

A n n u a l r e p o r t

2005

Ø K O K R I M

ØKOKRIM'S OBJECTIVES AND VALUES

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) is a resource centre for the police and the prosecuting authorities designed to combat these types of crime. ØKOKRIM is both a key specialist police agency and a national public prosecution authority.

Vision and main objectives

Norway is a good country to live in and has many important values to protect. Crime presents a threat to these values. By fighting crime, ØKOKRIM helps to protect important values in Norwegian society. *The protection of important values* is ØKOKRIM's vision.

ØKOKRIM's main objective is to do its utmost help in the general prevention of crime and to maintain law and order in those areas covered by its mandate – economic and environmental crime.

ØKOKRIM's responsibilities

ØKOKRIM's responsibilities relating to economic and environmental crime are as follows:

- to uncover, investigate, prosecute and bring to trial its own cases
- to assist the national and international police and prosecuting authorities
- to boost the expertise of the police and the prosecuting authorities and to engage in the provision of information
- to engage in criminal intelligence work, dealing in particular with reports about suspicious transactions
- to act as an advisory body to the central authorities
- to participate in international cooperation

General prevention is best achieved when we work on specific criminal cases – both our own cases and cases where we assist others – thereby demonstrating to the public that anyone breaking the rules in our area of jurisdiction will be liable to penalties. Most of ØKOKRIM's resources are devoted to working on specific criminal cases.

Core values

ØKOKRIM's employees shall adhere to the four core values in their dealings with their colleagues and others, i.e. we shall be *honest, proficient, committed and inclusive*.

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Looking back at 2005

In common with other official bodies, several result targets are associated with ØKOKRIM's activities. I tend to call these result targets "thermometers" in order to indicate that such figures are not absolute representations of whether or not ØKOKRIM has been successful. Several of our result targets were not achieved last year. However, the figures need to be interpreted.

For example, last year our conviction rate stood at 73%, while our target figure was 90%. One of the main reasons for this low score was the high number of acquittals in respect of false statements in the OVDS case. The court found that under the General Civil Penal Code the transport authorities could not be considered to be a public authority in the matter of paying transport subsidies. However, there are not likely to be many people who would claim that this was not a good case in respect of combating subsidy fraud. The case resulted in a high degree of general prevention due to the conviction of those implicated for gross fraud and it led to NOK 115 million being repaid to the State. If we disregard the acquittals in this case, we almost "hit our target" with a total conviction rate of 88%.

Closer analysis of other result targets will also show that ØKOKRIM is on the right track. In an article published on 2 February this year, *Aftenposten* summed up last year as being a "Good Year for Økokrim". Furthermore, the fact that most people think that ØKOKRIM has a good reputation was confirmed once again this year, as in 2004, in an MMI poll taken of a representative sample of the population.

However, there is no reason to rest on our laurels. We are constantly presented with new challenges when combating economic and environmental crime. For example, last year particular focus was placed on the work being undertaken on money laundering reports (what we now call suspicious transaction reports – STRs). Based on the FATF's criticism of Norway and ØKOKRIM, we received additional funds for the purpose of improving our work in this area with the addition of extra staff and computer technology. We are grateful for their confidence and are in the process of following up the pointers provided by the funding authorities concerned.

Apart from working on specific criminal cases, one of ØKOKRIM's key tasks is to engage in boosting the expertise of Norway's police districts in various ways. We believe that it is essential that we share our experiences with the whole police force. For example, ØKOKRIM's employees are responsible for most of the further education courses offered by the Norwegian Police University College on economic crime. I would also like to mention the fact that last year two new editions in

ØKOKRIM's publication series were published (nos. 16 and 17): *Lov og rett i cyberspace* (Law and Justice in Cyberspace) by Senior Public Prosecutor Inger Marie Sunde (who is currently on leave) and *Hva er miljøkriminalitet?* (What is Environmental Crime?) edited by Acting Senior Public Prosecutor Hans Tore Høviskeland.

Combating economic and environmental crime is not just the responsibility of ØKOKRIM – it concerns the entire police force. The instructions issued by the Government to all Norway's police districts calling on them to set up interdisciplinary groups to investigate economic crime – so-called Economic Crime Teams – was a move in the right direction. This entails making a concerted effort to combat those types of crime that have a highly detrimental effect on trade and industry, individuals and the authorities, and it simultaneously lends essential legitimacy to the fight against everyday crime. ØKOKRIM has helped to build up these Economic Crime Teams and believes that one of its most important responsibilities involves helping them to engage in network building and develop their own expertise.



Einar Høgetveit
Director of ØKOKRIM

General information about ØKOKRIM

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime – ØKOKRIM – was established in 1989.

ØKOKRIM is both a specialist police agency and a national public prosecution authority. From an administrative and budgetary point of view, ØKOKRIM comes under the Norwegian National Police Directorate. As regards criminal proceedings, ØKOKRIM comes under the Director General of Public Prosecutions.

The formal regulations relating to ØKOKRIM can be found in Chapter 35 of the Prosecution Instructions.

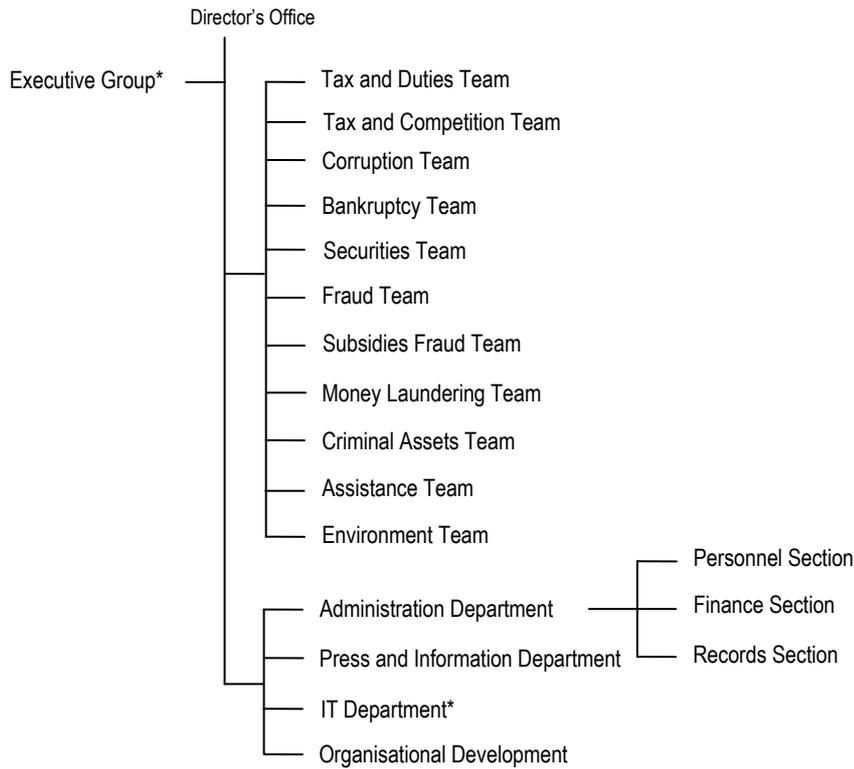
ØKOKRIM's responsibilities

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- to act as an advisory body to the central authorities
- to participate in international cooperation

