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for more people

Secretariat for Multidimensional Security

**XLVI MEETING OF THE GROUP OF EXPERTS
FOR THE CONTROL OF MONEY LAUNDERING**
June 4 and 5, 2019
Washington, D.C., USA

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June 4, 2019
Original: Spanish

PRESENTATION
THE EVOLUTION OF THE ADMINISTRATION OF SEIZED ASSET IN BOLIVIA



OEA

Más derechos
para más gente

XLVI MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING

ESTADO PLURINACIONAL DE BOLIVIA
MINISTERIO DE GOBIERNO



DIRECCIÓN GENERAL
DE REGISTRO, CONTROL Y ADMINISTRACIÓN DE
BIENES INCAUTADOS

June 4-5, 2019

Washington D.C. – USA

THE EVOLUTION OF THE ADMINISTRATION OF SEIZED ASSET IN BOLIVIA

DIVISION OF SEIZED
ASSETS

DIBI

1977

DS N° 24196



1995

NATIONAL DIRECTORATE OF SEIZED
ASSETS

DINBI

GENERAL DIRECTORATE OF SEIZED
ASSETS

DIGBI

1997



DS N° 24855

DS N° 26143



2001

DIRECTION OF REGISTRATION, CONTROL
AND ADMINISTRATION OF SEIZED
ASSETS

DIRCABI

DIRECTORATE GENERAL OF REGISTRATION,
CONTROL AND ADMINISTRATION OF SEIZED
ASSETS

DIRCABI

2017



LEY N° 913
DS N° 3434

NORMATIVE COMPARISON

2

STANDARD WITH A LOWER RANGE AND A MORE COMPLEX APPLICABILITY AND OPERATIBILITY



LAW DESIGNED AND REDACTED FOR THE FIGHT AGAINST THE ILLICIT TRAFFIC OF CONTROLLED SUBSTANCES IN THE CURRENT CONDITIONS AT WORLD LEVEL

9
1

6

IT DID NOT GIVE AN INTEGRAL RESPONSE TO THE FIGHT AGAINST DRUG TRAFFICKING AND DISPERSED THE APPLICATION OF THE LAW.



ALLOWS OTHER ENTITIES TO IMMEDIATELY PARTICIPATE WITH INFORMATION NEEDED TO CARRY ON ACTIONS AGAINST DRUG TRAFFICKING

3
-

1

IT FOCUSED ON SAFEGUARDING THE PROPERTY



OPTIMIZE THE ADMINISTRATION OF SEIZED, CONFISCATED AND FORFEITED ASSETS

3
4

4

RESOURCES SEIZED FROM DRUG TRAFFICKING WERE UNUSED DUE TO LATENESS OF JUSTICE



IT IS BASED ON RESPECT TO HUMAN RIGHTS

3
4

3

DIRCABI : Institutional Nature

DIRCABI

It is a decentralized entity of the Ministry of Government in charge of managing, controlling and monetizing seized, confiscated and forfeited assets.



RESPONSIBLE FOR THE ADMINISTRATION OF THE ASSETS FROM ITS RECEPTION

Within the framework of articles 257 of the Code of Criminal Procedure, 45 to 47 of Law No. 913 of March 16, 2017, on Combating Illicit Traffic in Controlled Substances, and 112, 113, 114, 115, 116 and 117 of Supreme Decree No. 3434 of December 13, 2017.

DIRCABI

Manage assets, do not seize



JUDICIAL AUTHORITIES

Are those that declare the seizure, confiscation or forfeiture of assets

DIRCABI : Most important attributions

According to Art. 46 of Law N ° 913 and Arts. 112, 113, 114, 115, 116 and 117 of Supreme Decree No. 3434 of December 13, 2017

● ADMINISTRATE

The seized, confiscated and forfeited assets until their monetization, transfer or return.

● REGISTER AND INVENTARIE

The seized assets.

● SUBSCRIBE CONTRACTS

Of commodatum, deposit or custody of seized assets.

● TAKE THE MEASURES

For safekeeping, care and conservation



● MONETIZE

The seized, confiscated or forfeited assets (according to their nature), through public auction or direct sale.

