Office

The intervening law enforcement authorities may request the participation of the International Judicial Cooperation and Extradition Units of the Prosecutor's Office of the countries involved.

Once the intervention is completed, operation reports are drawn up and forwarded to the competent areas.

III.4 Peru

According to the Peruvian Minister of Environment (2022), between 2001-2021, Peru lost 2,774,562 hectares of Amazonian forests. Ucayali, Madre de Dios, Junín, Pasco, Amazonas and Loreto are the regions most affected by deforestation³². In addition, INL (2022) states that Peru is the second largest producer of coca leaf and cocaine in the world, with an estimated 88,200 ha of coca cultivation in 2020 and a production of 810 MT of cocaine. It also notes that corruption is a significant challenge to the country's institutions and political stability, which affects the implementation of counternarcotics policies, and the fight against environmental crime and deforestation³³.

In this context, the Peruvian tropical rainforests and their populations are severely affected by organised

environmental crime and underground economies (illegal mining, deforestation, illegal logging, wildlife trafficking, land trafficking, illicit crops and drug trafficking), as well as by the expansion of agribusiness and colonisation projects favoured by state corruption. According to the Environmental Public Prosecutor's Office (2021), between 2017 and 2020, 24,350 public prosecutor investigations were initiated for alleged environmental crimes at the national level, of which only 14% were sentenced in the Courts of Justice³⁴. Furthermore, between 2014 - 2022, 24 Indigenous Leaders were assassinated due to territorial conflicts linked to illegal activities that violate the collective rights of Indigenous Peoples.

For its part, MIDAGRI (2021) states that *"land trafficking undermines the rule of law and democracy; it restricts the full*

³¹ En caso del Perú se consideran las determinaciones del Decreto Legislativo N° 1194 y de la Directiva N° 005-2015-MP-FN, aprobado con Resolución de Fiscalía de la Nación N° 5893-2015-MP-FN.

³² Institutional Website GEO-Bosques (2022): <https://geobosques.minam.gob.pe/geobosque/view/perdida.php>

³³ United States Department of State. 2022. Bureau of International Narcotics and Law Enforcement Affairs. Volume I: Drug and Chemical Control. Washington, 232 p.

³⁴ Comisión Nacional de Gestión Ambiental del Poder Judicial. 2022. Boletín Ambiental Año III, N° 4, abril 2022.

enjoyment of human rights and undermines the collective rights of indigenous peoples"³⁵. Besides, delays in the titling of indigenous communities exacerbate territorial conflicts and violence against vulnerable populations due to the political and financial influence of agribusiness and timber companies, whose powers undermine compliance with environmental standards, soil protection and the fight against deforestation.

Peruvian National Police

The National Police of Peru is a body that serves the citizens, which depends on the Ministry of the Interior, with administrative and operational competence for exercising the police function throughout the national territory³⁶. Its functions include:

"(1) To guarantee, maintain and re-establish internal order, public order and citizen security;

4) To guarantee compliance with the law and the security of public and private property;

7) Preventing, combating, investigating and reporting the commission of crimes and misdemeanours provided for in the Criminal Code and special laws;

8) To obtain, safeguard, secure, transfer and process indications, evidence and probative elements related to the prevention and investigation of crime,

The Peruvian State law enforcement authorities for fighting environmental crimes are the Ministry of Interior and the Peruvian National Police, the National Prosecutor's Office, the Judiciary, the Congress of the Republic, the Comptroller General, the Ministry of Environment and the Specialised Environmental Attorney Office, the National Forest and Wildlife Service (SERFOR), the Forest and Wildlife Resources Oversight Agency (OSINFOR), the Regional and Local Governments, and the Peruvian Ombudsman's Office.

placing them at the disposal of the competent authority on time;

9) *To carry out and issue official forensic expert reports for judicial proceedings and others derived from the police function;*

10) *To carry out police investigation functions, on its initiative or under the legal direction of the Public Prosecutor, under the Code of Criminal Procedure and the laws on the matter;*

12) *To administer the police intelligence system in harmony with the regulations governing the National Intelligence System;*

13) *To monitor and control the borders, as well as to provide support to the National Superintendence of Migration for the fulfilment of the legal provisions on migration control;* 14) *To ensure compliance with the legal provisions on migration control;*

³⁵ Larson, A., Monterroso, I. y Cronkleton, P. (s. f.). Titulación colectiva en la Amazonía peruana: Una historia en tres actos. Lima: CIFOR. <https://bit.ly/3HHsZms>, citado por MIDAGRI. 2021. Estudio de Tráfico de Tierras y Migración en Zonas de Selva y Ceja de Selva de los Departamentos de

Loreto, San Martín, Ucayali, Huánuco, Cusco y Junín. Lima, 110 p.

³⁶ Art. 166 of the Political Constitution of Peru and Art. II of Legislative Decree N° 1267 Law of the National Police of Peru.

15) To guarantee compliance with the written mandates of the Judiciary, the Constitutional Court, the National Jury of Elections, the Public Prosecutor's Office and the National Office of Electoral Processes in the exercise of their functions;

16) To ensure that the National Intelligence System, as well as the National Superintendence of Migration, is implemented;

17) Participate in the State's eco-efficiency policy and in compliance with the provisions relating to protecting and conserving natural resources and the environment"³⁷.

The police function requires specialised knowledge acquired through professional and technical training. In addition, the police professional receives comprehensive academic training, enabling professional performance, development, cultural, social and economic development, emphasising discipline, merit, unrestricted respect for fundamental rights, ethics, leadership and public service³⁸.

Among its attributions is coordinating, cooperating and exchanging information with international organisations and foreign police institutions to prevent and repress delinquency and organised crime under the signed inter-institutional cooperation agreements and conventions³⁹.

The National Directorate of Criminal Investigation is the technical, regulatory and operational body in charge of formulating, executing, commanding and

evaluating police operations in areas such as the fight against terrorism, anti-drugs, environment, criminal investigation, money laundering, human trafficking and anti-corruption. It has national jurisdiction⁴⁰.

The Environmental Directorate

It is the specialised, technical, systemic, regulatory and operational body responsible for investigating environmental crimes, crimes against natural resources and illegal mining committed against the State, acting under the legal direction of the specialised prosecutor. It also plans, commands, organises, executes, coordinates, controls and supervises police operations within the framework of its functions in the fight against common and organised crime. It has nationwide jurisdiction.

Its functions include:

“1) Preventing, combating, investigating and reporting at the national level the crimes of environmental pollution and illegal mining.

2) To prevent, combat, investigate and report environmental crimes committed against natural resources at the national level.

3) To plan, organise, direct, execute, coordinate and control mega-operations and interdictions at the national level aimed at preventing and combating the commission of crimes of environmental pollution, illegal mining, alteration of the landscape, illegal trafficking of hazardous

³⁷ Art. 2 of Legislative Decree N° 1267

³⁸ Art. IV of Legislative Decree N° 1267

³⁹ Art. 3 of Legislative Decree N° 1267

⁴⁰ Art. 18 of Legislative Decree N° 1267

waste and inadequate management of solid waste.

4) *To plan and conduct crime investigation, under the legal direction of the prosecutor, under the relevant laws;*

5) *To direct, coordinate, evaluate, evaluate, control and supervise the formulation of the Operational Plans of the Directorate in charge, considering the intelligence documents.*

6) *Approve the operations to be developed and executed by the various organic units and the Operations Plans of the National Directorate of Criminal Investigation for the operational exercise of the police function;*

8) *To provide support to competent entities in matters of environmental protection;*

9) *Coordinate and attend to the requirements of the judicial authorities, the Public Prosecutor's Office and other competent authorities within the scope of their functions and the legal regulations on the matter;*

10) *To direct special police intelligence and counter-intelligence actions and operations within the scope of its competence;*

12) *Promote and propose signing special agreements with national and international organisations that support protecting the environment in terms of information exchange, training, specialisation and equipment of the Environmental Directorate and police units that carry out functions of the environmental police system".⁴¹*

In the context of the fight against environmental crimes, the Peruvian State

has declared the interdiction of illegal logging and illegal trafficking of timber products to be of national interest and priority execution⁴² in order to guarantee the conservation of the Nation's Forest Heritage, compliance with tax and customs formalities and the development of sustainable forest-based economic activities⁴³.

The National Public Prosecutor's Office is the holder of the interdiction action against illegal logging and exercises its functions under the rules and regulations that guarantee the security, conservation, monitoring, control and chain of custody of the instruments and objects involved in the crime⁴⁴. The Peruvian National Police and the General Directorate of Captaincy and Coast Guard, within the scope of their competence, carry out interdiction actions jointly and in coordination with the Public Prosecutor's Office. In addition, the Armed Forces participate when requested under regulations in force⁴⁵.

In order to support forest management in Peru, the implementation of the Control Module of the National Forestry and Wildlife Information System under the responsibility of SERFOR, the Forest Cover Monitoring Module and the National Environmental Information System, the forest zoning and management process, and the national forest inventory were declared of national interest to improve control and supervision of the use, transport, marketing and export of forest and wildlife products.⁴⁶

⁴¹ Art. 101 of Supreme Decree N° 026-2017-IN

⁴² Art. 1 of Legislative Decree N° 1220, Legislative Decree establishing measures to combat illegal logging

⁴³ Art. 2 of Legislative Decree N° 1220

⁴⁴ Art. 5 of Legislative Decree N° 1220

⁴⁵ Art. 6 of Legislative Decree N° 1220

⁴⁶ Sixth Final Complementary Provision of DL 1220

Legal Framework

- Political Constitution of Peru (1993)
- Law No. 29763, Law on Forestry and Wildlife
- Law No. 30407, Animal Protection and Welfare Act (Ley de protección y bienestar animal)
- Law No. 26839, Law on the Conservation and Sustainable Use of Biological Diversity
- Law No. 28611, General Environment Law
- Law N° 31622, Law that modifies articles 308-B, 308-D and 309 of the Penal Code to strengthen the criminal prosecution of crimes against natural resources.
- Law No. 30209 - Law amending Law No. 27856, Law on Requirements for the Authorisation and Consent for the Entry of Foreign Troops into the Territory of the Republic
- Supreme Decree N° 012-2009-MINAM, which approves the National Environmental Policy.
- Supreme Decree N° 009-2014-MINAM approves the National Biodiversity Strategy to 2021 and its Action Plan 2014 - 2018.
- Law N° 30754, Framework Law on Climate Change.
- Supreme Decree N° 04-2021-MINAM approves the updated Action Plan of the National Biodiversity Strategy to 2021.
- Supreme Decree N° 009-2013-MINAGRI, which approves the National Forestry and Wildlife Policy.
- Supreme Decree No. 019-2015-MINAGRI, which approves the Regulations for Wildlife Management.
- Supreme Decree N° 011-2017-MINAGRI approves the National Strategy to reduce illegal wildlife trafficking in Peru, period 2017 - 2027 and its Action Plan 2017 - 2022.
- Supreme Decree N° 004-2014-MINAGRI approves the update of the list of classification and categorisation of legally protected endangered species of wild fauna.
- Legislative Decree N° 1393 regulates the interdiction of illegal fishing activities.
- Supreme Decree No. 030-2005-AG, approving the Regulations for the Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Peru.
- Ministerial Resolution N° 0361-2012-AG approves the "Technical Guidelines for the Disposal of Confiscated or Abandoned Live Wildlife".
- Ministerial Resolution N° 057-2015-MINAM, which approves the "Wildlife Inventory Guide".
- Resolution N° 253-2018-MINAGRI-SERFOR-DE approving the "Conditions for the use of forest and wildlife resources in ecosystems included in the sectoral list of fragile ecosystems.

III.5 Ecuador

Ecuador has an area of 256,370 km². It has four differentiated geographical regions: the coast along the Pacific coastline, the Highlands covering the Andean Mountain range going across the country's centre from north to south, the east involving the lowlands in the Amazon region, and the Galapagos islands. The country is administratively divided into 24 provinces. The Amazon is the largest region, taking up 45% of the overall area of the country (115,613 km²), and comprises lowlands mostly covered with dense tropical forests stretching to the bottom of the Andes, with vegetation containing important biodiversity⁴⁷.

Deforestation in Ecuador's Amazon is mainly driven by agribusiness. Around 15% of Ecuador's Amazon has been deforested by 2022, approximately 902,000 hectares above all in the Eastern Amazonian

provinces of Pastaza, Napo, Orellana, Morona Santiago and Zamora Chinchipe, due to land cleared for palm oil cultivation, cattle, timber trafficking and coca crops⁴⁸.

According to Ramírez et al. (2022), *"agricultural interests often drive the unconstitutional eviction of communities from territories that have belonged to them for centuries. In many cases, intimidation and falsified documents expel them from their homes. Otherwise, agricultural activities linked to land grabbing are fomented by judicial decisions and rulings issued by authorities"*.

Entrepreneurial criminal networks finance and orchestrate environmental crimes, land grabs and land trafficking, and timber trafficking in the Ecuadorian Amazon, staying in the shadows while relying on the work of cheap labour⁴⁹.