Organisation

ØKOKRIM has a flat organisational structure. It is managed by the Director of ØKOKRIM and the Deputy Director of ØKOKRIM who are assisted in their day-to-day work by an Executive Group consisting of the Head of the Administration Department, the Head of the Press and Information Department, a chief superintendent, a senior adviser qualified in economics and a senior public prosecutor (team leader). Investigation work is carried out by permanent, interdisciplinary teams. In 2005 ØKOKRIM had 11 such teams. Each individual team has primary responsibility for specific areas (cf. the organisation chart on page 5). Most teams are primarily tasked with investigating and prosecuting their own criminal cases. The Assistance Team offers assistance to the police districts. Other teams – particularly the Environment Team and the Criminal Assets Team – also offer assistance within their specialist fields. The Money Laundering Team receives and processes reports about suspicious transactions and other intelligence. In addition to its investigation teams, ØKOKRIM also has two advisers working on organisational development, a Press and Information Department, an IT Department and an Administration Department. The Administration Department consists of a Personnel Section, a Finance Section and a Records Section.



* ØKOKRIM's Executive Group was set up in August 2005 and its IT Department was set up in September 2005.

1.	2001	2002	2003	2004	2005
Jobs					
Permanent	114	115	126	130	119
Contracts	1	3	0	0	1
Visiting trainees	6	6	6	6	5
Total	121	124	132	136	125

2.	2001	2002	2003	2004	2005
Financial developments					
Allocations as at 1.1.	75,739,000	80,840,000	106,737,000	102,143,000	86,920,000
Additional allocations/ authority to exceed	475,000	17,917,000	7,792,000	9,285,000	5,629,423
Authorised allocations as at 31.12.	79,363,000	103,755,000	118,136,000	111,428,000	92,549,423
Accounts as at 31.12.	79,316,000	103,299,000*	118,091,000*	111,179,000	92,192,014
* The increase in 2002 and 2003 was primarily attributable to the development of the National Computer Crime Centre. With effect from 1.1.05 the National Computer Crime Centre was transferred to the National Bureau of Crime Investigation (Kripos).					

3.					
Breakdown of time in per cent	2001	2002	2003	2004	2005
Own cases	46	40	45	45	44
Intelligence/analysis	8	9	7	7	8
Assistance cases	14	13	12	11	10
Total case-related work	68	62	64	63	62
Boosting expertise (in-house and external)	7	9	8	9	8
External contact	5	4	4	3	3
Administration, organisation, other	20	25	24	25	27
Total	100	100	100	100	100

4.					
New case complexes by case type (economic crime)					
	2001	2002	2003	2004	2005
Fraud	4	10	4	4	-
Embezzlement	2	4	1	-	-
Debt-related crime – accounting violations	3	2	1	4	1
Tax – value-added tax – customs duty	3	8	7	4	2
Securities trading - finance	26	23	6	3	5
Competition	3	4	1	-	1
Misappropriation of funds	5	8	6	2	3
Receiving stolen property – money laundering	8	5	6	3	1
Forgery	-	1	-	-	-
Economic crime - other	4	2	4	6	4
Computer crime – breaches of protection	22	15	11	5	-
Computer crime - other	12	10	11	1	-
Pollution	8	5	1	3	3
Crimes against nature/fauna	1	2	1	2	2
Crimes against cultural monuments	-	4	-	1	1
Working environment crime	1	-	1	-	2
Other environmental crime	4	5	7	1	2
Total	106	108	68	39	27
Other punishable matters (Strasak)	2001	2002	2003	2004	2005
	618	468	405	281	148

5.					
Clear-up rate (Strasak)	2001	2002	2003	2004	2005
	88	86	86	92	86

The investigation teams are composed of special investigators, some with a police background and some with a financial or environmental background. Several of the teams also have a police lawyer. Each team is usually headed by a senior public prosecutor. Investigators from the other police districts or employees from the supervisory bodies are called on to help investigate ØKOKRIM's own cases as and when necessary.

At the end of 2005, ØKOKRIM has 119 permanent, authorised jobs, 1 contract job and 5 visiting trainee jobs. The table on page 5 shows job developments during the last five years.

In 2005 ØKOKRIM had a budget amounting to approx. NOK 92 million. The drop from 2003 to 2004 was due primarily to one-off investments made in connection with the establishment of the The National Computer Crime Centre. The drop from 2004 to 2005 was attributable to the fact that the National Computer Crime Centre was transferred to the National Bureau of Crime Investigation (Kripos) with effect from 1 January 2005. The table on page 5 shows financial developments during the last five years.

Statistics

Breakdown of time

Case-related work is supposed to constitute approx. 2/3 of the total amount of time devoted to the work of ØKOKRIM. Case-related work means investigating and conducting ØKOKRIM's own cases, providing assistance to the police districts and the foreign police and prosecuting authorities and intelligence and analysis work. The table on page 6 shows the breakdown of time during the last five years.

Own cases

ØKOKRIM bases its statistics on the police records system, Strasak, and on ØKOKRIM's own case databases Økosak, Økostraff and Økobistand.

- Strasak: Criminal offences are recorded in Strasak.
- Økosak: Case complexes are recorded in Økosak. A case complex can contain few or many criminal offences committed by one or more people/-businesses. In Økosak it is possible to follow case complexes from the time they were reported to the police (indictments, applications for summary proceedings on the basis of a guilty plea, penalties, decisions not to press criminal charges, cases dropped). Everything that occurs in a case complex after a decision has been made to prosecute is recorded in Økostraff.
- Økostraff: Decisions to prosecute and legally binding decisions (sentences and adopted penalties) against individuals/businesses are recorded in Økostraff. Each decision to prosecute and each legally binding decision may comprise several criminal offences.
- Økobistand: ØKOKRIM's assistance cases (case complexes) are recorded in Økobistand.

