



USAID | JORDAN
FROM THE AMERICAN PEOPLE

USAID-Rule of Law Project in Jordan

Contractor: DPK Consulting - A division of ARD.Inc
Contractor: USAID-Rule of Law Project

Financial Crimes

٢٠١٢ .Dec

A Project Funded By USAID

Table of content

- **Summary**
- **Introduction**
- **Agenda**
- **Participants**
- **The Training Program's Functions**
- **Final Remarks and Recommendations**
- **Attachments**

Summary:

In accordance with the training plan that was approved by the honourable Judicial Council, especially the section related to achieving the objectives of the third component of the Judicial Authority Building Strategy, which is related to criminal justice, the Judicial Council's Judicial Training and Specialization Unit had held in cooperation with the Head of the Public Prosecution and the Rule of Law Project, a training program under the title "Financial Crime ". The training program was attended by the attorney generals and (50) public prosecutors representing the deferent courts in the Kingdom. The training program was held on Saturday and Sunday (1-2 December 2012) .

The main desired objective from holding such training program is to enhance the public prosecution members' efficiency in leading the investigation in crimes and collecting the related evidences in a way, which confirms with continues development in tools and methods used in committing such crimes.

This training program comes to complement the Rule of Law Project's plan, which included several training programs and workshops directed towards the public prosecution members. Accordingly the Project contracted with an international expert from the USA, who specialized in financial crimes in order to facilitate this training program. The said expert was provided with all related legal materials in addition to the desired training methodology and the expected outcomes of such training program.



Introduction:

In continuation of the Rule of Law Project's activities and plans for the last year, which focused heavily on supporting the public prosecution in Jordan and on enhancing the efficiency of its members? Also in accordance with the comprehensive work plan which included many components and objectives. One of these components is the training component, which led to the holding of many training events and programs in various legal subjects during the past year. Training on financial crimes was a request by the public prosecution members. This request was embarked on through the Public Prosecution Needs Assessment Workshop and also through the personal and face to face interviews which were conducted with the public prosecutors, where they stressed on the importance of holding a training on financial crimes due to the rapid technological development and also due to the fact that most financial transaction are being done using electronic methods and tools. All these developments led to the Judiciary's interest in financial crimes which might be committed using electronic methods or devices.

The importance of such training program is driven from the above stated reasons, where it will play an important role in educating the public prosecution members on the new methods and tools, which might be used in the commission of financial crimes and at the same time to be exposed to the new methods and devices needed in order to investigate such crimes and pursue its perpetrators and refer them to the related courts to be punished according to the applicable laws.

Accordingly this training event was organized in order to focus on the practical side rather than applying the traditional method which only focuses on the theoretical aspects of the training subject, where the trainer outlined a number of factual and practical cases which were investigated in the USA by its related authorities in addition to the methods used in order to reveal such crimes and its related facts. The expert allocated part of the training program in order to illustrate and discuss a number of financial criminal cases which were investigated and prosecuted in Jordan. For certain reasons the investigation in such crimes in Jordan reaches a certain point which forces the related public prosecutor to take a decision to keep the papers (hold the investigation), due to the difficulties associated with perusing the perpetrators of such crimes either because it was committed by using electronic means or it was committed outside the boundaries of the Hashemite Kingdom of Jordan.

In addition to the above, the continues development in technical methods used in carrying out financial transactions, concluding commercial deals, money transfer transactions between the contracting parties , buying and selling transactions through websites and at the same time the storage of financial information on electronic data basis and on hard discs on computer machines. The public prosecutor, who investigates any financial crime which is committed through the use of an electronic mean or tool, shall enjoy a great skill and precision in dealing with the crime scene in addition to the needed expertise in collecting the related evidences, so it will not be lost or damaged. Accordingly the public prosecution and its members , due to their official post and its importance , are in great need to continues training on such types of crimes and they also need to know the best ways and methods to be used in collecting its evidences, even if one of the actions which constitute the crime was committed outside the

Kingdom , in addition to storing such evidence in a way that it would be valid and acceptable when presented to the competent court.

in preparation for the above mentioned training program , the trainer was provided with a summary of the Jordanian Judicial System and how the criminal cases are brought before the competent courts in addition to the procedures followed during the trial. He was also provided with a number of the applicable Jordanian legal provisions, which are related to crimes committed against property. Such provisions were taken from various laws such as the Penal Law, the Banks' Law, the Electronic Transactions Law, and the Information Systems' Crimes Law. Below are the most important provisions that were used for the training program purposes:

The Provisional Information Systems' Crimes Law :

Article 6 :

a) Whoever intentionally got – without authorization- through the use of the internet or any other information system, data or information related to credit cards or data and information which are used in the execution of financial transactions or electronic banking transactions, such a person shall be punished by imprisonment for a period not less than three months and not more two years or by a fine not less than (500) JDs and not more than (2000) JDs or by both penalties.

b) whoever intentionally uses through the internet or any other information system , without a valid or legal cause , any data or information related to credit cards or information or data which are used in the execution of financial transactions or electronic banking transaction in order to gain for him/herself or for the benefit of another person any data or information or properties or services owned by others , such person shall be punished by imprisonment for a period not less than one year and by a fine not less than (1000) JDs and not more than (5000) JDs.

The Electronic Transactions Law:

Article 38:

Whoever commits an act which constitutes a crime according to the applicable laws , through the use of electronic means , such person shall be punished by imprisonment for a period not less than three months and not more than one year or by a fine not less than (3000) JDs and not more than (10,000) JDs or by both penalties. Such person shall be punished by the harsher penalty if the stated penalties in such laws exceed the ones stated in this law.

Banks' Law:

Banking Secrecy:

Article 72:

The bank has to observe the complete secrecy of all its customers' accounts, deposits and safety boxes. The bank is prohibited from releasing any information or statements whether directly or indirectly, unless upon the written approval of the account's holder or deposit of safety box or one of his/her successors or according to a decision issued by a competent judicial authority in the course of a judicial dispute or due to one of the instances stipulated in this law. The prohibition shall stay in place even if the relation between the customer and the bank for any reason.

Article 73:

Any of the bank's current or former employees is prohibited from releasing or giving any information or data concerning the customers or their accounts or deposits or safety boxes or any of their transactions or enabling any other person to review such information or data in cases other than the cases stipulated in the provisions of this law. This prohibition shall include all persons who may review or now such information or data due to their posts or work, whether directly or indirectly, including the Central Bank's employees.

Article 74:

The following instances shall be exempted from the provisions of articles (72 and 73) :

- a) the duties to be carried out legally by the auditors who are appointed by the bank's general assembly or by the Central Bank according to the provisions of the law.
- b) the activities and procedures carried out by the Central Bank according to the provisions of this law or the Central Bank Law.
- c) the issuance of a statement or certificate which includes the reasons for not cashing any check according to the request of the right's holder.
- d) the exchange of information related to customers ,whether in relation to their debts in order to provide the information needed for the safe provision of credits or in relation to bounced checks due to lack of funds or other instances or transactions the Central Bank sees as necessary due to its relation to the safety of banking activities between the banks and the Central Banks and any companies or other parties the Central Bank approves in order to facilitate such

e) the Central Bank revelation of any or all information related to the transactions of a certain customer , which are needed in order to prove his/he right in the course of a judicial despute , which might take place between the bank and his/her customer in relation to such transactions.

Article 75 :

Whoever violates the provisions of articles (72 and 73) of this law , shall be punished by imprisonment for a period not less than six months or by a financial fine not less than (10,000) JDs and not more than (50,0000) or by both penalties.

Agenda

Agenda
Financial crimes training
 Wednesday, 1/ 2/ 2012 – Thursday, 2/ 12/ 2012
 marriot – Amman

Day one

09:00 – 9:30 am	Arrival and Registration Coffee Break	
9:30 – 11:00 am	<ul style="list-style-type: none"> • Opening Session • Brief about financial crimes • Case study 	<ul style="list-style-type: none"> • Speech of ROLP Chief of Party Mr. Robert dean • Speech of Consultant Isabel cumming
11:00 – 11:15 am	Coffee Break	
11:15 – 12:45 Pm	<ul style="list-style-type: none"> • Credit cards crimes • Financial crimes committed by electronic tools 	<ul style="list-style-type: none"> • Speech of Consultant Isabel cumming
12:45 – 01:00 pm	Coffee Break	
01:00 – 03:00 pm	<ul style="list-style-type: none"> • Golden rules for crime scene management • Case study 	<ul style="list-style-type: none"> • Speech of Consultant Isabel cumming
End of Event and lunch		

