

24 August 2012

English, French and Spanish only*

**Twenty-second Meeting of Heads of National
Drug Law Enforcement Agencies, Latin
America and the Caribbean**

Antigua, Guatemala, 1-5 October 2012

Item 4 of the provisional agenda**

**Implementation of the recommendations adopted by the
Twenty-first Meeting of Heads of National Drug Law
Enforcement Agencies, Latin America and the Caribbean**

1. The Twenty-first Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean, held in Santiago, Chile, from 3 to 7 October 2011, adopted a set of recommendations following the consideration by working groups of the issues defined below.
2. In accordance with established practice, the report of the Twenty-first Meeting was forwarded to the Governments represented at the session. A questionnaire on the implementation of the recommendations adopted at that Meeting was dispatched to Governments on 23 May 2012 together with information relating to the Twenty-second Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean.
3. The present report was prepared on the basis of information provided to the United Nations Office on Drugs and Crime (UNODC) by Governments in reply to that questionnaire.
4. As of 23 August 2012, replies had been received from the Governments of Argentina, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Italy, Panama, Paraguay, Peru, Portugal, Uruguay and Venezuela (Bolivarian Republic of). Responses contained in the present document are those where Governments provided additional information on the implementation of each recommendation.

* English, French and Spanish are the working languages of the subsidiary body.

** UNODC/HONLAC/22/1.



Issue 1: Building partnerships with the chemical industry to strengthen precursor control**Recommendation 1**

5. It was recommended that Governments should encourage their national authorities to develop for the chemical industry voluntary codes of conduct that support the effective implementation of national legislation and regulations and promote corporate responsibility and effective cooperation between the public and private sectors with regard to transactions involving precursor chemicals.
6. Most countries reported that they had developed or were in the process of developing voluntary codes of conduct for the chemical industry with regard to transactions involving precursor chemicals.
7. Argentina reported having adopted a resolution in 2011 for introducing a voluntary code of conduct with regard to the use of precursor chemicals that promoted corporate responsibility as well as cooperation and permanent consultations between the public and private sectors.
8. In Colombia, with the assistance of UNODC, and through project PRELAC for the prevention of the diversion of precursors in the Latin American and Caribbean Region, discussions had been tabled by the authorities with private chemical companies with a view to signing agreements for the control of precursors. Relevant legislation had been shared with business and trade associations with a view to facilitating the control of precursors and preventing their diversion.
9. Costa Rica reported that private sector entities that were licensed to deal with precursors had a series of legal obligations. Hence, the code of conduct was not voluntary. In addition, the authorities had produced a guide to sensitize the private sector on aspects such as national and international drug control legislation, “know your client” policies, existing control mechanisms, security, legal protection of confidential information and others.
10. In Cuba, the chemical industry was State-owned and transactions involving precursor chemicals were under strict control.
11. The competent authorities of Ecuador were constantly in contact with private companies to sensitize them on the matter, but their cooperation was voluntary and mostly limited to irregular transactions of precursors. Hence the implementation of a code of conduct was advisable.
12. Honduras reported having legislation on the control of precursors.
13. In Italy, the cooperation with the private chemical industry was implemented through compulsory communications on commercial exchange operations involving precursor chemicals.
14. In Panama, this recommendation is covered by a Law of 2005 on Measures for Prevention, Control and Supervision around the production and preparation of precursor chemicals, and controlled according to Tables I and II of the 1988 Vienna Convention. Draft regulations for the Chemical Control Unit which was established by that law are under discussion.

15. A code of conduct had been established with five major chemical companies of Paraguay, and companies in that country regularly reported their import and export operations as well as suspicious transactions of controlled substances.
16. Under its legislation, Peru promoted the participation of the private sector in the control of substances and precursors and had proposed a code of conduct to the chemical industry with regard to precursor chemicals.
17. Portugal, under its legislation on narcotic drugs and psychotropic substances, had already established a system of licensing activity and registration of operators and control trade with third countries, subjecting the import and export of chemicals classified in the production of drugs, as defined in the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
18. Uruguay reported having adhered to the PRELAC project in March 2012.
19. The Bolivarian Republic of Venezuela reported the existence of a working group composed of representatives of the various entities responsible for the control of substances. This group met regularly and provided advice on legislation and the adoption of control measures.

