



Procuraduría Especializada
Antilavado de Activos y
Financiamiento del Terrorismo

PGR



“THE IMPORTANCE OF AN EFFICIENT INSTITUTIONAL COORDINATION AND INTERNATIONAL COOPERATION FOR CONFISCATION PURPOSES”.

Dr. German Daniel Miranda Villalona

Director

Specialized Unit of Prosecutors of Money Laundering And Terrorism Financing Crimes.

XLIII Meeting of the Group of Experts for Money Laundering Control (GELAVEX)

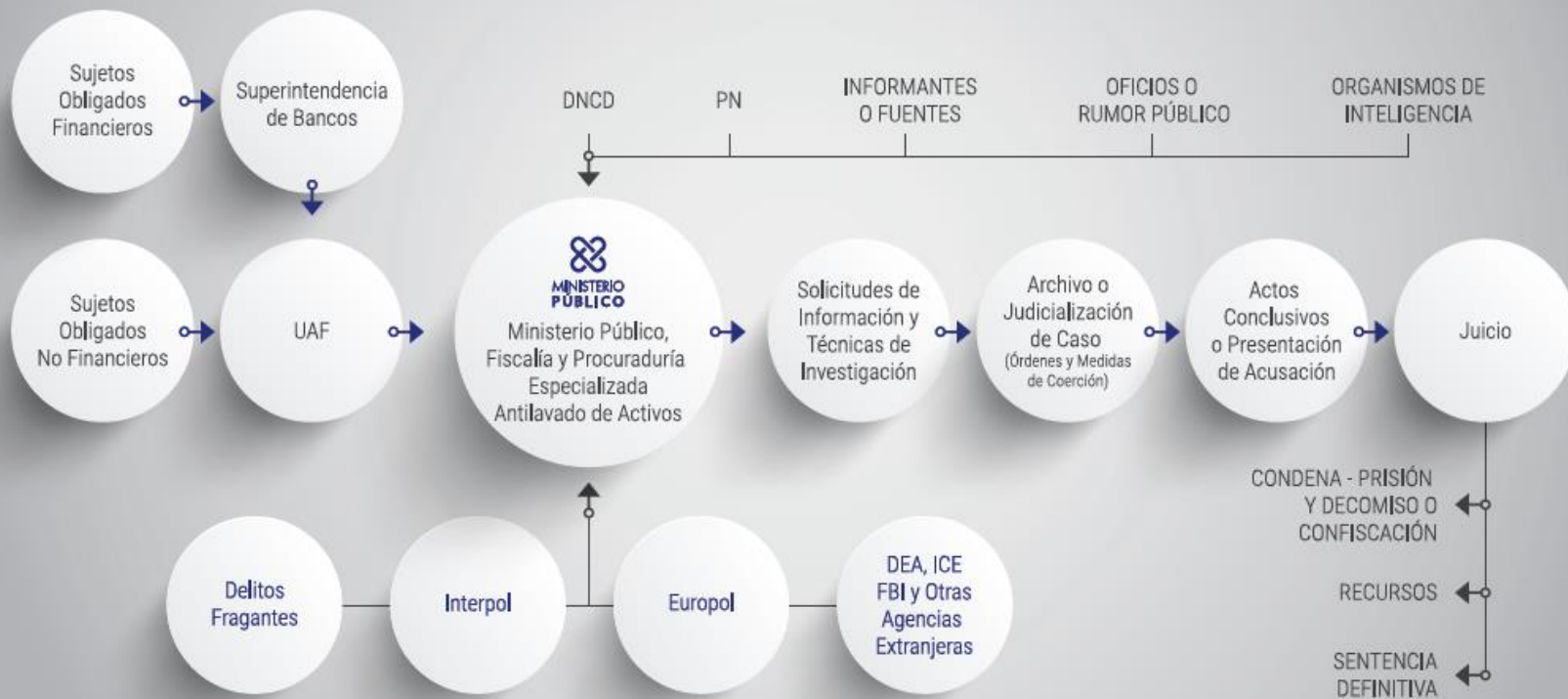
September 28th and 29th 2016

Punta Cana, Dominican Republic

INSTITUTIONAL COORDINATION

DIAGRAMA RECEPCIÓN DE LA INFORMACIÓN

Proceso Inicial de Información sobre Lavado de Activos



WORK TABLES

INSTITUTIONAL COOPERATION AGREEMENT LEGAL TO STRENGTHEN THE FIGHT AGAINST MONEY LAUNDERING AND TERRORISM FINANCING

PURPOSE

Coordinate, promote, follow-up and improve the access, using and exchanging information between the Attorney General's Office and the institutions or signatory bodies of Agreements on Institutional Legal Cooperation, to strengthen the mechanisms to prevent money laundering and terrorism financing.



