

# FORFEITING THE PROCEEDS OF CORRUPTION

*A Seminar on Asset Forfeiture and Money Laundering for Member States  
of the Organization of American States*

May 2-5, 2006

## PRELIMINARY AGENDA

**TUESDAY:** *Problem Identification - strategies for investigating corruption in different sectors and differences in legal approaches to forfeiture*

8:30-9:00 REGISTRATION

9:00-10:00 ORIENTATION AND OPENING REMARKS:

Introduction of the Keynote Speakers

Opening Addresses

Richard Weber  
Chief, Asset Forfeiture and Money Laundering Section  
United States Department of Justice

Ambassador John Dinger  
Senior Advisor to the Undersecretary for Political Affairs  
United States Department of State

Jorge Garcia Gonzalez  
Chief, Office of Legal Cooperation  
Department of International Legal Affairs  
Organization of American States

10:00-11:00 [CASE STUDY: INVESTIGATING OFFICIAL CORRUPTION](#)

Mary Butler  
Trial Attorney  
Public Integrity Section  
United States Department of Justice

11:00-11:15 BREAK

**11:15-12:30** **[THE ASSET RECOVERY IMPERATIVE: INTERNATIONAL CONSENSUS TO RECOVER THE PROCEEDS OF GRAND CORRUPTION](#)**

The Inter-American Convention Against Corruption, United Nations Convention Against Corruption, Summit of the Americas Declaration of Nuevo Leon, G8 Justice and Home Affairs Ministerial Declaration on Recovering the Proceeds of Corruption, and the global effort to recover the proceeds of grand corruption.

**Daniel Claman**  
**Senior Trial Attorney,**  
**Asset Forfeiture and Money Laundering Section**  
**United States Department of Justice**

**Jorge Garcia Gonzalez**  
**Chief, Office of Legal Cooperation**  
**Department of International Legal Affairs**  
**Organization of American States**

**12:30-1:45** **LUNCH**

**1:45-2:30** **[CORRUPTION PROFILES: CORRUPTION IN PUBLIC EXPENDITURES AND ADMINISTRATION](#)**

A judicial perspective on challenges in legal proceedings dealing with bid-rigging, tax fraud, and corruption in construction licensing.

**The Honorable Abel Gomes**  
**Federal Judge of Appeals**  
**Brazil**

**2:30-3:15** **[CORRUPTION PROFILES: INVESTIGATING CORRUPTION INVOLVING STATE-OWNED CORPORATIONS AND ENTERPRISES](#)**

Challenges and strategies for investigating corruption in government-owned businesses and state monopolies.

**Ricardo Martinez**  
**Mexico**

**3:15-3:30** **BREAK**

**3:30-4:15** **[CORRUPTION PROFILES: INVESTIGATING CORRUPTION IN CUSTOMS AND REVENUE SERVICES](#)**

Challenges and strategies for investigating corruption by border inspection authorities and agencies responsible for collection of revenue.

**Iván Lara Palacios  
Procurador Penal Nacional  
Procuraduría General de la República  
Nicaragua**

**4:15-5:00**

**CORRUPTION PROFILES: PROSECUTION OF FINANCIAL  
INTERMEDIARIES THAT FACILITATE CORRUPTION**

Obligations of financial institutions to guard against the introduction of foreign corruption proceeds and experiences in the criminal prosecution of a financial institution for non-compliance.

**Steven Durham  
Deputy Chief, Fraud and Public Corruption Section  
Office of the United States Attorney for the District of Columbia  
United States Department of Justice**

**5:00**

**RECESS**

**To Follow**

**WELCOMING RECEPTION**

**WEDNESDAY: *Asset Tracking and Financial Investigations***

**9:00-10:30 CONDUCTING A FINANCIAL INVESTIGATION**

An overview of techniques for investigating and prosecuting money laundering offenses and tracing forfeitable property in corruption cases. The discussion will also include a discussion of the use of circumstantial evidence and practical methods for performing net worth analysis for determining personal wealth.

[Paul Pelletier](#)  
[Acting Chief, Fraud Section](#)  
[U.S. Department of Justice](#)

[Mercedes de Leon](#)  
[Prosecutor](#)  
[Panama](#)

**10:30-10:45 BREAK**

**10:45-11:45 INTERNATIONAL FUNDS TRANSFERS**

What investigators and prosecutors need to know about how money moves and how to read financial documents. This discussion will primarily address banking systems and documents, but may also include identification of some particular money laundering methods criminals use.