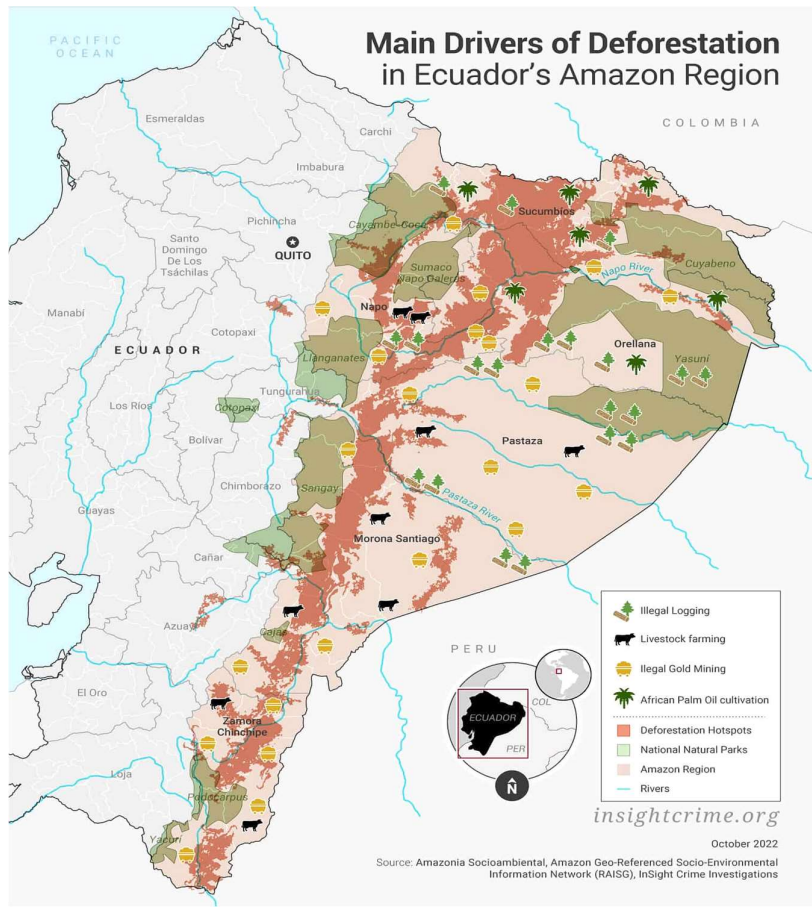
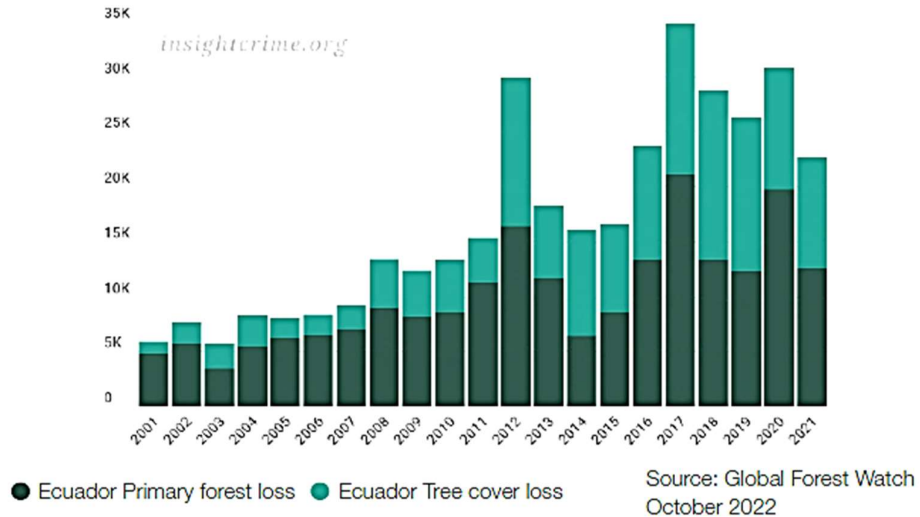
⁴⁷ Mejía E and Pacheco P. 2014. *Forest use and timber markets in the Ecuadorian Amazon*. Occasional Paper 111. Bogor, Indonesia: CIFOR.

⁴⁸ Ramírez, M. F. et al. 2022. *Stolen Amazon: The Roots of Environmental Crime in Five Countries*.

Igarapé Institute & Insight Crime. November 2022. 83 p.

⁴⁹ Idem.

Tree Cover Loss and Primary Forest Loss(ha) in Ecuador, 2001-2021



Source: Ramírez et al. (2022)




In Ecuador, timber traffickers have long sought out high-value and endangered trees. In 2011, the International Tropical Timber Organisation reported that 85 per cent of cedar harvested in the Ecuadorian Amazon came from illegal sources. However, as hardwoods have become harder to come by, traffickers have focused on timber in high demand in Asian markets such as Balsa⁵⁰.

Balsa is harvested from Indigenous lands along the Pastaza and Curaray rivers, which cut through the central Amazonian province of Pastaza and Morona Santiago

to the south. In addition, illegal balsa harvesting has driven increased deforestation on lands owned by the Indigenous Achuar people, who live along Ecuador's border with Peru.

The quantity of illegally sourced balsa wood seized in Ecuador increased from 700 cubic meters in 2019 to 1,973 cubic meters in 2020, a jump of more than 180%, according to the Ecuadorian Ministry of Environment and Water⁵¹. Illegal timber trafficking routes have also been identified, particularly Balsa, smuggled from Peru and marketed by Ecuadorian export companies.

Ecuador's Balsa Boom

		
<p>1. LOGGING</p> <p>Balsa trees are felled by loggers who encroach on protected territories on behalf of timber mafias.</p>	<p>2. TRANSPORTATION</p> <p>The wood is then sent on to neighboring Peru via river or road. It is transformed in sawmills across the border.</p>	<p>3. COMMERCIALIZATION</p> <p>It eventually reaches international markets, where it is used to construct wind turbines, surfboards and musical instruments.</p>

insightcrime.org October 2022
Sources: InSight Crime Investigations, Mongabay, The Economist

Source: Cárdenas, J. 2022. Fueling Forest Loss: Motors of Deforestation in the Amazon – Ecuador. Insight Crime, November 8, 2022. <https://insightcrime.org/investigations/fueling-forest-loss-motors-deforestation-amazon/>

⁵⁰ Idem.

⁵¹ Jones, K. & M. Ramírez. 2021. Timber Mafias at Ecuador's Borders Cash on Balsa Boom. Insight Crime June 1, 2021. <https://insightcrime.org/news/timber-mafias-ecuadors-borders-cash-in-balsa-boom/>

Wildlife trafficking in Ecuador mainly affects various species of turtles, birds, reptiles and monkeys, traded dead or alive across the remote borders with other Amazonian countries. Tropical birds captured in the Ecuadorian Amazon are transported to Peru or Colombia in small vehicles rarely controlled by the authorities⁵².

Marine species and reptiles are transported by air for international sale. Before, after or during transit, illegally caught animals and their parts are laundered through breeding farms and falsified documentation, giving the appearance of legality, after which they can be sold. Tropical birds captured in Ecuador are sold in pet shops in urban

centres. Red-masked parakeets are sold illegally in shops along the Peruvian border⁵³. In Ecuador, some wildlife trafficking networks work through intermediaries to sell species in pet shops in cities such as Guayaquil.

Corruption also facilitates environmental crime in Ecuador and Peru. Corporate criminal networks, including security forces, authorities and legally registered companies, facilitate land grabbing, illegal logging, illegal mining and wildlife trafficking. In Ecuador, it has been documented that police and soldiers allow transporters to illegally transport timber through official and unofficial ports on the Ecuador-Peru border.^{54, 55}

Environmental Protection Unit – Ecuadorian Police

Its mission is to ensure the preservation of the environment, the conservation of ecosystems, biodiversity and the integrity of the country's genetic heritage, the preservation of environmental damage and the recovery of degraded natural spaces through specialised control procedures that guarantee the sustainability of good living, in favour of citizen security and public order. Among its attributions and responsibilities are:

- Coordinate and participate with public and private sector institutions and national and international organisations for the defence and protection of the environment;
- Execute actions to prevent threats to biodiversity against the invasion of

ecologically important areas, forest and vegetation fires, wild flora and fauna, and national genetic heritage resources, among others;

- Execute controls for the prevention of infractions against natural resources such as water, soil and air;
- Implement controls for the prevention of infractions of environmental management against prohibited or unauthorised management of products, waste, waste or hazardous substances and falsehood or concealment of environmental information;
- Coordinate preventive environmental actions with public, private, national and foreign institutions and non-

⁵² Ramírez, M. F. et al. 2022. Óp. Cit. p: 44

⁵³ Ibidem.

⁵⁴ Ídem, p: 49.

⁵⁵ Ministerio del Ambiente y Agua de Ecuador. 2017. 20 personas detenidas por delito de asociación

ilícita de tráfico ilegal de madera: <https://www.ambiente.gob.ec/20-personas-detenido-por-delito-de-asociacion-ilicita-de-trafico-illegal-de-madera/>

governmental organisations linked to operations and actions in the prevention of environmental damage, preservation of the environment and conservation of ecosystems, biodiversity and genetic heritage;

- Develop controls to prevent infringements of mining resources, financing or supply of machinery for the illegal extraction of these resources⁵⁶.

Legal Framework

- Political Constitution of Ecuador (2008).
- Executive Decree No. 3516, Unified Text of Secondary Environmental Legislation.
- Decree N° 1589, which establishes basic environmental policies.
- Decree N° 1815 declares adaptation and mitigation to climate change as State Policy.
- Agreement N° 95, National Climate Change Strategy 2012- 2025.
- Agreement No. 169, which defines principles and definitions concerning the steering of environmental public policies, is fundamental and necessary for environmental management.
- Agreement N° 248, Guidelines of the National Climate Change Plan.
- Organic Environmental Code.
- Decree N° 752 - Regulations to the Organic Environmental Code.
- Agreement N° 064 that establishes as State Policy the "Andean Ecosystems Policy of Ecuador".
- National Biodiversity Strategy 2015-2030.
- Agreement N° 29, National Policy for Wildlife Management.
- Organic Code of Territorial Organisation, Autonomy and Decentralisation.
- Agreement N° 143, Norms for the control of hunting, closed seasons and hunting licences for wildlife species.
- National Action Plan to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PAN-INDNR) - Republic of Ecuador.
- Decree No. 270 declares the conservation and environmental management of the ecosystem of the Galapagos Archipelago to be at risk and a national priority.
- Agreement N° 266 - Competences on the regulation and control of forest resource management.
- Agreement No. 74 declares an emergency in the Galapagos Marine Reserve and National Park.
- Agreement No. 105 provides for the temporary restriction of importing exotic species of wild fauna into the country.
- Organic Law for the Integral Planning of the Amazon Special Territorial District.
- Resolution N° 50, Recognising the official red books of endangered species of Ecuador.
- Agreement N° 132, Reconfirms the national scientific authority provided by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- Resolution N° 42/CSA - Control of invasive species in the Galapagos archipelago

⁵⁶ <https://www.policia.gob.ec/unidad-nacional-de-policia-de-proteccion-del-ambiente/>

- Agreement N° 244 - Standard for the sustainable management of the dry forest
- Agreement N° 84, Manual for the Operational Management of Ecuador's Protected Areas
- Organic Law of the Special Regime of the Province of Galapagos (LOREG)
- Decree No. 818 - Law on the Protection of Wildlife and Ichthyological Resources

OPERATIVOS COORDINADOS BINACIONALES PERÚ - ECUADOR

Operativos Coordinados



ACTIVIDADES REALIZADAS:

Intercambio de Información

Operativo Binacional: ejecutado desde el 19 al 28 de septiembre en línea de frontera.

Resultados:



Año	Madera Retenida	Vehículos Retenidos	Vida Silvestre retenida	Inspección tala de bosques	Motosierras retenidas	Detenidos
2021	260.89	13	48	08	03	00
2022	282,3	08	19	05	01	07

Source: UPMA Ecuador (2022)

IV. INTERNATIONAL INSTITUTIONALITY AGAINST ENVIRONMENTAL ORGANISED CRIME

IV.1 INTERPOL

INTERPOL's Strategic Framework 2022-2025, approved by the General Assembly at its 89th session in November 2021, establishes 04 Strategic Goals that reflect its values, vision, and mission. The Strategic Framework is a cross-organisational policy focused on INTERPOL's capabilities and service delivery to its 195 member countries. It

also included environmental scanning, consideration of various threat assessments, and foresight efforts⁵⁷.

In this sense, the SIUTEK concept proposal positively suits the Strategic Goals and objectives planned in the INTERPOL's Strategic Framework 2022 – 2025.



Source: INTERPOL (2022).

⁵⁷ INTERPOL. 2022. Strategic Framework 2022 – 2025. <https://www.interpol.int/Who-we-are/Strategy/Strategic-Framework-2022-2025>.

Additionally, in 2018 INTERPOL launched seven Global Policing Goals that reflect the institutional

priorities against criminal and terrorist threats in alignment with the United Nations 2030 Agenda for Sustainable Development.

<https://www.interpol.int/Who-we-are/Strategy/Global-Policing-Goals>.

Thunder Operations enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

A joint INTERPOL - World Customs Organization (WCO) law enforcement operation has seen hundreds of arrests and the global disruption of wildlife and timber crime networks. "Thunder 2022" operation brought together police, customs, financial intelligence units, and wildlife and forestry enforcement agencies from 125 countries. Seizures ranged from timber to live animals, animal

parts, bushmeat, and derivatives such as clothing, beauty products, food items, traditional medicines and handicrafts⁵⁸.

Operation Thunder 2022 has seen almost 2,200 seizures and the identification of 934 suspects, triggering a series of worldwide arrests and investigations linked to illegal trading, processing, exporting and importing of protected wildlife and forestry products. In addition to identifying 141 companies suspected of engaging in illicit sales, total worldwide seizures of protected animals and plants⁵⁹.



Source: INTERPOL (2022).

⁵⁸ INTERPOL. 2022. <https://www.interpol.int/News-and-Events/News/2022/Global-crackdown-on->

[illegal-wildlife-and-timber-trade-INTERPOL-and-World-Customs-Organization-join-forces](https://www.interpol.int/News-and-Events/News/2022/Global-crackdown-on-illegal-wildlife-and-timber-trade-INTERPOL-and-World-Customs-Organization-join-forces)

⁵⁹ Idem.

IV.2 AMERIPOL

The Police Community of the Americas - AMERIPOL, is an integrated and coordinated hemispheric cooperation mechanism whose purpose is to promote and strengthen police cooperation in technical-scientific matters and training, as well as to boost and make more effective the exchange of information for intelligence purposes. It also seeks to coordinate and enhance sustained actions of criminal investigation and judicial assistance between police forces and counterpart institutions in the Americas, to consolidate police doctrine and philosophy, and to prevent and neutralise crime. It comprises 35 police forces or counterpart institutions and 30 Observer Organisations distributed worldwide⁶⁰.

AMERIPOL Units

It refers to the permanent Unit each member Police Force and counterpart institution must structure within its institution to allow direct communication with the Executive Secretariat. This Unit is in charge of developing the functions for exchanging information, mutual assistance and police cooperation within the framework of the agreements and commitments. It is also each member's direct and permanent contact with the Executive Secretariat's Coordination Units⁶¹.

Each AMERIPOL Unit has a Chief and officials responsible for the following areas:

- Education and Doctrine,
- Information Exchange,
- Technical-Scientific Police Cooperation
- Support Criminal Investigation and Judicial Assistance.

The functions of the AMERIPOL Units are:

1. To articulate within each Police Force and counterpart institution the attention and response to the requirements and activities arising from the agreements and commitments acquired as a member of AMERIPOL.
2. To channel information and cooperation processes in training and Doctrine, exchange of information, technical-scientific police and criminal investigation assistance and judicial assistance.
3. Maintain permanent and active communication with the Executive Secretariat through the official communication tools available to AMERIPOL.
4. Inform the Executive Secretariat on the time of command changes within their police institution.
5. Adopt the parameters established in the AMERIPOL Unit Guiding Protocol.