Recommendation 2

20. It was recommended that Governments should consider the formation of inter-agency task forces comprising ministries that have the appropriate mandates to regulate and oversee the import and export, national manufacture, trade and distribution of precursor chemicals.
21. Most countries reported having established inter-agency entities for the control of precursors composed of representatives of the various competent authorities.
22. Argentina reported having in existence a law since 1996 creating a joint working committee composed of representatives of the Secretariat for drug prevention and the fight against illicit drug trafficking, the ministries of health and justice, and the national administration of social security, in charge of monitoring the implementation of the anti-narcotics law. A 2008 joint resolution by the members of the committee had established a joint control on the import of precursors, as well as a precursors registry.
23. Colombia reported on the existence of working groups composed of representatives of the ministries of trade and industry, justice, health and customs, in charge of reviewing procedures for the inspection of chemical substances under national and international control. In addition, a permanent committee for the management of controlled chemical substances comprising the ministries of justice, agriculture and defence, the police and the military, the attorney general's office and the office of the public prosecutor dealt with the production and distribution of those substances.
24. Costa Rica reported having a specialized unit in charge of coordinating the responsibilities of the various competent authorities (national anti-narcotics institute ICD, Customs, Police). Costa Rica was also participating in the UNODC-WCO Container Control Programme under which it had established a specialized inter-agency container profiling unit including the Police, Customs and the Coastguard.

25. In Cuba, the Department of Pharmacy of the Ministry of Public Health (MINSAP) was in charge of the control of narcotics and psychotropic substances and collaborated closely with the International Narcotics Control Board (INCB). A central registry controlled all entities involved in the import and export of precursors. Since 2008 Cuba used the PEN Online system, and periodically held meetings with all concerned entities, including the Ministry of the Interior and Customs, with the aim of providing training on the regulations for the import and export of precursor chemicals, identified deficiencies and new substances on international lists.

26. In Ecuador, a National Council for the control of narcotic and psychotropic substances (CONSEP) was responsible for the import, export and distribution of precursors.

27. Honduras had an inter-institutional commission in place for the control of precursors.

28. Italy was already implementing inter-agency cooperation and information exchange through a joint database.

29. The Control Unit of Chemicals of Panama, created by Act 19 of 2005, was comprised of ministries with appropriate mandates to regulate and monitor the import and export, domestic manufacturing, trade and distribution of chemical substances and precursors.

30. Paraguay reported that it had established a common system for the control of precursors including the National Anti-narcotics Secretariat (SENAD), Customs and the Ministry of Health. Nevertheless, Paraguay reported that there were still limitations in the functioning of such a system and that efforts were being made to improve it.

31. Peru had established a national Committee and 23 Regional Committees for the inter-institutional control of precursors. These committees were responsible for the establishment of control policies and actions and included representatives of the competent national authorities (the ministries of production and interior, the office of the public prosecutor, customs) as well as representatives of the private sector.

32. Uruguay reported having adhered to the PRELAC project in March 2012.

33. In the Bolivarian Republic of Venezuela a network comprising representatives of the various entities competent for the administrative and operational control of chemical substances was responsible for planning and implementing control measures. It met regularly to review legislation, solve problems and prepare decisions on the matter.

Recommendation 3

34. It was recommended that interested States of the region should explore with the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board the development of a system to facilitate the exchange of information on cocaine seizures and their chemical composition, as well as on seized precursors and those recovered from clandestine laboratories, so as to support the periodic dissemination of analysis on new trends in emerging substances to the competent authorities of the region.

35. Several countries indicated that they were reporting regularly to INCB and UNODC on their seizures of drugs and precursors, diversion of precursors and clandestine laboratories. Some countries were starting to develop systems for monitoring the chemical composition of seized drugs.
36. Argentina had initiated a study to evaluate information on drug seizures to facilitate the exchange of information among the competent authorities, and developed guidelines for the interministerial coordination of the data to be provided to international anti-drug entities.
37. Colombia reported that its main monitoring body (Observatorio de Drogas de Colombia) received daily information on the seizures of drugs and precursors effected by the police and the military, and that the information was classified and analyzed with a view to prepare studies on trends in the trafficking of illicit drugs and precursors.
38. Costa Rica was participating in the INCB Precursors Incident Communication System (PICS) for the exchange of information on seizures and diversion of precursors and on clandestine laboratories.
39. While Cuba did not register cases of diversion of precursor chemicals, since no drugs were illegally produced or manufactured in the country, it welcomed the possibility of participating actively in any system designed by UNODC and INCB for the exchange of information on seizures of cocaine, the chemical composition of the cocaine seized, and precursors.
40. Ecuador was working on an analysis of the connections among clandestine laboratories.
41. Honduras had a monitoring body (Observatorio Hondureño sobre Drogas) for collecting information on seized drugs and precursors.
42. Panama indicated that work was under way on the appropriate communication mechanism for the exchange of information on seizures of cocaine and chemical composition of the cocaine seized as well as on seized precursors and precursors recovered from clandestine laboratories.
43. While the National Anti-narcotics Secretariat of Paraguay (SENAD) did inform INCB and UNODC timely on cocaine seizures, data on the chemical composition, as well as on seized precursors pertained to the judiciary and were generally made available much after the seizures had taken place and could therefore not be included in time in the reports.
44. Peru was updating information on coca production in its territory, with the technical support of UNODC and the financial support of the Government of France. It also participated in the cooperation agreement between the Andean Community and the European Union for the development of forensic laboratories and the training of chemical experts (PRADICAN).
45. The judicial police of Portugal had always complied with all requests for international cooperation made by UNODC and INCB. In addition, it ensured cooperation with the competent European bodies, INTERPOL and Europol on the matter.