Cases handled

Most cases which fall under ØKOKRIM's case mandate are handled by the police districts. ØKOKRIM investigates and conducts cases relating to economic and environmental crime that are substantial, complex, serious and/or a matter of legal principle. ØKOKRIM may handle cases involving matters of legal principle in order to clarify the interpretation of legal issues or the severity of penalties imposed. ØKOKRIM's Director and Deputy Director decide which cases should be handled. As regards financial criminal cases, ØKOKRIM's resources should primarily be used for cases relating to infringements which have an impact on society, for example, gross breaches of legislation relating to regulation under public law, such as tax evasion, securities crime and breaches of competition rules. Other priority areas include corruption, gross fraud committed against large groups of people, the abuse of public subsidy schemes, major bankruptcy cases and laundering the proceeds of criminal offences.

The table on page 6 shows the case complexes handled during the last five years. The total number of case complexes has fallen since 2002. This is a desired development. ØKOKRIM places priority on handling large, complex cases. With effect from September 2002, ØKOKRIM no longer investigates cases relating to notification requirements. With effect from 2005, ØKOKRIM no longer investigates computer crime. The table on page 6 shows the number of criminal offences included in the case complexes.

Clear-up rate

The clear-up rate for criminal proceedings should be high. The clear-up rate is calculated on the basis of the records contained in Strasak which show how many reported/investigated cases are subject to a decision to proceed with prosecution. Any unsolved cases are primarily cases that have been dropped due to insufficient evidence. The target for 2005 was a clear-up rate of at least 80%. The results for 2005 showed a clear-up rate of 86%. The table on page 6 shows clear-up rates during the last five years.

Case processing time

The time spent on processing cases should be limited. The case processing time is calculated from the time when an investigation commences until a decision to prosecute has been made. The target for 2005 was that the average case processing time for solved cases should not exceed 275 days. The results for 2005 show an average case processing time of 331 days. The table on page 11 shows the case processing time during the last five years.

Decisions to proceed with prosecution

In 2005, 54 decisions were made to proceed with prosecution. The table on page 11 shows the breakdown of decisions made to prosecute during the last five years.

ØKOKRIM made fewer decisions to prosecute in 2004 and 2005 than during the two previous years. This was partly attributable to the fact that we no longer investigate cases relating to reporting requirements and computer crime.

Enforceable decisions

In 2005 ØKOKRIM obtained enforceable decisions against 66 individuals and enterprises. The table on page 11 shows the breakdown of enforceable decisions during the last five years.

In 2005, the value of enforceable fines imposed against individuals and enterprises amounted to NOK 15,794,115. The table on page 11 shows the enforceable fines imposed in respect of ØKOKRIM's cases during the last five years.

One of ØKOKRIM's overall objectives is to ensure that perpetrators are not allowed to retain the proceeds of their criminal acts. Some of ØKOKRIM's most important responsibilities involve ensuring the confiscation/forfeiture of illegal gains, the compensation of aggrieved parties, the provision of information to the tax authorities so that they can undertake supplementary tax assessments or impose additional taxation, and the provision of information to trustees in bankruptcy/liquidators that could serve as a basis for setting aside a debtor's fraudulent preference and for liability in damages.

The target for 2005 was that at least 50% of the individuals and enterprises involved in ØKOKRIM's own cases should be subject to confiscation and/or compensation and/or supplementary tax. The result for 2005 was 55%. In 2005 the value of confiscations in respect of ØKOKRIM's cases amounted to NOK 23,446,786. The table on page 11 shows the value of enforceable confiscations and compensation relating to ØKOKRIM's cases during the last five years.

Conviction rate

Charges should only be brought when the prosecuting authorities are convinced that the accused is guilty and that such can be proved in court. Most cases should therefore end up with a conviction. However, a conviction rate of almost 100% would indicate that the prosecuting authorities were too reticent about instituting proceedings. This applies in particular to ØKOKRIM's cases, which often raise new questions of legal interpretation that have not previously been tested by the courts.

The conviction rate is calculated on the basis of final judgments. The target for 2005 was that the percentage of acquittals should not exceed 10%. This percentage is calculated on the basis of all counts in indictments. In a criminal judgment, a defendant may be acquitted on some counts and convicted on the remainder. If, for example, the accused is acquitted on half the counts, this yields a conviction rate of 50%. The acquittal rate in 2005 was 27%. ØKOKRIM thus achieved convictions in 73% of its cases in 2005. The low conviction rate in 2005 was primarily attributable to the OVDS case. The final judgments handed down in 2005 consisted of 132 convictions and 49 acquittals. Out of a total of 49 acquittals, 31 concerned acquittals for making false statements in the OVDS case because the court ruled that the transport authorities could not be considered to be a public authority in this context. (However, the defendants were convicted of gross fraud.) If the acquittals are removed from the equation in the OVDS case, the acquittal rate would be 12% and the conviction rate would be 88%.

The table on page 11 shows conviction rates during the last five years.

Assistance

Most cases relating to economic and environmental crime are investigated locally. In response to a request submitted by a police district, ØKOKRIM may assist in a local investigation. Assistance may vary from a few hours of advice provided by a single ØKOKRIM employee to extensive assistance provided by several ØKOKRIM employees over a period of many months. Assistance is also provided to help make decisions about indictment and in exceptional cases to the prosecution. ØKOKRIM also offers assistance in other cases where financial investigation may be required, e.g. in order to ensure confiscation of the proceeds of a criminal offence. ØKOKRIM's assistance work also includes following up letters of request or police requests from abroad. In 2005 ØKOKRIM provided assistance to *inter alia* Sweden, Finland, Russia, Britain, Germany and the US by collecting documentation and questioning witnesses, etc.

The assistance provided by ØKOKRIM to the police districts in respect of specific cases is designed not only to help them to solve cases, but also to be conducive in ensuring that they develop, retain and maintain expertise so that they can gradually start to handle a wider range of cases independently.

Since 2003 ØKOKRIM has assisted the police districts in setting up interdisciplinary teams tasked with investigating economic crime. In 2005 ØKOKRIM helped to establish local Economic Crime Teams in the following police districts: Øst-Finnmark, Helgeland, Nord-Trøndelag, Nordmøre og Romsdal, Sunnmøre, Vest-Oppland, Sogn og Fjordane, Nordre Buskerud and Hedmark. ØKOKRIM provides advice in connection with organisation and training and assists in the investigation of specific cases, e.g. winding up old cases.