Participants

First Day

#	Name	Position
1	Judge Ziad Dmour	Attorney General / Major Felonies
2	Judge Majed Hussein Irshaid Al Afif	President of the Public Prosecution Assistant
3	Judge Natheer Ali Shehadeh	Public Prosecutor / Amman
4	Judge Amer Al-Qdah	Public Prosecutor/ Madaba
5	Judge Hilal Khlaif Hilal Al Hawamdeh	Public Prosecutor / Al Mafrag
6	Judge Minwer Khalaf Mohammad Al Sarayrah	Public Prosecutor / Karak
7	Judge Mahmoud Al-Tarawneh	Public Prosecutor/ Tafeeleh
8	Judge Tareq Mohammad Odallah Al Shqairat	Assistant Attorney General / Amman
9	Judge Tarek Musallam Ali Al Shakhanbeh	Public Prosecutor / South Amman
10	Judge Maher Kassab Al Qadi	Public Prosecutor / Amman
11	Judge Ahmad Abdul Muhesn Al Afeef	Public Prosecutor / Zarqa
12	Judge Inad Obeidat	Public Prosecutor/ Irbid
13	Judge Naser Al-Qadi	Public Prosecutor/ Irbid
14	Judge Mohammad Saleh Hamed Al Sorani	Public Prosecutor / Amman
15	Judge Hashim Abou AL-Foul	Public Prosecutor/ North Amman
16	Judge Ashraf Yihia Ayed Al Habashneh	Public Prosecutor / Amman
17	Judge Sultan Khlaif Al Shakhanbeh	Public Prosecutor / Amman
18	Judge Issam Al-Hadid	Public Prosecutor / Salt
19	Judge Mohammad Musa Hasan Al Bakhit	Public Prosecutor/ North Amman
20	Judge Rami Naheed Musa Salah	

21	Judge Muawiyah Hamdan Al Saaydeh	Public Prosecutor/ East Amman
22	Judge Yasir Al-Qheuwe	Public Prosecutor/West Amman
23	Judge Asem Al-Tarawneh	Public Prosecutor – Anti Corruption Commission
24	Judge Abdul Ilah Hijazi Kareem Assaf	Public Prosecutor – Anti Corruption Commission
25	Judge Adel Al-Ja’afrah	Public Prosecutor/ Aqaba
26	Judge Ahmad Odeh Al Rawahne	Public Prosecutor / South Amman
27	Judge Aref Ali Haza’a Abu Aleem	Public Prosecutor/ East Amman
28	Judge Abdul Nasser Ali Aref Al Dhoun	Public Prosecutor/ Ajloun
29	Judge Samir Falah Mohammad Al Rawashdeh	Public Prosecutor / Maan

Second Day

#	Name	Position
1	Judge Taleb Al Dalaeen	Attorney General / Maan
2	Judge Ramze Ahmad Al Athamat	Public Prosecutor / Irbid
3	Judge Amer Hilmi Falah Tubeishat	Public Prosecutor / Ajloun
4	Judge Ohud Abdullah Mnawer Al Majali	Public Prosecutor / Amman
5	Judge Mohammd Bassam Mohammad Abu Al Ghanam	Public Prosecutor / South Amman
6	Judge Azzam Mamdouh Abed Al Najdawi	Public Prosecutor / Amman
7	Judge Samer Ahmad Mustafa Hannun	Public Prosecutor / Amman
8	Judge Khulood Nayef Ali Al Adwan	Public Prosecutor / North Amman
9	Judge Mohammad Hamdan Tayyem Al Bdairat	Public Prosecutor / Salt
10	Judge Farhan Kassin Shehadeh Al Abdullah	Public Prosecutor / Zarqa
11	Judge Hani Ibrahim Salem Al Suhaiba	President of the Public Prosecution Assistant
12	Judge Salah Hulayyel Saleh Al Khalidi	Public Prosecutor / Irbid
13	Judge Muntaser Mohammad Obeidat	Public Prosecutor / Amman
14	Judge Sultan Khlaif Al Shakhanbeh	Public Prosecutor / Amman