46. The Government of Uruguay was considering the allocation of the necessary human and budgetary resources to the functioning of an adequate structure for the collection and analysis of the information.

47. The Bolivarian Republic of Venezuela reported having started designing a system for monitoring the chemical composition of seized drugs so as to support the initiatives of UNODC and INCB in this matter. The country already counted on a national information system on drugs (SINANDRO) through which it exchanged information with national and international entities.

Recommendation 4

48. It was recommended that in order to better target attempts at illicit diversion of precursor chemicals, Governments of the region should review the information they share on cocaine analysis and seized chemical precursors with the regional “Prevention of the diversion of drug precursors in the Latin American and Caribbean region” (PRELAC) initiative so as to ensure that such information supports trend analysis, and should consider participating in the pilot of the International Narcotics Control Board’s precursor incident communication system (PICS) when the opportunity arises in the near future.

49. Some of the reporting countries were parties to PRELAC and PICS and some were considering adhering to these initiatives. Studies were being developed and information systems implemented.

50. Colombia reported having developed a study on cocaine production and distribution, particularly on the processes and perpetrators involved, with the support of UNODC. It also had conducted a study on the legitimate uses of potassium permanganate.

51. Costa Rica and the Bolivarian Republic of Venezuela reported being parties to both PRELAC and PICS.

52. Cuba had received a mission by INCB in 2012, and was considering to adhere to the International Narcotics Control Board’s precursor incident communication system in the near future.

53. Ecuador had developed an information system called SISALEM on the import and export, national manufacture, trade and distribution of precursor chemicals.

54. In Panama, the Official Gazette published updated lists of the INCB and in a near future, it was expected that communication efforts related to incidents of precursors and chemicals would be improved.

55. Paraguay was not yet a party to project PRELAC for the prevention of the diversion of precursors in the Latin American and Caribbean Region but had started preparations to adhere to this initiative by the end of 2012.

56. Peru was a party to PRELAC and would consider participation in PICS.

57. The Government of Uruguay was considering its participation in this initiative.

Recommendation 5

58. UNODC should explore, in consultation with the International Narcotics Control Board, the expansion of the Pre-Export Notification Online (PEN Online)

system to provide a platform for exchange of information on the import-export of precursor chemicals controlled by some States of the region, but not under international control in accordance with Tables I and II of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

59. The Secretariat of the International Narcotics Control Board is currently working on an upgrade of the PEN Online system, including automated look-up tables where Governments may provide their national lists of controlled substances and the need for import/export authorizations whenever applicable. In the meantime, information on import-export requirements applied by Governments to substances not included in Table I or II of the 1988 Convention is available in the Information package on the Control of Precursors at the secure website for Governments at the INCB web page. This publication is updated regularly and hard copies are sent to Governments once a year.

60. As regards the expansion of the PEN Online system to provide a platform for exchange of information on the import-export of precursor chemicals controlled by some States but not under international control, in order for the exporting country being able to send PENs and the importing country being able to confirm the legitimacy of an import, national precursor control systems would need to be strengthened in all importing and exporting countries and for all substances of concern. Such a system would therefore extend the scope of the 1988 Convention and would have to be agreed and applied globally.

61. In the meantime, Governments in the region may consider invoking Article 12, paragraph 10 (a) of the 1988 Convention informing the Secretary-General of the United Nations, making it mandatory for exporting countries to send pre-export notifications for all or some of the 23 substances under international control.