MEMBERS

WORKING TABLE

1. Attorney General's Office (PGR)
2. National Committee Against Money Laundering (CONCLA)
3. Financial Analysis Unit (UAF)
4. Superintendence of Banks (SB)
5. National Drug Control Directorate (DNCD)
6. National Police (PN)
7. Retirement Funds Supervisor (SIPEN)
8. Stock Market Supervisor (SIV)
9. Insurance Companies Supervisor
11. Internal Revenue Service (DGII)
12. Institute of Certified Public Accountants
13. Dominican Bar association
14. Dominican College of Notaries



**Financial Intelligence Observatory
(FIO)
Dominican Republic**

¿What is it?

Initiative created to promote information exchange between different public bodies linked to organized crime control



Objective

ENSURING CONTINUITY

- Regulatory framework - regulatory umbrella
 - Not intended for creating new body
 - Not intended to amend laws
 - Expectations sharing and personal contact
 - Is intended to establish an internal basic institutional order, identity and continuity.

ENSURING OPERATION

- Discussion protocol



PARTICIPANTS



WHAT'S THE NEXT STEP - CONTINUITY

LEGAL WORK FRAME

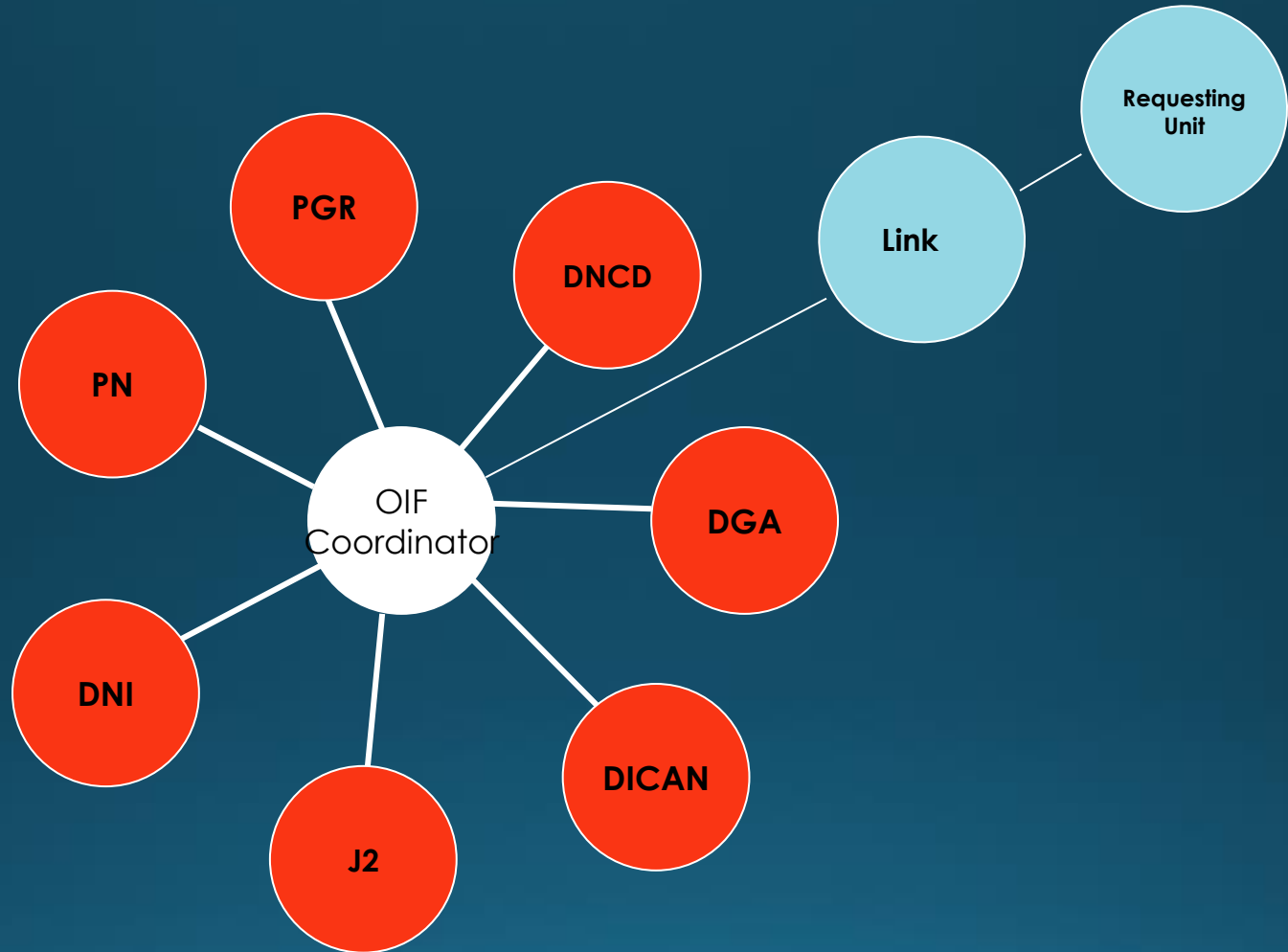
Regulatory Umbrella

- Memorandum of Understanding
- ¿Other?



WHAT'S THE NEXT STEP - OPERATION

FIO



OPERATIVITY CONSTRAINS

- Each agency access to its own database.
- Databases will not be unified.
- The agency representatives will access their databases to query specific information.
- Model
 - Sand-Alone
 - Remote



OPERATIVITY CONSTRAINS

- Types of queries: name and ID number, company, address, phone, etc.
- Each query will be assigned to an analyst and will be previously validated.
- Queries will be private (blind)



