

Standing Operating Procedures for Joint Investigation Team (JIT)/
Investigators for
Terrorist Financing Investigations

Introduction:

The duty of Joint Investigation Team (JIT) or investigator, as the case may be, is to make a positive and in-depth probe into the matter assigned to them by maintaining the highest standard of professionalism and best practices in the field of counter terrorism and terrorist financing investigations.

This document specifies Standard Operating Procedures (SOPs) for constitution and functioning of JIT in cases registered under the Anti-Terrorism Act, 1997 ATA, and the same shall be followed by JITs/investigators during the investigation of terrorism cases. This SOP supplements any previous SOPs on the issue which are in field and does not supersede, abrogate, cancel or amend any of those SOPs. The SOP focuses mainly on the investigations / inquiries into terrorist financing cases which shall be an integral part of the investigations in every terrorism case.

All the Joint Investigation Teams (JITs) for investigating terrorism cases shall comply with the processes and procedures set out in this document for the investigations of terrorist financing.

The relevant contents of the SOP can also be used for normal financial investigations of the terrorism cases where JITs have not been formed.

Contents:

- Constitution of JIT
- Core Principles of JIT Members
- Decision-Making & Recording
- Broad Parameters for Terrorist Financing Investigations
- Terrorist Financing Offences
- Responsibilities of JIT
- Monitoring and Evaluation

Constitution of JIT:

The JIT may be constituted by the Government in accordance with section 19(1)-ATA. The JIT is headed by investigating officer of Police not below the rank of Superintendent of Police (BS-18) and other officers of JIT may include officers of equivalent rank from intelligence agencies, armed forces and civil armed forces. The JIT comprises of five members and for meeting purposes, the quorum shall be three members. The JIT shall initiate Investigation after notification by the Home Department.

Core Principles for JIT Members:

- JIT members shall perform their duties to the highest level of integrity and accountability.
- JIT members shall always uphold the laws of Pakistan and respect human rights.
- JIT members shall work with a spirit of cooperation, as many sister agencies are part of JIT to probe into the case and dig out the truth for public protection.
- JIT members shall play a vital role against terrorism in collaboration with sister agencies to implement the National Action Plan.

Decision-Making & Recording:

- The JIT shall decide the outline and parameters of the financial investigation. Accordingly, the team shall supervise the progress as the investigation proceeds.
- In order to carry out the above responsibilities efficiently and effectively, the JIT shall make requisite decisions within its mandate to advance the course of investigation, risk management and the allocation and use of resources.
- The investigative progress, decisions and reasons for the decisions must be accurately recorded in the case-file in proper format.

Broad Parameters for Terrorist Financing Investigations:

- To conduct parallel financial investigations in each terrorism case immediately after its registration, the JIT/investigator shall launch a prompt and parallel financial enquiry; however, the said enquiry shall be very much within the ambit of the main investigation.
- To identify the sources of funding of terrorist activities in accordance to “follow the money” principles, whether small or complex investigations to conduct pro-active TF investigations to detect, prevent terrorist attacks or conduct reactive TF investigations to terrorism events;
- To identify the financiers of terrorist activities i.e. donors, fundraisers, facilitators, operatives, or any other person or organisation associated with the terrorist financing activity.
- To identify the linkages between origin of the funds or any other property, its intermediaries and ultimate beneficiaries, when the funds or property is used to support terrorism or the financial of terrorism crimes; To use a wide range of investigative techniques suitable for the investigation of terrorist financing and the associated offences. These investigative techniques may include undercover operations, intercepting communications, accessing computer systems and controlled delivery and measures subject to respective laws.
- To target wide range of TF activity by investigating wide range of cases in line with threats identified in Pakistan’s National Risk Assessment (NRA) and subsequent information made available to LEAs on the FT threats and profiles of terrorist organizations.
- To account for the terrorist financing threats/risks/channels identified during the course of investigations conducted including identification of donations including non-profit organizations, charities and sympathisers and

proceeds of crime from relating to drug trafficking, kidnapping for ransom, extortion, dacoity/robbery, cash smuggling, environmental crime and TF relating to , proceeds of smuggling-including natural resources, hundi/hawalas, virtual currencies and other methods for transferring of funds used to support terrorism. .