Issue 2: Implementing effective border controls

Recommendation 6

62. It was recommended that where national strategies were not already established, Governments of States of the region should be encouraged to develop and implement a national strategy that encouraged close interaction between their drug law enforcement services in matters of cooperation and support in operations against illicit drug trafficking.

63. Most Governments had strategies against illicit drug trafficking in place as well as interaction between their drug law enforcement services for effective border control.

64. Argentina reported that its Ministry of Security ensured the coordination among the federal police and security forces in the fight against illicit drug trafficking.

65. In 2012 Colombia had been working on the implementation of a Sectoral Policy of Border Security and Defence, which provided for coordinated activities between military forces and the National Police, which had jurisdiction over the border crossings. Joint operations had been carried out with Ecuador and Venezuela, in aspects of interdiction and investigative work.

66. Costa Rica provided information on its national Plan against drugs 2008-2012 which was intersectoral and inter-institutional, and covered all aspects of the fight against illicit drugs, including the repression of illicit trafficking, money-laundering, and the control of precursors.
67. Cuba reported having in place an interministerial system integrated by the Ministry of the Interior, the Armed Forces and Customs in charge of implementing a national strategy against illicit drug trafficking. Actions under the strategy were undertaken by the National Anti-drug Directorate (DNA) of the Police.
68. Ecuador reported the implementation of binational centres of attention (CEBAF), promoted by the Ministry of Foreign Affairs, Commerce and Integration, which included a model of standard management infrastructure and technical equipment for the control of narcotic and psychotropic substances at border crossings.
69. Italy had carried out in 2011 a training course for the Mexican Police to share its expertise in inter-agency cooperation.
70. The State Border Service of Panama was established as a specialized border police, which repressed drug trafficking committed at borders, and was under the direction of the office of the public prosecutor. The Service conducted the investigations of these crimes, and offered cooperation and support in operations against illicit drug trafficking.
71. While Paraguay had not yet developed a strategy, it regularly worked with neighbouring countries in the repression of illicit drug trafficking.
72. Peru had adopted in 2012 a new national strategy for the fight against drugs 2012-2016 that included the repression of illicit trafficking.
73. Uruguay reported having in place since 2009 a Permanent and Integrated National Plan for operations against drug trafficking and money-laundering.
74. In the Bolivarian Republic of Venezuela a strategy was clearly defined in the National Plan Against Drugs 2009-2013, and provided the frame for individual, joint and simultaneous operations against the illicit traffic of drugs.

Recommendation 7

75. It was recommended that Governments of the region should be encouraged to utilize their investment in training, technology and manpower to establish an inter-agency response for container control at national ports and container terminals through the establishment of specialist units dedicated to the review, selection and search of suspect containers of interest.
76. Several of the reporting countries were participating in the UNODC-WCO Container Control Programme and had established specialized inter-agency units for container control at national ports.
77. The Ministry of Security of Argentina had implemented several actions for container control on land, rivers and aerial space. Investments had been made in training and technology and an inter-agency response for container control was being promoted together with the Federal Administration of Public Revenue.

78. Colombia reported having trained police personnel on controls at national ports and airports, including on the inspection and profiling of containers. Training had also been offered to Argentina, Panama and Ecuador.

79. Members of the specialized inter-agency container profiling unit established by Costa Rica under the UNODC-WCO Container Control Programme had been duly trained and provided with technical means for the profiling and inspection of suspect containers.

80. In Cuba, the Ministry of the Interior and Customs were in charge of a system for container control at maritime borders, national ports and container terminals, using X-ray equipment for the search of suspect containers. Multidisciplinary specialist teams were involved in continuous training and improvement of joint procedures for the selection, analysis, and implementation of actions on suspect vessels. Information was exchanged in real time with drug services and Customs authorities of the countries of origin and destination of suspicious loads, allowing to increase the effectiveness of actions taken.

81. Ecuador reported on several measures it had adopted for container control at national ports, also with the support of UNODC. Technical updates, logistical support and constant training were necessary for continued effective controls.

82. Panama had established a Container Control Agency Unit, which offered training and technological and human resources to establish an inter-agency response to container control at port terminals and throughout the country.

83. Several anti-narcotic agencies of Paraguay were participating in the UNODC-WCO Container Control Programme.

84. In Peru, an inter-agency task force had been established for container control at national ports. Peru was considering to participate in the UNODC-WCO Container Control Programme.

85. In Portugal, the control and monitoring of goods transported by containers coming from the outside were of the competence of Customs.