⁶⁰ AMERIPOL. 2022.

http://www.ameripol.org/portalAmeripol/appmanager/portal/desk?_nfpb=false

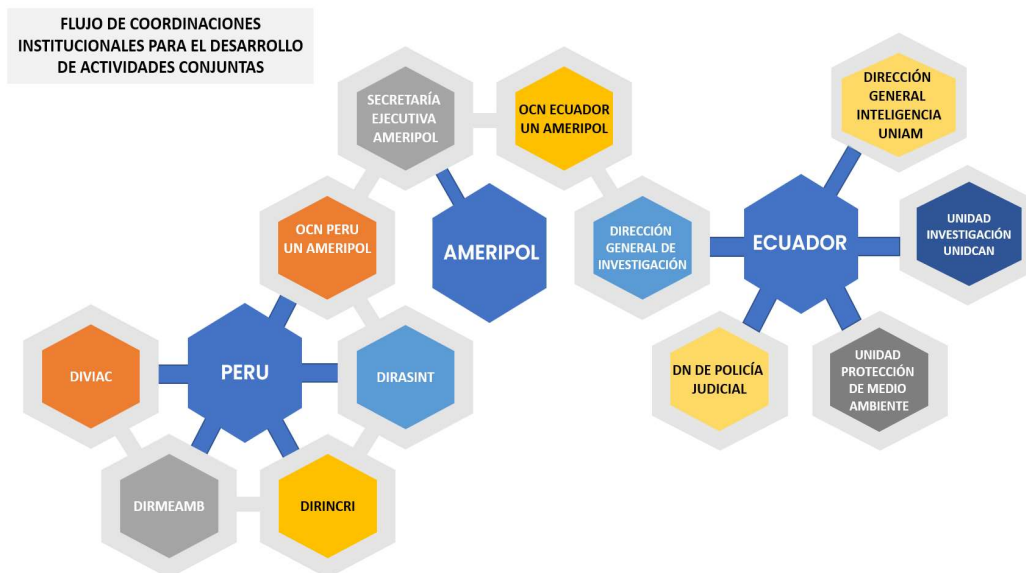
⁶¹ Ídem.

Liaison Officers

The police forces and counterpart institutions members of AMERIPOL may designate officers who meet special conditions of professional suitability as temporary or permanent officers to the Executive Secretariat of AMERIPOL. Each institution shall be responsible for delegating liaison officers and financing the stay.

Functions of the AMERIPOL Liaison Officers before International Organisations:

1. Promote cooperation between the Police Community of the Americas and the organisation to which he/she was assigned as liaison.
2. To ensure the fulfilment of objectives and agreements of the cooperation instrument signed between the parties.
3. Report the results of the bilateral cooperation to the Presidency and Executive Secretariat.
4. Report the achievements to benefit the Police Community of the Americas to the Presidency and the Executive Secretariat.
5. To contribute to implementing strategies that allow the positioning of AMERIPOL at the international level.
6. To respect data protection and confidentiality provisions in information administration.
7. To adopt the internal provisions issued by the international organisation to which he/she has been designated as liaison.



AMERIPOL Agreement against Transnational Organised Crime and SIPA

In 2018, the first AMERIPOL Agreement on Police Cooperation in the Fight against Transnational Organised Crime was signed in Buenos Aires (Argentina) within the framework of the 11th AMERIPOL Summit: "On the Road to Institutionalisation". This Convention responds to the need for a legally binding instrument that allows the controlled exchange of information and ratifies the commitment of States in the fight against organised crime.

AMERIPOL has a certified DataCenter with specialised technology that allows the secure hosting of information, with guarantees of data control and protection. It has also developed the Police Information System (SIPA). This virtual platform allows the police authorities of the countries to exchange sensitive information securely through restricted access to a private telecommunications hub, through which files on drug trafficking and strategic data are managed, as well as crimes related to transnational organised crime, human trafficking, cybercrime, illegal immigration or gender violence.



IV.3 JAGUAR NETWORK

The Bi-regional Network of specialised police officers from Latin America and the European Union is considered an efficient instrument for promoting and supporting actions to combat environmental crimes, related crimes and the preservation of biodiversity, adapting to the realities of both regions. The vocation of the Jaguar Network is to integrate institutions and operators of nature protection and the fight against the environmental crime of recognised prestige with law enforcement professionals to create a dynamic of

interaction that benefits all countries and their institutions. Its main objectives are exchanging strategic information, experiences, ways of working, mod operandi and investigation methods between the different countries. The Network also promotes the development of Joint Investigation Teams, specialised

multidisciplinary teams and legislative reform⁶².

The countries that make up the network are Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico,

Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela, as well as the 27 states of the European Union. and EUROPOL, which is an active collaborator in the network. INTERPOL also supports the network⁶³.

IV.4 FINANCIAL INTELLIGENCE UNITS

The Financial Intelligence Units apply measures intended to make the financial system intolerant to abuse by:

- To identify the proceeds of crime, combating money laundering, financing of terrorism, and other specific crimes.
 - Establish due diligence measures for commercial and financial entities, which law enforcement authorities can investigate.
 - Adopt a risk-based approach to identifying and verifying potential financial crimes linked to environmental crimes.
 - Application of financial sanctions when approved or established in agreement with countries.
 - To share information from the Financial Intelligence Units of supervisory bodies with the competent authorities of the countries involved.
 - Establish risk management and compliance, governance and training programmes on anti-money laundering and combating the financing of environmental crime.
- Together with the supervisory bodies in each country, apply administrative sanctions in case of non-compliance
 - To receive data on domestic and international financial and other transactions from responsible institutions, reporters and companies and analyze this data.
 - Producing financial intelligence from this data for use by competent law enforcement authorities in their investigations into the links between financial crimes and environmental crimes (illegal mining, illegal logging, wildlife trafficking, land trafficking, deforestation and land grabbing, agribusiness, among others) and requests for asset forfeiture.
 - In this way, the articulation and collaboration between the Financial Intelligence Units of the countries involved contribute to dismantling transnational

⁶² Catarino, B. et al. 2021. Óp. Cit.

⁶³ El PACCTO. 2020. The Jaguar Network, a working tool for Latin America. <https://www.elpaccto.eu/en/news/the-jaguar-network-a-working-tool-for-latin-america/>

environmental crime networks and achieving the accomplishments of the criminal justice system.

Anti-Money Laundering Integrated Task Force - AMLIT

AMLIT seeks to improve harmonisation and coordination between regulatory and law enforcement authorities and the financial sector, to enhance effectiveness in tackling complex and priority money laundering threats and crimes that potentially undermine the national and international financial systems⁶⁴.

Integrating critical players based on mutual trust is the key to unlocking the resources and determination to fight financial crimes associated with transboundary environmental crimes. For example, through a public-private partnership, AMLIT members share transaction-related information and other data timeously in pursuit of investigations, intelligence gathering, forfeiture and prosecutorial successes. This kind of partnership helps improve the quality of regulatory reporting to the FIU on potential financial crimes and simultaneously enhances the levels of expertise and knowledge among partners.



Mutual trust and cooperation are codified through the AMLIT Memorandum of Understanding among countries, constituting the partnership and governing its structures, operations and activities. All processes operate within the bounds of the MoU and the legal framework, which allows information to flow between the FIU, the countries' financial systems, banks, and other partners.

AMLIT shares and exchanges intelligence – per the applicable legal frameworks – which is crucial to ongoing or new investigations. Building and maintaining trusted relationships are the foundation of the partnership, where members are bound by confidentiality requirements regarding all information obtained or shared.

⁶⁴ SAMLIT. 2022. South African Anti-Money Laundering Integrated Task Force Review 2021 – 2022. 32 p.

IV.5 US Drug Enforcement Administration - DEA

The DEA⁶⁵, in coordination with other federal, State, local and foreign law enforcement organisations, is responsible for collecting, analysing and disseminating drug-related intelligence. DEA's Intelligence Program helps initiate new investigations of major drug trafficking organisations, strengthens ongoing investigations and subsequent prosecutions, develops information that leads to seizures and arrests, and provides policymakers with information on drug trends on which programmatic decisions can be based⁶⁶.

The DEA Intelligence Program consists of several entities in which both Intelligence Analysts and Special Agents work: Intelligence Groups/Functions in the domestic field divisions, district, resident and foreign offices, the El Paso

Intelligence Center, and the Intelligence Division at DEA Headquarters⁶⁷.

Among the DEA's main functions related to strategic intelligence management and bilateral collaboration with other countries for counternarcotics actions are:

- *"Investigate and prepare for the prosecution of major violators of controlled substances laws operating domestically and internationally, including those involved in gangs and who perpetrate violence within US communities and linked to regional cells, global drug cartel networks, as well as narco-terrorism organisations.*
- *Coordinate with foreign governments through bilateral counter-drug investigations and capacity-building activities with host nation counterparts.*

⁶⁵ "The mission of the Drug Enforcement Administration is to enforce the controlled substances laws and regulations of the United States and bring to the USA criminal and civil justice system, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States. The DEA also exercises oversight authority over individuals and entities involved in the prescribing, dispensing, or distributing controlled substances, including manufacturers, distributors, prescribing practitioners, and pharmacies, and brings criminal, civil, or administrative sanctions against the registrants who operate outside the law. Additionally, the DEA recommends and supports non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets". US Department of Justice. 2022. Organization, Mission and Functions Manual: Drug Enforcement

Administration.

<https://www.justice.gov/doj/organization-mission-and-functions-manual-drug-enforcement-administration>

⁶⁶ DEA. 2020. <https://www.dea.gov/law-enforcement/intelligence>

The specific functions of the DEA's intelligence mission are:

- Collect and produce intelligence in support of the Administrator and other federal, state and local agencies;
- Establish and maintain close working relationships with all agencies producing or using narcotics intelligence;
- Increase efficiency in the reporting, analysis, storage, retrieval, and sharing of such information; and
- Conduct an ongoing review of narcotics intelligence efforts to identify and correct deficiencies.

⁶⁷ Idem.

- Deny drug revenues and ill-gotten gains to drug trafficking organisations to disrupt trafficking activities and reduce drug availability.
 - Serve as a model for a variety of international and domestic law enforcement training efforts by continuously developing new curricula and modifying the specific courses to adapt to real-world applications.
 - Serve in a leadership and coordination role with other US federal agencies and foreign governments for all international drug control programs and investigations under the policy guidance of the Secretary of State and US Ambassadors.
 - Deliver sophisticated laboratory analytical services in chemistry, digital forensics and latent prints and provide essential forensic information for the DEA and other federal agencies.
 - Maximise and deliver cutting-edge investigative technology and provide superior, innovative operational support for DEA and other federal agencies.
 - Lead a national drug intelligence program cooperating with federal, State, local, tribal, and foreign officials to obtain, analyse, and disseminate strategic and operational drug intelligence information.
 - Manage a vast worldwide human/confidential source network and a robust judicial intercept program that positions the DEA to act quickly, effectively, and proactively to reach beyond US borders to identify, investigate, and prosecute those that threaten the safety and interests of USA citizens at home and abroad.
 - Share national security information, obtained through the execution of drug enforcement operations, with federal partners, including the Intelligence Community".⁶⁸
- DEA's intelligence actions are organised into three categories:
- Tactical intelligence is assessed information on which immediate law enforcement action can be based: arrests, seizures and interdictions.
 - Investigative intelligence provides analytical support to investigations and prosecutions to dismantle criminal organisations and obtain resources.
 - Strategic intelligence focuses on the current drug trafficking landscape, from cultivation to distribution, which can be used for management decision-making, resource deployment and policy planning⁶⁹.

⁶⁸ US Department of Justice. 2022.
<https://www.justice.gov/doj/organization-mission->

[and-functions-manual-drug-enforcement-administration](#)

⁶⁹ Ibidem.

IV.6 Sensitive Investigative Units (SIU) and Vetted Investigative Units (VIU)

The primary investigative responsibilities of DEA's overseas offices are to support domestic operations and to develop investigative cases against drug trafficking organisations. The DEA's International Drug Flow Prevention Strategy and Strategic Plan (2005) promoted intensive use of intelligence, planning and execution of multi-agency law enforcement operations to achieve sustained disruption of drug trafficking operations, which requires close cooperation with other law enforcement agencies in other countries.

DEA operations abroad are conducted bilaterally with or through counterpart agencies in other countries within the host country's national regulations framework. In this context, the corruption generated by illicit economies presents challenges to sharing sensitive intelligence and the security and integrity of investigative cases⁷⁰.

An essential investigative tool employed by the DEA overseas to combat corruption in vulnerable countries and to ensure the security of sensitive intelligence is the development of investigative units composed of foreign law enforcement personnel undergoing a security screening or vetting process called "Vetted Units"⁷¹.

To become part of DEA Vetted Units, foreign officers are periodically subjected to security screening, background checks, polygraph and toxicology screening to provide the DEA with a higher level of assurance that sensitive information shared with their counterparts will not be compromised⁷². To track and monitor compliance with these requirements, the DEA utilises an information technology system called SIUNet. Country Offices are responsible for populating the information in SIUNet, such as member names, vetting information and dates, time in the Unit, training courses and completion dates, and equipment assigned to members. OFP is responsible for monitoring SIUNet to track these requirements and timelines.⁷³

The DEA provides financial support for the activities of the vetted units under the management of a senior foreign police officer. The vetted units perform support functions for the DEA, such as conducting investigative, surveillance and wiretap operations; checking investigative leads; destroying drug production laboratories; and intercepting drug shipments. The vetted units contribute to the DEA's external mission, enhance the security of

⁷⁰ Office of the Inspector General. 2007. Audit Report 07-19 of the The Drug Enforcement Administration's International Operations. US Department of Justice. In: <https://oig.justice.gov/reports/DEA/ao719/index.htm>

⁷¹ Idem, p: 5.

⁷² Ibidem.

⁷³ Office of the Inspector General. 2021. Audit of the Drug Enforcement Administration's Headquarters-Based Oversight of its Supported Foreign Law Enforcement Units 21-109. US Department of Justice. 59 p. <https://oig.justice.gov/sites/default/files/reports/21-109.pdf>

its personnel and reduce the risk of compromising sensitive information.^{74, 75}

Vetted Units are part of the DEA's official Sensitive Investigative Unit (SIU) Program. SIU members participate in a specially designed training course at the DEA Training Academy in Quantico, Virginia. Additionally, the DEA adopted an SIU Programme Manual detailing the guidelines to be followed by the DEA headquarters and its overseas offices in administering the programme and managing SIU activities.

In 1997, through House Report 104-676, the US Congress authorised the DEA to implement an SIU programme in Bolivia, Colombia, Mexico and Peru. The SIU programme identifies and trains foreign counterpart personnel under security controls to work on sensitive bilateral investigations. In July 2006, the DEA reported that the SIU Programme had 26 individual operational units and 968 members in 11 countries⁷⁶.

Currently, the DEA's SIUs VUs are part of a formal program supported by a unit within headquarters, the Office of International Impact (OIF), under the Office of Operations – Foreign, that is responsible for administrative, logistical, and programmatic issues pertaining to maintenance, funding, and support⁷⁷. In addition, DEA Country Offices are responsible for maintaining all records associated with the Foreign Counterpart

and conducting ad hoc suitability assessments of the host nation unit.

"The DEA's establishment of formal partnerships through the SIU VU Programs requires host nation law enforcement officials' approval and endorsement. The DEA documents this approval through a Memorandum of Understanding (MOU), which should define the unit scope, mission, composition, and vetting requirements agreed to by all parties. In addition to the MOUs executed between the DEA and the host nation, the DEA also coordinates with DOS-INL to draft a Letter of Agreement (LOA) between the US Embassy and a competent host nation authority that contains all legal requirements based on statute and regulation, summarises the scope of each project, and defines the US government and host nation contributions. These agreements also identify the distinct goals and mission of the SIU VU Program in each country.