**Margaret Keene**  
**President, Margaret Keene and Co., Inc.**  
**New York, New York**

**11:45-12:45 [ESTABLISHING BENEFICIAL OWNERSHIP](#)**

An examination of the special problem of unraveling trusts and shell companies to identify the true owners of assets.

**Deborah Morrissey**  
**Supervisory Special Agent**  
**Immigration and Customs Enforcement**  
**United States Department of Homeland Security**

**12:45-2:00 LUNCH**

**2:00-3:00 INFORMATION FROM THE INSIDE: EFFECTIVE USE OF INFORMANTS AND COOPERATING DEFENDANTS**

A discussion of effective interviewing techniques and methods for obtaining and making appropriate use of informant information. This segment will also address mechanisms for seeking full disclosure of a cooperating defendant's assets and protecting cooperating witnesses.

**Luis M. Perez**  
**Assistant United States Attorney**  
**Southern District of Florida**

**3:00-3:15**     **BREAK**

**3:15-3:45**     **CASE ORGANIZATION AND DATA MINING**  
Discussion will examine case organization strategies for building an effective investigative team, managing document intensive investigations, and getting the most out of your information.

**Ricardo Martinez**  
**Mexico**

**3:45-5:15**     **[CASE PRESENTATION: MAKING THE COMPLEX SIMPLE](#)**  
The use of expert witnesses and analyses to clarify and explain your case.

**Paul Pelletier**  
**Acting Chief, Fraud Section**  
**United States Department of Justice**

**The Honorable Sara Magnolia Salazar Landinez**  
**Chief of Unit**  
**National Asset Forfeiture and Money Laundering Enforcement Unit**  
**Colombia**

**5:15**     **RECESS**

**THURSDAY: *Effective Forfeiture Procedures and International Cooperation***

**9:00-9:45 [DIRECT ASSET RECOVERY THROUGH CIVIL LITIGATION](#)**

Civil litigation in foreign courts and other alternatives for countries to assert their own claims to recover funds.

**Juan Emilio Oviedo Cabanas**  
Director of International Judicial Assistance  
Office of the Attorney General  
Public Ministry  
Paraguay

**Ricardo Pretas**  
Director, Office of Economic Crime  
Office of the Attorney General  
Public Ministry  
Paraguay

**9:45-11:00 INTERNATIONAL COOPERATION IN MONEY LAUNDERING AND FORFEITURE**

An overview of the use of bilateral treaties, multilateral conventions, extradition treaties, and letters rogatory to provide assistance in forfeiture cases. Discussion will include examination of cooperation available under the Inter-American Convention against Corruption and the United Nations Convention against Corruption.

**[The Honorable Chief Justice Anthony Smellie, Q.C., J.P.](#)**  
**[Cayman Islands](#)**

**[Daniel Claman](#)**  
**[Senior Trial Attorney](#)**  
**[Asset Forfeiture and Money Laundering Section](#)**  
**[United States Department of Justice](#)**

**11:00-11:15 BREAK**

**11:15-1:00 EFFECTIVE INTERNATIONAL COOPERATION IN PRACTICE**

A panel discussion of practical tips for making an effective mutual legal assistance request and obtaining timely informal cooperation with representatives from countries receiving and making mutual legal assistance requests.

**Moderator: Paul Joseph**  
**Trial Attorney**

Office of International Affairs  
United States Department of Justice

[Pascal Gossin](#)  
[Head of International Legal Assistance Section](#)  
[Federal Office of Justice](#)  
[Switzerland](#)

[Raquel Dalla Valle Palmeira](#)  
[Coordinator](#)  
[Dept. of Asset Recovery & International Cooperation](#)  
[National Secretariat of Justice, Ministry of Justice](#)  
[Brazil](#)

Soumya Majumdar  
Head of Asset Forfeiture Unit  
Revenue & Customs Prosecutions Office (RCPO)  
United Kingdom

1:00-2:00 LUNCH

2:00-2:45 [CASE STUDY IN INTERNATIONAL COOPERATION:](#)  
An examination of the efforts of a particular country in recovering assets connected to the corrupt activities of public officials and their associates.

