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Organization of American States

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**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

Secretariat for Multidimensional Security

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**NORMATIVE ASPECTS FOR THE CREATION AND DEVELOPMENT OF SPECIALIZED BODIES ON THE
ADMINISTRATION OF SEIZED AND FORFEITED ASSETS
DENNIS CHENG, NELSON MENA
OAS/SMS/CICAD**

“Legal Aspects for the Creation and Development of specialized National Agencies in Management of Seized and Confiscated Assets”

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Dennis Cheng

Anti-Money Laundering Section OAS/CICAD



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BIDAL Project

- § C I C A 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



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Other projects supported by BIDAL

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



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Other projects supported by BIDAL

§ The Expert Group on the Control of Money Laundering (GELAVEX)

- J "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"
- J "Best Practices Manual on Management of Seized and Confiscated"
- J Amendment of Article 9 of the Model Regulations of CICAD/ OAS, concerning the confiscation of abandoned or unclaimed property in the process
- J 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



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Findings

Rep. Dominicana



Costa Rica





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Findings

Argentina



Panamá





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Findings

Chile





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Findings

El Salvador





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Documents approved by GLAVEX

Legal Aspects for the Creation and Development of
specialized 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



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Content of the Document

- § Introduction
- § International recommendations regarding the creation of property management agencies
- J G8
- J FATF
- J UNODC Model Law
- J Best Practice Document CICAD/ OAS
- J Hemispheric Drug Strategy 2011-2015 (top 45)
- J Hemispheric Action Plan on Drugs (Objective 1.2 concerning measures of control)



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Content of the Document

- § Study of laws of different specialized agencies in property management in Latin America
- J Building structure, organization and powers
- J Receipt, custody and management of assets
- J Destination of Assets Seized



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Study of laws of different systems of administration of seized and forfeited in AL

Š Bolivia

Š Colombia

Š Costa Rica

Š Ecuador

Š Guatemala

Š Honduras

Š México

Š Nicaragua

Š Panamá

Š Perú

Š República Dominicana

Š Uruguay

Š Venezuela

Š Argentina

Š El Salvador



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Regulatory Guide Content

- § 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



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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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