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

Secretariat for Multidimensional Security

**FIFTY-SECOND REGULAR SESSION
November 28 - 30, 2012
San José, Costa Rica**

**OEA/Ser.L/XIV.2.52
CICAD/doc.1994/12
28 November 2012
Original: Español**

**SYNERGIES BETWEEN THE CICAD AND THE COPOLAD PROGRAM OF THE E.U. IN THE IDENTIFICATION
AND RECOVERY OF ASSETS FROM DRUG TRAFFICKING
LIC. ANDRES PEREZ, COPOLAD.**

52nd Regular Session of the CICAD

San José, Costa Rica, November 28-30, 2012

Synergies between the Cicad and the Copolad Program of the EU in the Identification and Recovery of Assets from Drug Trafficking



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Outline

- European legislative framework
- Assets recovery offices in the EU:
 - Origins: CARIN
 - DM 2007/845/JAI on cooperation between ORAs
- Informal platform of ORAs in the EU
- GAFISUD.- RRAG
- COPOLAD Program of the EU
 - Objectives and activities
 - Synergies in terms of location, recovery and management of assets.

LEGISLATIVE FRAMEWORK OF THE EU

1. DM 2001/500/JAI on money laundering, seizure, seizure and confiscation;
2. **DM 2003/577/JAI on mutual acknowledgment of preventive freezing order;**
3. DM 2005/212/JAI on expansion of confiscation;
4. **DM 2006/783/JAI on mutual acknowledgment of confiscation orders. (Law 4/2010)**

Law 4/2010 of March 10

- Referral of Spanish resolutions; implementation in European countries/implementation of European resolutions in Spain.
- Location of assets. Simultaneous transmission of resolutions to several states.
- Report of the Public Prosecutor's Office prior to implementation
- Exemption of double criminality in crimes with sentences of more than three years.
- Regulation to avoid implementation excesses in multiple confiscation orders.
- Orders sent to Spain shall be governed by Spanish standards.

Assets recovery offices in the EU: Origin of CARIN Network

- Austrian Presidency of the EU, support from Belgium and Finland.
- October 2002, Europol seminar on confiscation of goods
 - Professionals from the police and the judiciary of 13 MS of the EU
 - Camden Court Hotel, Dublín,
- Creation of an informal network of experts = CARIN
“Camden Asset Recovery Interagency Network”

CARIN: Objectives

Increase efficiency by working together to deprive criminals from their illicit gains.

To fulfill its objective:

- Network of contacts;
- Proceeds of crime at an international level;
- Advising Center in the fight against the proceeds of crime;
- Exchange of information and good practices.
- Recommendations to the European Commission and the Council of the European Union.

Assets Recovery Offices in the EU

First steps: DM 2007/845 JAI.- Cooperation between ORAS

- Dec. 2007, Inspired by CARIN
- Completes CARIN: legal basis for the exchange of information
- Objective: Creation / Appointment of ORA
 - assets recovery agency
 - national contact for confiscation activities.
 - enhanced cooperation, monitoring of the assets of criminal origin.

Decision on Cooperation Framework between ORAs

ADDED VALUE

- EU legal framework for the informal network of CARIN;
- Obligation to establish an ORA
 - Feasibility of ORAs / points of contact (e.g. Judicial and Police);
- Obligation to cooperate between ORAs of different legal nature;
- Obligation to exchange of information and good practices.
- Legal basis for the spontaneous exchange of information.

DESIGNATION OF POINTS OF CONTACT: ORAs in Spain (DM 2007/845/JAI)

- Obligation to establish an ORA
 - Feasibility of 2 ORAs / points of contact

(February 2009 SGC):

- Police ORA: CICO (Ministry of Interior)
- Judicial ORA: Special Antidrug Prosecutor's Office (Ministry of Justice)

MATRIX: OF ORA POINTS OF CONTACT

- Appointment of points of contact by the member states (first ORA informal platform meeting - January 2009)
- Matrix creation with already constituted offices
 - agencies, contact information,
 - nature of the office,
 - information on sources.
- Regular updating
- 26 States with ORA officially established
- MATRIX (October 2012)

EXCHANGE OF INFORMATION BETWEEN ORAs

Framework Decision 2006/960/JAI on the Simplification of Information Exchange between EU security services:

