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Organization of American States

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Secretariat for Multidimensional Security

**XLIV MEETING OF THE GROUP OF EXPERTS
FOR THE CONTROL OF MONEY LAUNDERING
September 25-26, 2017
Asuncion, Paraguay**

**OEA/Ser.L/XIV. 4.44
DDOT/LAVEX/doc.8/17
September 21, 2017
Original: Spanish**

**PRESENTATION
STUDY ON BEST PRACTICES FOR THE COORDINATION BETWEEN ADMINISTRATIVE AND JUDICIAL
AUTHORITIES WITH THE SPECIALIZED AGENCIES FOR THE ADMINISTRATION OF SEIZED AND
FORFEITED ASSETS**

STUDY ON BEST PRACTICES FOR THE COORDINATION BETWEEN ADMINISTRATIVE AND JUDICIAL AUTHORITIES WITH THE SPECIALIZED AGENCIES FOR THE ADMINISTRATION OF SEIZED AND FORFEITED ASSETS

SUBWORKING GROUP ON FORFEITURE AND INTERNATIONAL COOPERATION and PROJECT BIDAL GELAVEX / ASUNCION - PARAGUAY SEPTEMBER 2017

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STUDY ON BEST PRACTICES FOR THE COORDINATION BETWEEN ADMINISTRATIVE AND JUDICIAL AUTHORITIES WITH THE SPECIALIZED AGENCIES FOR THE ADMINISTRATION OF SEIZED AND FORFEITED ASSETS

Line of action of the Strategic Plan 2015-2017:

- Coordination between the administrative and judicial authorities for the management and administration of seized assets



STUDY

GENERAL OBJECTIVE



Identify the best practices to promote the coordination between administrative and judicial authorities with the specialized agencies for the administration of seized and forfeited assets or with the entity in charge of this function, aiming to optimize and develop procedures to identify the relevant and necessary information to efficiently transfer seized assets, maintaining the productivity of the assets and preserve its physical condition until its final destination is determined by the competent judicial authority and consequently, strengthen the rule of law.



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SPECIFIC OBJECTIVES

- Identify which are the actors who must coordinate actions to ensure the overall process of reception of the assets.
- Explore the duty of collaboration of the actors who intervene previously and during the seizure process, until the delivery of such assets to the specialized agencies or the entity in charge of such function.
- Determine the juridical responsibilities of the specialized agencies to participate in coordinated actions along with the different authorities that intervene in the financial investigation, asset seizure, and after the delivery and reception of the assets.
- Highlight the importance and need for an effective collaboration between the different actors to ensure the reception of the assets or active businesses and minimize future difficulties in the administration of such assets.
- Determine what are the main aspects that must be coordinated during the financial investigation, prior to the seizure, during the reception of the assets and until their definitive delivery to the entity in charge of its administration and disposal.
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- Promote the implementation of rules or legal revision, protocols and/or manuals that settle the procedure to facilitate the coordination between the administrative and judicial authorities with the specialized agencies for the administration of seized and forfeited assets or with the entities in charge of such function.



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ANSWERS FROM THE FOLLOWING COUNTRIES

- Costa Rica
- Guatemala
- Honduras
- Mexico
- Monserrat
- Panama
- Peru
- Trinidad & Tobago





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Project BIDAL, Best Practices Document

“Where possible, prior to restraint or seizure, assets should be valued and analyzed with a view to anticipating the costs and means required for their future management and so that the competent authority may determine the appropriate preventive measure. This should be done according to the criteria of reasonableness, discretion, and objectivity.

The relevant authority should not be obliged to seize any identified asset, but should have sufficient discretionary power to determine which assets to seize, as well as to establish different mechanisms to limit the number of assets, thus preventing their transfer.”



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Experience and analysis of the answers

1. Coordination between authorities with due anticipation.
2. Quality and precision of the information.
3. Limits of the shared information.
4. Validity, viability and improving of the transfer.
5. Expedite delivery-reception of the assets.
6. Timely and necessary transfer
7. Interinstitutional specialized collaboration.





