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Secretariat for Multidimensional Security

XLII MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
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MUTUAL EVALUATIONS
FORTH ROUND 2015-2020



**XLII MEETING OF THE GROUP OF EXPERTS
FOR MONEY LAUNDERING CONTROL**

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MUTUAL EVALUATIONS

4th ROUND

2015-2020



The Challenge: New Evaluation Methodology →

Effectiveness

- ✓ Improves FATF's results perspective.
- ✓ Identifies the degree of implementation of the main objectives (40), and to identify systemic weakness.
- ✓ Allows countries to give priority to the measures to improve their systems.

The extent to which the results are achieved defined Degree to which the "Financial Institutions" and the country mitigate the risks and threats

How Countries are graded?

IMMEDIATE OUTCOME 2 / INTERNATIONAL COOPERATION

•The country provides constructive and timely information or assistance when requested by other countries. Competent authorities assist with requests to: locate and extradite criminals; and identify, freeze, seize, confiscate and share assets and provide information (including evidence, financial intelligence, supervisory and beneficial, ownership information).

R36: International instruments

R40: Other forms of international cooperation

R9: Financial institution secrecy laws

R24: Transparency and beneficial ownership of legal persons

R25: Transparency and beneficial ownership of legal arrangements

R32: Cash couriers

Substantial

How Countries are Graded?

IMMEDIATE OUTCOME 8 / Proceeds and instrumentalities of crime confiscated

Criminals are deprived of the proceeds and instrumentalities of their crimes or of property of an equivalent value. The country manages seized or confiscated assets, and repatriates or shares confiscated assets with other countries. Ultimately, this makes crime unprofitable and reduces both predicate crimes and money laundering. (R, 1, 4, 32, 30, 31, 37, 38, 40).

R1: Assessing risks & applying a risk-based approach

R4: Confiscation and provisional measures

R32: Cash couriers

R30: Responsibilities of law enforcement and investigative authorities

R31: Powers of law enforcement and investigative authorities

R37: Mutual legal assistance

R38: Mutual legal assistance: freezing and confiscation

R40: Other forms of international cooperation

Moderated

10.2

Seeking and Delivering Legal Mutual Assistance

- The context of the country extracted from the NRA is weighed and valued
- CR has broad levels and cooperation mechanisms
- CR has specially designated authorities
- CR shows the requirements with statistics

	2011		2012		2013		2014		Total
	Activas	Pasivas	Activas	Pasivas	Activas	Pasivas	Activas	Pasivas	
Argentina	0	2	0	1	1	1	0	1	6
Belice	1	0	0	0	0	0	1	0	2
Brasil	0	1	1	0	1	1	0	0	4
Canadá	1	2	2	2	2	0	2	0	11
Colombia	0	3	0	4	5	5	2	3	22
Cuba	0	0	0	0	0	1	0	0	1
Ecuador	0	1	0	0	0	3	0	0	4
El Salvador	1	11	1	6	1	7	2	7	36
EEUU	16	6	16	11	14	7	12	6	88
Guatemala	4	3	4	7	5	3	6	0	32
Honduras	1	0	0	2	2	9	2	3	19
Islas Vírgenes	0	0	0	0	1	0	0	0	1
México	1	4	2	9	1	6	2	9	34
Nicaragua	13	0	14	2	22	7	16	6	80
Panamá	8	26	16	36	16	56	9	53	223
Perú	2	0	0	0	1	6	2	2	13
República Dominicana	0	0	0	1	0	0	1	0	2
Venezuela	0	0	1	1	2	2	0	3	9
Total	48	58	57	82	74	114	57	93	

Seeking and Delivering Legal Mutual Assistance

- To demonstrate cooperation at regional level
- Use of Agreements
- Unknown nature of requests
- Quality and timeliness is not known
- 14 countries were highlighted as timely and quality
- Statistics were provided
- OATRI with an active role on the topic
- Demonstrate information on predicate offenses in international cooperation/ on the next chart