In 2005 ØKOKRIM took on 60 assistance cases, divided between 14 police districts and 25 other external units at home and abroad. The table on page 12 shows the breakdown of assistance cases according to case type during the last five years.

The table shows that ØKOKRIM had fewer cases in 2005 compared to 2004. The main reason for this is that the The National Computer Crime Centre was transferred to the National Bureau of Crime Investigation (Kripos) on 1 January 2005, and most assistance cases in 2004 were handled by the National Computer Crime Centre. Another reason is that the police districts have established their own Economic Crime Teams. In this way ØKOKRIM has assisted with many criminal cases, but several of these cases have not been included in the statistics.

6.					
Case processing time (Strasak)	2001	2002	2003	2004	2005
	214	307	409	176	331
7.					
Decisions to proceed with prosecution (Økostraff)					
No. of individuals/enterprises					
	2001	2002	2003	2004	2005
Indictments	38	47	56	30	30
Applications for summary proceedings on the basis of a guilty plea	3	2	1	5	-
Fines – individuals	18	36	18	15	15
Fines – enterprises	20	14	16	10	7
Decisions not to bring criminal charges	-	4	5	6	2
Total	79	103	96	66	54
8.					
Enforceable decisions (Økostraff)					
No. of individuals/enterprises					
	2001	2002	2003	2004	2005
Convictions of individuals	35	32	33	44	40
Convictions of enterprises	0	1	2	4	2
Accepted fines for individuals	18	38	13	22	12
Accepted fines for enterprises	18	18	15	9	7
Full acquittal	7	4	4	3	3
Decisions not to bring criminal charges	2	4	6	6	2
Total	80	97	73	88	66
Enforceable fines (Økostraff)	2001	2002	2003	2004	2005
	12,477,000	6,955,000	10,506,000	28,639,000	15,794,115
Enforceable confiscations/compensation (Økostraff)					
	2001	2002	2003	2004	2005
Confiscations	19,492,590	23,217,797	9,777,756	17,924,872	23,446,786
Compensation	78,609,726	53,579,825	16,383,935	82,506,086	19,394,933
9.					
Conviction rate, % (Økostraff)	2001	2002	2003	2004	2005
	87	98	88	90	73

10.					
Case type (Økobistand)	2001	2002	2003	2004	2005
Fraud/misappropriation of funds	17	12	20	20	10
Embezzlement	5	3	5	1	1
Debt-related crimes – accounting violations	4	4	6	3	4
Tax – value-added tax – customs duty	13	31	21	8	12
Securities trading – finance	-	-	-	2	2
Competition	-	-	1	-	-
Handling stolen goods – money laundering	9	12	7	4	1
Forgery	1	1	-	-	-
Economic crime – other	6	4	3	3	3
Computer crime – protection breaches	5	3	3	1	-
Computer crime – other	10	-	3	2	-
Pollution	4	13	6	9	3
Natural environmental crime	8	29	11	5	2
Cultural heritage crime	2	6	6	3	2
Working environment crime	2	22	4	-	2
Other environmental crime	5	7	2	8	12
Other	12	14	12	6	2
Pure IT or other technical assistance	164	223	144	177	4
Sum	267	384	254	257	60

11.					
Suspicious transaction reports (STRs)	2001	2002	2003	2004	2005
Suspicious transaction reports (STRs)	992	1 291	946	969	1,218
Money transfer reports	-	-	2,513	4,115	2,512
Foreign currency reports	-	-	-	998	1,163
Total	992	1,291	3,459	6,082	4,893
Reports attached to criminal cases before the courts	45	60	57	95	32
Reports that have resulted in new criminal cases being opened	143	130	125	104	67

Suspicious transaction reports

ØKOKRIM is responsible for receiving and dealing with suspicious transaction reports (STRs) in accordance with the Norwegian Money Laundering Act.

ØKOKRIM processes the information contained in these reports and makes it available to the police, the supervisory bodies and money laundering units in other countries. Those who are obliged to report to ØKOKRIM include the following: financial institutions (e.g. banks, brokerages and insurance companies), lawyers, estate agents, auditors, accountants and dealers in valuable objects receiving cash payments of NOK 40,000 or more. ØKOKRIM and the police use these reports as sources of intelligence or to assist them in investigating various criminal cases.

In 2005 ØKOKRIM received 4,893 reports about suspicious transactions, of which 1,218 were STRs, 2,512 were money transfer reports and 1,163 were foreign currency reports. Money transfer reports are reports about cash transfers made to and from abroad. The table on page 12 shows how many reports ØKOKRIM has received during the last 5 years, how many reports have been attached to criminal cases appearing before the courts and how many reports have resulted in new criminal cases being opened.

Boosting expertise, providing information and preventive work

ØKOKRIM engages in extensive external training and information work in the form of talks, lectures and presentations at meetings, conferences and seminars. Such training and information measures also have a preventive effect. Some of ØKOKRIM's employees also write professional articles and books.

Many of ØKOKRIM's employees hold courses and lecture on specialist subjects that relate to their work with the Authority, and several of them teach at the Norwegian Police University College and at the Norwegian Customs Administration and the Norwegian Tax Administration.

In 2005 ØKOKRIM started using the police force's intranet in order to make teaching materials and templates available to the police districts.

In 2005 ØKOKRIM started using the police force's intranet and joint net portal in order to provide information about decisions to prosecute and sentences, etc. ØKOKRIM also uses its own website to provide warnings about different forms of fraud, etc. ("Nigerian" scams, investment scams, timeshare scams, lottery scams, Internet scams and e-mail scams).

ØKOKRIM's Press and Information Department and Desk coordinate its information activities. The Information Department answers and passes on enquiries from the press, and the Desk answers enquiries received from people who have been the victims of attempted fraud.

As regards economic crime, ØKOKRIM has been involved in *inter alia* the following activities in 2005:

- teaching in the economic crime programme at the Norwegian Police University College
- organising a two-day seminar for police and assistance auditors

- organising a conference for the Economic Crime Teams in the police districts
- organising one-week courses for the Economic Crime Teams in the police districts
- teaching for several days at the Oslo Police District's trainee project
- organising a two-day money laundering conference for those who have a reporting obligation
- organising a two-day seminar about stock exchange related crime for ØKOKRIM's sister organisations in Sweden, Finland and Denmark
- publishing a newsletter entitled *Hvitvaskingsnytt* (Money Laundering News) (information for institutions that have a reporting obligation) on four separate occasions
- holding lectures and teaching groups newly obliged to report (particularly lawyers and accountants)
- holding several lectures for trustees in bankruptcy/liquidators about cooperation between the police and trustees in bankruptcy/liquidators
- publishing a book entitled *Lov og rett i cyberspace* (Law and Justice in Cyberspace), no. 16 in ØKOKRIM's publications series.