- JIT/ investigator shall adopt effective risk-based procedures to investigate terrorist financing including transnational funding aspect in all TF cases with emphasis on the following:
 - i. The transnational TF threat assessment, and transnational threat profiles of terrorist organizations must be made part and parcel of all TF investigations by JITs/investigators.
 - ii. The transnational (incoming and outgoing) TF aspect must be explored in all TF investigations minutely.
 - iii. The networks involved in transnational funding must be explored, smashed and brought to justice.
- To access the widest possible range of financial, administrative and law enforcement information, including open or public sources such as international reports, guidance documents, typologies, best practices and information collected and/or maintained by other government departments and organizations. This may include information from FMU, SBP, SECP, FIA, ANF, Customs, NADRA, revenue authorities, excise departments, passport & immigration, cellular companies, forensic labs, PTA, social welfare & industries departments, district police.
- To identify money or other property owned or controlled, wholly or partly, directly or indirectly, by a proscribed person or organization during the course of investigation for necessary action under 11O of the ATA,
- To identify financial nexus between financing of terrorist including funding and various techniques used by Terrorists organizations to financial their terrorist's activities.
- To fully investigate use of formal as well as informal means used for identifying the flow / movement of funds to identify, all facilitators (companies / individuals etc) involved in movement of terrorist funds.
- To apply effectively the terrorist financing provisions of the relevant laws for the prosecution and conviction of terrorism financing.

Terrorist Financing Offences:

Apart from other offences of terrorism which the JIT/investigator may be looking at, the following terrorist financing offences under Anti-Terrorism Act, 1997 shall specifically be taken into account;

- i. **11F(5). Soliciting, collecting or raising money or other property** for a proscribed organization.
- ii. **11F(6). Punishment for 11F(5)**, a person guilty of offence under section 11F(5) will be punished for not less than one year and not more than five years and with fine.
- iii. **11H. Fund Raising** for the purpose of terrorism or by a terrorist or organization concerned in terrorism.
- iv. **11I. Use and Possession of Money or other Property** for the purposes of terrorism.

- v. **11J. Funding Arrangements** as a result of which money or other property is made available or is to be made available which may be used for the purposes of terrorism.
- vi. **11K. Money Laundering** to facilitate retention or control, by or on behalf of another person, of terrorist property.
- vii. **11N. Punishment** under Sections 11H to 11K may be for a term not less than five years and not exceeding ten years and with fine.

It may also be pointed out that section 21EE of the ATA, empowers the Superintendent of Police during the course of investigation, with the permission of the Anti-terrorism Court, to require any bank or financial institution to provide any information relating to any person, including copies of entries made in the bank's or a financial institution's book, including information of transactions saved in electronic or digital form which are reasonably believed to be connected with commission of an offence under ATA.

Responsibilities of JIT/ Investigators:

A. General:

- To examine the crime scene(s) and ensure that an accurate site map is prepared including the cataloguing of evidence seized.
- To examine situation report – first inspection notes.
- To ensure that the offices, business premises, frequently visited places and residences of the accused are thoroughly searched and all records, whether manual or digital, including receipts, diaries, ledgers, computers, discs, USBs etc are taken into custody through a proper seizure protocols in accordance with the policy and procedures.
- To make maximum use of human intelligence throughout the investigation process.
- To identify any witnesses, including house-to-house enquiries.
- To identify and investigate the accused & to find out his previous record.
- To identify any co-suspects in the case.
- To implement an appropriate investigation strategy.
- To implement a forensic management strategy for analysis of evidence collected including securing necessary expertise to examine
- To ensure proper use of resources that has been allocated to the investigation.
- To seek assistance from FIA, FMU, SECP and SBP for the purposes of conducting of the financial investigations. These agencies may facilitate in analysis of; financial intelligence reported against the suspects, bank statements, complex transactions, linking multiple accounts/ transactions with suspects and detecting possible linkage of transactions across different financial channels.
- To seek assistance and cooperation from other federal/provincial departments and state organisations, wherever required

