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INTER-AMERICAN DRUG ABUSE  
CONTROL COMMISSION  
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ASSET MANAGEMENT UNIT  
Costa Rican Drug Institute (ICD)

# UNIDAD DE ADMINISTRACIÓN DE BIENES

INSTITUTO COSTARRICENSE SOBRE DROGAS



## Colombia

The form that determines how to use the sharing of assets is embodied in **Chapter VII**, of the administration and allocation of assets of the In-Rem forfeiture Law, Law 793 of 2002, which clearly states in Article 42 paragraph f, how to share assets with other States that have cooperated to In-Rem forfeiture and that in all cases, the decision on the destination of the assets shall be taken by a collegiate body of higher authority.

- Standardization with the extinction law to run the division of assets.
- **Article 21.** Cooperation. Conventions and treaties on judicial cooperation signed, approved and duly ratified by Colombia, are fully applicable to obtain collaboration on affectation of assets if the content is compatible with the In-Rem forfeiture action.



## Costa Rica

If the assets are requested by a country making that determination, we must take into account the Law 8204, Law on Narcotics, Psychotropic Substances, Drugs of unauthorized uses, Money Laundering, related activities and financing of Terrorism, along with its new regulation No. 36948.

The decree takes us back to Article 101, which says:

**Article 101.-International assistances.** - International authorities requesting mutual legal assistance for asset recovery, should cover the costs of administration, maintenance, custody, conservation, insurance and disposal incurred by the ICD, while the same were found in its favor in legal deposit status. The technical assistance for the administration of the assets that have been seized or forfeited in the process that was ventilated in the requesting country is also facilitated through the Assets Management Unit of the Costa Rican Drug Institute.



## United States of America

An interesting overview can be identified, which seeks the sharing of assets through bilateral treaties, executive agreements and letters of request, which have been ratified with mutual legal assistance (MLAT).

The United States has such treaties with several countries of our working group, being some of them Argentina, Canada, Colombia, Grenada, Dominica, Panama, Dominican Republic, among others, which have been signed with thirty-nine jurisdictions of other continents. (Section 981).



## Guatemala

By Law 55-2210, the Congress of Guatemala has determined international assistance and cooperation regarding mechanisms to share assets, as is clear from Article 8, which says:

Article 8. International assistance and cooperation. The international conventions and treaties of cooperation and legal or judicial assistance for mutual cooperation in matters of location, identification, recovery, repatriation and In-Rem forfeiture signed, approved and ratified in accordance with the Constitution of the Republic of Guatemala, are fully applicable to cases under this law, through the procedures established by the Conventions on Mutual Legal Assistance.



## Honduras

Law on Final In-Rem forfeiture of assets of illicit origin, Created by Decree 26-2010 of June 16, 2010.

Article 79. Competent courts, the Public Ministry, the Central Bank of Honduras, the National Commission of Banks and Insurance and the other competent authorities, using the mechanisms of memorandum of understanding, conventions, treaties and international agreements fully applicable, can request and provide cooperation or mutual legal assistance to other countries in relation to the matter disposed by the Law.

Article 78 gives us the possibility of a rate corresponding to a State by working with the seizure of assets.

There would be 55% divided between the police and state agencies involved, including any unit or foreign institution that has participated.



## Peru

Executive Decree No. 1104.

Peru has Legislation on In-Rem forfeiture and shows its cooperation in Article 19 of this regulation.

The international agreements on cooperation and legal or judicial assistance and any other international agreement governing international cooperation in confiscation and location, identification, recovery, repatriation and loss or In-Rem forfeiture of assets are applicable to cases under this Legislative Decree. In this regard, the State may celebrate bilateral or multilateral cooperation arrangements to facilitate the management of assets.





## Dominican Republic

Law 50-88.

From this country is taking as a reference Articles 110 and 111 of the Law previously referred and we see how the courts are called to perform such negotiation.

As a review of the above, we quote what is mentioned in the preceding articles:

Article 110 - The empowered court shall cooperate with the competent court of another State, to provide mutual assistance in cases of illicit trafficking related offenses within the limits of their legal systems and norms of international law.

Article 111. The competent court may receive a request from a court or competent authority of another State to identify, detect, seize or confiscate assets, products or instruments related to a crime of illicit trafficking or related offenses and may provide the necessary measures, including those identified in this Law, if the request is accompanied by a court order or judgment issued by the authority and in accordance with the laws of the Dominican Republic and the International Law.



## **Bolivarian Republic of Venezuela**

Organic Law Against Organized Crime and Terrorist financing, as evidenced by the Official Gazette No. 39912 of April 30, 2012.

Article 89. Provision.

1. Provide all or a substantial part of the value of the product and of the assets, or funds from the sale thereof, to intergovernmental bodies specializing in the fight against illicit trafficking and abuse of narcotic drugs and psychotropic substances or other offenses of organized crime and terrorist financing.
2. Sharing with other parties in accordance with a preset or defined criterion for each case, such product, assets or funds from the sale thereof, in accordance with the provisions of its domestic law, administrative procedures or bilateral or multilateral agreements concerted for this purpose.



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