As regards environmental crime, ØKOKRIM has been involved in *inter alia* the following activities in 2005:

- teaching a foundation course at the Norwegian Police University College on how to investigate environmental crime
- holding a seminar for the police districts' environmental coordinators and prosecutors, etc. on how to combat environmental crime
- holding a seminar about pollution caused by ships for the police districts in southern Norway and their joint venture partners (the Coast Guard, the Norwegian National Coastal Administration, the Norwegian Ministry of the Environment and the Maritime Inspector's Office in Kristiansand)
- publishing four editions of the periodical *Miljøkrim* (Environmental Crime) (for the prosecuting authorities, the police force, inspectors, the municipalities and the environmental administration authorities)
- publishing five editions of the electronic newsletter *Miljønytt* (Environmental News) (for the police districts)
- publishing the book *Hva er miljøkriminalitet?* (What is Environmental Crime?), no. 17 in ØKOKRIM's publications series
- attending several meetings of the Environmental Forum (an interdisciplinary cooperative forum at police district level)

Visiting trainees

ØKOKRIM has a few visiting trainee positions for investigators, prosecuting attorneys and police auditors from the police districts. The aim of ØKOKRIM's visiting trainee scheme is to develop the expertise of employees in other police districts in investigating and bringing to trial cases relating to economic and environmental crime. The trainee period is one year, and new trainees are taken on where possible in January each year. They usually serve on one to three teams during the course of their training. In 2005 ØKOKRIM had two visiting trainees from the police districts.

ØKOKRIM also had two short-term visiting trainees from the Norwegian Tax Administration in 2005. These trainees were attached to the Authority for approx. six months.

Cooperation with the supervisory bodies

ØKOKRIM is engaged in extensive cooperation with various supervisory bodies in respect of both general and specific cases. ØKOKRIM's Director and Deputy Director have regular 6-monthly meetings with the management of Kredittilsynet (the Financial Supervisory Authority of Norway), the Directorate of Taxes, Norwegian Customs and Excise and the Norwegian Competition Authority. ØKOKRIM also has contact with several other supervisory bodies on a less regular basis.

ØKOKRIM also strives to improve contact between the Economic Crime Teams in the police districts and local supervisory bodies and other natural partners. This is done by holding meetings and lectures.

Provision of advice to central authorities and others

One of ØKOKRIM's tasks is to act as an advisory body to the central authorities. Each year ØKOKRIM writes several consultative statements about parliamentary bills. ØKOKRIM also participates on various committees and working groups and in 2005 these included the following:

- The Council for Combating Organised Crime (ROK)
- The Norwegian Advisory Council on Bankruptcy
- The Norwegian Senior Officials Group on Economic Crime (EMØK)
- The Norwegian Industrial Security Council (NSR)
- The Central Forum for Cooperation between the Police/Prosecution Authorities and the Norwegian Tax Administration
- The Central Forum for Interdepartmental Cooperation (STSF), a meeting place for environmental administrators
- The Altinn Management Council, a cooperative forum for developing Altinn as an Internet portal for submitting reports to the public authorities

International cooperation

The investigation of complex cases with foreign ramifications is conditional on ØKOKRIM being in contact with and cooperating with the police authorities in other countries. In addition to cooperating on specific cases, ØKOKRIM participates in international cooperation of a more general nature in various areas.

As regards economic crime, ØKOKRIM has been involved in *inter alia* the following activities in 2005:

- attending a Nordic conference on economic crime
- acting as a Norwegian liaison for international legal aid in accordance with the Council of Europe's Criminal Law Convention on Corruption (1999) and the OECD Convention Combating Bribery of Foreign Public Officials (1997)
- participating in Europol's group of experts in respect of timeshare fraud

- acting as the national, central body for processing assistance requests based on the Council of Europe's Money Laundering Convention
- participating in the FATF (Financial Action Task Force)
- participating in the Egmont Group (cooperation between national financial intelligence units)
- participating in a group of experts in respect of money laundering under the Baltic Sea Task Force
- participating in a sub-group of the Norwegian-Russian Fisheries Commission

As regards environmental crime, ØKOKRIM has been involved in *inter alia* the following activities in 2005:

- having the chairmanship of a group of experts set up to combat environmental crime in the Baltic countries (Baltic Sea Task Force)
- being represented in two sub-groups of the Baltic Sea Task Force (illegal cross-border trading of hazardous waste and oil pollution from ships)
- having the chairmanship of a project group working on sentencing in environmental cases
- being represented in the North Sea Network

ECONOMIC CRIME

Economic crime comprises the following:

- gross fraud
- social security fraud, misuse of governmental subsidies (subsidy fraud)
- accounting violations
- bankruptcy crime
- tax and customs duty evasion
- crime relating to the stock market and securities trading
- competition crime
- corruption, misappropriation of funds and embezzlement
- money laundering

Some of ØKOKRIM's cases in 2005

Gross fraud

- The Court of Appeal handed down a judgment in February 2005 in the OVDS case. This case related to an appeal against the sentences given four managers of the company OVDS, who had been found guilty by the District Court of committing gross fraud against the State and the Nordland County Administration. The case was based on OVDS's failure to report all its income and its over-reporting of its expenses in the amount of approx. NOK 113 million during the period 1994 to 2003. The sentences were increased by the Court of Appeal. Defendant no. 1, who was a departmental director at the company, received a two-year prison sentence. Defendant no. 2, who was the company's financial director, received a two-and-a-half-year prison sentence. Defendant no. 3, who was the financial director and subsequently became the deputy managing director, received a two-year prison sentence, one year of which was suspended. Defendant no. 4, who was the company's accounts manager, received a six-month prison sentence. In September 2005 the sentence against defendant no. 2 was reviewed by the Supreme Court. The sentence was reduced to a two-year prison sentence. All these judgments are now final. This is the first major case relating to the fraudulent abuse of public transfer schemes of this type.
- In October 2005 a man was sentenced to five-and-a-half years' imprisonment for gross fraud, VAT fraud and breaches of the Norwegian Accounting Act. He was barred for life from self-employment. The man had incorrectly declared input VAT amounting to approx. NOK 51.7 million. This tax included reported purchases of rock and sand from the man's sole proprietorship in Grimstad. He has also received a loan amounting to a total of NOK 23.2 million from another company on the basis of incorrect information. The man was also sentenced to pay compensation to the State through the Oslo County Tax Office in the amount of approx. NOK 30.6 million and to the limited liability company that provided him with the loan in the amount of NOK 2 million. This judgment is not final.