B. Terrorist Financing:

- To verify that the case is of terror financing, as enumerated in sections 11F(5)(6), 11H to 11K & 11- N of ATA.

- To ensure that members of JIT/investigators are fully briefed by the former IO or Complainant & witnesses, where applicable.
- To collect the CNIC no of the accused/associates and check their accounts details, transactions through currency exchange institutions and from companies running branchless banking i.e. Omni, Easy Pisa, and U-Paisa etc. under the applicable laws.
- To contact Money Service Businesses (MSBs) for any possible transactions of the accused.
- To jointly take up the call data records, financial records and personal interviews of the accused person for developing perspective on identification of other key individuals and their financial links with the accused.
- To obtain the details of lockers, which might be maintained by the person, while writing to banks and financial institutions for the account statements. Such lockers will be carefully searched after securing proper court order.
- To use modern financial investigation tools and software as well such as I2, when the scope of financial investigation expands.
- To maintain record of the statements of officers, wherever financial record is obtained from a third party such as banker or Registrar of Companies etc, under section 161 of the Code of Criminal Procedure 1898.
- To seek assistance from high end financial experts and where necessary make use of available mechanisms (bilateral and multilateral) for exchange of information in case where the accused has been found to have made use of front businesses for layering, multiple bank accounts, structuring techniques, dubious charity organizations, shell companies, off shore business structure such as Trusts, etc.
- To find out the facilitator/sympathisers of organizations who make donations to proscribed organizations.
- To affect recovery the receipts of proscribed organizations from the accused.
- To prepare recovery memo & incorporate the denomination of currency notes and numbers on it.
- To obtain Call Data Records (CDRs) from telecommunication companies for checking money transactions through cell phones.
- To trace out the persons who printed receipts or has made arrangements regarding receipts books.
- To find out the communication channel of transactions to proscribed organizations/terrorist networks.
- To collect evidence in relation to the case and ensuring preservation by using modern techniques and their despatch for expert examinations.
- To manage arrest and interviewing of facilitators, donors and sympathisers of proscribed organizations.
- To prepare high quality case files in regular consultation with prosecutors.
- To engage with, and utilise the resources of, the Intelligence Wing of sister agencies to support the investigative process.
- To examine/scrutinize the records as early as possible for developing further lines of investigation and decide immediately as to which of the record or gadgets is to be dispatched for forensic/lab tests.
- To keep focus on financial information and the associated non-financial information in the financial documents, such as phone numbers, addresses, passport numbers, etc.

- To decide, in consultation with the legal counsel or prosecutor which of the terrorist financing sections of ATA and other laws are attracted, based upon the nature/mode of terrorist financing.
- To requisition the video recordings of the CCTV cameras inside or outside the bank and of ATM camera, to identify the individuals making transactions from the accused or suspects accounts.
- To investigate the informal modes of financial transactions made by the targets, associates, nominees used by the suspect(s) from origin to destination including intermediaries to identify the donors, facilitators, beneficiaries and end users in a terrorist activity (Informal modes include Hundi/Hawala, cash couriers or any other mode in the informal sector).
- To requisition details of moveable and immovable assets of individuals and organizations involved in terrorist financing from different agencies including land revenue, housing/development authorities, motor registration authorities etc (The purpose is to trace the parked assets of terrorists which might be used to facilitate or generate funds for terrorism).