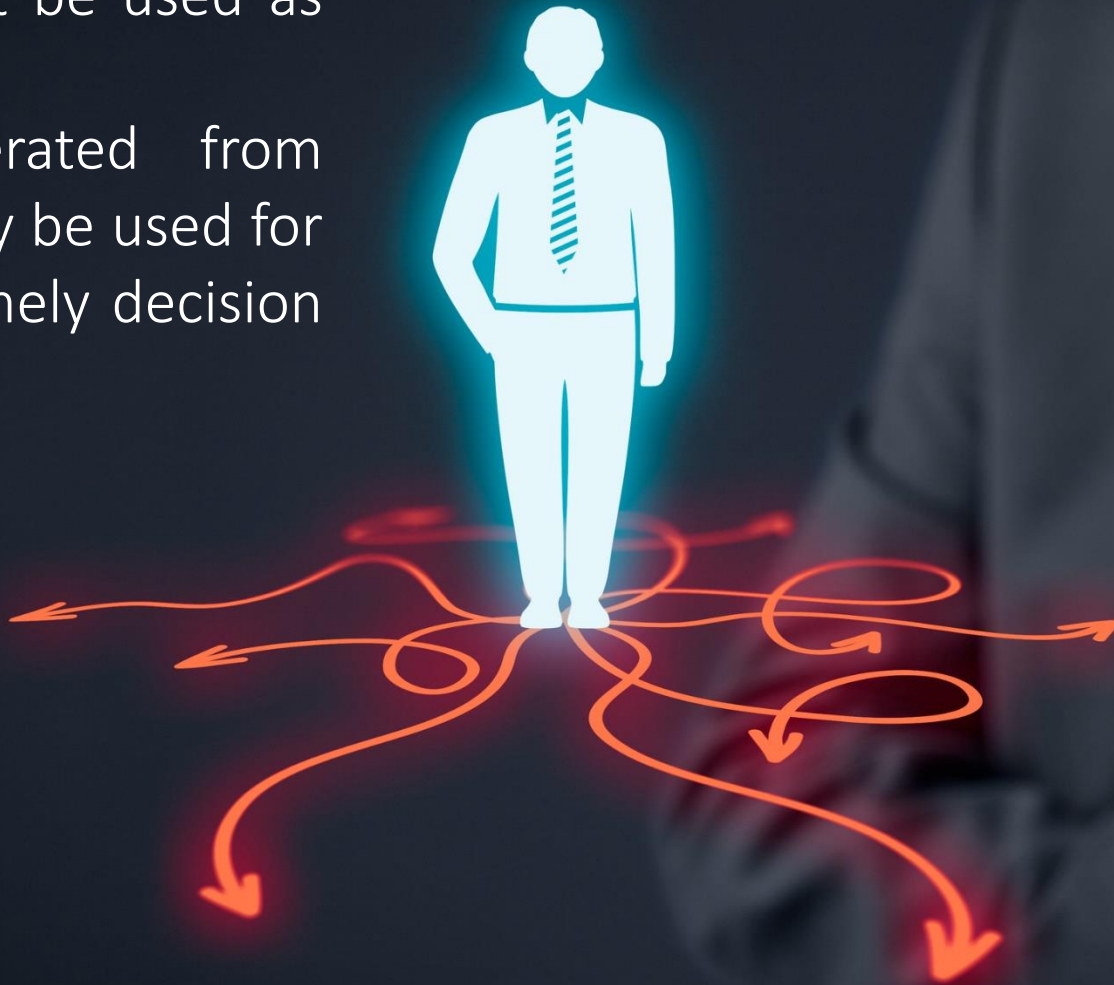


OPERATIVITY CONSTRAINS

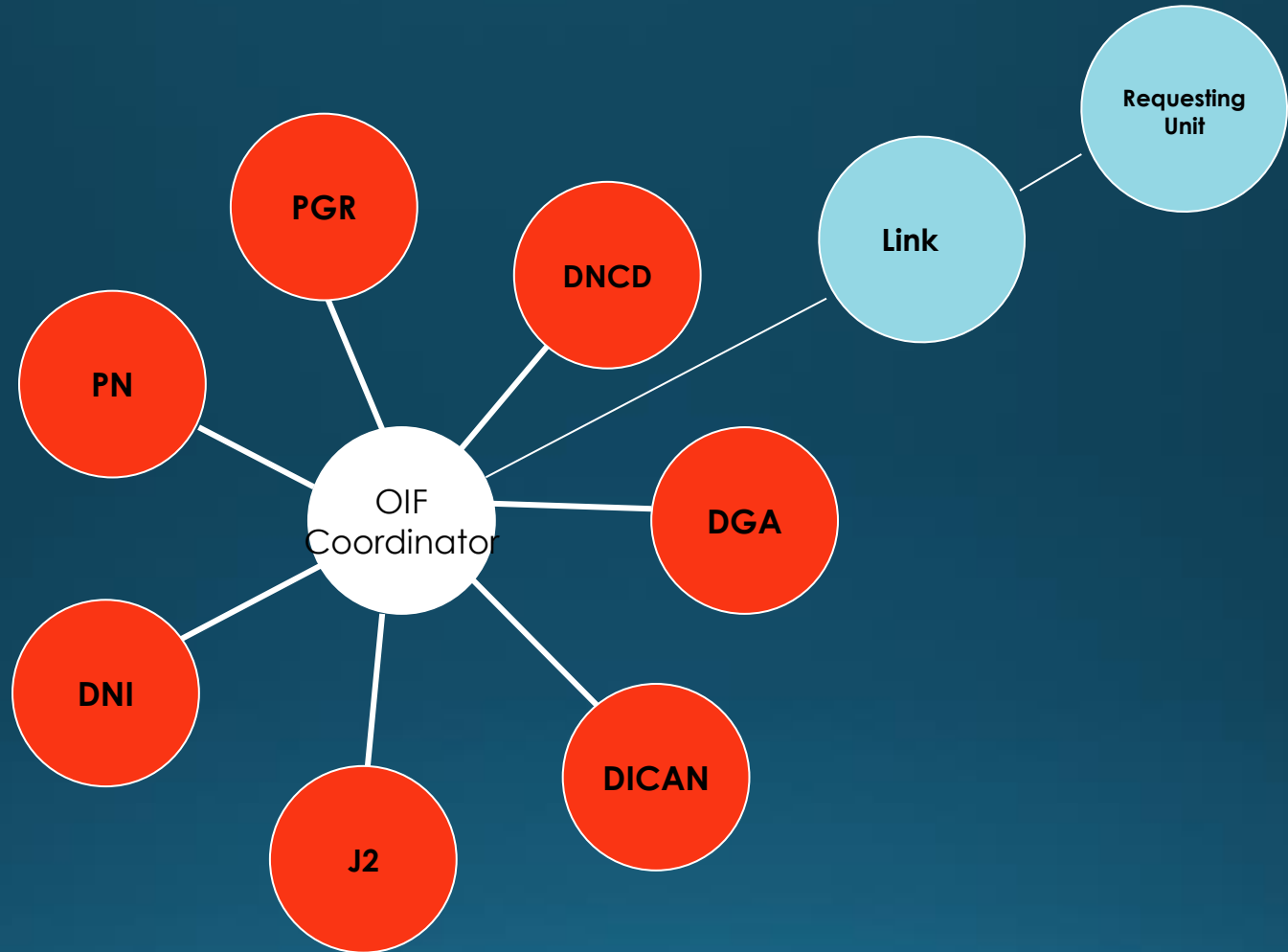
- Type of answer
 - Paper
 - Email
 - Safe intranet
- Back-up
 - No
 - Just the requirement
 - Request + Answer