Walter Miguel Hoflich Cueto  
Chief of the Financial, Strategic, and International Unit  
Office of the *Ad Hoc* Anti-Corruption Prosecutor  
Peru

2:45-3:00 BREAK

3:00-3:45 [ENFORCEMENT OF JUDGMENTS IN PRACTICE](#)  
Developments in the law and practice of enforcement of foreign confiscation and forfeiture judgments. Discussion will include statutory authority for issuance of judgments abroad and provisions to include in judgments of forfeiture to enhance their enforceability in foreign courts.

The Honorable Chief Justice Anthony Smellie, Q.C., J.P.  
Cayman Islands

Soumya Majumdar  
Head of Asset Forfeiture Unit  
Revenue & Customs Prosecutions Office (RCPO)  
United Kingdom

**3:45-5:15 GETTING THE MONEY BACK: TRANSPARENCY IN THE ADMINISTRATION AND DISPOSITION OF RECOVERED ASSETS**

Establishment of transparent funds to receive repatriated assets, agreements for the use of repatriated assets for debt relief or anti-corruption programs, and other mechanisms for assuring that returned assets are not misappropriated.

**Moderator:** [Daniel Claman](#)  
[Senior Trial Attorney](#)  
[Asset Forfeiture and Money Laundering Section](#)  
[United States Department of Justice](#)

[Viktor Vavricka](#)  
[Lawyer/Diplomatic Officer](#)  
[Directorate of International Law](#)  
[Federal Department of Foreign Affairs](#)  
[Switzerland](#)

[Ivan Lara](#)  
[Procurador Federal Nacional](#)  
[Nicaragua](#)

**Walter Miguel Hoflich Cueto**  
**Chief of the Financial, Strategic,**  
**and International Unit**  
**Office of the *Ad Hoc* Anti-Corruption Prosecutor**  
**Peru**

**5:15 RECESS**

**FRIDAY: *Transparency and Looking Forward***

**9:00-9:45 PROTECTING AGAINST FUTURE CORRUPTION THROUGH FINANCIAL DISCLOSURE, INSPECTORS GENERAL, AND THE OFFENSE OF ILLICIT ENRICHMENT**

The Argentine experience with the use of financial disclosure systems, and inspectors general to deter, uncover and investigate illicit enrichment, and other offenses.

**Martin Andrés Montero**  
**Head of Advisores to the Cabinet of the Secretary of Justice and Penitentiary Issues**  
**Ministerio de Justicia, Security and Human Rights**  
**Argentina**

**9:45-10:30 OVERCOMING OBSTACLES TO FORFEITURE**

Practical and legislative solutions to common barriers to the forfeiture of criminal property.

**Daniel Claman**  
**Senior Trial Attorney,**  
**Asset Forfeiture and Money Laundering Section**  
**United States Department of Justice**

**10:30-10:45 BREAK**

**10:45-12:15 NON-CONVICTION BASED FORFEITURE**

Examination of some of the legislative alternatives used to confiscate criminally tainted property where criminal prosecution is not possible, such as in cases of death, immunity, absence or fugitive status.

**The Honorable Sara Magnolia Salazar Landinez**  
**Chief of Unit**  
**National Asset Forfeiture and Money Laundering Enforcement Unit**  
**Colombia**

**Paula Gilford**  
**Legal Counsel**  
**Office of National Drug Control and Money Laundering Policy**  
**Antigua**

**12:15-12:30 ORGANIZATION FOR WORKING LUNCH**

Division into working groups and identification of topics for discussion.

**Mary Lee Warren  
Deputy Assistant Attorney General  
Criminal Division  
United States Department of Justice**

**12:30-1:30 WORKING LUNCH: FUTURE COOPERATION**

**1:30-3:00 PROSPECTS FOR FUTURE COOPERATION**

A moderator and delegates from participating nations will consider next steps. Topics may include such issues as what the nations can and will do to act upon urgent requests (i.e. freezing bank accounts), to coordinate multinational task forces/special units, to streamline sharing of financial records, to provide assistance to one another in drafting domestic statutes, and other matters.

**Moderator: Mary Lee Warren  
Deputy Assistant Attorney General  
United States Department of Justice**

**3:00-3:15 BREAK**

**3:15-3:45 CONCLUDING REMARKS**

**Mary Lee Warren  
Deputy Assistant Attorney General  
United States Department of Justice**

**3:45 ADJOURN**