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NORMATIVE ASPECTS FOR THE CREATION AND DEVELOPMENT OF SPECIALIZED BODIES ON THE ADMINISTRATION OF SEIZED AND FORFEITED ASSETS
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“Legal Aspects for the Creation and Development of specialized National Agencies in Management of Seized and Confiscated Assets"

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BIDAL Project

- CICAD’s Hemispheric Drug Strategy, principle 45: National entities responsible for the management and disposition of assets seized and/or forfeited in cases of illicit drug trafficking, money laundering, and other related crimes should be established or strengthened, as appropriate.

- BIDAL Project: Since 2008 improves and develops National Agencies for Asset Investigations, Asset Management and Sharing of seized and forfeited assets in the participating countries, through legislative proposals and regulations necessary for the development of these systems through the establishment of standards of good governance and administrative transparency.
Other projects supported by BIDAL

- Participation in the "Model Law on Forfeiture" of the United Nations Office on Drugs and Crime.
  - El Salvador
  - Costa Rica
- Active participation in the creation of the Asset Recovery GAFISUD (RRAG).
- Program of workshops on Asset Management in Latin America:
  - Argentina, Nov. 2011
  - Panama, December 2011
  - Dominican Republic, Mar. 2012
  - Chile, August 2012
  - 2013: Honduras, Mexico, Paraguay and Uruguay
Other projects supported by BIDAL

- The Expert Group on the Control of Money Laundering (GELAVEX):
  - "Asset Management Systems in Latin America, with special reference to the legal evolution of the figure of the confiscation and asset recovery agencies in Europe."
  - "Best Practices Manual on Management of Seized and Confiscated".
  - Amendment of Article 9 of the Model Regulations of CICAD / OAS, concerning the confiscation of abandoned or unclaimed property in the process.
  - Regulatory Guide for the creation and development of specialized bodies in the administration of seized and forfeited, based on the Manual of Good Practice for the Administration of Seized and Confiscated and experiences arising from BIDAL Project implementation.
República Dominicana
Findings

Costa Rica
Findings

Panamá
Argentina
Findings

Chile
Findings

Chile
Findings

El Salvador
Findings

El Salvador
Findings

El Salvador
Documents approved by GLAVEX

Legal Aspects for the Creation and Development of specialized in Management of Seized and Confiscated

Contains a study of laws of different systems of administration of seized and forfeited to the specialized agencies on the field in Latin America.
Introduction

International recommendations regarding the creation of property management agencies.

- G8
- FATF
- UNODC Model Law
- Best Practices Document CICAD / OAS
- Hemispheric Drug Strategy 2011-2015 (top 45)
- Hemispheric Action Plan on Drugs (Objective 12 concerning measures of control)
Study of laws of different specialized agencies in property management in Latin America.

- Building structure, organization and powers
- Receipt, custody and management of assets
- Destination of Assets Seized
Study of laws of different systems of administration of seized and forfeited in AL

- Bolivia
- Colombia
- Costa Rica
- Ecuador
- Guatemala
- Honduras
- México
- Nicaragua
- Panamá
- Perú
- República Dominicana
- Uruguay
- Venezuela
- Argentina
- El Salvador
Establishment

Entity with Oversight Authority

Property System

The administration of assets

The appointment of trustees, administrators, comptrollers and specialized third parties

Assets abandoned or unclaimed during proceedings

Advanced sale of assets

Donation of seized perishable consumer goods

Temporary use of assets.
Regulatory Guide Content

- Contracts
- Trusts.
- Administration costs
- Seized money fund
- Forfeited or confiscated money fund
- Destination of forfeited or confiscated assets
- Forfeited assets
- Unclaimed assets
- Tax System
- Asset registration
- Liens and mortgages
- Authority to share assets in joint operations
- International cooperation in the administration of assets.
Thank You!!!!

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