



Ekobrottsmyndigheten

Swedish Economic Crime Authority

Senior Public Prosecutor – International
Strategic Coordinator
Lead of ARO, CARIN, AML and JIT-expert
Karin Sigstedt
RECOVER - Grant Agreement No.
101091375





Two prosecutorial authorities



ÅKLAGARMYNDIGHETEN

The Swedish Prosecution Authority

Objective: Prosecute crimes in general (1300 prosecutors)

Mandator: Government / Ministry of Justice

Independent from both the courts and the police (since a reorganization 1965)

Head of SPA: Prosecutor General

The Swedish Economic Crime Authority

Objective: Prevent / investigate and prosecute economic crime (120 prosecutors)

Mandator: Government / Ministry of Justice

Foundation of SECA: 1998

Head of SECA: Director General



Ekobrottsmyndigheten
Swedish Economic Crime Authority

3.66	0.00	9,946,000	36,450	4,180	1.03	1.03	0.00	0.00
3.26	+3.16	9,856,900	32,779	2,727		1.07	1.00	0.00
		9,703,300	1,076,564	64,472	22.17	1.19	0.00	0.00

Investigation and court proceedings

AIM - Those who have committed economic crimes will be prosecuted by an efficient and legally secure process

- **Book-keeping crimes**
- **Crimes under the Tax Offences Act**
- Crimes related to bankruptcy (dishonesty to creditors)
- Crimes under the Companies Act
- Crimes under the Insider Trade Act and Financial instrument Trading Act
- Money laundering
- EU-fund frauds





Multi-disciplinary approach

- **Intelligence officer**
- **Accountant**
- **Analyst**
- **Police investigator**
- **Prosecutor**



Swedish Judicial

Asset Recovery Office & CARIN contact point

- **Head of the ARO Office and 3 accountants**
- **Requests from all Swedish Prosecutors**
- **Advice on Freezing**
- **Trainings**



The Code of Judicial Procedure

Chapter 26 Section 3

Pending the court's decision on attachment, the **prosecutor** may take property (freeze or seize).

If there is a **danger in delay, a police** officer may seize movable property. Such a measure must be **promptly reported to the prosecutor**, who immediately examines whether the property should remain in custody.

The Principle of Proportionality



Grounds for Freezing Order

- **Seizure (Prosecutor decision)**
- **Money seizure (Prosecutor decision)**
- **Confiscation (Court decision on value-based Sequestration)**
- **Extended confiscation (Court decision on value-based Sequestration)**



Swedish law on extended confiscation

Chapter 36 Section 1b Swedish Criminal Code

If a person is guilty of an offence for which imprisonment for **four years** or more is provided, and the offence was of a nature that could result in proceeds, property is also declared confiscated in cases other than those referred to in Section 1 if it appears **clearly more probable than not that it is the proceeds of criminal activities.** The value of the property may be declared confiscated in place of the property.

If the offence was of a nature that could result in proceeds, the first paragraph also applies if a person is guilty of:



Chapter 36 Section 1b Swedish Criminal Code

- Breach of data security,
- exploitation of a child for sexual posing,
- taking of a bribe, giving of a bribe,
- child pornography offence,
- narcotics offence,
- doping offence,
- narcotics smuggling,
- smuggling of human beings and
- some other offence for which imprisonment for two years or more is provided and that formed part of organised criminal activities

The provisions on confiscation in the first and second paragraphs also apply if a person is guilty of attempting, preparation or conspiracy to commit an offence referred to there.



Swedish law on extended confiscation

Chapter 36 Section 5a

Proceeds of criminal activities under Section 1b may be **confiscated from**:

1. the perpetrator or another person who was an accomplice to the offence that is the basis of the confiscation;
2. a person who acquired the property through an estate distribution, or due to a bequest or will, or through a gift;
3. a person who acquired the property in some other way and thereby knew or had reasonable cause to assume that the property was connected to criminal activities.



Swedish law on extended confiscation

Section 14

If, **due to the death** of the offender or for some other reason, it is no longer possible to impose a penalty, property may be declared confiscated, or corporate fines due to the offence imposed, or measures ordered to prevent abuse, only if an indictment is served within five years of the date on which the offence was committed. Etc.



Freezingorder - challenges

- **Damages – Victim compensation**
- **Swiftness in the tracing**
- **Focal point**
- **Feedback**



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