In addition to agreements with the host nation, the DEA Agents Manual mandates that the DEA coordinates with the DOS and/or DOD to facilitate funding to its SIUs VUs. The DEA partners with DOS-INL for the SIU Program to expend DEA-appropriated funds internationally. The DEA enters into an Interagency Reimbursable Agreement (IRA) with DOS-INL, allowing DOS-INL to obligate and spend DEA funds for the SIU Program. Without an IRA in place, the DEA would not be able to provide funding to foreign countries for all activities and

⁷⁴ OIG. 2007. Óp. Cit.

⁷⁵ Office of the Inspector General. 2022. Recommendations Issued by the Office of the Inspector General that were Not Closed as of February 28, 2022. US Department of Justice. 125 p.

<https://oig.justice.gov/sites/default/files/reports/22-108.pdf>

⁷⁶ OIG. 2007. Óp. Cit.

⁷⁷ OIG. 2021. Óp. Cit.

expenses associated with the SIU Program."⁷⁸

The Sensitive Investigative Unit prepares foreign law enforcement officers to engage in complex international conspiracy investigations. The training includes Surveillance, Raids, Drug Identification, Clandestine Laboratories,

Interviews and Interrogation, Evidence Handling, Defensive Tactics, Pen-Link, and First Aid. Emphasis is placed on Conspiracy and Wiretap investigations. Special vetted SIU Teams were set up in Ghana, Afghanistan, Thailand, Mexico, Guatemala, Honduras, Panama, Dominican Republic, Colombia, Ecuador, Peru and Paraguay.

(U) Exhibit 2: Countries with DEA Active SIUs and Non-SIU VUs FY 2017 to FY 2019



	FY 2017	FY 2018	FY 2019
SIUS	Mexico	Mexico	Mexico
	Peru	Peru	Peru
	Colombia	Colombia	Colombia
	Thailand	Thailand	Thailand
	Ecuador	Ecuador	Ecuador
	Dominican Republic	Dominican Republic	Dominican Republic
	Panama	Panama	Panama
	Guatemala	Guatemala	Guatemala
	Afghanistan	Afghanistan	Afghanistan
	Paraguay	Paraguay	Paraguay
	Ghana	Ghana	Ghana
	Honduras	Honduras	Honduras
	Nigeria	Nigeria	Nigeria
		Kenya	Kenya
			El Salvador

⁷⁸ Idem.

SENSITIVE INVESTIGATIVE UNITS - SIU

- (U) Mission: Cooperatively train, equip, and support specialised units within host nation counternarcotics forces to develop and share intelligence to target, disrupt, dismantle, and prosecute major international DTOs impacting the United States.
- (U) Approved by Congress in FY 1997
- (U) Formal agreement with host nation
- (U) Distinct foreign law enforcement unit established by DEA and host nation
- (U) DEA-funded: Budgeted funds split between operational funds and the Department of State Reimbursable Agreement
- (U) 5-week-mandatory formal training at DEA Academy in Quantico
- (U) Vetted Personnel: Polygraphs, Urinalysis, Background Check, and "Leahy Vetting."⁷⁹
- (U) Operated in 15 Countries

Source: OIG / DOJ. 2021.

IV.7 UNITED STATES COUNCIL ON TRANSNATIONAL ORGANIZED CRIME - USCTOC

On December 15, 2021, the President of the United States, by Executive Order 14060, established the United States Council on Transnational Organized Crime (USCTOC), which will report to the President through the Assistant to the President for National Security Affairs. The USCTOC oversees the development and implementation of coordinated government-wide strategic plans for combating transnational organised crime in support of and consistent with the policy priorities established by the President through the National Security Council. It further provides that the USCTOC consist of the following members or their designees⁸⁰:

- A. the Secretary of State;
 - B. the Secretary of the Treasury;
 - C. the Secretary of Defense;
 - D. the Attorney General;
 - E. the Secretary of Homeland Security;
- and

F. the Director of National Intelligence.

The Executive Order also states that the executive departments and agencies will take actions within their respective purviews, including, as appropriate, providing technical and financial assistance to enhance efforts to counter TOC. In this regard, it determines that it is the policy of the United States to:

"(a) employ authorised operational and intelligence capabilities in an integrated manner to target, disrupt, and degrade transnational criminal organisations that pose the greatest threat to national security;

(b) collaborate with private entities and international, multilateral, and bilateral organisations to combat TOC while strengthening cooperation and promoting capacity-building efforts in partner

⁷⁹ (U) "Leahy Vetting" is a statutorily required review of an individual's background to ensure that U.S. government funding is not provided to foreign nationals who commit gross violations of human rights.

⁸⁰ The White House. 2021. Executive Order 14060. Op. Cit.

countries to reduce transnational criminal activity;

(c) enhance information sharing between law enforcement entities and the Intelligence Community to improve strategic analysis of transnational criminal organisations and their activities, as well as efforts to combat them, while preserving our ability to bring TOC actors swiftly to justice;

(d) expanding the tools and capabilities to combat illicit financing, which underpins all TOC activities; and

(e) develop and deploy new technologies to identify and disrupt existing and emerging TOC threats".

US Organized Crime Drug Enforcement Task Forces - OCDEF⁸¹

The OCDEF is an independent component of the US Department of Justice. The OCDEF is considered the centrepiece of the Attorney General's strategy to combat transnational organised crime and reduce the availability

of illicit narcotics in the United States through a prosecutor-led, multi-agency approach to law enforcement. The OCDEF leverages its partners' resources and expertise in focused, coordinated and long-term investigations of transnational organised crime, money laundering and major drug trafficking networks.

US Presidential Executive Order 13773 (2017) expanded the OCDEF's mission, including multi-agency investigation and coordination of all forms of transnational organised crime. As such, the OCDEF is a significant anti-crime task force in the United States led by an Executive Office with more than 500 federal prosecutors, 1,200 federal agents, and approximately 5,000 state and local law enforcement officers. The OCDEF implement a national strategy combining priority targeting, coordination, intelligence sharing and resourcing to achieve the most significant possible impact in disrupting and dismantling criminal organisations' command and control elements.

OCDEF MEMBER AGENCIES	
US Department of Justice	<ul style="list-style-type: none"> • U.S. Attorneys' Offices • Criminal Division • Bureau of Alcohol, Tobacco, Firearms and Explosives • Drug Enforcement Administration • Federal Bureau of Investigation • US Marshals Service
US Department of Homeland Security	<ul style="list-style-type: none"> • Immigration and Customs Enforcement, Homeland Security Investigations • US Coast Guard • US Secret Service

⁸¹ US Department of Justice. 2020. About OCDEF. <https://www.justice.gov/ocdef/about-ocdef>

US Department of the Treasury	<ul style="list-style-type: none"> • Internal Revenue Service, Criminal Investigations
U.S. Postal Service	<ul style="list-style-type: none"> • Postal Inspection Service
US Department of Labor	<ul style="list-style-type: none"> • Office of the Inspector General
U.S. Department of State	<ul style="list-style-type: none"> • Bureau of Diplomatic Security
State and Local Law Enforcement Agencies	

IV.8 BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS

INL's mission is to protect American citizens by countering crime, illegal drugs, and instability abroad. As such, INL plays a leading role in policy in drug control, anti-corruption, and anti-crime issues that ensures the international architecture for international cooperation and sets international standards and norms for strengthening the rule of law and democratic institutions worldwide⁸².

The strategic objectives of the INL are:

1. Disrupt and reduce illicit drug markets and transnational crime to protect American lives and national security.
2. Combat corruption and illicit financing to strengthen democratic institutions, promote the rule of law, and reduce transnational crime and the factors that fuel it.
3. Strengthen criminal justice systems to support stable, rights-respecting partners.
4. Leverage learning, data, and resources - including people and funding - to advance INL's mission and thought leadership in civilian security and justice on behalf of the United States.

The changing strategic landscape has expanded INL's role in foreign policy as a thought leader on transnational crime, organised crime, and criminal justice reform. These complex challenges require INL to coordinate closely with other bureaus in the Department and USAID to reinforce each other's activities.

INL's work is based on close interagency collaboration across the United States with law enforcement agencies and other actors such as state and local criminal justice practitioners, international organisations, private sector actors, academia, and international partners. INL works with criminal justice agencies to ensure that foreign assistance and diplomatic engagement are appropriately tailored to address emerging threats. These functions require INL to be transparent in its strategic priorities, agile to adapt to changing circumstances and ensure a learning cycle to measure progress, more intelligently integrate activities with other US and foreign partners, and continually inform our policy and programming efforts.

⁸² INL. 2022. Functional Bureau Strategy. Bureau of International Narcotics and Law Enforcement

INL 2022 BUREAU STRATEGIC FRAMEWORK	
<p>Bureau Goal 1: Disrupt and reduce illicit drug markets and transnational crime to protect American lives and US national security</p>	<ul style="list-style-type: none"> • Bureau Objective 1.1: Synthetic drug markets – including production, transit, proceeds, and demand – are disrupted and reduced • Bureau Objective 1.2: Plant-based drug markets – including cultivation, transit, proceeds, and demand – are disrupted and reduced • Bureau Objective 1.3: International partners have a greater ability to counter cybercrime • Bureau Objective 1.4: Priority non-drug illicit markets – including sourcing, transit, proceeds, and demand – are disrupted and reduced
<p>Bureau Goal 2: Combat corruption and illicit financing to strengthen democratic institutions, advance rule of law, and reduce transnational crime and its enablers</p>	<ul style="list-style-type: none"> • Bureau Objective 2.1: Anticorruption regimes prevent corruption and bring corrupt actors to justice • Bureau Objective 2.2: Anti-money laundering regimes deter and disrupt the movement of proceeds of crime, including corruption • Bureau Objective 2.3: Corrupt actors and their ill-gotten gains are denied safe havens
<p>Bureau Goal 3: Strengthen criminal justice systems to support stable, rights-respecting partners</p>	<ul style="list-style-type: none"> • Bureau Objective 3.1: Foundational elements of foreign criminal justice systems are able to address shared threats, promote human rights, and provide fair and equal justice to all citizens • Bureau Objective 3.2: Foreign partner civilian security institutions have the institutional capacity to manage borders and protect sovereign territory • Bureau Objective 3.3: Foreign criminal justice institutions in fragile states contribute to the prevention of conflict and promote resilience and stability.
<p>Source: INL (2022).</p>	

IV.9 DEPARTMENT AGAINST TRANSNATIONAL ORGANIZED CRIME - OAS

The Department against Transnational Organized Crime provides technical secretariat services to the various competent political forums within the OAS. It promotes cooperation projects among the Member States to strengthen the regional fight against TOC through multiple lines of action:

- Public policies and legislative assistant in the fight against Transnational Organised Crime.
- Money laundering control
- Capacity building in the investigation and prosecution of TOD⁸³.

The Meeting of National Authorities on Transnational Organised Crime (RANDOT) is the political forum for dialogue and cooperation among OAS Member States within the Hemispheric Plan of Action framework against Transnational Organised Crime and the United Nations Convention against Transnational Organised Crime (Palermo Convention) and its Protocols. Its objectives are:

- Promote dialogue and exchange of best practices.
- To foster cooperation and technical assistance among Member States.
- To strengthen the capacities of Member States⁸⁴



Source: OEA (2022)

⁸³ Organization of American States. 2022. <https://www.oas.org/en/sms/dtoc/>

⁸⁴ Idem.

IV.10 First Ministerial Meeting against Transnational Organized Crime in South America

The First South American Ministerial Meeting against Transnational Organised Crime was held on June 23 2002, where Ministers from South American countries underlined their commitment to enhancing coordinated action against transnational organised crime, together with INTERPOL and Brazil's Centre for International Police Co-operation, to improve multilateral collaboration on regional security issues⁸⁵.

Ministers from Bolivia, Brazil, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname and Uruguay agreed upon the

Brasilia summit declaration. It aims to facilitate the exchange of criminal intelligence, integrated actions, joint training and planning of criminal investigations to help close security gaps against transnational organised crime in the region.

Over the past four years, INTERPOL has partnered with the European Union's PAcCTO programme to establish a permanent mechanism to track the most wanted fugitives throughout South America.

⁸⁵ INTERPOL. 2022. <https://www.interpol.int/News-and-Events/News/2022/South-American-ministers->

[target-transnational-organized-crime-with-INTERPOL-support](https://www.interpol.int/News-and-Events/News/2022/South-American-ministers-target-transnational-organized-crime-with-INTERPOL-support)

V. GUIDELINES FOR SIIUTEC IMPLEMENTATION

Strategic intelligence is understood as the foresight and warning of events and trends in the broader global environment that could affect the well-being or security of states⁸⁶.

It is situational awareness about potential security-related outcomes, risks, and opportunities in the near and the long term. It is not solely about the future but instead includes a capacity to make better decisions in the present based on an informed consideration of the costs over time of various courses of action or inaction⁸⁷.

Variations of strategic intelligence include risk analysis, risk intelligence, disaster risk

reduction, net assessments, foresight, futures, and intelligence.

An effective intelligence unit collects, collates, and analyses disparate data and information to create intelligence captured in intelligence products alongside recommendations that inform decision-making and security measures/crime prevention. An intelligence unit shares reliable and actionable intelligence with decision-makers, security personnel, or investigators to outline emerging trends and patterns or critical individuals, enabling them to prepare for and prevent security risks⁸⁸.

V.1 Institutional Arrangement

- The main objective of the Strategic Intelligence and Investigation Units against Transboundary Environmental Crimes - SIIUTECS is to produce actionable intelligence and an accurate and scientific information base that allows policy decisions and measures to prevent, minimise and eliminate the risks of transboundary environmental crimes based on the collaboration of the countries and investigation agencies involved.
- The SIIUTECS have an integrated systemic operation, with exclusivity in their functions and territorial areas, to produce and share strategic intelligence against transboundary environmental crimes of organised crime.
- The SIIUTECS will be formally established by a Memorandum of Understanding between the countries' parties and ratified by legislation in each country. Its internal structure considers specific entities of the Law Enforcement Authorities of each country, international

⁸⁶ Glasgow Group. 2007. Enabling Strategic Intelligence on Energy and Environmental Security Impacts and Consequences. 10 p.

⁸⁷ Idem.

⁸⁸ Adams. S. 2022. Intelligence Function Architecture: A Blueprint for Building and Scaling an Effective Intelligence Unit. Skopenow. 2 p.

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- intelligence agencies, specialised scholars and NGOs.
 - SIIUTECS has a central base and decentralised units with specialised teams of investigators and intelligence analysts of environmental crimes, mainly: illegal mining, illegal logging and timber trafficking, wildlife trafficking, financial crimes and money laundering linked to environmental crimes.
 - To ensure the financial sustainability of SIIUTECS, strategic collaborative partnerships will also be established to optimise the use of countries' resources at federal, national and regional levels through strategic data-driven prevention and law enforcement.