86. Uruguay reported that under its Permanent and Integrated National Plan for operations against drug trafficking and money-laundering it had a unit for the risk analysis of suspect containers, composed of representatives from the Ministries of Interior and Defence and from Customs.

87. The Bolivarian Republic of Venezuela had significantly invested in projects for the prevention of illicit drug trafficking, including for training of manpower and equipment. Technology for the inspection of containers and forensic investigation and drug testing kits had been developed. There were specialist units dedicated to the control of containers, that had achieved considerable drug seizures.

Recommendation 8

88. It was recommended that Governments of the region should be encouraged to:

- (i) review their current strategies on border control and consider, among other options, the joint manning of land border stations and the undertaking, subject to their national legal frameworks, of joint mobile patrols, joint operations or combined or simultaneous operations so as to expand operational capacities;
- (ii) adopt measures to enhance communications and the exchange of information;

and (iii) strengthen joint drug law enforcement controls at land, sea and air borders between neighbouring States through such confidence-building measures as joint training, officer exchanges and jointly planned operations. In the case of countries that faced internal obstacles of a normative nature in the implementation of the recommendation, Governments should consider the possibility of undertaking simultaneous operations as a step towards the development of joint controls.

89. Respondents to the questionnaire reported on various actions they had undertaken for the control of illicit drug trafficking at borders, including joint actions and simultaneous actions with neighbouring countries.

90. The police and security forces of Argentina were periodically undertaking joint actions at borders with the forces of neighbouring countries, in the framework of the General Plan of mutual cooperation and coordination for regional security of MERCOSUR. This plan is aimed at harmonizing activities for the detection of illicit drugs and precursors throughout the region and especially in the border areas of each State party, and coordinating the work of the special units to combat drug trafficking and related crimes in simultaneous operations.

91. Colombia reported that its military and police were in the process of establishing a policy for border security and defence for the short and medium term. In addition, it was implementing international actions such as rounds of high commands, meetings of binational border commissions (COMBIFRON), other ministerial and technical binational meetings and binational plans for border security. Several joint operations had been conducted, such as BRACOLPER II in 2011 between Brazil, Colombia and Peru against drug trafficking and trafficking in precursors. Exchange of information on drug trafficking had taken place with the police of Ecuador.

92. In order to counteract the use of airspace and territorial waters for the smuggling of drugs, the Cuban authorities had started since 1999 the “Ach  III” operation, with the employment of the armed forces and the border troops of the Ministry of the Interior. Cooperation and real-time exchange of intelligence with anti-drug services of neighbouring and other countries was also reported. Efforts had made it possible to identify, pursue and intercept naval and aerial suspect vessels linked to the smuggling of drugs in the territorial sea and airspace of Cuba and capture traffickers of various nationalities.

93. Ecuador had implemented binational centres for the control of illicit drug trafficking at borders. In addition, it had signed a joint programme of action with Peru for the permanent exchange of information on illicit drug trafficking. Ecuador also participated in the meetings of binational border commissions (COMBIFRON) with Colombia and Peru. Regular exchange of information was maintained with Peru and Colombia on persons detained for drug trafficking, on precursors, modalities of money-laundering, illicit cultivation, *modus operandi* of drug traffickers, trafficking routes, marketing of coca, opium poppy and marijuana in the border areas.

94. In Panama, bilateral agreements had been instituted for joint patrols and operations against drug trafficking. Each year Operation Panamax was carried out on these same issues.

95. In 2011-2012 Peru had held meetings for border coordination with Ecuador and Chile to strengthen operational mechanisms and conduct simultaneous operations. Tripartite meetings of border authorities for conducting simultaneous interdiction operations were planned for 2013. The Peruvian navy and air forces had conducted coordinated actions with their counterparts in Colombia and Brazil.

96. Uruguay reported on ongoing and planned projects on the matter at the level of MERCOSUR.

97. The Bolivarian Republic of Venezuela had subscribed agreements with neighbouring countries including on mechanisms for the exchange of information in real time, which had led to the capture of people requested internationally for drug trafficking, and the detection and destruction of unauthorized tracks and laboratories for the manufacture of cocaine hydrochloride in the border areas. A binational information system (SIBIN) had been implemented with Colombia, which had established formal channels for exchange of information and was planning the installation of a radio communication network.

Issue 3: Addressing the proceeds of drug trafficking

Recommendation 9

98. It was recommended that Governments should be encouraged to introduce comprehensive legislation in the matter of asset forfeiture in its various forms to support authorities in the recovery of the proceeds of crime.