● FOLLOW-UP OF CRIMINAL PROCEEDINGS

When there are seized, confiscated and forfeited assets.

● REQUEST THE SEIZURE

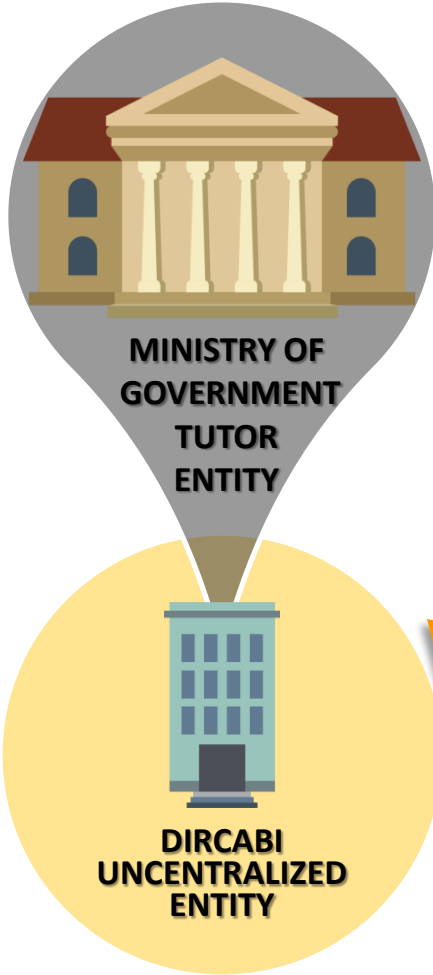
Of the assets and presenting the necessary resources.

● SPONSOR

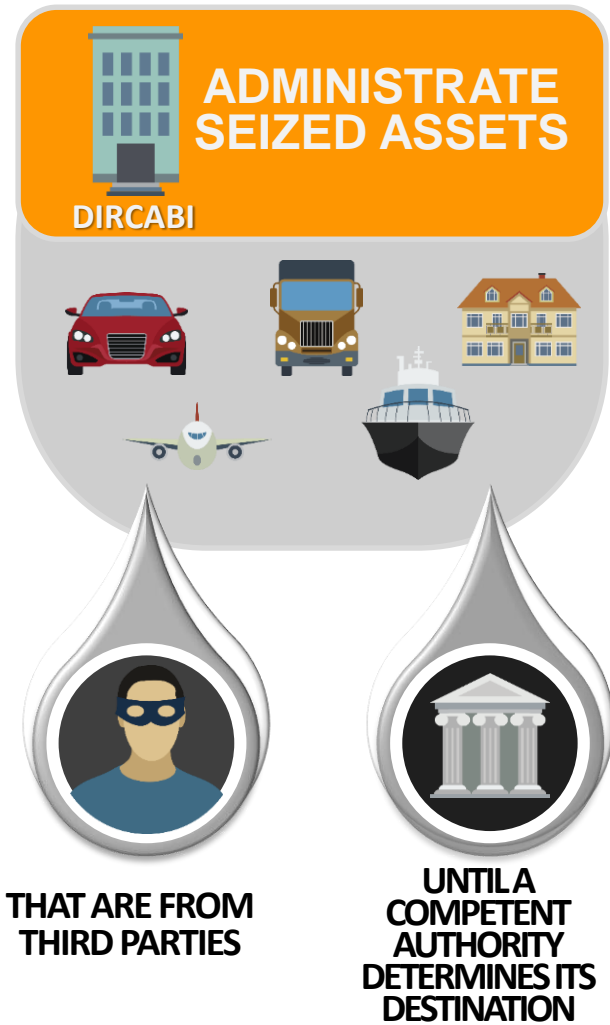
The processes of in rem forfeiture of the assets as appropriate.

COMMODATUM





**FOR THE TYPE OF ENTITY,
DOES NOT HAVE REAL ESTATE OR VEHICLES**



FORFEITURE

IT IS A REAL
PRECAUTIONARY
MEASURE



THAT DOES NOT DETERMINE
THE LOSS OF RIGHTS OF
PROPERTY BY THE SUBJECT



ITS APPLICATION IS
TEMPORARY



CONFISCATION

IT IS AN ACCESSORY
PENALTY



BY WHICH THE STATE,
THROUGH
PREDETERMINED
AGENCIES, OBTAINS THE
PROPERTY OF THE
ASSETS.