Photo: Corbis/Scanpix

Under the Money Laundering Act, banks, brokerages, insurance companies and lawyers, etc. are obliged to submit suspicious transaction reports to ØKOKRIM. The aim of this obligation is to make it easier to detect profit-motivated crime and to prevent those with a reporting obligation from being conduits for money laundering.

- In October 2005 the other main defendant in the Finance Credit case received a seven-year prison sentence for gross fraud, document forgery and violation of the Norwegian Accounting Act. The value of the fraud committed amounted to around NOK 1.5 billion. He was barred for life from self-employment, serving as a general manager or holding positions in any company and has forfeited the right to sit on the board of any company. He was also sentenced to pay compensation totalling NOK 1,178,500,000 to eight banks. This judgment is not final.
- In December 2005 two individuals were sentenced to two years and six months' imprisonment for gross fraud and document forgery, etc. in a case relating to lending/investment scams and attempts to engage in a "Nigerian" scam. One of these people was sentenced to five years' loss of civil liberties. The two convicted persons had tricked two people into making advance payments in return for a promised loan. The persons who were tricked never received the loan and they lost their money. The two convicted persons had also tricked several people into investing in fictitious investment schemes. They had previously been convicted of gross fraud, etc. This judgment is not final.

Embezzlement

- In July 2005 a former lawyer was prosecuted for gross embezzlement and fraud. In his capacity as a lawyer he was alleged to have misappropriated clients' assets in the amount of several million kroner. He was alleged to have withdrawn a total of approx. NOK 12 million from clients' accounts for other purposes, even though the money had been entrusted to him for his administration. This former lawyer was also prosecuted for investment fraud. He was alleged to have tricked several people in the US into making substantial investments by promising a guaranteed return. His investment scheme was fictitious and could not be implemented. The investors thus incurred losses or were exposed to a risk of losses.

Corruption and breaches of trust

- In January 2005 a senior engineer at Statoil and two former directors at the company Rheinhold og Mahla Industrier AS were sentenced respectively to 10 months and 8 months' imprisonment for corruption (under Section 275 of the General Civil Penal Code, cf. Section 276). The chief engineer was also sentenced to forfeiture of NOK 400,000. The District Court found it established that during the period 1997-2001 the chief engineer at Statoil had received secret cash payments in the amount of approx. NOK 400,000 from employees of the company Rheinhold og Mahla Industrier AS (one of Statoil's suppliers), and that the other two defendants had aided and abetted in the crime. In the opinion of the court these actions constituted a serious breach of trust against Statoil, exposing Statoil to losses or putting its reputation in jeopardy. The court found that the main purpose of the payments made was to "grease the chief engineer's palm" in order to ensure good relations with Statoil. This judgment is final.
- In February 2005 a former project manager at Det Norske Veritas (DNV) received a 30-day prison sentence for corruption (Section 275 of the General Civil Penal Code). The convicted person had been contracted in to manage a project designed to assess the procurement of a new IT system for DNV. The project

manager had acted in breach of DNV's interests when he suggested to a representative of Unisys Norge AS that the latter could receive a 10% kickback on all sales made to DNV. This suggestion was rejected by Unisys Norge AS. The court found it established that the convicted person had the opportunity to influence the choice of an IT system for which Unisys Norge AS was a potential supplier. The District Court gave the man to a 30-day suspended sentence and fined him NOK 20,000. The Court of Appeal ruled that the penalty for corruption should generally be a prison sentence, and the punishment was changed to a prison sentence. This judgment is final.

- In August 2005 three individuals were charged with corruption. Two of the three were charged with contravention of the new corruption provisions of the General Civil Penal Code. This is the first time that ØKOKRIM has indicted anyone pursuant to these provisions, which were added to the General Civil Penal Code in July 2003. In addition, a firm of contractors also received a fine of NOK 5 million. Defendant no. 1, who had previously been the property manager at Ullevål University Hospital (USS), the development director of the property department of NSB BA and the project director of ROM Eiendomsutvikling, was alleged to have received money and other concealed benefits from defendants no. 2 and 3 in return for funnelling contracts to them. A firm of contractors received a fine of NOK 5 million for having given concealed benefits to the project director (defendant no. 1) valued at more than NOK 600,000. The fine also applied to breaches of provisions of the Accounting Act and the Tax Assessment Act. The fine has been accepted. The case against the three defendants has not yet been set for trial.

Tax evasion

- In January 2005 a dentist was sentenced to ten-months' imprisonment for gross tax evasion and serious accounting omissions. He also had to pay a fine of NOK 214,115. During the period 1992-1999 this dentist failed to keep systematic business accounts, despite the fact that his business had a high turnover. In 1999 he submitted his tax return without declaring his business income. The court found that this amounted to tax fraud and found a gross income of approx. NOK 1.8 million. This judgment is final.
- In July 2005 a former financial manager in the Finance Credit system received a suspended 60-day prison sentence for submitting incorrect reports about a lien security to a bank syndicate. A former financial director was acquitted of providing creditors with incorrect information, but he received an equally long prison sentence and a fine of NOK 40,000 for tax fraud and serious breaches of the Accounting Act. The former financial manager was convicted of complicity in breaches of Section 274, second paragraph, of the General Civil Penal Code. The court found that he had deliberately prepared false reports about accounts receivable owned by individual companies in the Finance Credit system. This judgment is not final.

