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"SELF-EVALUATION GUIDE FOR THE FORFEITURE AND ADMINISTRATION OF ASSETS"
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“Self-evaluation Guide for the forfeiture and administration of assets”

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Introduction

The Organization of American States (OEA) through the Inter-American Drug Abuse Control Commission (CICAD) developed, beginning in 2008, the Seized and Forfeited Asset Management Project (BIDAL) through the Anti-Money Laundering Section.

As a part of the experience gained throughout the continent and with the support of the Expert Group for the Control of Money Laundering, the following Auto-evaluation Guide for the System of Asset Forfeiture, with the goal of gathering information that will allow the participating States to evaluate the progress of their system of Seizure, Forfeiture, and Management of Assets of Criminal Origin, considering the new recommendations of various international organizations working with the subject.



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OBJECTIVE

This purpose of this document is to serve as a Guide to Self-Evaluation for the Member States of the Organization, allowing them to identify the strengths and weaknesses of the national system of Management of Seized and Forfeited Assets, considering the recommendations put forth by various international organizations, like CICAD/OAS, the G8, the Financial Action Task Force (FATF), and the United Nations Office on Drugs and Crime (UNODC), which promote the creation and development of specialized mechanisms for the management of assets of criminal origin.



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DOCUMENTS

- § *"Best Practices Manual on Management of Seized and Confiscated Assets"*, approved by the Expert Group for the Control of Money Laundering Montevideo, Uruguay held on the 31 of August to the 2nd of September 2009 and in the Plenary Meeting of CICAD 46, held in Miami, USA from the 18-20 November 2009.
- § *G8 Best Practices for the Administration of Seized Assets*. G8 Lyon/Roma Group. Criminal Legal Affairs Subgroup. Final version dated April 27, 2005.
- § *GAFI, Best Practices. Confiscation*. (Recommendations 3 and 38).- 19 February 2010.
- § *Model Law on In Rem Forfeiture*" Chapter VII related to the *"Management and disposal of property"*



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Recommendations

- 1) Asset investigation
- 2) Access to sources of information
- 3) Pre Planning for the seizure of assets
- 4) Asset forfeiture
- 5) Agency specialized in asset management
- 6) Hiring of third parties specialized
- 7) System of registration of seized and forfeited assets
- 8) Account of seized assets
- 9) Account for forfeited assets
- 10) Resources appropriated for asset maintenance
- 11) Existence of controls
- 12) Presale of assets
- 13) Forfeiture for abandonment of assets
- 14) Asset forfeiture as incidental consequence of the crime
- 15) Provisional use of forfeited assets



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Recommendations

- 16) Waiver or suspension of tax charges
- 17) Recruitment processes
- 18) Bona fide third parties
- 19) Pledges and mortgages
- 20) Destination of forfeited assets
- 21) International cooperation

THANK YOU VERY MUCH!!!!

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