Número de asistencias penales pasivas y activas 2011-2014 en relación a la categoría de delito								
Delito	2011		2012		2013		2014	
	Pasivas	Activas	Pasivas	Activas	Pasivas	Activas	Pasivas	Activas
Apropiación indebida	0	1	1	2	1	0	4	0
Participación en un grupo delictivo organizado y estafa	7	6	16	9	7	11	9	3
Terrorismo, incluyendo financiamiento del terrorismo	0	0	0	0	0	0	0	0
Tráfico de seres humanos y tráfico ilícito de migrantes	1	2	1	0	1	0	3	3
Explotación sexual, incluyendo la explotación sexual de menores	0	1	1	2	1	0	1	0
Tráfico ilícito de stupefacientes y sustancias psicotrópicas	27	12	25	7	30	11	24	13
Tráfico ilegal de armas	1	0	3	0	1	0	1	1
Corrupción y soborno	3	0	0	1	3	0	1	2
Fraude	3	0	1	3	1	0	0	0
Falsificación de dinero	0	0	0	0	1	0	0	0
Falsificación y piratería de productos	0	0	3	0	0	0	6	0
Delitos ambientales	0	1	1	1	0	0	3	0
Fomicidio, lesiones corporales graves	13	6	11	7	8	8	12	5
Secuestro, privación ilegítima de la libertad y toma de rehenes	2	0	1	0	1	0	2	1
Robo o hurto	3	2	7	5	6	2	10	2
Contrabando (incluyendo los impuestos y cargos aduaneros)	1	1	0	0	0	0	0	0
Delitos fiscales (relacionado con impuestos directos e impuestos indirectos)	1	0	0	2	0	3	2	1
Extorsión	0	0	1	1	0	1	2	0
Falsificación	3	1	0	1	1	1	2	1
Legitimación de capitales	9	13	14	13	30	15	30	9

Fuente: Estadísticas de la OATRI 2014.

Support Documents

- Particular cases were presented
- Application of freezing instruments
- Demonstrate coordination in emblematic cases
- SARs that started investigations



Data on Extraditions

- Implementation of the mechanisms
- Answers to EXTRADITION requests
- Request, answer dates, and status

AÑO	ACTIVAS	PASIVAS
2011	16	14
2012	5	11
2013	6	10
2014	19	15

Seeking and Delivering other forms of International Cooperation

- Other mechanisms available
- MOUs and Agreements, including the FIU
- Regional Agreements
- Inventory of informal cooperation mechanisms
- Cooperation form Supervisors is also considered

Seeking and Delivering other forms of International Cooperation

Solicitudes intercambiadas a través de la plataforma de la Red de Recuperación de Activos de GAFILAT entre enero de 2011 y mayo de 2013

PAÍS	2011				2012				Mayo de 2013			
	Enviadas	Recibidas	Respondidas	Pendientes	Enviadas	Recibidas	Respondidas	Pendientes	Enviadas	Recibidas	Respondidas	Pendientes
Argentina	1	5	1	4	0	3	3	0	2	4	1	3
Bolivia	21	2	2	0	3	3	3	0	1	2	2	0
Brasil	1	8	1	7	3	4	0	4	1	7	3	4
Chile	8	5	5	0	5	4	3	1	1	4	2	2
Colombia	0	11	0	11	0	4	0	4	0	4	1	3
Costa Rica	3	0	0	0	1	0	0	0	2	3	3	0
Cuba	0	0	0	0	0	0	0	0	0	0	0	0
Ecuador	5	3	2	1	4	0	0	0	26	0	0	0
México	0	3	0	3	0	1	0	1	0	4	1	3
Panamá	0	9	0	9	4	0	0	0	4	4	4	0
Paraguay	4	0	0	0	2	2	0	2	0	2	0	2
Perú	9	3	3	0	2	2	2	0	1	2	2	0
Uruguay	2	5	1	4	0	1	0	1	0	3	1	2
Otros (CARIN)	0	0	0	0	0	0	0	0	2	1	1	0
TOTAL	54	54	15	39	24	24	11	13	40	40	21	19

Additional Evaluation Criteria

- Information exchange on other types of persons and structures: societies, trusts y third fund managers.



