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## Organization of American States

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**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.3/17  
July 24, 2017  
Original: Spanish**

### **QUESTIONNAIRE FOR THE ELABORATION OF THE**

#### **“STUDY ON BEST PRACTICES FOR 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 SUCH FUNCTION”**

##### **Introduction:**

During the meetings held by the Sub-working group on Forfeiture and while developing different studies over the years, this group has stated as a good practice and of vital importance the prevailing need of relying on prior coordination with the competent authorities that will accomplish the seizure of assets, especially when dealing with assets of complex management, such as operating companies and productive assets in general. These assets' custody should be transferred to a specialized agency according to each country's internal legislation.

In this sense, the present questionnaire is meant to identify and analyze information concerning relevant, important, and essential aspects that cooperating authorities should share before the delivery-reception of said assets. It also enhances the monitoring of the entities responsible for such administration, ensuring an efficient management and/or administration of the seized assets and thus strengthens the fight against organized crime.

##### **Questionnaire:**

1. Prior to the delivery-reception of the assets of complex management that are to be seized, does your country usually perform pre-coordination between investigative authorities (prosecutors, judges, and police) and the specialized agencies for the administration of such assets or with the entity that is responsible for this function?

YES (If answering affirmatively, continue on to the following questions)	
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NO (Explain why there is no prior coordination)	
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2. Besides participating authorities (prosecutors, judges, law enforcement, and asset administration agencies), when conducting prior coordination for the reception of an asset of complex management, does your country perceive the need to be assisted by other State bodies, for example: labor inspectors, tax inspectors, health inspectors, agricultural inspectors, or whomever else may be necessary?

YES (In the affirmative case, indicate which entities have assisted or helped)	
NO	

Explain:

3. Does your legislation permit the support of specialized third parties so they can collaborate in the reception of assets of complex management?

YES	
NO	

4. What prior information (that does not compromise the investigation) is considered vital for the adequate reception of assets of complex management that should be shared between competent investigative authorities and the specialized agencies for the administration of assets or entities with such responsibilities?

Explain:

5. Regarding the previous question, could you indicate the limitations to executing this?

Explain:

6. Should the prior information shared with entities in charge of the reception of assets of complex management be limited?

YES	
NO	

Which kind? \_\_\_\_\_

7. Are there aspects that should be improved so that this coordination is more effective?

YES	
NO	

Which ones? \_\_\_\_\_

8. Regarding assets of complex management, in a general sense and more specifically concerning reception of such assets, what are the main (logistical) actions that should be coordinated in the following stages and with which authority:

- During the financial investigation?
  - Prior to seizure?
  - During the reception of the asset?
- Can you share a practical case as an example?

9. Does your country have norms, protocols of action and/or procedural manuals that favor or describe the coordination between 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?

YES	
NO	

If answering affirmatively, attach the norm or provide a link to the website.

10. Does the specialized agency for the administration of such assets give feedback concerning their findings identified while managing complex assets to the investigative authorities? Do these findings contribute relevant information to strengthen or extend the theory of the investigation??

YES	
NO	

11. Regarding asset management, what are the specific subjects that requires specialized capacitation in your country?