OPERATIVITY CONSTRAINS

- Information provided by FOI will not be used as evidence.
- Data generated from FIO will only be used for fast and timely decision making



FIO



INTERNATIONAL COOPERATION FOR CONFISCATION PURPOSES

FUNDAMENTALS

INTERNACIONAL LEGAL COOPERATION

UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

1. SEIZURE

2. EXTRADITION

3. MUTUAL LEGAL ASSISTANCE

4. TRANSFER OF CRIMINAL PROSECUTIONS

5. OTHER FORMS OF COOPERATION AND TRAINING

United nations convention against illicit traffic in narcotic drugs and psychotropic substances

Article 12. Confiscation. Each Party shall adopt such measures as may be necessary to enable confiscation of ...

Article 13. The Parties shall afford one another, pursuant to this article, the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to criminal offences established in accordance with article 3, paragraph 1

Number 9. Requests shall be made in writing in a language acceptable to the requested Party. The language or languages acceptable to each Party shall be notified to the Secretary-General. In urgent circumstances, and where agreed by the Parties, requests may be made orally, but shall be confirmed in writing forthwith

Reference Guide to Anti-Money Laundering and Combating the Financing of Terrorism

International Cooperation

A. Prerequisites for Effective International Cooperation

- (1) building a comprehensive and efficient domestic capacity
- (2) Ratifying and implementing the international conventions regarding money laundering and terrorism financing; and
- (3) complying with the recommendations of the Financial Action Task Force on Money Laundering (FATF)

B. General Principles of International Cooperation Against Money Laundering

C. International Cooperation Between FIUs

1. The Core Features of FIU International Cooperation
2. Conditioning the FIU's Ability to Cooperate at the International Level
3. The Relationship Between Different Organizational Models and International Cooperation



D. International Cooperation Between Financial Supervisory Authorities

1. Cooperation Between Banking Supervisors
2. Cooperation Between Securities Supervisors
3. Cooperation Between Insurance Supervisors

E. International Cooperation Between Law Enforcement and Judicial Authorities

1. Basic Principles
2. Additional Principles

F. Considerations for Fiscal Matter Offenses



Camden Asset Recovery Inter-Agency Network (CARIN)



CARIN is an informal network of contacts and a cooperative group concerned with all aspects of confiscating the proceeds of crime. It is a network of practitioners from 53 jurisdictions and 9 international organizations. It is linked to similar asset recovery networks in southern Africa, Latin America and Asia Pacific.

CARIN Secretariat

Camden Asset Recovery Inter-agency Network (CARIN)

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Camden Asset Recovery Inter-Agency Network (CARIN)



Meeting for Practitioners on
Asset Recovery in the Caribbean
Bridgetown, Barbados,
November 16th ad 17th 2017

GAFILAT's ARN

Is the system for transferring confidential information that enables secure delivery of information. RRAG GAFILAT



RRAG GAFILAT - Sistema de la Red de Recuperación de Activos del GAFILAT
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Desarrollado por la Unidad de Informática del ICD

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INTERNATIONAL LEGAL ASSISTANCE REQUESTS RECEIVED BY DOMINICAN REPUBLIC IN 2015