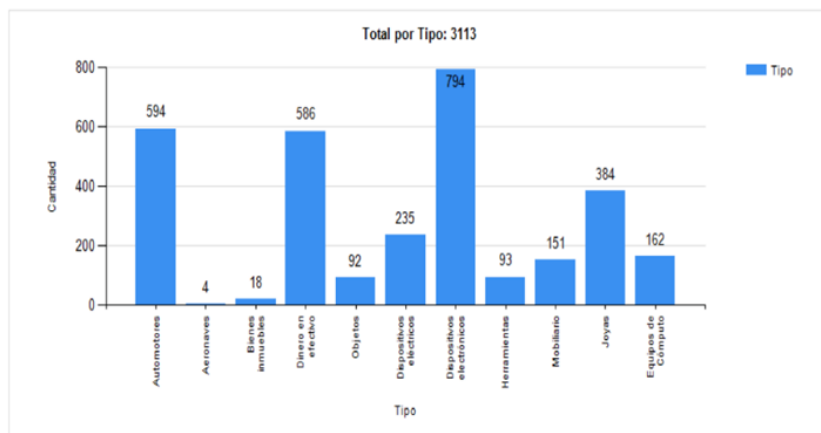
10.8

Effectiveness of the Outcome

- The Unit of Seized Asset Administration (USAA) is Assessed
- USAA's Statistics and information systems
- Movable and immovable property / Inventory Vs. Value Vs. Processes
- USAA's structure
- Coordination mechanisms with the FIU
- Asset Inventory Vs associated criminal offences

Important Information Sources

Bienes Ley de psicotrópico por tipo con fecha de registro superior al 2011: 3113

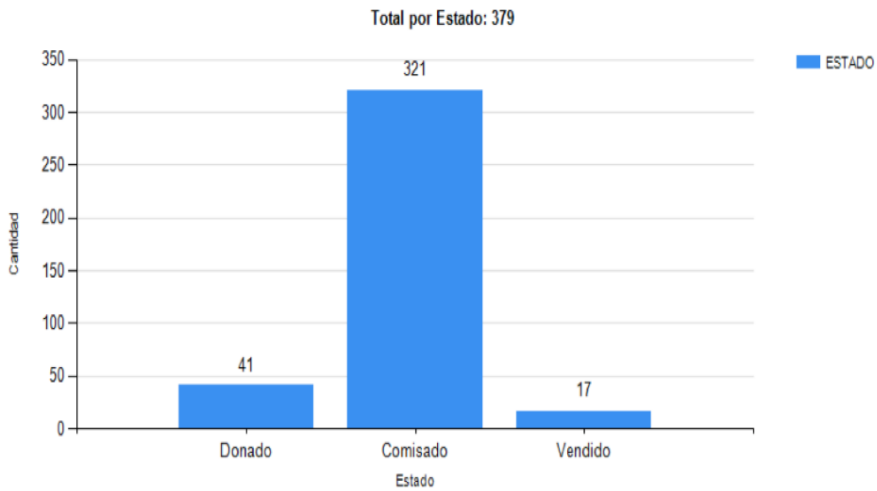


Other issues



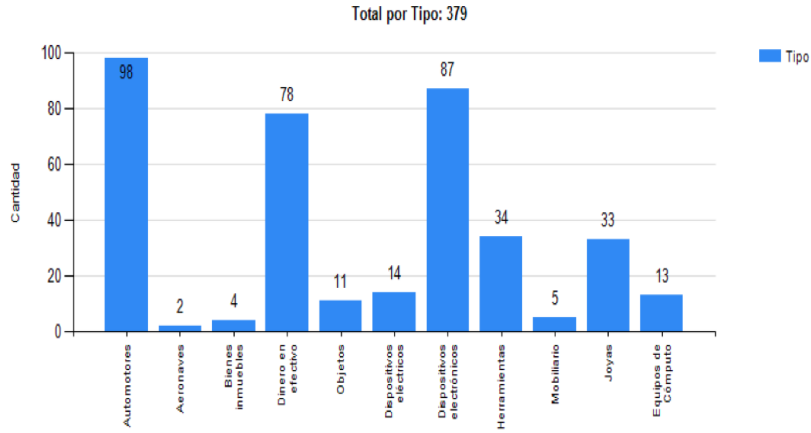
- Use of assets, lease, loan, sell, auction.
- Demonstrate procedures, handouts, legal procedures.
- Demonstrate usefulness of I.T. systems
- Availability and use of cash
- Cash control, confiscation measures.
- Custody accounts
- Assets confiscated from other predicate offenses.
- Sharing mechanisms, equivalent sharing.

Important Information Sources



Important Sources

Bienes Ley de psicotrópico con fecha de registro superior al 2011 Estado Donado, vendido, Comisado: 379



Other Issues



- Cash control
- Cross-Border Mechanisms, ports and airports.
- Human resource available for control.
- Parallel Financial Investigations by authorities.
- Demonstrate joint asset investigations.

