



ORGANIZATION OF AMERICAN STATES

INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

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FORTY-FOURTH REGULAR SESSION
November 19 - 21, 2008
Santiago, Chile

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14 November 2008
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X GROUP OF EXPERTS OF MONEY LAUNDERING

Mexico City, Mexico

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20006



Inter-American Drug Abuse Control Commission
Comisión Interamericana para el Control del Abuso de Drogas

CICAD

GROUP OF EXPERTS OF MONEY LAUNDERING

XXV Plenary Meeting
CICAD/LAVEX/INF.04/08

México D.F., October 30th-31st, 2008



Background

- Mexico City, Mexico
- October 30 to 31, 2008
- Forty-nine (49) participants
- Countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru, Dominican Republic, United States, Uruguay and Venezuela.



SUMMARY AND PROPOSED WORK PLAN

- Approved Manual of Best Practices for the Administration of Seized and Forfeited assets;
- Proposes to *incorporate member state observations* into Manual after one year of use;
- Proposes to *draft* Manual of Best Practices for Cooperation between Financial Intelligence Units and Criminal Investigation Agencies;
- Proposes to *draft* Comparative Study of Laws in Latin America and Europe regarding the administration of seized and forfeited assets.



Summary and Proposed Work Plan

- § Proposes an exchange of experiences regarding the auction of forfeited assets, in particular the experiences of Brazil, Colombia and Honduras;
- § Proposes to prepare a comparative study of legislation concerning asset forfeiture in the absence of a conviction: in Costa Rica, and in other Latin American countries with similar legislation
- § Proposes to prepare a comparative study of systems of asset recovery in Brazil, Colombia, Honduras, Mexico and Peru;



Recommendations

- Approval of the Group's Report
- Approval of Best Practices Manual on the Administration of Seized and Forfeited Assets
- Acceptance of the proposed Work Plan
- Approval of incorporation into Article 9 of CICAD's Model Regulation for Money Laundering of the legal concept of "**Forfeiture in absence of Conviction**"
- Acceptance of Candidacies Received:
 - Uruguay (Presidency)
 - Costa Rica (Vice-Presidency)

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REPORT

XXV GROUP OF EXPERTS MEETING FOR MONEY LAUNDERING

ORGANIZATION OF AMERICAN STATES



INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

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**XXV MEETING OF THE GROUP OF
EXPERTS FOR THE CONTROL OF
MONEY LAUNDERING
October, 30th-31st, 2008
Mexico DF, Mexico**

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BRIEF

XXV GROUP OF EXPERTS MEETING FOR MONEY LAUNDERING

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The reports of the working subgroups of Coordination and Integration between Financial Intelligence Units (UIF) and Criminal Investigation Agencies(OIC) were presented.

The first subgroup, reported that only 15 countries have responded to the questionnaires, therefore the report and manual for best practices are pending until at least 2/3 of the questionnaires sent to countries is returned. To that, the deadline for countries to return the questionnaires to CICAD was extended until November 30th.

For the second subgroup, the Executive Secretariat presented a report regarding the development of the Project BIDAL.

The delegations approved the document of good practices for the administration of forfeited assets with the exception of the delegation of Brasil, which abstained from voting since joint with the Executive Secretariat, it wanted to reached consensus for the approval of the document.

The delegation of the United States voted against the document's approval; however, it noted that they are not against the approval of a manual for good practices but they encourage the Group to offer the best product available in order for it to be useful for the countries.

The Presidency, in accordance with the voting, approved the document of good practices for the administration of forfeited assets, notwithstanding the possibility of its improvement by the subgroup in order to adequate the document to actual needs.

Instruments generated in the Group:

- Manual for Best Practices for the Forfeiture and Administration of Forfeited Assets.
- Manual for the Cooperation and Integration between Financial Intelligence Units and Criminal Investigation Agencies. (in process)
- Studies: "Comparative Legislation of the different systems for the administration of assets in Latin America and Europe" and " Agencies for the Recovery of Assets in the European Context".

Plan of Action of the Subgroups for 2009-2010.

- **Action Plan of the Coordination Subgroup UIF – OIC:**
 - The plan of action of the group will focus on the development of the document of best practices based on the questionnaires sent by the countries.

- **Forfeiture Subgroup:** The work of this Subgroup will focus on:
 - Exchange of experiences regarding the auction of forfeited assets, in particular regarding experiences in Brasil, Colombia and Honduras.
 - Development of a comparative study of legislation regarding the forfeiture without conviction in Costa Rica and other latin american countries with a similar legislation.
 - Development of a comparative study of the mechanism for the recovery of assets in Brasil, Colombia, Honduras, México and Perú; and to gather, analyze and incorporate observations and comments made by the countries regarding the manual of best practices for the forfeiture of assets.

Regarding the Financing of Terrorism, the Secretariat and the Delegation of El Salvador suggest that the joint work with the Inter-American Committee against Terrorism (CICTE), should be resumed to consider the possibility of forming a working subgroup, in which case they suggest including in its working plan the training regarding crime typologies, its exercise and regulation in member countries.

Presidency and Vice-Presidency of the Group

Applications received:

Uruguay (Presidency)

Costa Rica (Vice- presidency)