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Organization of American States	P. 202.458.3000 www.oas.org	Secretariat for Multidimensional Security
XXXVII GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING SEPTEMBER 17-18, 2013 BRASILIA, BRAZIL		OEA/Ser.L/XIV.4.37 CICAD/doc.16/13 17 September 2013 Original: Español
SELF-EVALUATION GUIDE FOR THE FORFEITURE AND ADMINISTRATION OF ASSETS		

<h1>SELF-EVALUATION GUIDE FOR THE FORFEITURE AND ADMINISTRATION OF ASSETS</h1>	
DENNIS CHENG BIDAL Project CICAD/OEA	<div style="display: flex; justify-content: space-around;">   </div> <p>Organización de los Estados Americanos</p>



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Objetivo of the Guide

- This document is designed to serve as a self-evaluation guide for the member states of the Organization, with a view to enabling them to identify the strengths and weaknesses of their national systems governing the management of seized and forfeited assets. This document takes into account the recommendations put forward by international organizations such as 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 to administer assets of criminal origin.



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Latest International Initiatives related to the forfeiture and management

- ✓ **FATF**, February 19, 2010, document best practices on the confiscation of property, promotes the existence of a program management and administration of property seized and impounded.
- New 40 FATF recommendations (Recommendation 38) ... "The countries must also have effective mechanisms to handle such goods, instruments or goods of equivalent value ..."
- ✓ **CICAD / OAS, Best Practices Document Management Systems of Seized and Confiscated**, promotes creating a centralized and specialized to seek transparency in the management and administration of seized and is in charge of the sale, auction and destination of confiscated. **Strategy and Plan of the Hemispheric Drug Strategy 2012-2015**. Creation and development of specialized agencies in the administration of seized and forfeited.



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Self- evaluation Guide

As a part of the experience gained throughout the region and the BIDAL Project with the support of the Group of Experts for the Control of Money Laundering (GELAVEX), this Self-evaluation Guide for the Forfeiture and Administration of Assets was developed, with the goal of gathering information that will allow the member 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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BIDAL PROJECT

- It is a technical assistance program for the use of the property and money seized and forfeited under the cooperation provided by the CICAD / OAS and its Member States, aimed at creating or strengthening equity research and asset management, in order to ensure maximum benefit and avoid corruption, diversion in its use and disposal, developing standards of good governance and administrative transparency in the property management.



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BIDAL PROJECT CICAD/OAS



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Sistemas de Administración de Bienes de América Latina y Guía para la Administración de Bienes Incautados y Decomisados del Crimen Organizado 2011










Asset Management Systems in Latin America
and Best Practices Document on Management of
Seized and Forfeited Assets
2011

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OEA/Ser.L/V/II.4.35
CICAD/doc.4/12
13 settembre 2012
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"Aspectos Normativos para la Creación y Desarrollo de Cuerpos Especializados en Administración de Bienes Incautados y Decomisados"

Contiene un estudio de legislación de los diferentes sistemas de administración de bienes incautados y decomisados de los organismos especializados en la materia en América Latina

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Especialista en organismos de administración de bienes decomisados
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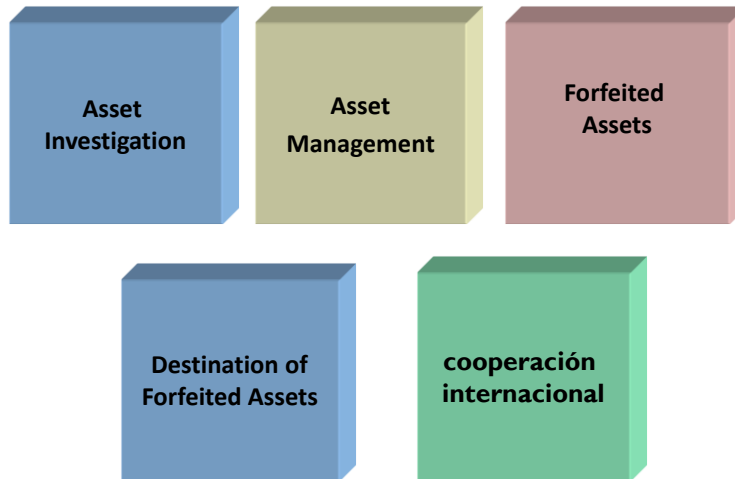
Indicators

- It is important to note that from the indicators derived extract information directly or through comparison between them and the analysis of its behavior over time, which is why the design and initial setting plays a key role in defining.
- The relationship between indicators will be influenced by the level of income and their hierarchy, so that the level of institutional development of the Asset Management Unit and confiscation systems in general, will directly affect the development of these . For this reason not incorporate suggestions in this regard in the document.



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21 recommendations of the following topics



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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) Engaging of Specialized Third Parties
- 7) System for Registering Seized and Forfeited Assets
- 8) Seized Money and Asset Fund
- 9) Forfeited Money and Assets Fund
- 10) Resources Appropriated for Asset Maintenance



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Recommendations

- 11) Existence of Controls
- 12) Pre-sale of Assets
- 13) Forfeiture for Abandonment of Assets
- 14) Asset Forfeiture as Incidental Consequence of the Crime
- 15) Provisional Use of Seized Assets
- 16) Waiver or Suspension of Tax Charges
- 17) Recruitment Processes
- 18) Bona Fide Third Parties
- 19) Liens and Mortgages
- 20) Destination of Forfeited Assets
- 21) International Cooperation



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Observations on the document

- ✓ Argentina
- ✓ Jamaica
- ✓ Paraguay



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Document



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Thank you very much!!!!

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