AIMED AT IN ORDER TO
RESTITUTE THE JURIDICALLY
PROTECTED ASSET IN
QUESTION



DIRCABI



DOES NOT OBTAIN
THE RIGHTS OF
PROPERTY TO THE
FORFEITED OR
CONFISCATED ASSETS

UTILITY AND SOCIAL END OF ASSETS DELIVERED TO PUBLIC INSTITUTIONS



UTILITY AND SOCIAL END OF ASSETS DELIVERED TO PUBLIC INSTITUTIONS



UTILITY AND SOCIAL END OF ASSETS DELIVERED TO PUBLIC INSTITUTIONS



Heavy Machinery - Autonomous Municipal Government of San Borja Department of Beni

UTILITY AND SOCIAL END OF ASSETS DELIVERED TO PUBLIC INSTITUTIONS



DELIVERY OF ASSETS FOR CHILDREN AND ADULTS WITH CANCER

IN REM FORFEITURE
(DOMAIN EXTINCTION)



TIME/ LINE



IN REM FORFEITURE

1

MINISTRY OF GOVERNMENT
PROMOTES IN REM
FORFEITURE

PROMOTES A PROJECT OF LAW
FOR IN REM FORFEITURE THAT
COVERS CORRUPTION, DRUG
TRAFFICKING AND SMUGGLING



◀ 2012



▲ SUBMITTED TO TCP FOR CONSULT

THROUGH DECLARATION CONSTITUTION N ° 002/2013 IT DECLARED THE CONSTITUTIONALITY OF IN REM FORFEITURE



▲ 2013 PROJECT IS POLITIZED

4

2016 ▶

IN REM FORFEITURE LAW IS
RETAKEN



◀ THE INSTITUTE IS INCLUDED AS
PART OF THE LAW TO COMBAT
CONTROLLED SUBSTANCES

2017 ▶

APPROVAL OF LAW N ° 913
TO FIGHT THE ILLICIT
TRAFFIC OF CONTROLLED
SUBSTANCES



◀ THE IN REM FORFEITURE IS
INSERTED AS PART OF THE
FIGHT AGAINST DRUG
TRAFFICKING

UTILITY AND SOCIAL END OF ASSETS DELIVERED TO PUBLIC INSTITUTIONS



DEPARTAMENT OF SANTA CRUZ
ESTANCIA LA ESPERANZA

Carretera Hardeman - Colon al Pirai

El Tajibo



RECOVERY OF NATIONAL PATRIMONY THROUGH IN REM FORFEITURE

Oruro - Bolivia **SÁBADO 9** de marzo de 2019
LA PATRIA

Mediación de Comunicación Nacional
 Fundada el 15 de febrero de 1959
 www.lapatria.com.bo • oruro.lapatria.com.bo

FALTAN
10
 DIAS



No. 31.778 • Bs. 5.-

“Narco” patrimonio incautado



AYER Dircobi tomó posesión de la legendaria casa Schmidt incautada del narcotráfico

Solo si el gobierno dota de insumos y equipamiento
Médicos aplicarán el Sistema Único de Salud desde el lunes

El presidente del Tribunal Supremo de La Paz, Luis Guzmán, anunció la decisión de los miembros de la institución de aplicar el sistema de salud desde el lunes.

Para el Delegado Defensorial, José León
Desde la aplicación de la Ley 348, casos de violencia hacia las mujeres subieron



Personas participando en un evento en la plaza principal de la ciudad.



Una calle de Oruro con edificios históricos.