- Application Form (Annex B).- As accurate as possible:
 - Reasons for the request /// Nature of the process /// and
 - Details of investigated property
- Time limit for the reply:
 - o Urgent: 8 hours (exceptionally, 3 days)
 - o Non-urgent + accessible information: 1 week
 - o Non-urgent: 2 weeks
 - o Non-compliance of deadlines: Justification through a form
- Reply through a form

EXCHANGE OF INFORMATION AT CICO

CICO channels and assigns to Police or Civil Guard

1. Request for information
2. Query in Research Log System
Award criteria
3. CICO sends request establishing maximum period of response
(10 / 12 days)
4. CNP / GC respond to CICO
5. CICO refers it to the ORA of the applicant EU

STATISTICS 2010-2011

- Use of ORA network vs CARIN

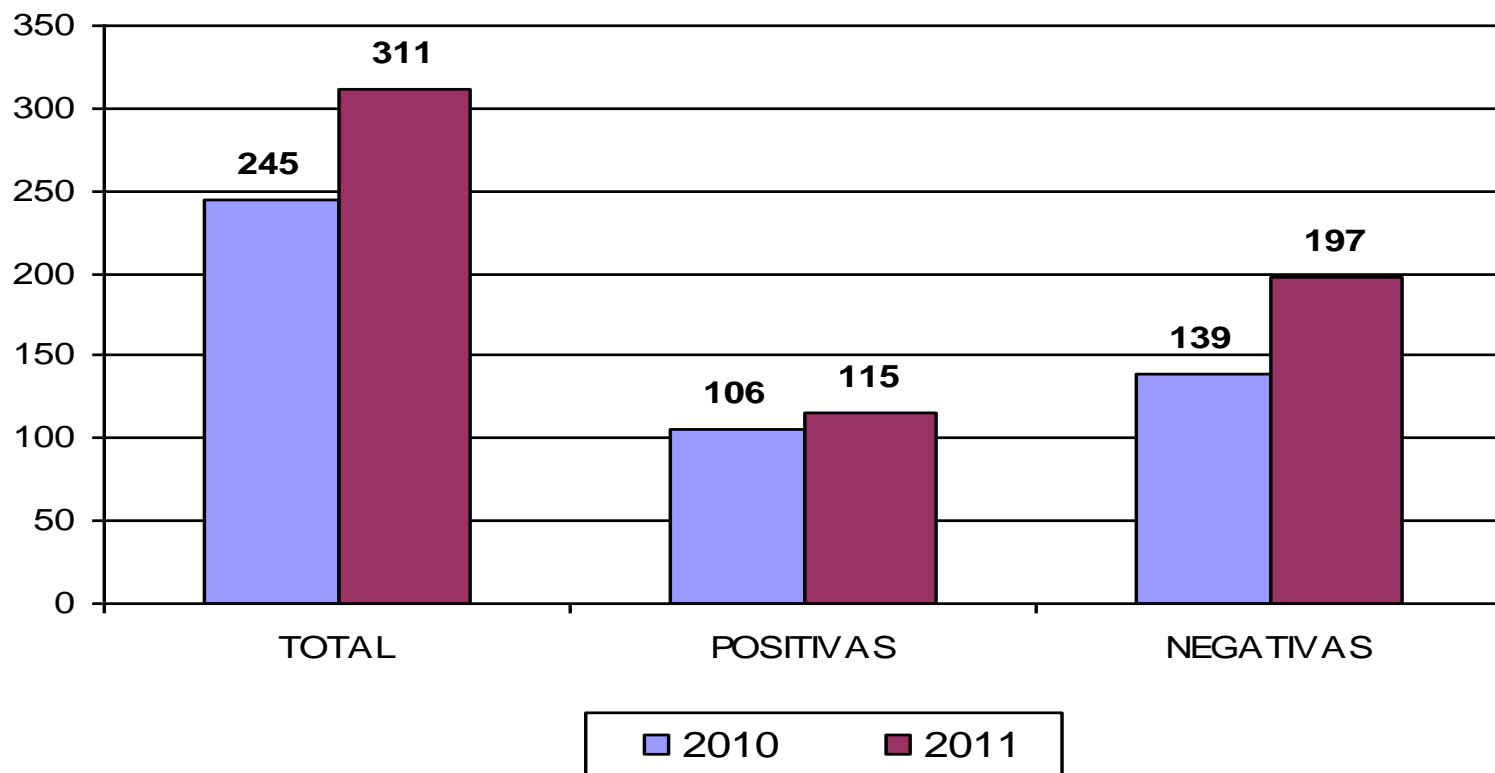
- In 2009, 117/ 46
- In 2010, 245 /28
- In 2011, 311 / 9

