



GENERAL GUIDELINES OF THE GAFILAT ASSET RECOVERY NETWORK – RR@G

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I. INTRODUCTION

The Financial Action Task Force of Latin America (GAFILAT for its Spanish acronym), pursuant the mandate provided by the member States and in pursuit of its goals, which tend to the continuous improvement of the policies to prevent and counter Money Laundering and related crimes, the effort to recover assets generated from illicit activity is increasingly relevant. That is why the tools that enable their monitoring, securing and confiscation are vital in order to decrease the economic potential of criminal organizations, as well as to hinder criminal activities.

Through the initiative of the United Nations Office against Drugs and Crime (UNODC), with the support of the Inter American Drug Abuse Control Commission of the Organization of American States (CICAD/OAS), INTERPOL and the Executive Secretariat of the Financial Action Task Force of Latin America (GAFILAT), a proposal was made to create and develop a contact network within the region under the name of “Red de Recuperación de Activos de GAFILAT¹ (RRAG)” with the purpose of facilitating the identification and location, aimed at the recovery of assets, products or instruments of illicit activities through the focal points appointed by each State.

Among the objectives and commitments of the focal points, the Network should be a source of expertise in every aspect of the prosecution of criminal income, by promoting the exchange of information and acting as an advisory body to competent national authorities; providing advice and facilitating mutual legal assistance and, proactively, sharing best practices, knowledge and experiences; and providing feedback to collaborate with relevant investigations.

Pursuant the latter, this document has the purpose of providing the focal points appointed by the member States of the Red de Recuperación de Activos – RRAG with the relevant information that enables them to improve the exchange of information to make it more speedy, effective, efficient and timely. This tool has been designed to guide and enhance setting the procedures to promote the exchange of information between focal points, identifying and recommending best practices based in the positive results and the expertise of the focal points in the use of the secure platform to exchange information, which could lead to the identification and location of criminal assets for their recovery.

¹ GAFILAT Asset Recovery Network

II. PURPOSE

The Red de Recuperación de Activos de GAFILAT (RRAG) has the purpose of exchanging information of individuals, legal persons and goods to facilitate the identification, location and recovery of assets, products or instruments of illicit activities.

II.1. To reach its goals, RRAG may:

- Meet periodically in order to strengthen the exchange of expertise, as well as to update the legal and practical framework of each country;
- Promote the secure exchange of information through the RRAG/GAFILAT platform;
- Promote the exchange of best practices;
- Support the efforts to search for illicit proceeds, under international obligations
- Be a source of expertise in every aspect of the prosecution of criminal proceeds
- Issue recommendations to the GAFILAT Plenary, through the Operational Support Working Group, regarding every aspect of countering criminal proceeds;
- Act as an advisory body to the different competent national authorities;
- Promote training in every aspect of the prosecution of criminal assets;
- Recommend the creation of national asset recovery offices;
- The Network will be open to the participation of GAFILAT observer countries, as well as other countries, with the due authorization of the GAFILAT Plenary. Likewise, international organizations may participate as observers.
- Focal points will meet in person during the periodical meetings.

III. FOCAL POINTS

- Countries must appoint national focal points to the Network

- The recommended maximum number of focal points per country is two;
- The focal points that are appointed should not be rotated, unless inevitably necessary
- Communication on the appointment of a focal point will be made through the Heads of Delegation of each one of the GAFILAT member countries;
- The focal point must have access to the information within the scope of the Network and/or facilitate access to said information within the corresponding legal framework. The optimal institutions for such purpose are police forces and the public prosecutors.
- The focal point must have knowledge and formation related to ML/FT investigation and/or international legal cooperation, as well as the authority to provide and request information through the RR@G Platform.
- The focal point should be proactive with spontaneous and timely cooperation.

III.1. In order to promote collaboration between focal points, the following is required:

- Keeping the Focal Point directory up to date
- Keeping the public information matrix up to date
- Inform on the process or requirements to obtain non-public information
- Complying with the terms established for the exchange of information. In case of, due to reasons out of the Focal Points control, information cannot be obtained within the estimated term, the requiring Focal point should be informed.
- Guiding the Focal Point requesting information regarding its request and the way to formalize the request for international legal assistance
- Establishing alternate communication channels to guarantee that information is exchanged
- Using the Network to advance requests for international legal assistance, in addition to the informal exchange of information

- Informing as soon as possible in case there is information relevant to another country, without waiting for the information to be requested
- Analyzing best practices from other similar Asset Recovery Interagency Networks

IV. ELECTRONIC PLATFORM:

Refer to the system manual.

V. CO-COORDINATION

- Two countries will be elected annually to co-coordinate the Network; their purposes and duties will be defined by GAFILAT.

GUIDING PRINCIPLES OF THE RED REGIONAL DE RECUPERACIÓN DE ACTIVOS DEL GRUPO DE ACCIÓN FINANCIERA DE LATINOAMÉRICA (RR@G)

Pursuant the need to adopt measures aimed at fostering cooperation among countries towards the recovery of illicit assets and countering international organized crime, under articles 5, 9 and 27 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988); articles 4 and 8 of the Inter-American Convention Against Terrorism; articles 14, 31 and 48 of the United Nations Convention Against Corruption (Mérida) and other international treaties with similar provisions:

1. The Focal Points declare that they will cooperate among them in order to share information to facilitate the identification, location and recovery of assets, products or instruments of illicit activities. Information that is exchanged will be that which, pursuant internal legislation, is either directly available to the Focal Point or which can be obtained from national bodies or institutions.
2. The Focal Points will exchange information through the secure electronic network provided by the RR@G. RR@G will implement sufficient computing security measures to guarantee confidentiality and reserve of the information.
3. Notwithstanding the aforementioned, the Party which has information that could be relevant to another Party could make it available to the latter without the need of a prior request.
4. The Focal Points have the commitment of observing the procedures and terms established in the General Guidance of RR@G
5. When making a request, the requesting Focal Point shall provide the information needed to identify the person(s) or possible assets referred to under the request and shall identify the case number, the crime under investigation and the link between the request and the corresponding investigation.
6. Information exchanged through the RR@G shall be used to identify and locate assets of investigated persons.

7. Focal points will only allow the use or distribution of any information or document obtained through RR@G within the context of a criminal investigation.
8. Information obtained under these Principles will be confidential and will be subject to the same level of secrecy provided under the corresponding national legislation for information of a similar nature obtained through national sources.
9. The Focal Points could refuse to provide information, either when related to acts that are already subject to legal proceedings in any of the involved countries or when providing said information contravenes the legal framework of the requested country.
10. The Focal Points are committed to be kept mutually informed regarding the amendments of their corresponding national legislations that could have an impact, partially or totally in the procedures to exchange information through RR@G.

Buenos Aires, September 22, 2011