V.2 Governance and Security

- Each SIIUTECS will have centralised management at the country level, with distributed execution, which facilitates coordination with other countries, administrative and programmatic planning, resource allocation, monitoring and evaluation of the fulfilment of goals.
- SIIUTECS have a policy of sharing information between law enforcement authorities in each country and liaison offices. In addition, the SIIUTECS of each country has a high-level security clearance to access geo-referenced databases, scenarios, and shared intelligence information to investigate and analyse environmental crimes in transboundary areas.
- Strategic analysis is geared towards responding to significant crises and threats, focusing on relevant transnational organised environmental crime cases. SIIUTECS coordinate with their operational counterparts to design, organise, implement and manage support structures for the intelligence system.
- SIIUTECS field intelligence activities are fully integrated with decentralised units like the Intelligence Community.
- SIIUTECS comply with national data privacy laws regulating how personal information is lawfully accessed and used. Data governance and compliance are intrinsic principles for intelligence gathering and analysis.
- Duty of care: The ownership of the risk to the source always remains within the originating organisation. When intelligence is disseminated outside the originating organisation, any handling conditions must be adhered to by the receiving organisation. Both organisations may be held accountable for any consequences when this doesn't happen.

- Government security classification: Once populated, the report should be allocated an appropriate protective marking. The majority of

information/intelligence that the law enforcement agency holds contains personal or sensitive data.

V.3 Theoretical and Methodological Approaches

- SIIUTECS have a strategic overview that allows them to explore, develop and investigate new hypotheses on the modalities of cross-border environmental crime. This will facilitate the identification of the magnitude and complexity of international criminal networks, their scope and reach of the action in other parts of the physical world and cyberspace.
- SIIUTECS will implement strategies to integrate intelligence operations with investigations and police operations to guarantee the necessary flexibility to speed up and facilitate the exchange of information for dismantling criminal organisations. This establishes interconnectivity and support between information-gathering functions, strategic intelligence analysis and international police operations.
- SIIUTECS will operate with data-driven and intelligence-led approaches using national environmental crime statistics, with access to the databases of other agencies such as Interpol, Ameripol, UNODC, and HLS, among other environmental law enforcement agencies. They identify hotspots related to wildlife trafficking, illegal mining and environmental crimes to

target the most substantial amount of available law enforcement and prosecutorial investigative resources in areas where criminal organisations generate the most damage to the environment, and where joint intervention will have the highly significant impact.

- The data processing and information generated by SIIUTECS are based on sound scientific principles and technologies grounded in supportable evidence and theories. The resulting intelligence and scenarios provide decision-makers with quantifiable levels of uncertainty and probabilities to help discern each event's risks, hazards and impacts under analysis.
- SIIUTECS process information holistically by accessing data from multiple sources and different subject areas and disciplines and therefore have multidisciplinary teams in environmental and financial crime investigations.
- In cases of serious risks or threats, the production and use of intelligence are updated within 24 hours a day, including the issuance of daily reports and high-level authorities' assessments of the reports.

V.4 Training

The development of nanotechnology applied to telecommunications, remote sensing, weapons, financial systems, and cyberspace has increased global security risks and vulnerabilities. Addressing the complexity and magnitude of cyberattacks, hacks, remote sensing for espionage, cybercrimes, and financial crimes associated with environmental crimes requires concrete solutions capable of controlling and converting into practical knowledge the vast amounts of information that countries' intelligence agencies must process and how best to share it. In this quest, they encounter knowledge management to enable intelligence agencies to operate as rapidly and globally deployable knowledge-based forces so that they can see, understand, and act first to make successful decisions⁸⁹.

This is because criminal activity in cyberspace is one of the most significant national and global security threats. One

Training Requirements

- SIIUTECs are structured under the principles of Continuous Learning and Improvement organisational philosophy, incorporating in their processes and protocols: feedback and feedforward methodologies, reverse engineering, foresight, crime theory, and risk management

of the top global threats lists is the potential for a crippling cyberattack. The struggle to control cyberspace (the fifth domain) defines the world's security and defence policies. Each nation will need the material, human and financial resources to ensure its cyberspace's sovereignty, which will significantly influence the sovereignty of the other four traditional domains⁹⁰.

In this scenario, it will be up to Strategic Intelligence analysts, as a fundamental component of national security policy, to respond to this challenge of the 21st century to make life on the planet possible under relative and lasting peace. Rethinking Strategic Intelligence is essential to adapt. The world is different, but also because we need to ask how, when, and by what means threats should be understood in a new domain, how it should be thought of considering its description, to be able to formulate a reliable and valid analysis for public policy-makers in security and defence⁹¹.

approaches, among other useful theoretical and applied frameworks.

- SIIUTEC investigative officers and intelligence analysts are equipped with advanced analytical skills. They are proficient in structured and unstructured analysis techniques, specialised software, intelligence

⁸⁹ Saavedra, B. 2015. *Inteligencia Estratégica en un mundo globalizado en Latinoamérica: Retos y desafíos en el siglo XXI*. Centro William J. Perry de

Estudios Hemisféricos de Defensa. Universidad Nacional de Defensa, Washington, D.C. 32 p.

⁹⁰ Idem

⁹¹ Idem.

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- reporting and dashboards for decision-makers, soft skills and assertive communication, analytical and critical thinking skills to reduce cognitive biases that could affect the objectivity of the analysis.
- SIUTECS are highly specialised agents trained in Data Science, Big Data, Artificial Intelligence, Programming and Management of specialised software for Intelligence, Analytics and Data Mining, Database Interconnectivity, and Geographic Information Systems, among other resources to produce scientific information in real-time.
 - SIUTECS agents must have specialised tactical capabilities and environmental forensic teams that support investigative and intervention actions in the field.
 - The independent and centralised management of the Intelligence Requirements and Collection Unit is supported by targeting experts to develop collection strategies to fill information gaps; developing, implementing and monitoring asset and source validation standards; and facilitating the availability of intelligence from human sources to all units.
- Intelligence organisations need to coordinate a common framework for planning operations with investigative units in the field because of gaps in the interoperability of units. Intelligence officers serving in Joint Operations Intelligence Units and Joint Task Forces require standard training in the intelligence paradigms, essential operational processes and standards of information analytical techniques to enable to plan and execute joint missions. Hence the need to strengthen the capabilities in analytical methodologies of the intelligence community teams for joint operations⁹².
 - Translating intelligence information into other languages is an analytical and interpretative function. Therefore, the staff in charge must be integrated with the other units to contextualise the contents, scenarios and circumstances.

⁹² Kwoun, James S. 2019. A Framework to Understand and Improve Defense All-Source

Intelligence Analysis. *Joint Force Quarterly* July. Washington: National Defense University Press pp. 18-25.

V.5 Organisational Structure

The organisational structure of a SIIUTEC must primarily respond to the strategic intelligence needs of countries seeking to develop joint investigations and operations to dismantle criminal entities affecting natural resources and the environment. The vital aspect of intelligence analysis is what knowledge is produced; that is, what questions are answered and what data are collected to answer them. Both of these questions are connected to the position a person holds. The actor determining and controlling which assessments should be conducted is formally the Commanding Officer or someone from higher echelons. They determine the Priorities Intelligence Requirements (PIR), which are part of the Commander's Critical Information Requirements (CCIR)⁹³.

Intelligence-requirements management process governs the PIR and Requests For Information (RFI). The PIR is first broken down into the Specific Intelligence Requirement (SIR) and then into the Essential Elements of Information (EEI). The person responsible for the final step in the process, the EEI, holds the position of collection manager. The EEI can be linked to indicators that are observable phenomena. The presence or absence of these indicators can then support the confirmation or rejection of an assessed situation. According to the doctrines, the EEI typically answers questions of a closed nature (i.e., yes or no). The PIR and SIR have a more open character⁹⁴.

POSITION	FUNCTIONS
Director of Intelligence	Leads an intelligence function, setting the team's strategic direction and ensuring an efficient intelligence process to inform decision-making and mitigate the threat, risk, and harm.
Intelligence Manager	IM is responsible for the leadership of an intelligence unit, ensuring that the team meets its objectives to provide intelligence support to ongoing investigations and produce intelligence products to inform decision-making promptly. In addition, the Intelligence Manager provides leadership, guidance, and direction to their team, develops and maintains processes and standard product output, and manages the deployment of resources to ensure operational effectiveness.

⁹³ Bang, M. (2018) Institutional influence on assessments: the institutional analysis and development framework applied to military intelligence, *The International Journal of*

Intelligence, Security, and Public Affairs, 20:1, 47-70, DOI: 10.1080/23800992.2018.1436391

⁹⁴ Idem.

Head of Intelligence Analysis	<p>Is responsible for managing and developing intelligence analysis within the organisation, providing advice, direction, and expertise across the organisation on intelligence-related matters. Head of Intelligence Analysis also creates a clear, consistent set of products to inform strategic, tactical, and operational decision-makers.</p>
Senior Intelligence Analyst	<p>A Senior Intelligence Analyst is responsible for managing, supervising and reviewing the day-to-day activity of the analytical team or a specific area within the analytical function.</p>
Senior Intelligence Officer	<p>Oversee the day-to-day operations, conduct regular appraisals of Intelligence Officers, provide advice and support, and review intelligence products. Senior Intelligence Officers may also manage intelligence queues which contain unsanitised intelligence, distributing intelligence logs to Intelligence Officers and reviewing the sanitised intelligence logs upon completion.</p>
Intelligence Officer	<p>Responsible for collecting and evaluating close-source data and information to assess the threat, risk, harm, vulnerabilities, opportunities, and intelligence gaps and prepare actionable reports for operations.</p>
Intelligence Analyst	<p>Process collected basic information to determine its Intelligence value, using qualitative and quantitative data to support the building of inferences about crime or incidents to identify trends and patterns in data, which can be used to provide recommendations for resource allocation and preventative activity to drive crime or security incident reduction. They also develop analytical products to assist strategic, tactical, or operational decision-making.</p>
Intelligence Developer	<p>Conduct initial real-time investigative work in the field and fill Intelligence gaps</p>
OSINT Specialist	<p>Internet Intelligence Investigators conduct focused open-source inquiries/ online legal research for the intelligence function.</p>

Digital Forensics Technician	Examine seized electronic and communication devices, CCTV, WIFI, ANPR, and others.
Intelligence Administrator	Intelligence Support Officers provide information and data management and broad administrative support, manage the receipt of information and maintain intelligence management systems, ensuring effective record management and an audit trail.
Adapted from Adams, S. 2022.	

ANNEX I

THEORETICAL FRAMEWORK

*"Intelligence means knowledge. Suppose it cannot be extended to mean all knowledge. In that case, it at least means a staggering amount and variety of knowledge,"*⁹⁵ which is indispensable for high-level policy-making and countries' environmental security.

Intelligence Cycle

Considering that all data is information, but not all information is intelligence, governments, law enforcement and supervisory authorities, and intelligence agencies face the challenge of devising realistic political, organisational, practical and technical solutions to address transboundary environmental organised criminality collaboratively. This ensures the ability of law enforcement agencies, strategic intelligence and security units to carry out shared missions even more efficiently. Furthermore, under national and international legal frameworks, intelligence and security operations to combat transboundary environmental crime will result from advanced and effective oversight activity⁹⁶.

The intelligence cycle, as it relates to criminal intelligence, is the process of converting raw information into finished intelligence for policymakers, law enforcement authorities, security executives, investigators and patrol officers, who use the information to make decisions and take action, both in the

investigation and prosecution of environmental crime and in the planning and management of specialised units⁹⁷.

- **Planning and direction** involve managing the intelligence effort, from identifying data needs to delivering the intelligence report. It consists in formulating specific requirements for collecting, processing, analysing and disseminating information and supporting decision-making and action, which generates new information needs. The intelligence process is driven by the strategic information needs of law enforcement authorities at all levels of government. Policymakers, executives, investigators and patrol officers often have different information needs. Therefore, effective planning and management of intelligence activities require understanding the users' needs⁹⁸.

⁹⁵ Kent, Sherman. 1949. Strategic Intelligence for American World Policy. Princeton University Press. Pp xiii, 226.

⁹⁶ Traversals. 2020. Intelligence Oversight: Upcoming Challenges and Proposals. <https://traversals.com/blog/intelligence-oversight/>

⁹⁷ División of Intelligence and Fusion Center. 2022. The Intelligence Cycle. Iowa Department of Public Service.

⁹⁸ Idem.

- **The collection** includes gathering and reporting the raw information needed to produce finished intelligence. The collection should be planned, focused, and directed to be effective. First, there are raw information sources, including open sources such as governmental public records, media reports, the Internet, periodicals, and books. Although often underestimated, the open-source collection is essential to the intelligence unit's analytical capabilities. Law enforcement officers also collect close-source information from various sources, including citizens who report crimes, conduct investigations and speak with persons who participate in criminal activity. Law enforcement officers use different collection methods to gather this information, such as interviews, undercover work, and physical or electronic surveillance⁹⁹.
- **Processing and collation** involve converting raw information into a format usable by analysts. Information management consists of indexing, sorting and organising the raw data into files for quick retrieval according to the users' needs, the types of information being processed, the collection plan and the analytical strategy¹⁰⁰.
- **Analysis and production** are the conversions of essential information from all sources into finished intelligence. It includes integrating, evaluating, analysing all available data and preparing intelligence products. Analysts and subject-matter specialists consider the information's reliability, validity, timeliness, and relevance. Then, they integrate data into a coherent whole, put the evaluated information in context, and produce finished strategic intelligence that includes assessments of events and judgments about the implications of the information for policymakers and executives, providing operational intelligence to continuing investigations, or making available tactical intelligence for an immediate law enforcement need. These essential functions are performed by monitoring current crime and non-crime events, warning decision-makers about actual and potential threats to public safety and order, and forecasting developments in the area of criminal activity¹⁰¹.
- **Strategic analysis** is collecting, processing and scrutinising a criminal organisation's external and internal environment. It identifies trends and patterns in data and provides the context upon which policy or strategy can be formulated.
- **Distribution** of the completed intelligence to decision-makers and law enforcement authorities. This stage should also include the possibility of receiving feedback to

⁹⁹ Ibidem.

¹⁰⁰ Ibidem.

¹⁰¹ Ibidem.

assess the value of the intelligence provided. Decisions, actions and reactions may result in the formulation of new intelligence needs.