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Coordination between authorities with due anticipation

In order for the administration agency to make the appropriate provisions in a timely manner for the proper receipt and administration of the asset to be delivered.



OABI tomará posesión de empresa de la okra

30 NOV. 2016 - 8:06 PM



OROCUINA, Choluteca. Asegurada por personal de la Agencia Técnica de Investigación Criminal (ATIC), continúa la empresa Cultivos Agrícola la Sábila (CUASA) por el supuesto nexos con la organización criminal Los Pintos.

La empresa dedicada al cultivo de okra como un lote de ganado vacuno, propiedad del señor Marcos Flores, fue asegurada el pasado lunes por autoridades del Ministerio Público a través de la ATIC, Dirección Nacional de Lucha contra el Narcotráfico (DNLC) y la Policía Militar del Orden Público (PMOP).

Google ha cerrado el anuncio

Dejar de ver anuncio

¿Por qué este anuncio? ⓘ

CUASA ubicada en el municipio de Orocuina, es generadora de empleo de más de tres mil personas, mismas que el martes anterior protestaron por el cierre de la instalación ya que personal del MP evitó que laboraran por la recopilación de información que hacían dentro del inmueble como parte del proceso investigativo.

Mientras toma posesión de la empresa la Oficina Administradora de Bienes Incautados (OABI), las autoridades de la ATIC...



Culpable Rodolfo Padilla Sunseri por el delito de abuso de autoridad



Extraditan a Noé Montes Bobadilla por narcotráfico



Sacan de su celda a Noé Montes Bobadilla para su extradición



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Quality and precision of the information

Mainly oriented for the identification and legal nature of the asset, its conditions, detailed description, registration information and the economic or commercial activity developed in its location and that is necessary for its reception and mainly to determine the correct, timely and necessary strategies for the assets to remain productive.

Dirección

GD (grados decimales)*

Latitud

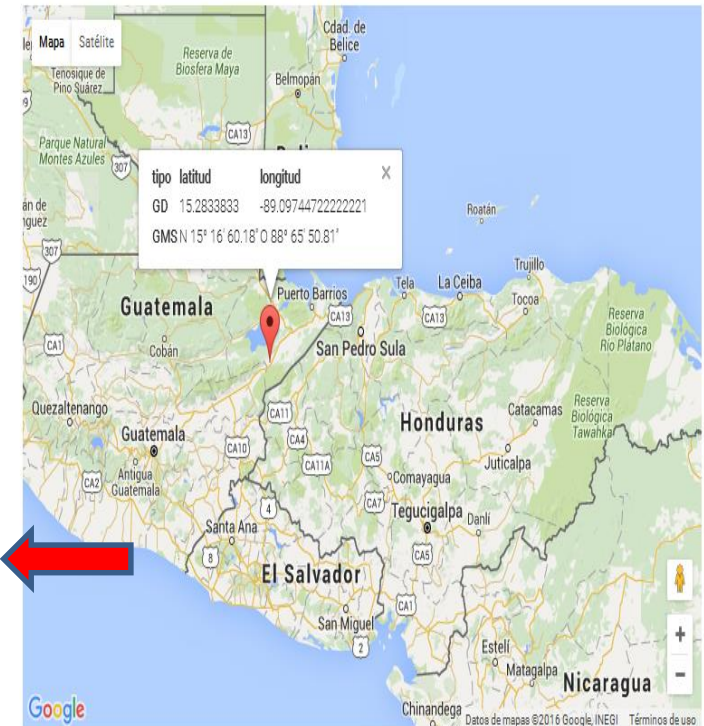
Longitud

GMS (grados, minutos, segundos)*

Latitud ☒ ☐ 15 ° 16 ' 60.18 "

Longitud ☐ ☒ 88 ° 65 ' 50.81 "

* Sistema Geodésico Mundial 1984 (WGS 84)