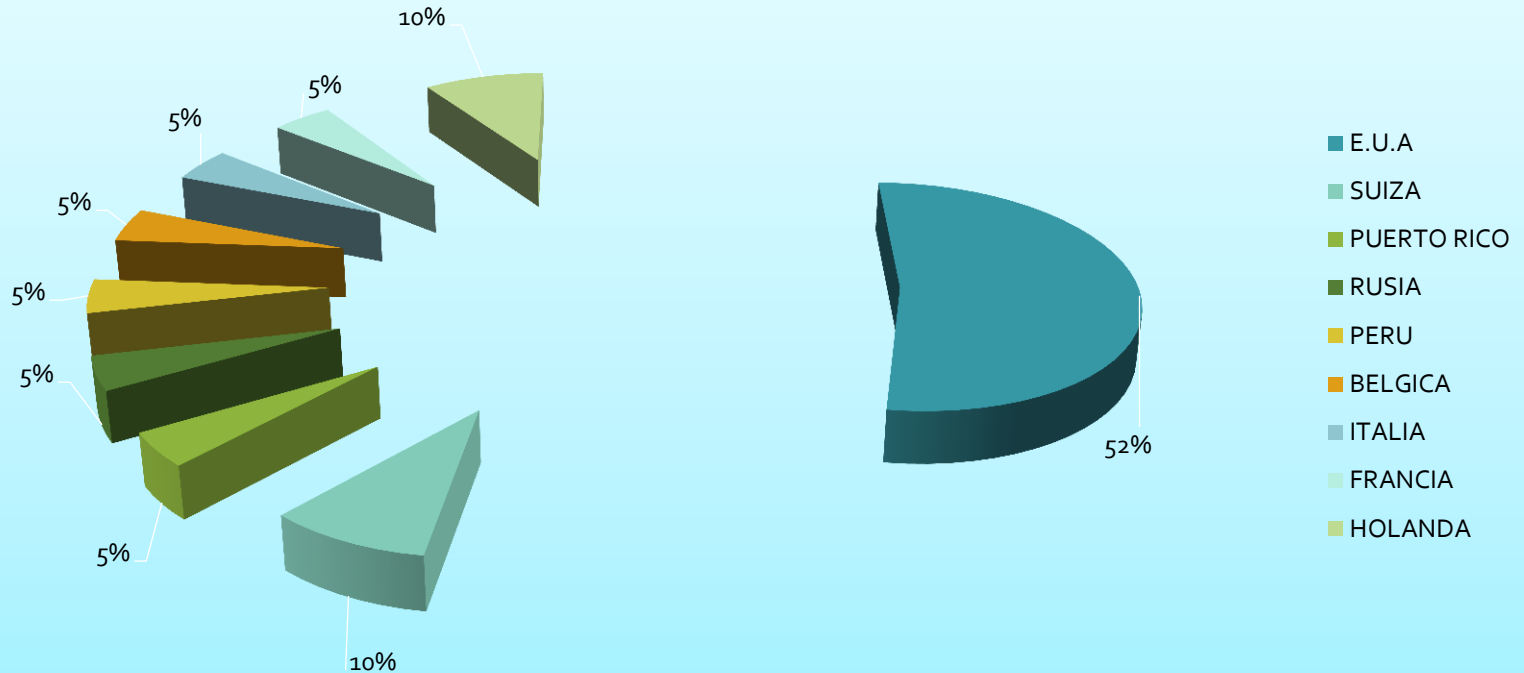
PAIS	2015		%
	SOLICITUD	RESPUESTA	
FRANCIA	14	8	57%
ALEMANIA	12	3	
ITALIA	4	3	
PAISES BAJOS	6	2	
ESPAÑA	5	8	160%
BELGICA	1	3	100%
POLONIA	2	0	0%
SUIZA	8	6	75%
GRAN BRETAÑA	1	0	0%
GUINEA BISOU	1	0	0%
TURQUIA	1	1	0%
RUMANIA	1	1	0%
ARGENTINA	1	1	100%
BRASIL	2	1	50%
CANADA	3	3	100%
CHILE	0	0	0%
COLOMBIA	1	0	0%
COSTA RICA	0	0	0%
ECUADOR	0	0	0%
ESTADOS UNIDOS DE AMÉRICA	9	3	0%
MEXICO	0	0	0%
HONDURAS	0	0	0%
PANAMA	3	2	67%
PARAGUAY	0	0	0%
PERU	6	3	50%
VENEZUELA	3	1	33%

INTERNATIONAL LEGAL ASSISTANCE REQUESTS

FRECUENCIAS DE COOPERACION POR PAISES		
PAISES	FRECUENCIAS	PORCENTAJES
E.U.A	11	52%
SUIZA	2	10%
PUERTO RICO	1	5%
RUSIA	1	5%
PERU	1	5%
BELGICA	1	5%
ITALIA	1	5%
FRANCIA	1	5%
HOLANDA	2	10%
TOTAL	21	100%

INTERNATIONAL LEGAL ASSISTANCE REQUESTS

REPRESENTACION GRAFICA POR PAISES



The Specialized Unit of Prosecutors for Anti-Money Laundering Terrorism Financing investigations, of the National Directorate of Prosecution of the Public Ministry, have approved sentences of cases executed from different countries in International Legal Cooperation, which have been produced seizures or forfeitures of real, movable and immovable property belonging to persons who have committed Crime of Money Laundering in those countries and have invested in the Dominican Republic, it is noteworthy that these assets are confiscated in favor of the country, the subject of Legal Cooperation on our part.

Gracias...

a todos por su Atención!!!

Dr. Germán Daniel Miranda Villalona
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Terrorismo.

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