Year 2010:

- Majority of requests from the United Kingdom, followed by Belgium, Holland and France.
- Offenses: money laundering and drug trafficking.
- Approximate value of assets: 25 million EUR.

STATISTICS 2010-2011

SOLICITUDES ARO 2010 / 2011



COMMUNICATION CHANNELS OF ORAs

- Secure channel for the exchange of information between ORAs, the SIENA system (*Secure Information Exchange Network Application*) already exists in Europol
- Use under testing phase since June 2010
- In August 2011, Phase II starts (SIENA-EUROPOL) to have more secure communication.

INFORMAL PLATFORM OF ORAs IN THE EU

Recommendation of the European Commission:

- Regular meetings of ORAs
- Seven meetings since January 2009 + 3 High Level;
- Encouragement of communication between contacts;
- Effective exchange of information, management solutions to specific incidents.

GAFISUD AND RRAG

- Operational Support Group
- RRAG.- 6 meetings /April 2010-October 2012)
- CICAD – UNODC (LAPLAC) – GAFISUD – CICO
- RRAG Platform:
 - General guide
 - Guidelines for operation
 - Points of contact matrix

WHAT IS COPOLAD?

A program funded by the EU and developed by a **CONSORTIUM**

SOCIOS / PARTNERS



Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas. España



Delegación del Gobierno para el Plan Nacional sobre Drogas. España.



Argentina



Brasil



Chile



Colombia



Perú



Uruguay



Alemania



Francia



Portugal

ENTIDADES COLABORADORAS / COLLABORATING AGENCIES



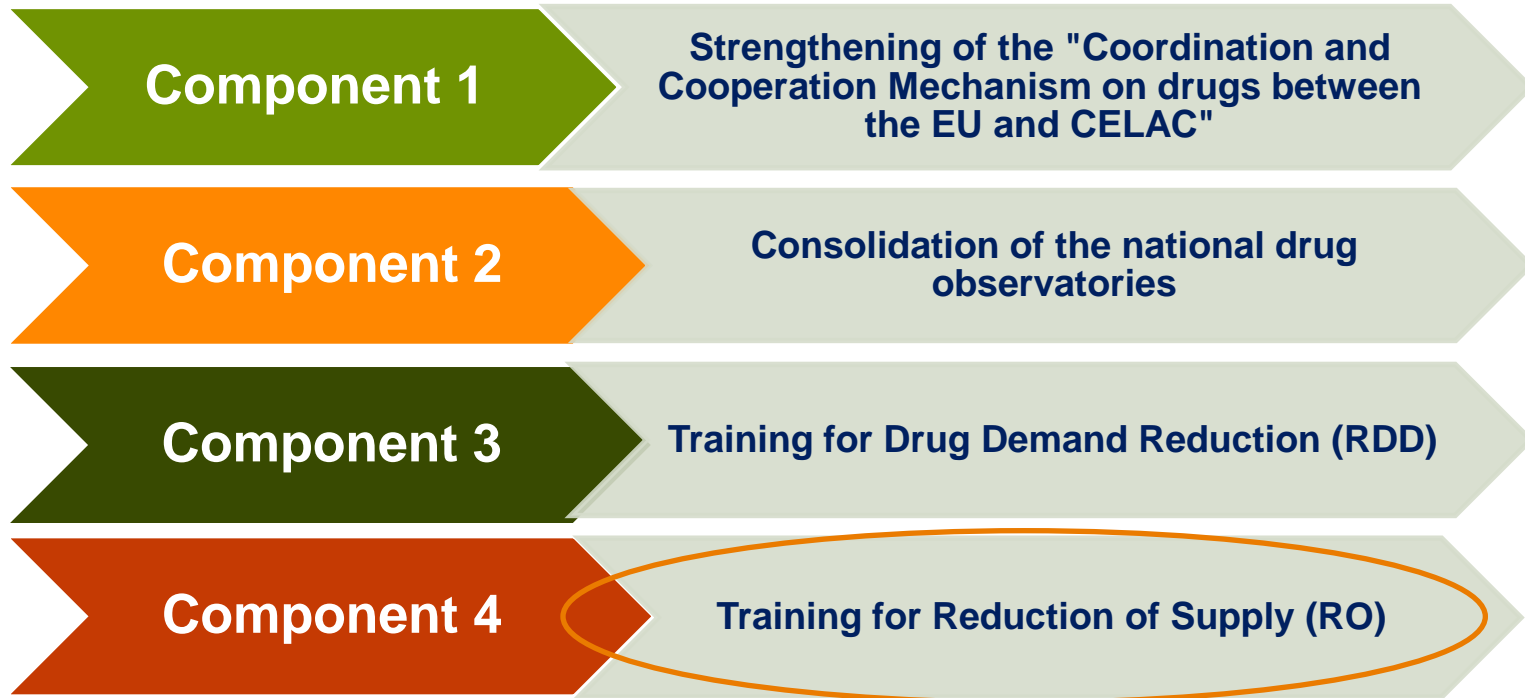
Proyecto financiado por la Unión Europea