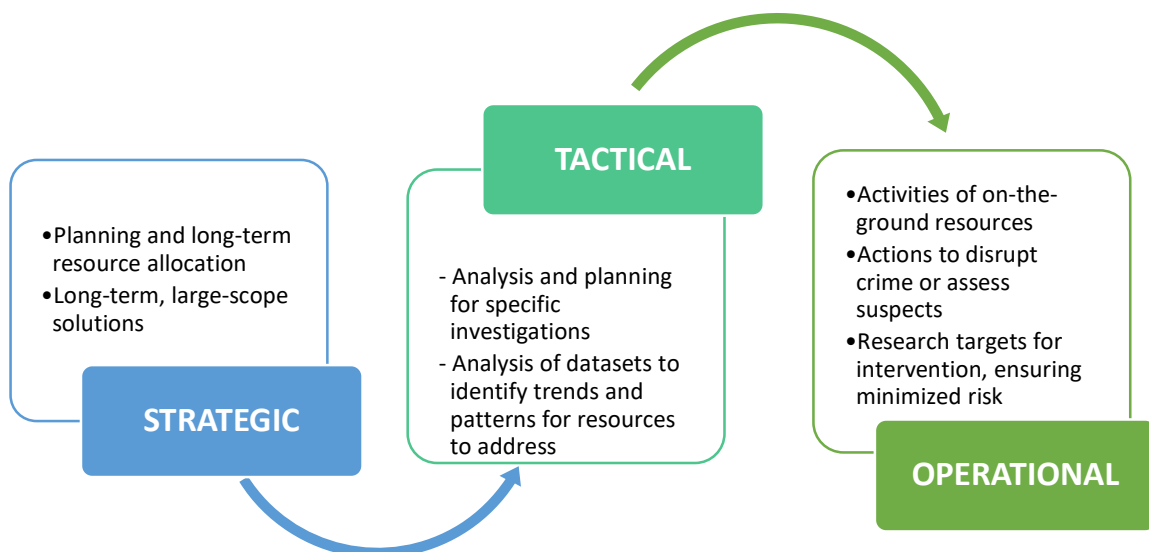
- **Strategic foresight** is a planning-oriented discipline related to future studies and is used to gain a fuller understanding of the forces driving change and shaping the long-term future.

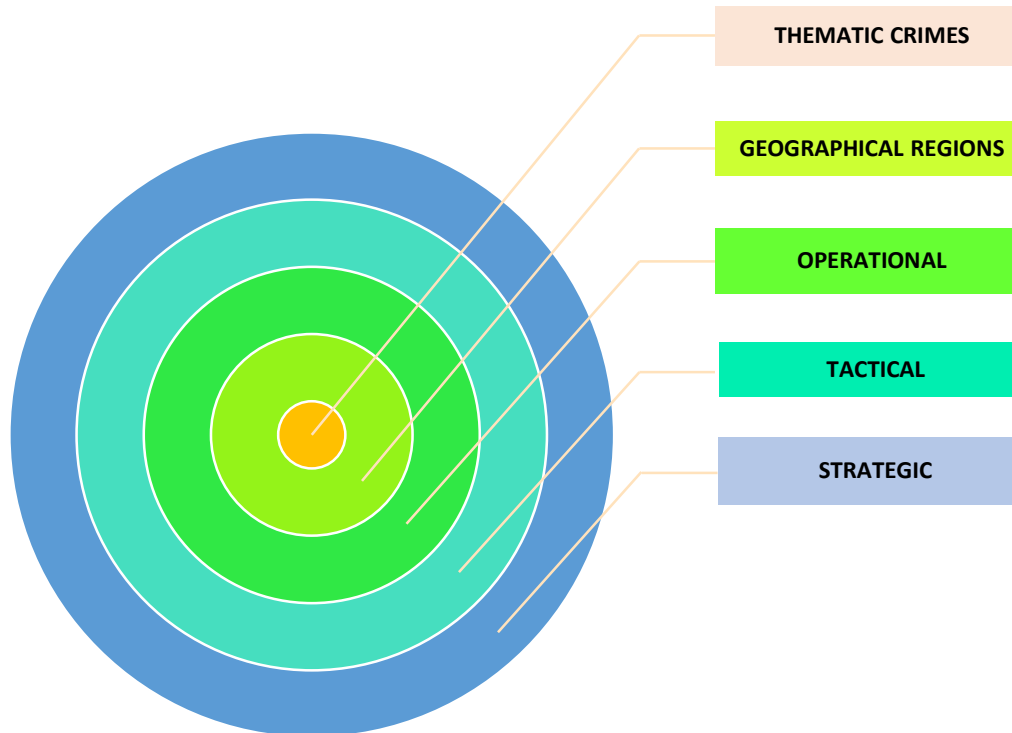
Strategic foresight increases knowledge of future trends in organised environmental crime, influencing the success of disrupting it. It also provides early warnings that identify changes in organisational behaviour, making the response capacity of law enforcement authorities more efficient and adaptive due to the anticipation of criminal actions. Strategic foresight is

a structured method that informs and develops future-proof scenarios, plans and strategies and helps leaders plan and makes decisions in uncertain scenarios. For these reasons, the C-Suite, planners, strategists, policymakers and researchers must identify and track the key factors that will shape the future behaviour of criminal organisations and economies to foresee the strategic challenges and options they may face in the long term and identify the policies and strategies necessary to sustain success.

- **Collective intelligence** combines Artificial Intelligence and Human Intelligence, providing a breadth of knowledge, speed, and collaborative thinking. This intelligence feeds into strategy, planning, and policy formation.

LEVELS OF INTELLIGENCE REPORTS





Intelligence Products

Strategic intelligence and operational and tactical products support decision-making processes, ongoing investigations, allocating resources and short-term operations. For this reason, intelligence

reports must be clear, concise, and focused on information and recommendations with added value to policy-makers, decision-makers and operational activity.

INTELLIGENCE REPORTS	
<ul style="list-style-type: none"> SUBJECT PROFILE 	<p>Provides a comprehensive intelligence depiction of an individual, usually a suspect or offender, describing the personal data (address, phone number, email address, DOB), social media accounts and activity, lifestyle, networks, illegal activities, and potential intervention points.</p>
<ul style="list-style-type: none"> BUSINESS PROFILE 	<p>Provides a comprehensive intelligence representation of an organisation, including business addresses, owners, employees, business areas, company directories, social media accounts and activity, criminal activities, and potential intervention points.</p>

<ul style="list-style-type: none"> • LINK ANALYSIS CHART 	<p>It consists of a diagram that visualises the association links between collaborators in a criminal network.</p>
<ul style="list-style-type: none"> • PROBLEM PROFILE 	<p>Provides a detailed analysis of a specific crime type or location hotspot, often covering a year's worth of data and trends</p>
<ul style="list-style-type: none"> • CRIME PATTERN ANALYSIS 	<p>Provides an analysis of a short-term crime problem, looking at weekly or monthly data to support resource allocation and the production of intelligence bulletins.</p>
<ul style="list-style-type: none"> • COMPARATIVE CASE ANALYSIS 	<p>Analyses numerous offences with shared characteristics, such as the same crime type in the same region, to identify trends and patterns and any potential series.</p>
<ul style="list-style-type: none"> • STRATEGIC ANALYSIS REPORTS 	<p>Outline crime in a specific region or theme area over a long period to identify causes of crime. Supports informed decision-making to reduce crime at scale over time.</p>

Source: Adapted from Adams, S. 2022.

ANNEX II

INTERPOL STRATEGIC FRAMEWORK 2022-2025

It comprises four Strategic Goals and 17 corresponding Strategic Objectives highlighting where the Organization intends to be in 2025.

STRATEGIC GOAL	STRATEGIC OBJECTIVES
1: TRUSTED INFORMATION FOR ACTION	<p>1.1 Strengthen law enforcement access to and use of information systems through better interoperability, network extensions and developing secure innovating exchange solutions.</p> <p>1.2 Increase the quality and quantity of threat-driven and criminal intelligence analysis to support member countries' operational and investigative needs.</p> <p>1.3 Uphold INTERPOL's privacy and data security regulations and technology to comply with the evolving international standards for data protection.</p> <p>1.4 Enhance information management in accordance with the Universal Declaration of Human Rights and other relevant and binding international instruments to ensure a high level of trust in INTERPOL's information systems.</p>
2: ENRICH POLICING THROUGH PARTNERSHIPS	<p>2.1 Be the global police leader in information sharing, incident response, and operational coordination to combat transnational crimes.</p> <p>2.2 Cultivate diverse partnerships that will improve and develop our capabilities, maximise their use and enrich our services to member countries.</p> <p>2.3 Provide capabilities to maximise law enforcement's capacity, knowledge, and skills globally.</p> <p>2.4 Engage with national governments and international forums to obtain support and promote our role in shaping global security.</p>
3: ADVANCE AND INNOVATE POLICING	<p>3.1 Leverage digital transformation to improve the efficiency of our processes and the quality and speed of our services to member countries.</p>

	<p>3.2 Facilitate global dialogue on emerging technologies and cutting-edge solutions with private and public partners to develop innovative policing services.</p> <p>3.3 Use emerging technologies to deliver innovative policing solutions to member countries.</p> <p>3.4 Adopt creative thinking and multi-disciplinary collaboration to build a culture of innovation and foresight planning.</p>
<p>4: ENHANCE ORGANISATIONAL PERFORMANCE AND DELIVERY</p>	<p>4.1 Make the organisation more competitive, efficient and flexible through solid leadership and a modern approach to human resources.</p> <p>4.2 Increase our agility to respond to a changing environment by decentralising governance and transforming financial management with an emphasis on empowerment, transparency and accountability.</p> <p>4.3 Ensure organisational resilience by implementing robust risk management, performance management and business continuity mechanisms.</p> <p>4.4 Foster a culture based on ethics, diversity and inclusion that embodies the values of the Organization.</p> <p>4.5 Strengthen the Organization's legal framework and harmonise institutional policies and practices to improve capabilities and programmes.</p>
<p>Source: INTERPOL (2022). https://www.interpol.int/Who-we-are/Strategy/Strategic-Framework-2022-2025</p>	



**INTERVENCIÓN CONJUNTA PARA COMBATIR
LOS DELITOS EN LA ZONA DE FRONTERA
ENTRE PERÚ Y ECUADOR**

Lucila Pautrat, 2023

ETAPAS DEL PROCESO PENAL

En concordancia con los Principios, Procedimientos y

Disposiciones establecidos en:

- El **Código Procesal Penal del Perú** (Decreto Legislativo N° 957)
- El **Código Orgánico Integral Penal del Ecuador**

Ministerio de Justicia
y Derechos Humanos



10
AÑOS

ENTRADA EN VIGENCIA DEL
CÓDIGO
PROCESAL
PENAL

Decreto Legislativo N° 957

CÓDIGO
PROCESAL
PENAL

CUARTA EDICIÓN OFICIAL





REGISTRO OFICIAL

ÓRGANO DEL GOBIERNO DEL ECUADOR
Administración del Sr. Ec. Rafael Correa Delgado
Presidente Constitucional de la República

S U P L E M E N T O

Año I - Nº 180

Quito, lunes 10 de febrero de 2014

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DIRECTOR

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desde el 1º de julio de 1895

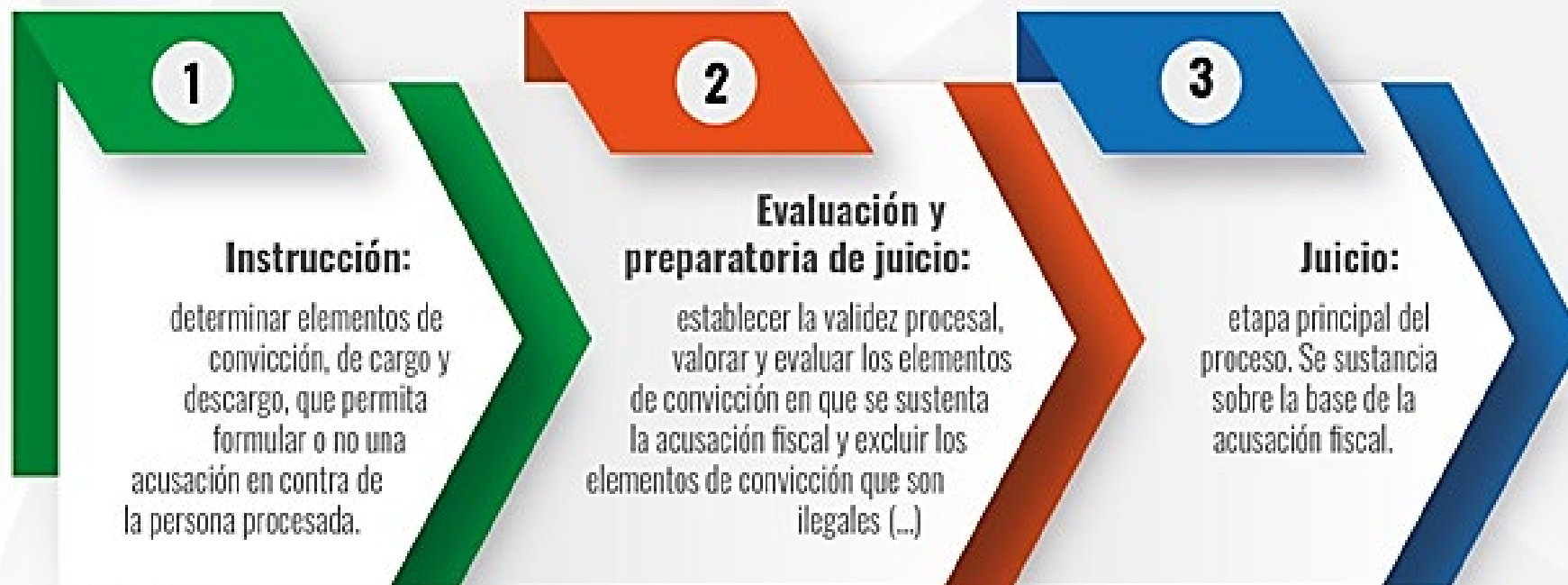


ASAMBLEA NACIONAL
REPÚBLICA DEL ECUADOR

CÓDIGO ORGÁNICO INTEGRAL PENAL



Etapas del procedimiento ordinario penal



PROPUESTA DE PROTOCOLO BINACIONAL DE ALTO NIVEL

- ❖ Protocolo: Instrumento **jurídico vinculante** en el marco del **Derecho Internacional** regulado por la **Convención de Viena**
- ❖ Se aprueba mediante la **Vía Diplomática**: Ministerios de Relaciones Exteriores de los Países Partes
- ❖ Su implementación depende de la **Cooperación Bilateral Internacional**, respetando: la **Soberanía** de los Países, y la **Autonomía de las Instituciones Jurisdiccionales**
- ❖ Involucra a **Autoridades de Alto Nivel** (Fiscalías Generales, Ministerios, con participación de las autoridades administrativas nacionales)
- ❖ Es un **documento formal**. Las **especificaciones normativas, técnicas y operativas** serán definidas por las **Autoridades de Cumplimiento de la Ley** de los países Partes