15	Judge Okleh Olayyan Abu Zaid	Public Prosecutor / Amman
16	Judge Ammar Raja Al Hnaifat	Public Prosecutor / West Amman
17	Judge Faleh Ismail Abu Hilala	Public Prosecutor / East Amman
18	Judge Mohammad Al-Dweiry	Attorney General / Irbid
19	Judge malak ghazal	State lawyer assistant
20	Judge Ahmad Al kannany	Attorney General assistant / Amman
21	Judge Yousef Al nawafleh	Attorney General assistant / Amman
22	Judge Othman Al amaireh	Public Prosecutor / Zarqa
23	Judge Abd al hafeth Al gwereh	Public Prosecutor / Amman
24	Judge Nasser Al Salmat	Attorney General assistant / Amman
25	Judge Mahmoud Al Nwasrah	Attorney General assistant / Irbid
26	Judge Wedad Al dmour	Public Prosecutor / anti corruption commission
27	Judge Faten Al rawashdeh	First instance court / Amman
28	Judge kefah al droubi	First instance court / Amman
29	Judge Maamoun Al qatarneh	First instance court / Amman

The Training Program's Functions:

Trainer Isabel Cuming had touched on many important topics during the training program, where she gave the necessary details related to such topics. The most important of which:

First: Defining Financial Crime:

Crimes against property were defined through a presentation , which included a very precise definition for financial crimes and what the public prosecutor has to prove in order to convenes the court that the suspect had committed the crime , thus the court can impose the suitable penalties on him/her, which can be done by proving the physical and legal elements of the crime. The presentation also touched upon the personality of the person who committed the financial crime who might be the real perpetrator of the crime or an instigator or a partner in committing the crime.

The expert also outlined the necessary methods of proof to be submitted to the competent court , which might be direct physical or circumstantial evidence which might prove the commission of the crime in addition to the witness's testimony and personal statements.

Second: Financial Crimes

The trainer outlined a group of the crimes which are committed against property and provided a summary explanation of each crime and its elements in addition to the methods used in committing each crime, such as:

- Theft.
- Fraud.
- Embezzlement .
- Forgery .
- Credit cards' crimes.
- Passion of stolen property.

Third: Outlining a Number of Financial Crimes Committed in the USA:

The specialized expert outlined and presented a number of actual cases which she herself investigated and referred to the competent court in order to try its perpetrator. The index attached to this report includes the facts and details of such cases and the actual evidences used to prove such crimes before the court in order for the later to impose the suitable sanctions against its perpetrators. A number of tricks which are used by criminals in order to trap their victims and revealing their ATM cards pin numbers and the methods used in order to forge credit cards through electronic piracy and getting access to websites specialized in the selling of goods and services in addition to getting access to ATMs through implanting special chips on the number pads of such machines. The final step is to forge the cards through special scanners in order to use such cards in the purchase of goods or services on the web or the cash withdrawal from ATMs.

Fourth: Practical Study and Review of Actual Cases from the Hashemite Kingdom of Jordan:

In coordination with the public prosecutors a certain type of cases was agreed upon , which in their view were had a certain degree of complexity and importance due to the fact that the perpetrators of such crimes where never caught or brought before the courts , because it was committed by suing emails accounts which could not be traced or because one of the criminal acts were perpetrated outside the boundaries of the Kingdom and thus it was not possible to obtain the necessary information from the external competent parties in order to complete the investigation. Accordingly a copy of such cases had been distributed to the participants, which was followed by an expanded discussion, where the participants expressed their views about how the investigation shall be conducted and the gathering of evidences in addition to following up with the Attorney General in order to get hold of the needed information. In addition to the before mentioned the participants also discussed the cooperation with the criminal laboratories, which is entrusted with

perusing the electronic evidence in order to know the perpetrator and the location it took place. After this discussion the expert provided her point of view and suggested a number of suitable solutions, which when applied would enable the public prosecuting member to pursue the financial crime and bring its perpetrator to justice.

Fifth : A number of important rules to be followed when collecting, preserving and presenting electronic evidence:

A manual which was distributed to the participants. This manual was designed in order to help the public prosecutor in understanding how to deal with and computer machines and other electronic devices ,when it is used as a tool or a way to commit crimes and how to deal with it when it is used a medium to store the evidences related to a number of crimes. In addition to the before mentioned such manual can help the public prosecutors in securing and preserving the evidences in the proper way and also how to transferee such evidences for examination by the criminal examiners and electronic and digital evidence experts. The most important components of the manual which is attached with this report are:

- The legal authority and power the public prosecutor has in relation to searching the crime scene and seizing evidence.
- Storing and preserving evidence: due to the fact that the evidences in financial crimes might be stored on various electronic devices , the trainer outlined and presented the various types of such electronic devices, where each device type has a method and approach to be dealt with by the public prosecutor. These procedures to be followed are important in order to secure the device and preserve the evidence stored on it and securing it in the proper way, in order to transfer it from the crime scene and presenting to the criminal forensic expert . Such electronic devices include :
 - Personal individual computers which are connected to other computers.
 - Personal individual computers which are connected to other computers and networks.
 - The network servers related to companies and businesses.
 - Storage devises and mediums.
 - Cell phones and digital cameras.
- An illustration of the crimes that could be committed through the use of an electronic device or tool, in addition to the information the public prosecutor has to look for in such devices. Such devises differ according to the crime type.
- The questions that should be asked during the investigation:
The manual stipulated a number of questions which the public prosecutor should direct to the complainant and the suspect during the investigation phase . The nature of such questions differ according to the nauter of the crime committed .

The trainer presented examples related to some electronic crimes and the questions to be asked in relation to it, such as in the case of piracy and email crimes.

At the end the trainer emphasized on a number of basic principles, which the public prosecutor has to follow when moving to a crime scene , which involves computers and other electronic devices.

A number of such rules and principles are illustrated below:

- The crime scene's security and safety : the public prosecutor should secure the crime scene where it does not present any threat to anyone. In case the public prosecutor has a reasonable believe that the crime was committed by using an electronic device such as a computer , then in such instance he/she has to take the necessary measures needed in order to secure the criminal evidence which might be stored in the related device.
- the public proscuter or any of the judicial police members enjoy the needed legal powers in order to seize the related computer (according to his/her personal believe, a search warrant or the approval of the related person..etc).
- the public prosecutor or any of the judicial police members are prohibited from opening or entering any files that might be contained on the computer. In case the computer was turned off , then it should be kept the same and not to try to operate it. In case the computer was switched on, then it is prohibited to search in the files stored on it.
- In case the computer was on, then the public prosecutor or the related person has to refer to the related sections of this manual in order to know how to shut it down properly and prepare it to be transferred as criminal evidence.
- If the public prosecutor suspected that the computer is deleting the information and files related to the evidence, in such instance he/she should immediately shut down the computer by disconnecting it from the power source.
- In case the judicial police members or the public prosecutor had a camera available to them at the crime scene and the computer was on ,then they should take a photo of the computer's screen. The same should be done if the computer was closed in addition to taking a photo of the computers location and the location of any other tools or devices that might be connected to it.
- The special legal considerations , which has to be taken into consideration if the computer belongs to a certain professional person such as a doctor or lawyer or clergy man or a therapist or a publishing house.

Final Remarks and Recommendations :

- Hold a specialized training programs focusing on one type of financial crimes in order to train the participants on the investigation techniques and methods and how to collect evidence related to such type.
- Following up the interactive discussion method in all upcoming training programs and avoid the traditional theoretical methodology.
- Hold training programs related to how to build a criminal case in financial crimes and focusing on investigation techniques and skills used in order to collect evidence sufficient to convict the perpetrators of such crimes.
- Get sufficient knowledge of the American experience on how to pursue internet crimes and plan the investigation.
- The methods used in pursuing financial and electronic crimes and how to prove such crimes and apprehend its perpetrators.
- The ability to know new methods which are used in the commission of computer and electronic crimes.
- Expanding the knowledge regarding certain electronic crimes types , which are important in relation to the public prosecutors' work .
- Holding training programs targeting the subject of investigation skills in relation to internet crimes.
- Knowing how to deal with and contact other parties such as banks and social networking sites in order to obtain the information needed for the investigation.
- Holding a training program targeting the subject of electronic, credit cards and internet crimes.
- Electronic crimes and how to peruse its perpetrators.
- Holding training programs which focuses on terrorism and financial market crimes.
- Holding training programs related to corruption crimes.
- Allocating more time to the training programs because the time allocated to this training program was not sufficient.
- Holding a training program on the subject of internet crimes such as the abuse of minors and the unlawful publication of certain materials.

Attachments:

- **The Golden Rules in Collecting and Preserving Evidences.**
- **A list of the important websites, which can be used in order to peruse the perpetrators of electronic crimes.**
- **A presentation related to the practical cases from the USA.**