OBJECTIVES

- **Encourage and facilitate the bi-regional dialog between Latin America - European Union needed to promote effective cooperation in drug policy**
- **Strengthen the cooperation of national agencies and other key actors in the development of drug policies in countries of Latin America and the European Union**
- **Strengthen the capacities and encourage the process of elaboration of drug policy in the countries of Latin America**



COMPONENTS



THE JOURNEY THUS FAR TO COMPONENT 4 ON SUPPLY REDUCTION...



Conference
"Synthetic drugs, an emerging phenomenon in Latin America"
Cartagena de Indias-Colombia November 1-4, 2011





Proyecto financiado por la Unión Europea

I Regional Conference on Prevention, Control and Police Investigation of the Diversion of Drug Precursors

October 9-11, 2012, Mar del Plata (Argentina)



I Conferencia Regional sobre Prevención, Control e Investigación Policial en el Desvío de Precusores de Drogas
9 – 11 de Octubre de 2012, Mar del Plata (Argentina)



UPCOMING ACTIVITIES...





Seminar on Police Investigation of the Trafficking of Cocaine by Sea with Special Reference to the Narcotic Traffic by Means of Containers

Punta Cana, República Dominicana. December 10 - 12, 2012

The Seminar is intended for experts of anti-narcotics police units of Latin America, the Caribbean and the European Union together with representatives of CICAD, AMERIPOL, EUROPOL and MAOC-N. It seeks to establish a forum for the exchange of information to analyze and discuss the most important aspects related to the trafficking of cocaine by sea.



Proyecto financiado
por la Unión Europea

Seminar on MONEY LAUNDERING AND ASSETS RECOVERY OFFICES

October/November 2013

- Property/equity research as an instrument in the fight against money laundering: sources of information and preparation of the economic/property report.
- Synchronization of operational and property research of the organizations involved in narcotics trafficking.
- Emerging typologies in money laundering.
- Circumstantial evidence in the crime of money laundering.
- GAFISUD and control activities of transboundary movement of foreign exchange.
- *Experiences and best practices of ORAs in the EU*
- *CEART Project of the EU.*
- *The importance of RRAG as operating platform for the exchange of information.*
- *Tasks that have been carried out by the Money Laundering Group of CICAD.*
- Reintegration of illicit profits to national structures that fight against drugs. Law of Seized Assets Fund
- BIDAL Project

**Conference for the Exchange of Experiences in the Management
of Seized Assets
May 2013**

- ***Reintegration of illicit profits to national structures that fight against drugs.***
- ***DGPNsD. Law of Seized Assets Fund***
- ***Management of Seized Assets.***
- ***Technical aspects, difficulties and legal development in the assets management.***
- ***Regional initiatives in the administration of seized assets: BIDAL Project***