

ORGANIZATION OF AMERICAN STATES



INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION

cicad

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CONCLUSIONS AND RECOMMENDATIONS

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Conclusions and Recommendations

- 1 Report of activities
 - a. The group instructed the Executive Secretariat to circulate the report of activities among the experts and to include it in the Final Report.

- 2 Presentation of the Working Subgroup on International Cooperation
 - a. The Executive Secretariat will distribute, for the last time, the questionnaire on International Cooperation and the delegations will have until December 20 to answer it. The questionnaires will be published on January 2nd, 2007.
 - b. The group supported the creation of a best practices document in the area of international cooperation. This document will guide the future actions and discussions of the subgroup.
 - c. The Executive Secretariat is instructed to facilitate the subgroup's coordinator job of compiling the laws and regulations of each country on international judiciary assistance and the compilation of a summary of the relevant issues that appear in the evaluation reports for all the countries in GAFI, GAFIC and GAFISUD.

3. Profile of the Forfeited Asset Management Program
 - a. The countries thanked the Executive Secretariat for the design and presentation of the profile of a technical assistance program on administration of forfeited assets to the Expert's Group, which is complementary to other programs that have been or are being implemented by the Executive Secretariat. The Expert's Group supports the submission of the program profile to CICAD's Commission and to the General Secretariat of the OAS.
 - b. The Working Subgroup on Forfeiture will be used as the forum to gather the necessary information and discussion of best practices on issues such as forfeiture procedures and administration of forfeited assets, thus helping the Executive Secretariat in the program's implementation.
 - c. The experts advised the Executive Secretariat to divide the program in two areas: actions aimed at improving forfeiture procedures and actions aimed at improving the administration of forfeited assets.

- 4 Presentation of the Working Subgroup on Forfeiture
 - a. The questionnaire on forfeiture will be sent once more, establishing the same deadline as the one set for the International Cooperation questionnaire. If needed, and in consideration to the program on forfeiture presented by the Executive Secretariat, a complementary questionnaire will be circulated with the goal of gathering more information needed for the implementation of the program.
 - b. The following are priorities for the working subgroup with respect to identifying best practices:
 - a. Non-conviction-based forfeiture (Colombia, USA, Costa Rica and Honduras will create working documents related to the issue of extinction of domain, "extincion de dominio")

- b. Accessible confiscation after conviction (the Executive Secretariat will present a working document)
- c. Administration of forfeited assets (Costa Rica, Honduras and Colombia will create working documents on this topic), based on proposals to improve the administration of assets or by listing problems encountered and actions taken to solve them.
- d. The Executive Secretariat will collect laws and documents on best practices and will circulate them before January 16, 2007. Additionally, the Executive Secretariat will circulate those documents that have been used in previous occasions in this working subgroup and help to improve the results of the subgroup.
- e. Those countries responsible for the creation of the working documents will submit them to the Subgroup coordinator no later than January 16, 2007. The coordinator will share them with the Executive Secretariat, who will circulate them among the members of the Subgroup to be used as a basis for the creation of the agenda of the next Working Subgroup meeting. The Executive Secretariat will be in charge of collecting also any reactions expressed by the countries and circulate them among the coordinator and the members of the Subgroup.

5. Working Subgroups

a. International Cooperation

- 1 Chile (coordination)
- 2 Dominican Republic
- 3 Brazil
- 4 Argentina
- 5 Costa Rica
- 6 United States
- 7 Colombia

b. Forfeiture

- 1 United States (coordination)
- 2 Honduras
- 3 Colombia
- 4 Costa Rica
- 5 Dominican Republic
- 6 Chile
- 7 Brazil
- 8 Venezuela

c. By request of the Dominican Republic, the group decided that the point of contact for the Working Subgroups will be the experts that have participated in the Subgroups. All notifications to the experts will be copied to the corresponding Missions of the countries to the OAS.

6. Other

a. Characteristics of the Experts Group Meetings

The meetings will be held semi-annually, in the following fashion:

1. During the first semester of every year, the meeting will exclusively gather the Working Subgroups.
 2. During the second semester of every year, the meeting will feature a Plenary meeting as well as Subgroup meetings.
- b. MEM Questionnaire
- 1 By request of the Chief of the MEM Unit, the Executive Secretariat asked the experts to submit the information related to the MEM indicator on Money Laundering.
- c. Presidency and Working Plan for the Experts Group.
- The group decided that the President of the Experts Group will present this final report as a Working Plan for the Experts Group to the CICAD plenary during the next ordinary session, emphasizing its new organizational structure and the topics that have been mentioned as a minimum action plan. The experts will request the corresponding national delegates to CICAD to support this working plan and, if the delegates consider it necessary, to include other issues that may be of interest to the country.