“Narco” patrimonio incautado

Ayer Dircobi tomó posesión de la legendaria casa Schmidt incautada del narcotráfico. Parte afectada consideró que existe un abuso de esta entidad del Estado, al no ejercer la impugnación del caso

El Dircobi tomó posesión de la legendaria casa Schmidt, ubicada en la plaza principal de la ciudad, que fue incautada por la policía boliviana en el marco de una operación contra el narcotráfico. La casa, que pertenece a la familia Schmidt, fue incautada por la policía boliviana en el marco de una operación contra el narcotráfico. La casa, que pertenece a la familia Schmidt, fue incautada por la policía boliviana en el marco de una operación contra el narcotráfico.

La familia Schmidt denunció la incautación de su casa y solicitó la devolución de la propiedad. Sin embargo, el Dircobi se negó a devolver la casa, alegando que se trata de patrimonio incautado por la policía boliviana en el marco de una operación contra el narcotráfico.

Desde Argentina Fiscalía gestiona “retorno asistido” para joven víctima de trata y tráfico

La Fiscalía de Buenos Aires gestiona el “retorno asistido” de una joven víctima de trata y tráfico de personas que se encuentra en Argentina. La joven, que fue rescatada en un país del extranjero, está siendo tratada y se encuentra en proceso de recuperación.

El “retorno asistido” es un proceso que permite a las víctimas de trata y tráfico de personas regresar a su país de origen de manera segura y con apoyo. Este proceso incluye asesoramiento legal, psicológico y social.

En proxim
Dos
vehí

El artículo 10 del Código de Comercio establece que el comprador de un vehículo debe verificar que el vendedor sea el propietario legítimo del mismo.

En Fijos
Apreh
graves

Se han aprehendido a varias personas por delitos graves relacionados con el tráfico de drogas.

**RESULTS OF THE
APPLICATION OF LAW No. 913**



COMPARATIVE OF SUBSCRIBED CONTRACTS BY PERIODS (1997 - 2018)

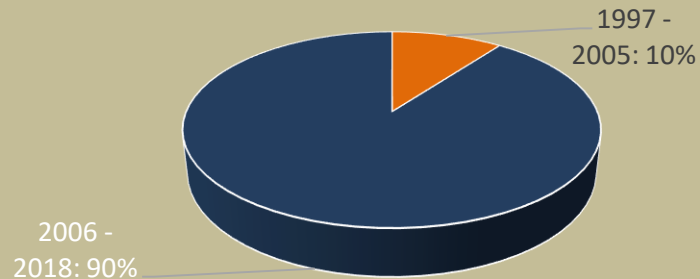
COMPARATIVE OF ASSETS DELIVERED IN COMMODATUM OR DEPOSIT TO PUBLIC ENTITIES

IN EIGHT YEARS, NOT EVEN 5% OF THE SUMM OF THE COMMODATUMS WERE DELIVERED

MODALIDAD	CANTIDAD DE BIENES 1997 - 2005	CANTIDAD DE BIENES 2006 - 2018
COMODATO	2	772
DEPÓSITO PROVISIONAL	192	992
Totales	194	1.764
Porcentajes	10%	90%