Monitoring and Evaluation:

- The JIT or investigator, as the case may be, must establish the matrix of the actions as per priority that arise from the investigation.
- The priority of the action must be specified: high, medium or low.
- The result of the action must be introduced into the information system in order to contribute to the overall investigation picture.
- The JIT/investigator will continue to direct the enquiries as an on-going process and will carefully consider and assess the results of actions and queries in order to set new investigation strategies and issue further actions in support of the investigative objectives.
- The JIT/investigator must prepare case studies of the investigations in order to provide guidance for future investigations.
- There must be parallel sharing of best practices and lessons learnt / experienced during physical investigation of TF cases with LEAs/ Intelligence agencies, including latest modes of fund generation and trends observed.
- The services of financial experts may be made available to the JIT/investigator (as and when required) including through hiring from open market, within the ambit of law and relevant rules, on case to case basis to get information on new/complex methods used for flow of funds, such as businesses through layering, multiple bank accounts, structuring techniques, crowdfunding, dubious charity organizations, shell companies and offshore business structure.
- The JIT/investigator may also seek assistance from FMU for better financial analysis (their expertise may be used to optimize the output).

International Cooperation:

- The JIT or investigator, as the case may be, should examine the linkages of offences committed with a foreign country, entity or individual and initiate the case for seeking international cooperation as investigation or prosecution of

terrorist financing cannot be done without the missing piece located abroad.

- The channel of forwarding formal international cooperation (MLA) is through Ministry of Interior (being the Central Authority) upon request from relevant LEAs which would forward the request to Ministry of Foreign Affairs for onward submission to the concerned foreign government through proper diplomatic channels.
- The LEAs will provide all identifying information and other specific information supporting the request made to the foreign country including but not limited to:
 - i. **Legal basis for the request:** A description of the legal basis upon which the request is made e.g. bilateral treaty, relevant UN convention or resolution or on the basis of reciprocity.
 - ii. **Summary of the relevant facts** of the case including, to the extent possible, full identification details of the alleged offender(s). For successful investigations and prosecutions, international cooperation or legal assistance may be requested for:
 - Elementary information or evidence for investigation purposes such as phone numbers, addresses, national identity documents, passports, social media IDs, subscriber information, CDR, information about electronic devices, IP addresses, forensic reports, travel record, criminal history of suspect(s), etc.
 - Information on sources of funding and channels used for transfer or movement of funds, if available, in line with the risk profile in the National Risk Assessment.
 - Taking evidence or statements
 - Effecting service of judicial documents or certification
 - Executing searches and seizures
 - Examining objects and sites
 - Providing information, evidence, expert evaluations, documents and records
 - Identifying or tracing proceeds of crime, property or instrumentalities for evidentiary purposes and their seizure for the purpose of confiscation
 - Facilitating the appearance of witnesses
 - Any other type of assistance not barred by domestic law
 - iii. **Description of the offence and applicable penalty:** A description of the offence and applicable penalty, with an excerpt or copy of the relevant parts of the law of the requesting State.
 - iv. **Description of the evidence/assistance requested:** A description in specific terms of the evidence or other assistance requested.
 - v. A clear and precise explanation of the **linkage between the investigation, prosecution or proceedings and the assistance sought** i.e. describing how the evidence or other assistance sought is relevant to the case and could be useful in terrorist financing investigation.
 - vi. A **description of the procedure** to be followed by the authorities of the requested State in executing the request to ensure that the request achieves its purposes, including any special procedures to enable any evidence obtained to be admissible in the requesting State and reasons why the procedures are required.

- vii. **Presence of officials from the requesting State in executing of request:** An indication as to whether the requesting State wishes its officials or other specified persons to be present at or participate in the execution of the request and the reason why this is requested.
 - viii. **Protection of Confidentiality:** making it clear that information/ evidence obtained will be protected for confidentiality in accordance with domestic law/procedures.
 - In case of informal cooperation, the concerned LEA may directly approach its counterpart in the foreign country for seeking international cooperation as per standard norms and practices.
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