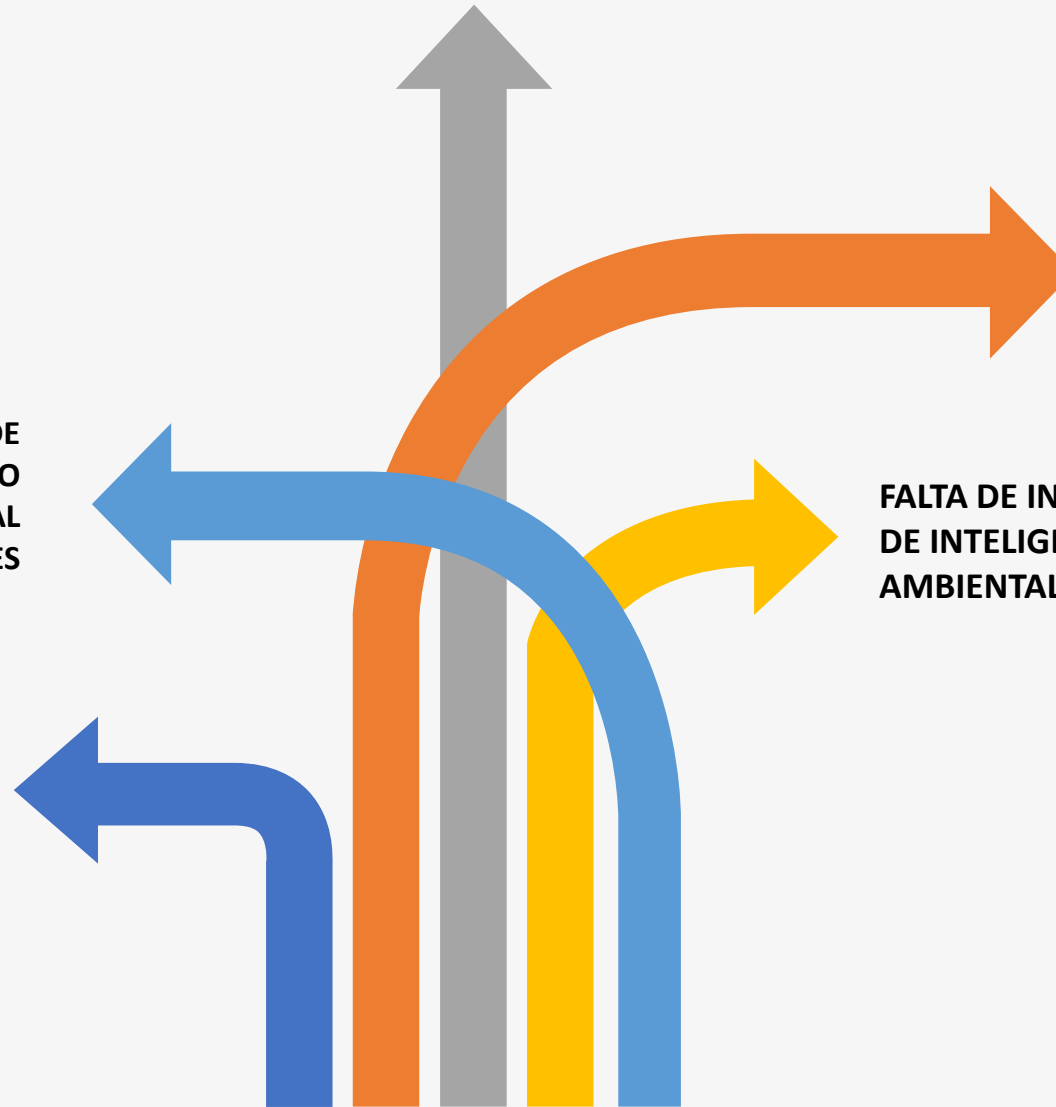
AMPLIACIÓN DEL CONCEPTO:

PROTOCOLO DE COORDINACIÓN BINACIONAL PARA COMBATIR LOS DELITOS AMBIENTALES Y CONTRA LOS RRNN EN GENERAL:

- A nivel Estratégico
- A nivel Táctico / Operativo

DESCORDINACIÓN ENTRE AUTORIDADES DE CUMPLIMIENTO DE LA LEY A NIVEL NACIONAL PARA COMBATIR DELITOS AMBIENTALES

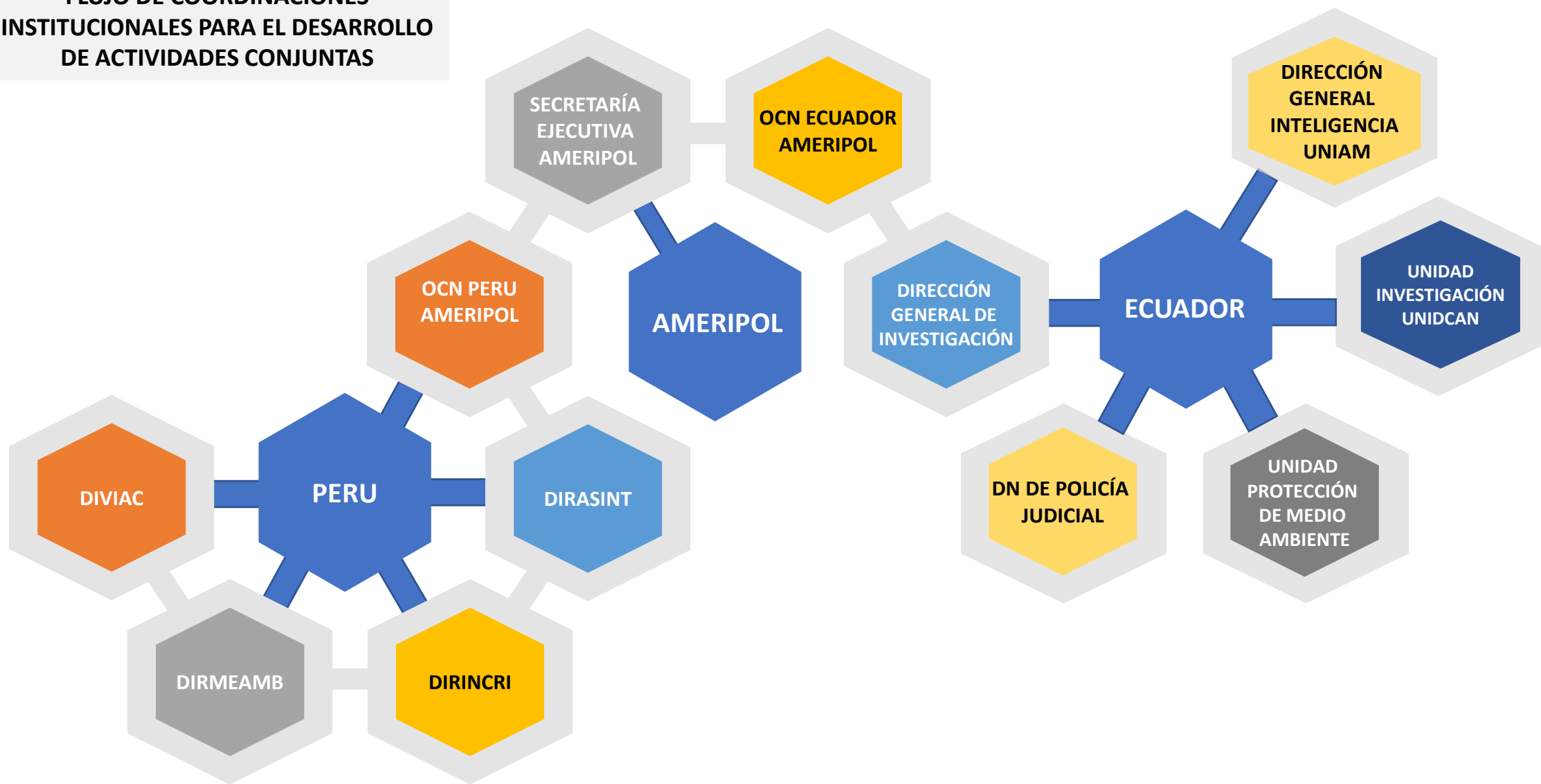
FALTA DE DECISIÓN POLÍTICA CRISIS INSTITUCIONAL EN LA PNP / GOBIERNO



DESCORDINACIÓN ENTRE AUTORIDADES DE CUMPLIMIENTO DE LA LEY DE PERÚ Y ECUADOR

FALTA DE INFORMACIÓN DE INTELIGENCIA SOBRE LOS DELITOS AMBIENTALES PERÚ - ECUADOR

**FLUJO DE COORDINACIONES
INSTITUCIONALES PARA EL DESARROLLO
DE ACTIVIDADES CONJUNTAS**



METODOLOGÍA

1. Identificar el problema
2. Identificar las alternativas de solución

Entrevistas:

02 Fiscales Supremos

02 Agentes DEA

02 Coroneles en Actividad (Perú – Ecuador)

02 Agentes de Inteligencia

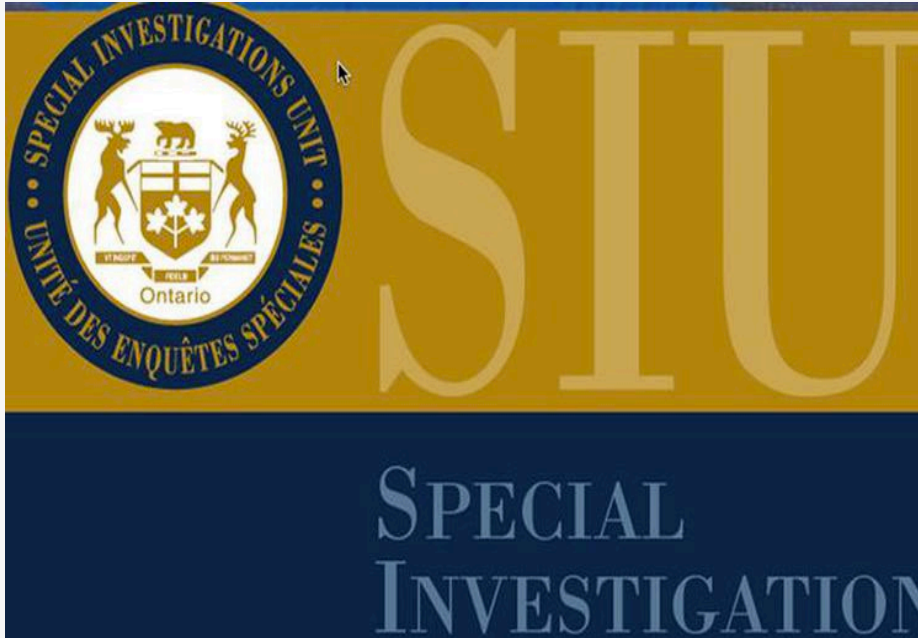




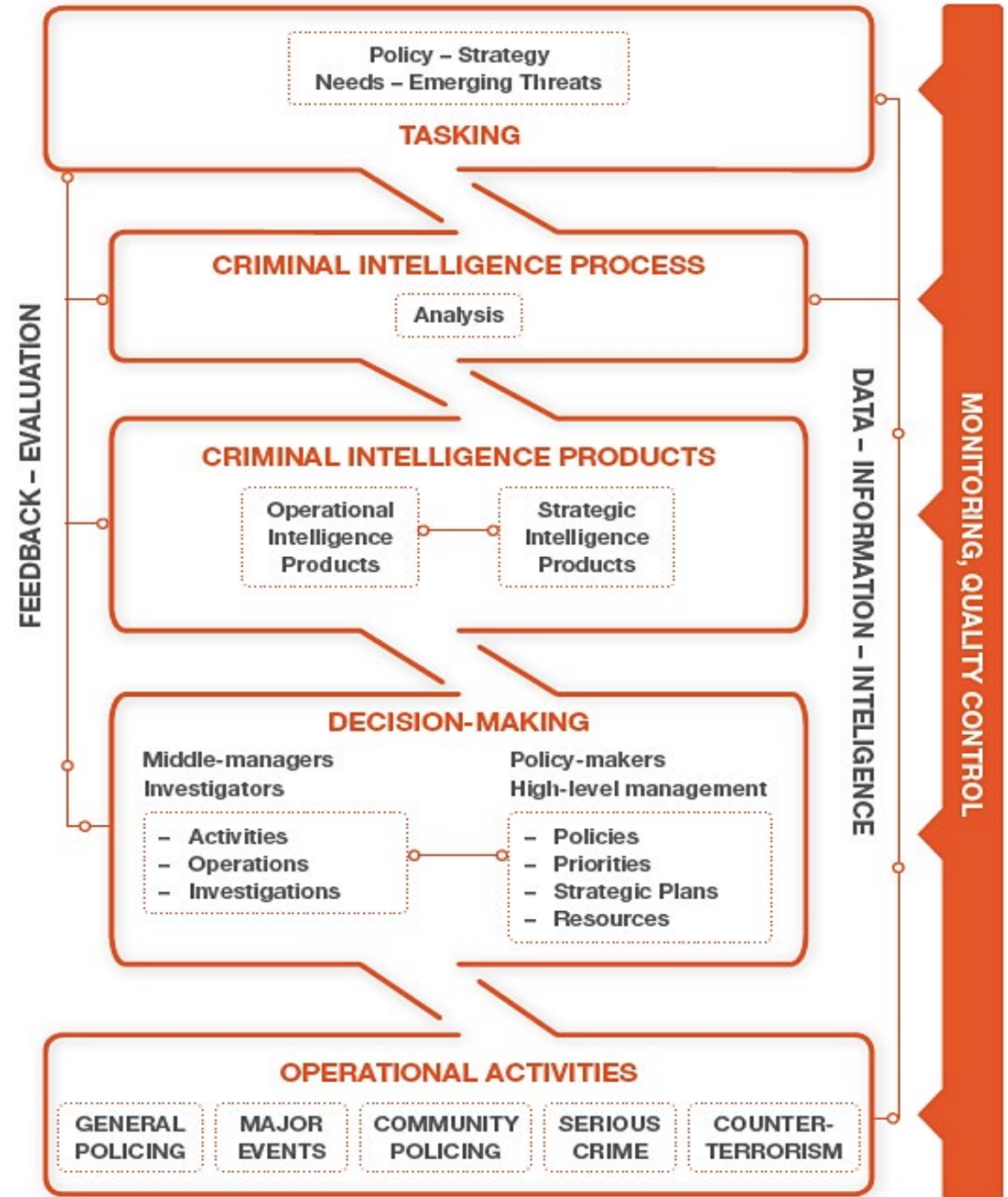
SIU VETTED UNITS – DEA INTERNATIONAL NETWORK

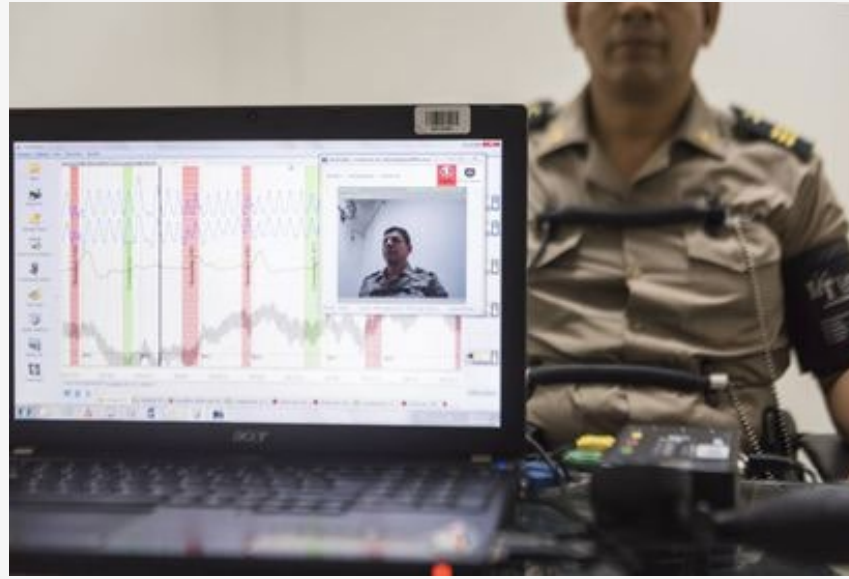
- US State Department
- US Department of Justice
- US National Security Council
- US National Intelligence Council
- US Intelligence Agencies (CIA, HIS, FBI)

DEA's SIU program aims to build effective and vetted host nation units capable of conducting complex investigations targeting major TCOs.



