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Secretariat for Multidimensional Security

**XLVII MEETING OF THE GROUP OF EXPERTS
FOR THE CONTROL OF MONEY LAUNDERING
September 23 to 25, 2019.
Bogota – Colombia**

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PRESENTATION

IN REM / NON-CONVICTION BASED FORFEITURE

Fiscalía General de la Nación

IN REM / NON-
CONVICTION BASED
FORFEITURE

¡Fiscalía
de la gente,
por la gente
y para
la gente!

HISTORY FORFEITURE

Internationally

- 1) Convention on Psychotropic Substances 1971
- 2) Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988
- 3) Strasbourg Convention 1990
- 4) Political Constitution 1991
- 5) Inter-American Convention against Corruption 1996
- 6) Palermo Convention against Transnational Organized Crime 2000
- 7) International Convention for the Suppression of the Financing of Terrorism 2000 and
- 8) United Nations Convention against Corruption 2003, among other instruments.



HISTORY FORFEITURE

In Rem Forfeiture Code

Law 1708 of 2014

Law 1849 of 2017

Law 1943 of 2018

Law 1955 of 2019

LAW 1708 OF 2014 – LAW 1849 OF 2017

International Cooperation

In Rem Forfeiture Code, Law 1708 of 2014, Title VI on International Cooperation

Agreement between Colombia and the United States concerning the Sharing of Forfeited Proceeds and Instrumentalities of Crime in 2016

Law 1849 of 2017, article 208 A, modified by article 51 of Law 1849 “*Precautionary measures for assets abroad*”.

PREVENTIVE MEASURES – IN REM FORFEITURE CODE

The rule is to apply the legal measure of suspension of the power of disposition.

If it is considered reasonable and necessary, the forfeiture, confiscation and physical seizure of goods, assets and company businesses, commercial businesses or units with economic purposes will be implemented.



APPLICATION OF THE SHARING AGREEMENT

Cooperation request from Colombia to the United States before legality control.

Formal communication through International Affairs

Compliance with the forfeiture sentence

EXAMPLE OF PRECAUTIONARY MEASURES– IN REM FORFEITURE CODE

- Existence of the in rem forfeiture process based on Law 1708 of 2014 and subsequent laws.
- Resolution of Precautionary Measures.
- Control of legality before the respective Judge of In Rem Forfeiture.
- The request for judicial assistance can be done along with the legalization certificate of the measures. The corresponding central authority in the other country or the counterpart agency executes the order according to internal legal system.

Fiscalía General de la Nación



Dirección Especializada de Extinción del Derecho de Dominio

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2019