



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
Estados Unidos de América

Organización de los Estados Americanos

T. 202.458.3000
www.oas.org

Inter-American Drug Abuse Control Commission **C I C A D**

Secretariat for Multidimensional Security

XXXV EXPERT GROUP FOR THE CONTROL OF MONEY LAUNDERING
September 17th and 18th 2012
Buenos Aires, Argentina

OEA/Ser.L/XIV.4.35
CICAD/doc.5/12
September 13th 2012
Original: Español

REGULATORY ASPECTS FOR THE CREATION AND THE DEVELOPMENT OF SPECIALIZED BODIES IN
SEIZED AND FORFEITED ASSETS MANAGEMENT
DENNIS CHENG, BIDAL PROJECT DIRECTOR

REGULATORY ASPECTS FOR THE CREATION AND THE DEVELOPMENT OF SPECIALIZED BODIES IN SEIZED AND FORFEITED ASSETS MANAGEMENT

Dennis Cheng
Project Director
CICAD/OAS



Organización de los
Estados Americanos



Organización de los
Estados Americanos



Washington 2012 Meeting Proposal

- ü Define if the study about Latin American assets management agencies legislation will be include in the policy guide
- ü Review legislation validity or reforms of your country
- ü Choose a deadline for sending observations and comments about each country legislation
- ü Determine the work methodology that will be use to develop a proposal



Organización de los
Estados Americanos

Observations and other

§ Comments of the delegations of:

ü Guatemala

ü Argentina

§ Reducing the number of pages of the document to 106 pages

§ Translating it into English



Organización de los
Estados Americanos

Document Content

- ü Introduction
- ü International recommendations related to the creation of assets management agencies
- ü G8, Best Practices papers for assets management
- § FATF, Best Practices papers for confiscation and new recommendations 4 and 38.
- § Model Law on In Rem Forfeiture, UNODC
- § Best Practices papers CICAD/OAS
- § Hemispheric Drug Strategy 2011-2015 (principle 45)
- § Hemispheric Plan of Action on Drugs (objective 12 related to control measures)



Organización de los
Estados Americanos

Document Content

- ü Study of legislation of the various Latin America assets management agencies.
- § Creation structure, organization and powers
- § Receipt, custody and management of assets
- § Seized assets destination



Organización de los
Estados Americanos

Study of Seized and Forfeited Assets Management Systems in Latin America

§ Bolivia

§ Colombia

§ Costa Rica

§ Ecuador

§ Guatemala

§ Honduras

§ Mexico

§ Nicaragua

§ Panama

§ Peru

§ Dominican Republic

§ Uruguay

§ Venezuela

§ Argentina

§ El Salvador



Organización de los
Estados Americanos

Policy Guide Content

- § Introduction
- § Legal nature of assets management agencies
- § Structure of assets management agencies
- § Management faculties and contracting regimen
- § Abandoned or unclaimed assets
- § Advance sale of assets with high maintenance costs
- § Provisional use
- § Management of operating enterprises



Organización de los
Estados Americanos

Policy Guide Content

- § Investments of seized and forfeited money
- § Maintenance and administrative expenses
- § Seized and forfeited money fund
- § Tax Regime
- § Guarantees and mortgages
- § Management of operating enterprises
- § Auctions
- § Seized assets destination
- § International cooperation
- § Assets sharing during joint operations



Organización de los
Estados Americanos

Document Changes

§ [Aspectos Normativos ultima version.doc](#)

THANK YOU!!!!

Dennis Cheng
dcheng@oas.org



Organización de los
Estados Americanos