OSCE INTELLIGENCE-LED POLICING MODEL





► Tema del Día

La policía combate la corrupción en sus filas

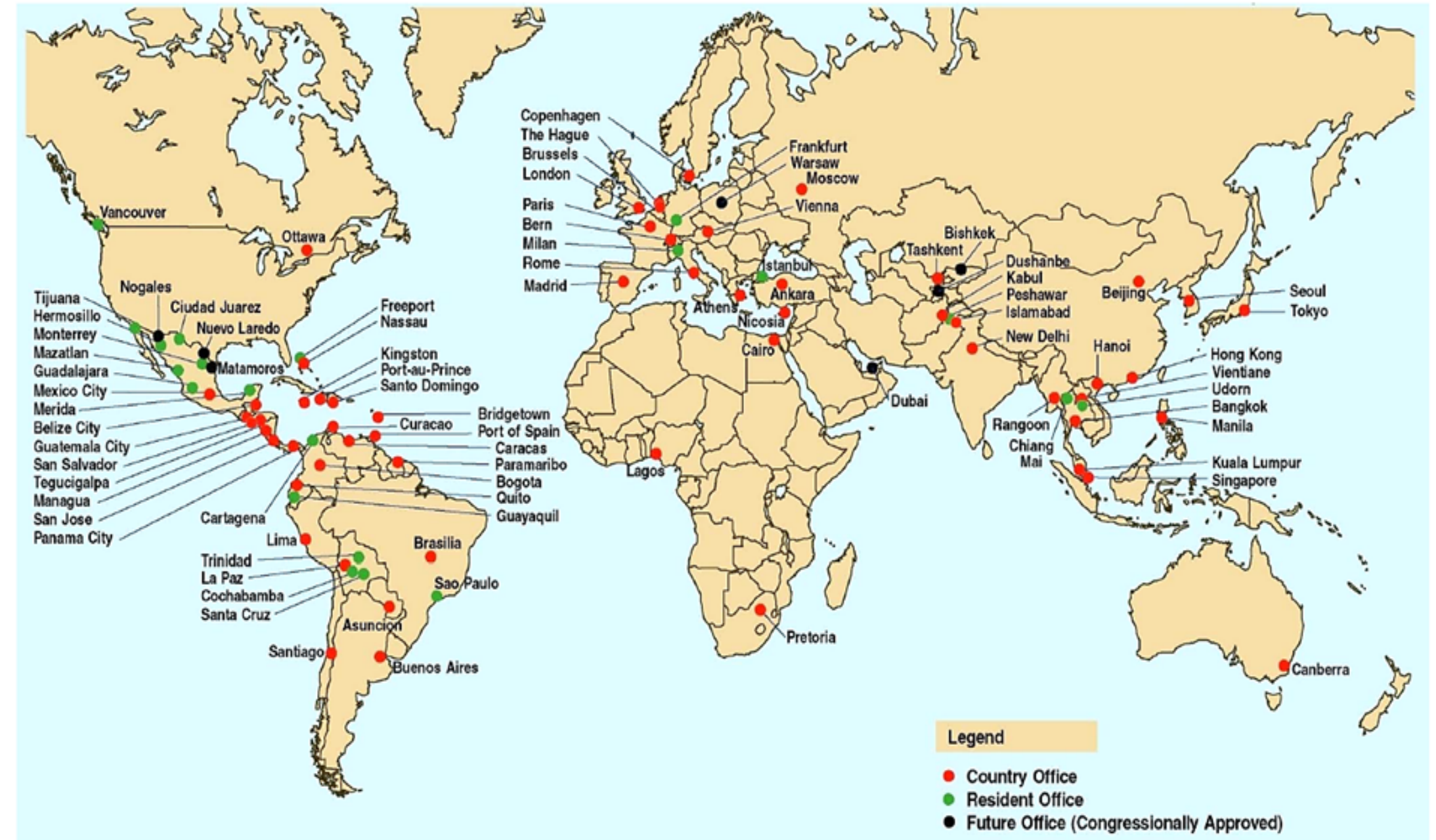


QUANTICO LLT/LLC

Police Training

DEA Foreign Offices

(as of June 2006)³



INTELLIGENCE-LED POLICING FOR LAW ENFORCEMENT AGAINST ENVIRONMENTAL TRANSBOUNDARY ORGANIZED CRIME



OPERATION THUNDER 2020

Tackling wildlife and forestry crime 14 Sept - 11 Oct 2020

105 participating countries

2,082
seizures
of wildlife & forestry products

1.3 tons
ivory

56.2 tons
marine products

15.8 tons
plants

1 ton
pangolin
scales

1,834
live reptiles

300 tons
+
894m³
timber

1,419
live tortoises
& turtles

1,163
live birds

1 new INTERPOL Red Notice issued

Active INTERPOL Red Notices related to environmental crime: **185**

699
offenders
apprehended

CRITICALLY ENDANGERED
species seized during the operation

Sphyrna Lewini
(Scalloped Hammerhead)

Alligator Sinensis
(Yangtze Alligator)

Saussurea Costus
(Costus/Kuth/Putchuk)

www.interpol.int

[@INTERPOL_EC](https://twitter.com/INTERPOL_EC)

DATABASES

- FIREARMS
- NOMINAL DATA
- FORENSIC DATA
- CHILD SEXUAL EXPLOITATION IMAGES
- TRAVEL AND OFFICIAL DOCUMENTS
- MOTOR VEHICLES
- FOREIGN TERRORIST FIGHTERS
- WORKS OF ART

19

DATABASES

124
MILLION

POLICE
RECORDS

20
MILLION

SEARCHES
PER DAY

0.5
SECONDS

RESPONSE
TIME



INTERPOL

As at July 2022

Biden picks diverse group of 6 lawyers for US prosecutor posts

 By: Associated Press  January 26, 2022

WASHINGTON — President Joe Biden has nominated a diverse group of six lawyers to run U.S. attorney's offices across the country, his latest picks for the top law enforcement positions.

The nominees, announced by the White House on Wednesday, would run the federal prosecutors' offices in Alaska, Connecticut, Montana, New Hampshire, New Mexico and Utah. They would include the first woman to serve as U.S. attorney in Utah and the first Black woman to serve as U.S. attorney in Connecticut.

The Justice Department's 93 U.S. attorneys, who are responsible for federal criminal prosecutions in their respective districts, are likely to be central to efforts to combat violent crime. Biden has now nominated 43 people to serve as U.S. attorneys, positions that have been filled for months by acting U.S. attorneys.

23 May 1992: the Capaci massacre



UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME AND THE PROTOCOLS THERETO

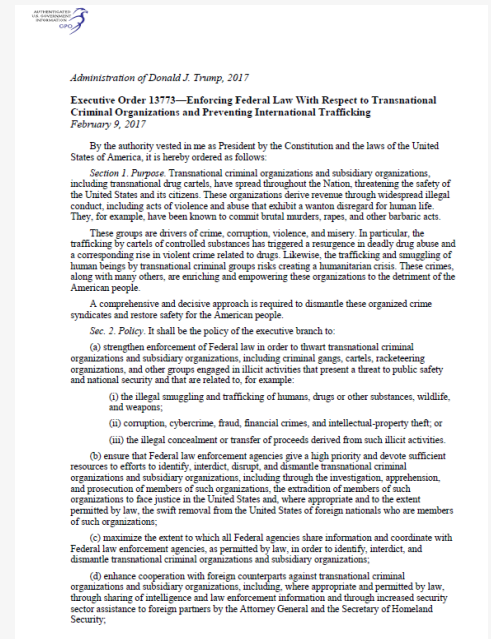
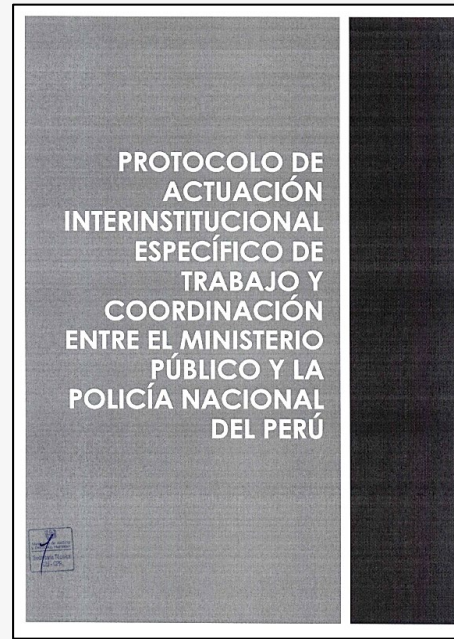
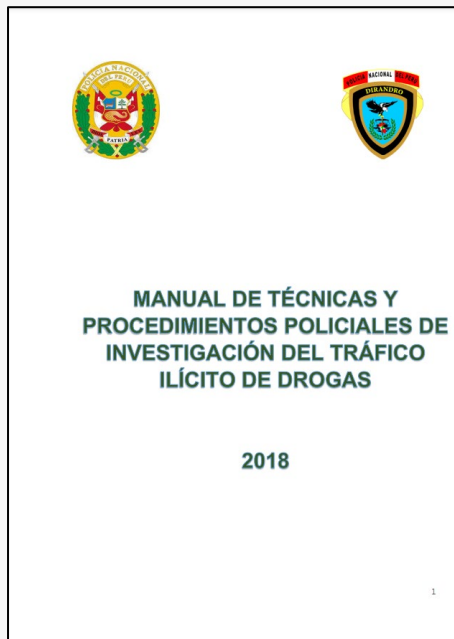


The Fight Against the New Mafias

The Critical Need for Transnational Cooperation

Franco Roberti, National Anti-Mafia Prosecutor, and Vincenzo Musacchio, Associate, Rutgers Institute on Anti-Corruption Studies





Decreto Legislativo de Fortalecimiento y Modernización del Sistema de Inteligencia Nacional - SINA y de la Dirección Nacional de Inteligencia - DINI

DECRETO LEGISLATIVO N° 1141

CONCORDANCIAS: [DS. N° 018-2015-PC/REGLAMENTO](#)
[OTRAS CONCORDANCIAS](#)

[Enlace Web: EXPOSICIÓN DE MOTIVOS - PDF.](#)

EL PRESIDENTE DE LA REPÚBLICA

POR CUANTO:

El Congreso de la República, mediante la Ley 29915, ha delegado en el Poder Ejecutivo la facultad de legislar, entre otras materias, respecto de la reforma del Sistema de Seguridad y Defensa Nacional con el objeto de fortalecer su constitución y funcionamiento, conforme a lo dispuesto en el numeral 3 del artículo 2 de la citada Ley;

En este sentido, resulta necesario legislar en materia relacionada con el fortalecimiento y modernización del Sistema de Inteligencia Nacional - SINA y su ente rector, la Dirección Nacional de Inteligencia - DINI, contribuyendo a su mejor funcionamiento e institucionalización, orientándolos hacia los altos fines de la Seguridad y Defensa Nacional.

De conformidad con lo establecido en el artículo 104 de la Constitución Política del Perú;

Con el voto aprobatorio del Consejo de Ministros;

Con cargo a dar cuenta al Congreso de la República;

Ha dado el Decreto Legislativo siguiente:

GUÍA REGIONAL DE INVESTIGACIÓN PARA DELITOS MEDIOAMBIENTALES EN AMÉRICA LATINA

Ricardo Vaz Alves
Javier Rufino

Ediciones EL PACTO
Colección A Fondo

ICCWC Guidelines for Wildlife Enforcement Networks (WENs)

A self-assessment tool for regional use

THE COMPLETE SET OF GUIDELINES:

- GUIDELINE 1: ESTABLISHING A NEW WEN
- GUIDELINE 2: STRENGTHENING AN EXISTING WEN

DECRETO LEGISLATIVO N° 1219

EL PRESIDENTE DE LA REPÚBLICA

POR CUANTO:

Que, mediante Ley N° 30336, Ley que delega en el Poder Ejecutivo la facultad de legislar en materia de seguridad ciudadana, fortalecer la lucha contra la delincuencia y el crimen organizado, el Congreso de la República delegó en el Poder Ejecutivo la facultad de legislar en estas materias, por un plazo de noventa (90) días calendario;

Que, el literal d) del artículo 2 de la citada Ley faculta al Poder Ejecutivo a legislar para potenciar la capacidad operativa de la Policía Nacional del Perú;

Que, el desarrollo tecnológico genera la aparición de nuevas modalidades de delitos frente a los cuales la Policía Nacional del Perú debe hacer frente con personal altamente calificado, métodos, técnicas e instrumental de alta tecnología en el área de criminalística;

Que, de conformidad con lo establecido en el artículo 104 de la Constitución Política del Perú;

Con el voto aprobatorio del Consejo de Ministros; y,

Con cargo a dar cuenta al Congreso de la República;

Ha dado el Decreto Legislativo siguiente:

DECRETO LEGISLATIVO DE FORTALECIMIENTO DE LA FUNCIÓN CRIMINALÍSTICA POLICIAL

TÍTULO I

DISPOSICIONES GENERALES

Artículo 1.- Objeto

El presente Decreto Legislativo tiene por objeto fortalecer la función criminalística en la lucha contra la delincuencia y el crimen organizado a cargo de la Policía Nacional del Perú, con la finalidad de coadyuvar de manera técnica y científica a la investigación criminal y contribuir con la administración de justicia.

Legislative mandate



Financial
Intelligence Centre



IDENTIFY
PROCEEDS
OF
UNLAWFUL
ACTIVITIES



COMBAT
MONEY
LAUNDERING



COMBAT
TERRORIST
FINANCING

SHARE INFORMATION WITH

- LEAs
- Supervisory Bodies
- Intelligence Services
- SARS and
- Other International Agencies

SUPERVISE AND ENFORCE
compliance with the FIC Act

Gracias