- In July 2005 four individuals were prosecuted for tax fraud in the so-called taxi case. These four were charged with breaches of Section 12-1 of the Norwegian Tax Assessment Act, cf. Section 12-2. Two of them were also charged with breaches of the Accounting Act. All the accused taxi drivers were alleged to have aided and abetted in issuing shift records showing lower revenue than their actual revenue. The principal defendant was an accountant for several taxi owners in the Eastern Norway region. According to the indictment, he allegedly ensured that taxable income that was too low had been declared on the tax returns of many taxi owners during the period 1999-2003. The amount withheld from taxation amounts to approx. NOK 230 million. He is also alleged to have destroyed accounting material that should by law be kept and to have entered revenues in the accounts that were too low. ØKOKRIM investigated the case in conjunction with the Oslo Tax Office. In February 2006 three of the four defendants were sentenced to prison for terms of seven years, three years (one year of which is suspended) and two years (one year of which is suspended), respectively. In addition, the principal defendant was also sentenced to forfeit NOK 660,000 and the two others NOK 120,000 each. The case against the fourth defendant has been adjourned. This judgment is not final.
- In November 2005 one man was convicted and one was acquitted in a case concerning evasion of paying electricity tax. The man who was convicted of breaches of Section 2, second paragraph, of the Act relating to excise taxes etc., was the manager of a power company. The man who was acquitted, was the chairman of the board of the same company. They were both charged with having received tax payments from their customers, but failing to pay these taxes to the customs district. Instead the money was spent on running the power company. The man who was convicted received an 18 month suspended sentence. He was also ordered to pay prosecution costs. This judgment is final.

Stock exchange and securities crime

- In January 2005 a former stockbroker received a 75-day prison sentence for deliberately aiding and abetting insider trading and for wilful contravention of the trading rules. He was also convicted of infringements of a different type. When handling a customer's order for the purchase of shares in the company Birdstep Technology ASA on 11 March 2003, he aided and abetted the customer's insider trading. While he was working as stockbroker he also contravened the provisions of Chapter 2a of the Norwegian Securities Trading Act which specify limits for securities trading undertaken by stockbrokers. Two computers were also confiscated from the convicted man, and he was sentenced to pay NOK 5,000 in prosecution costs. This judgment is final.
- In June 2005 an enterprise was fined NOK 100,000 for having failed to keep an up-to-date and complete list of people outside the enterprise who had access to inside information about a possible share issue. The enterprise provided information in a company disclosure about plans for a forthcoming issue of up to NOK 300 million. This information was liable to influence the price of the company's shares. Before the company disclosure was sent out, this information

was not available to the public or generally known in the market. Prior to issuing the company disclosure the company did not have an up-to-date and complete list of people outside the enterprise who had access to inside information about the planned share issue. The fine has been accepted.

- In September 2005 a former financial director in Trondheim received a 90-day prison sentence and was sentenced to pay NOK 10,000 in prosecution costs for insider trading and for inciting his brother to engage in insider trading. Both the finance director's trading and incitement occurred in advance of the Reitran Group's voluntary offer to purchase all the shares in Sense Communications International ASA. This offer was published in a company disclosure on 1 April 2003. The court decided that the financial director possessed inside information about the process when he himself purchased shares in Sense in February 2003. His brother purchased shares in March 2003. On the basis of circumstantial evidence, the court decided that the financial director must have somehow induced his brother to make these purchases in March. The trading undertaken by the convicted man resulted in a profit of approx. NOK 216,000 (before tax), while his brother's trading resulted in a profit of approx. NOK 298,000 (before tax). The Court of Appeal set the sentence at 90 days, 60 days of which is suspended. This judgment is not final.
- In December 2005 the former chairman and main shareholder of the online brokerage Stocknet received a fine of NOK 200,000. The former general manager of the company received a fine of NOK 25,000. The company was subject to the forfeiture of NOK 6 million. The main basis for the fines was that Stocknet had failed to keep customers' assets separate from the company's own assets in that it used deposit accounts to fund credit for other customers. Stocknet thus illicitly financed its granting of credit, and as a consequence it received gains from its criminal dealings amounting to NOK 6 million in the form of interest. The fines have been accepted.

Violations of accounting legislation

- In June 2005 an auditor received a 36-day prison sentence for carrying out faulty audits. He had submitted "clean" auditor's reports for the companies in question without having undertaken proper audits and had failed to draw up working papers explaining how the audits had been conducted, despite the fact that the link between the accounts and the vouchers could not be verified. The court found that the auditor had acted in breach of generally accepted auditing standards. This case concerned violations relating to three companies over a period of several years. This is the first time that anyone has been sentenced to prison for conducting a faulty audit. This judgment is final.
- In June 2005 ØKOKRIM brought charges against KPMG in its capacity as a business enterprise and against the responsible partner who was the auditor for several Finance Credit companies. KPMG's responsible partner was the company's auditor of choice for Finance Credit Norge ASA in 1999 and 2000, for Finance Credit AS in 1999 and 2000 and for Finance Credit Group AS in 2001.

The charges related to several breaches of the Norwegian Auditing Act and aiding and abetting breaches of the Norwegian Accounting Act. The case will be heard by the District Court in October 2006.

Breaches of competition legislation

- In February 2005 a firm of contractors who were undertaking building contracts in the Norwegian market received a fine for *inter alia* breaches of the prohibition of tender collusion. The penalties imposed comprised a fine of NOK 1 million and the forfeiture of NOK 999,600. These penalties related to breaches of competition legislation, breaches of the money laundering provisions of the General Civil Penal Code and improper bookkeeping. The fine has been accepted.
- In February 2005 two nationwide companies involved in the flour market were fined for price collusion. The respective fines were for NOK 3 million and NOK 3.5 million and related to breaches of competition legislation. One company was a flour producer and one was a supplier of flour to the bakery and industrial sector and the grocery sector. Since 1995 they have been the only companies involved in the flour market in Norway. The fines were based on the fact that the two companies had coordinated identical price increases for flour products during the period June to November 2001. They had also agreed when these price increases were to be implemented. The fines have been accepted.

Some of ØKOKRIM's assistance cases in 2005

In 2005 ØKOKRIM provided assistance to *inter alia* the following:

- The Vest-Finnmark Police District, in investigating and bringing to trial an extensive case relating to breaches of quota regulations in the fishing industry. Six people had employed various methods to circumvent the statutory registration of fish landings on landing and sales notes. The unrecorded landings had a value of approx. NOK 14 million. The six people received prison sentences ranging from six months to two years and three months. One company was sentenced to forfeiture of NOK 5,189,000.
- The Nord-Trøndelag Police District, in investigating and bringing to trial a case in which a man tricked two elderly sisters into investing money in an investment company and then transferred the capital to separate companies and to himself. The man received a one-year prison sentence and was sentenced to forfeiture of NOK 1.1 million.
- The Sør-Trøndelag Police District, in investigating an online company that by engaging in marketing on the Internet had managed to persuade 6,000 people to transfer NOK 100 million to the company's account by offering an attractive 3% daily return.