9	bien inmueble ubicado en la carretera que de la Entrada Copan, conduce a San Pedro Sula, en las coordenadas N 15°16'60.18 y W 88°65'50.81 dicha propiedad consiste en grandes extensiones de tierra , para su acceso cuenta con un portón de hierro el que a su vez se sostienen en dos columnas de cemento pintadas en blanco.	Nueva Arcadia, Copan
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Limits of the shared information

- Basically, it must not compromise the investigation but allows to obtain sufficient general information so that the entity in charge of the administration is prepared in an objective and technical way for the process of delivery-reception.
- "Adequate fragmentation of the information will allow, in case of leakage, the possible areas that have caused the leak to be identified." CRI





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Validity, viability and improving of the transfer

The above must ensure that the act of delivery-receipt of assets between transferring authorities is **improved** once the requirements are validated, according to the nature of the assets must be met by the transferring competent authority for its administration to be viable and responsible.



Rules and Manuals



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Timely transfer

The time elapsed between the physical seizure of the asset to its delivery-receipt must be the shortest time possible to be **timely** for its efficient and effective administration; If it is not done in time, the asset management, maintenance and preservation may become complex or impossible to safeguard, leading to the loss or destruction of the asset.

Empleados de Alimentos Continental protestan en La Lima

20 Oct 2015 / 01:55 PM /

La Oabi no garantiza nuestras prestaciones laborales, dicen los empleados de la empacadora.





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Necessary transfer

There are various forms of application of precautionary measures on the asset subject to the investigation, which not necessarily need to execute the physical seizure of the asset. The legal figure such as preventive notation, seizure, assurance, immobilization, in the respective national registry, are sometimes sufficient to prevent their alienation and therefore preserve and ensure that the asset faces the judicial process guaranteeing the final sentence of the trial, without the need for its administration.





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Necessary transfer



Application of the measure could only be carried out when the asset is not used to continue the illicit activity development or when a “bad message” is sent to the society that continues to enjoy, enjoying or taking advantage of the assets, especially in cases related with corruption investigations.



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Interinstitutional specialized collaboration

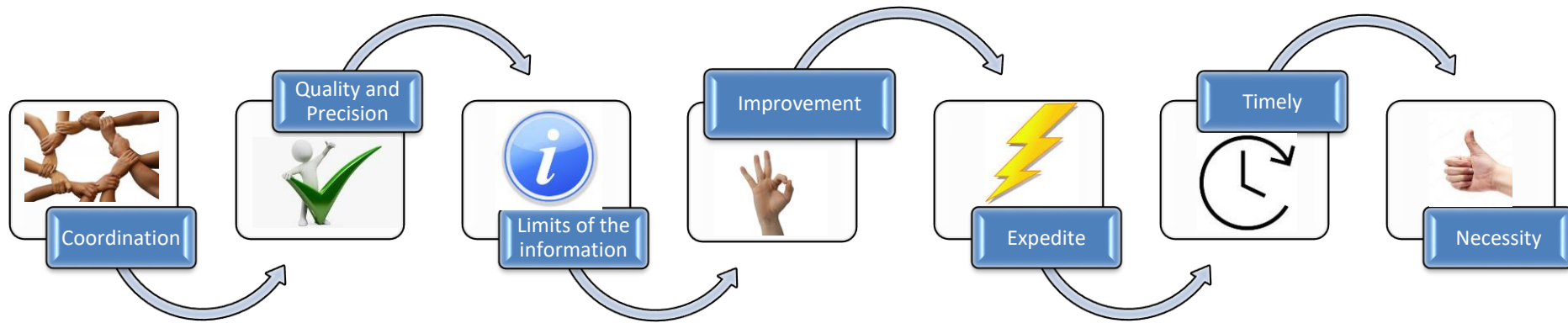
The aforementioned will allow the specialized asset administration agency to determine, in due time, the technical staff necessary for the transfer of assets and to anticipate the need for specialized staff from other governmental institutions or the hiring specialized third parties to collaborate and support the process of transfer and subsequent administration of the asset.





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**Inter-institutional coordination is essential for the success of maintaining
and preserving seized assets in the same or better conditions.
For this reason, this chain of processes must be strongly developed**



Success

Thank you!

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