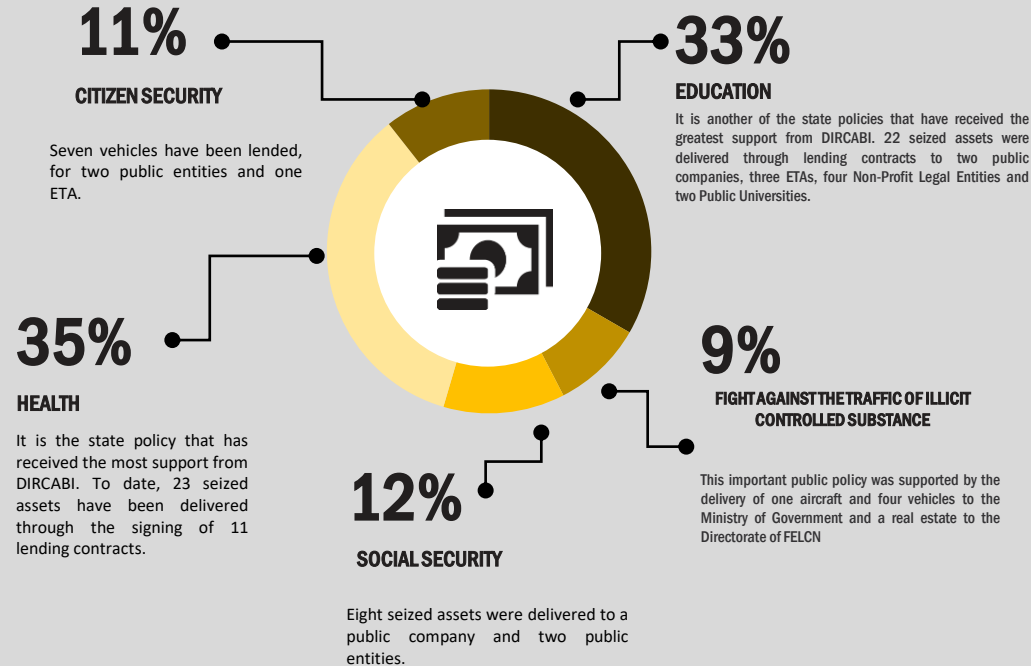
Fuente: SIREBI II

IN 2018, 118 COMMODATUM CONTRACTS WERE MADE, DUPLICATING THE AVERAGE AMOUNT THAT WAS DONE OVER A DECADE



With the signing of contracts of commodatum and deposit of seized assets, it effectively collaborates with the activities of different public entities of the central level, autonomous municipal and departmental governments, armed forces, police and public companies, within the framework of the current regulations. It supports, this, social health, citizen security, educational and road infrastructure policies, according to the following results:

DISTRIBUTION OF COMMODATUM IN 2018



IN REM FORFEITURE

ACTION FOR ONGOING IN REM FORFEITURE IN WHICH DIRCABI HAS PARTICIPATED

DISTRITAL	LA PAZ	ORURO	CBBA.	STA CRUZ	TARIJA	SUCRE	POTOSÍ	BENI	PANDO	TOTAL
CANTIDAD	29	12	54	65	12	1	0	38	2	213

ASSETS SUBJECT TO IN REM FORFEITURE WITHIN PROCESSES IN WHICH DIRCABI PARTICIPATED

TYPW	VEHICLES	REAL STATE	AIRPLANE	MONEY \$us.
NATIONAL TOTAL	27	0	0	487.000,00

IN REM FORFEITURE SENTENCES ISSUED IN WHICH DIRCABI PARTICIPATED

DISTRITAL	LA PAZ	ORURO	CBBA.	STA CRUZ	TARIJA	SUCRE	POTOSÍ	BENI	PANDO	TOTAL
CANTIDAD	15	0	4	4	1	0	0	1	0	26

DISTRIBUTION OF TRANSFERRED RESOURCES FROM 1987 TO 2019

From 1987 to 2019, this 19-year period represents only 13% of the total sum.

With the application of Law No. 931, in two periods, it was possible to carry out 6 times more transfers than what was done in 30 years.

PERIODS	1987 – 2006	2007 - 2012	2013-2017	2018	2019	TOTAL
TRANSFERS	911,070	197,427.68	1,746,150.97	2,631,696.40	1,421,049.99	6.907.332,04
PERCENTAGE	13%	3%	25%	38%	21%	100%

DURING THE PERIOD THAT THE PREVIOUS REGULATION WAS MAINTAINED, IN 10 YEARS, THE TOTAL TRANSFERS MADE ONLY REPRESENTS 30%

OUR ACHIEVEMENTS

9.000.000,00\$

2020 – 2022

WE ESTIMATE THAT IN AVERAGE OF 3 MILLION US DOLLARS WILL BE TRANSFERRED DURING THE UPCOMING 3 YEARS

4.052.746,39\$

2018 – 2019

IN 2 YEARS, 60% OF THE TOTAL DISTRIBUTED TO DATE WERE TRANSFERRED, WHICH MEANS THAT THE EFFICIENCY INCREASED IN 95 TIMES MORE IN A YEAR

**LAW
913**

2.854.585,65 \$

1987 – 2017

IN 30 YEARS, 40% OF THE TOTAL DISTRIBUTED TO THE DATE WAS TRANSFERRED.

Any Question?

THANK YOU