- The Nordmøre og Romsdal Police District, in investigating a case in which two lawyers and a shipbroker were charged with committing and aiding and abetting a breach of trust with fraudulent intent against their client in connection with a commission on the sale of two fishing boats.
- The Sunnmøre Police District, in investigating and bringing to trial a NOK 10 million fraud committed in connection with a company's application for credit from a bank. The perpetrator received a 90-day prison sentence.
- The Vest-Oppland Police District, in investigating a case relating to tax evasion in the hotel and restaurant trade.
- The Nordre Buskerud Police District, in investigating cases of fraud relating to the purchase and leasing of lorries.
- The Romerike Police District, in investigating a foreign citizen who in return for payment had procured student places for foreign students at Norwegian educational institutions.
- The Romerike Police District, in investigating a case of suspected use of gambling winnings to launder the proceeds of criminal offences. In this case two people were sentenced to prison for 4 months and 1 year and 2 months, of which 10 months was suspended, respectively. They were also sentenced to forfeiture of approx. NOK 2.5 million.

ENVIRONMENTAL CRIME

Environmental crime includes the following:

- illegal pollution (including crime relating to food and drinks and the handling of hazardous waste)
- natural environmental crimes (e.g. illegal hunting and fishing, illegal encroachment on conservation areas)
- cultural heritage crime (e.g. removing or destroying cultural monuments and contravening the Norwegian Planning and Building Act)
- working environment crime (e.g. insufficient training or faulty equipment that can result in death or personal injury)

Some of ØKOKRIM's own cases in 2005

Pollution

- In May 2005 a man received a two-year prison sentence for gross fraud, committing a breach of trust with fraudulent intent, providing a false statement and committing breaches of the Pollution Control Act and the Accounting Act. The man was the general manager and chairman of the board of a chemical processing plant in Kragerø. His company received work from *inter alia* oil companies and was engaged in the transport, collection and processing of special waste. The man was convicted of gross fraud committed against the Norwegian Pollution Control Authority (SFT), as a result of having abused the refund scheme for waste oil. He was also convicted of gross fraud because he had, on three occasions, allowed the company to pay his private expenses. The conviction also covered making a false statement to SFT. The man was also convicted of breaches of Section 78, first paragraph, of the Pollution Control Act because he had polluted the local sewage system and Kilsfjord with water containing oil and chemicals, delivered hazardous waste with the waste oil and stored special waste illegally. He was also convicted of breaches of the accounting regulations, since he had provided incorrect information in the company's annual reports. In addition to his prison sentence, the man was deprived of the right to be self-employed for five years and sentenced to forfeiture of his gains in the amount of NOK 3.5 million. The judgment was heard by the Court of Appeal in January 2006.
- In November 2005 a timber preservation company and its main shareholder received fines of NOK 350,000 and NOK 90,000, respectively, for breaches of the Pollution Control Act. The company had been storing several poorly packaged barrels and containers of special waste for a long period of time. In addition, other different types of special waste were being stored at the company's site, and approx. 500 kg of ash containing chromium, copper and arsenic were lying in open bags inside an open building. This form of storage created a risk of environmentally hazardous discharges to the soil and water. For several years the company had also avoided delivering special waste to an approved special waste recapture centre. It has also failed to ascertain the pollution risks resulting from its activities and it had not implemented measures to reduce the effects of discharges to the environment. The fines have been accepted.



Photo: Tom Schandy/Samfoto

Today there are fewer untouched wilderness areas than there were ten years ago. Wilderness experiences are not the same if you can see or hear motor vehicles. ØKOKRIM is constantly receiving reports about illegal snowmobiling and off-road driving. Illegal snowmobiling or off-road driving in wilderness areas is punishable by a fine.

Natural environmental crime

- In April 2005 the Supreme Court ruled in a precedent-setting environmental case. A forester received a one-year prison sentence for illegally felling trees on a nature reserve in Nord-Trøndelag. Eight months of his sentence was suspended. In 2001 the forester engaged in clear-cutting in a conservation area. The forest in the area is classified as boreal (northern) rainforest. His felling activities resulted in a reduction in the population of vulnerable species of lichen in the area. The man was charged with both felling and with having reduced natural stocks of lichen species. His conviction on the latter charge was upheld by the Court of Appeal, but set aside by the Supreme Court. This is the first time the Supreme Court has upheld the conviction of anyone for breaches of the general provision relating to environmental crime, cf. Section 152 b of the General Civil Penal Code.
- In November 2005, six people were convicted illegal off-road driving. One of them was fined NOK 10,000, three were fined NOK 7,000 and two were fined NOK 5,000. During the summer of 2004 they had driven off-road vehicles in a marshy area without a permit. The Court of Appeal found that the penalties in such cases should be increased, but it nevertheless did not fail to ignore the fact that the convicted persons thought that it was legal to drive there. The court also ruled that the fines would have to be tailored to the financial situation of the persons convicted. This judgment is not final.

Cultural heritage crime

- In January 2005, one of Norway's municipalities was fined NOK 90,000 because it had submitted a report to the county administration about the construction of a quay facility in an area subject to a preservation order in accordance with the Norwegian Cultural Heritage Act. The municipality was aware that the area was a conservation area and that such work required the permission of the county administration. Those responsible for the construction work were fined NOK 30,000. The construction work caused damage to the conservation area. The fines have been accepted.

Some of ØKOKRIM's assistance cases in 2005

In 2005 ØKOKRIM provided assistance to *inter alia* the following:

- The District Governor of Svalbard, in investigating an occupational accident in a coal mine. One worker died from a lack of oxygen.
- The Helgeland Police District, in investigating and making a decision about prosecuting a pollution case relating to illegal emissions to the air from a large industrial plant in Mo i Rana.
- The Romerike Police District, in investigating and bringing to trial a case relating to the illegal demolition of some old houses in the centre of Lillestrøm. The houses were protected pursuant to the Norwegian Planning and Building Act.

- The Søndre Buskerud Police District, in investigating a case relating to an occupational accident. While a tower crane was being dismantled at a building site, part of the crane fell down and two people perished.
- The Asker og Bærum Police District, in investigating a case relating to the discharge of ammonia to the Sandvikselva River. Many fish died as a result of this discharge.
- The Østfold Police District, in connection with bringing to trial a case relating to a cultural monument where several people had without permission built a road through an area with protected archaeological monuments.
- The Østfold Police District, in a case where someone had caught a lynx in a trap and then killed the lynx using a knife.
- The Agder Police District, in investigating and bringing to trial cases relating to illegal building and grading activities in a beach zone.

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