99. Most respondents indicated that they had legislation in place for the seizure, freezing and confiscation of the proceeds of drug trafficking and other forms of organized crime.

100. In Argentina, in 2011, the Financial Intelligence Unit developed different actions aimed at optimizing the mechanisms for the recovery of property related to money-laundering and terrorism financing deriving from any crime, including illicit drug trafficking. The Financial Intelligence Unit worked with the Judicial Power and the Office of the Public Prosecutor in these areas, and could participate as a claimant in investigations related to money-laundering, in an effort to promote the recovery of the proceeds of crime.

101. In Colombia, the Directorate of Narcotics and its anti-money-laundering group along with the prosecutors appointed for this purpose carried out research work aimed at the prosecution of organizations dedicated to money-laundering, through asset forfeiture of criminal drug trafficking organizations.

102. In Costa Rica, a specific law addressed this recommendation. In addition, there was an Asset Management Unit, which had constantly evolved and improved, as well as a Financial Intelligence Unit, which together applied administrative measures to immediately freeze financial products of criminal origin within the financial system.

103. The Cuban Government has adopted a set of legal rules on forfeiture of assets in various forms, in order to support authorities in their work of recovering the proceeds of crime, for instance on criminal offences relating to the production, sale, demand, trafficking, distribution and illegal possession of drugs, narcotics,

psychotropic substances and other similar effects, which included confiscation of property as a related sanction.

104. Ecuadorian law provided rules for the seizure, freezing and confiscation of assets. In relation to the confiscation of property, the law on “Prevention, Detection and Eradication of the Crime of Money Laundering and the Financing of Crime” specifically addressed the confiscation of property derived from money-laundering activities. Despite the powers granted by existing legislation, however, Ecuador did not yet have a unified real estate register, which hampered the possibility of effective identification and tracking of property acquired with funds from illicit activities. Thus, the Money Laundering Unit of the National Police and Prosecution should seek information on all real estate records of the country to achieve sufficiently restrictive measures.

105. Honduras reported that its law enforcement system included a seizures office.

106. In Panama, a law was adopted in 2010, which established a process for early decision of the legal status of seized property.

107. In Paraguay, due to the constitutional principle of presumption of innocence, anticipated forfeiture of assets was inapplicable.

108. Money-laundering was foreseen and criminalized in Peru, and carried legal consequences of confiscation of the property obtained from illicit profits deriving from various predicate offences. In addition, a Legislative Decree had created a National Commission of Seized Property, under the Presidency of the Council of Ministers, for the reception, registration, qualification, custody, security, maintenance, management, leasing, temporary or final assignment for use, disposal and sale by public auction of objects, tools, effects and revenues generated by the commission of crimes against the State.

109. Portugal reported having already implemented legal mechanisms that allowed the confiscation/seizure of illegally acquired assets until the conclusion of investigations.

110. Uruguay reported on several laws it had adopted in the matter of asset forfeiture and the recovery of the proceeds of crime and on the creation of a Fund of forfeited proceeds of drug trafficking.

111. In the Bolivarian Republic of Venezuela, the 2010 Drug Act addressed this recommendation. In addition, the Organic Law Against Organized Crime and Terrorist Financing which was enacted on April 30, 2012, strengthened and expanded the forfeiture of assets relevant to all forms of organized crime.

Recommendation 10

112. Governments should review their domestic legislation on asset forfeiture in order to identify legal mechanisms aimed at optimizing the application of forfeiture of property derived from illicit drug trafficking.

113. Most respondents reported having in place or being in the process of elaborating or reviewing domestic legislation on asset forfeiture.

114. In the last year, Argentina had revised different aspects of its domestic law so as to adapt it to international standards and to optimize the application of the

provisions on confiscation of property deriving from criminal activities, including illicit drug trafficking. The Penal Code established that material would be confiscated when its illicit nature could be proven, without the need for a criminal conviction; confiscation of property deriving from illicit activities could be achieved, even where prosecution of those involved could not.

115. Colombia had up-to-date regulations and institutional framework for the administration of seized assets in relation to criminal prosecution for drug trafficking and related offences or in relation to asset forfeiture. The National Narcotics Clearance was the administrator of seized assets, in accordance with the guidelines of the National Drug Council. Policy formulation and administration of seized assets fell under the Fund for Social Investment and the Fight against Organized Crime (FRISCO), created in 2011 under the Ministry of Justice and Law. In future, management of seized assets would move from the National Narcotics Clearance to an institution under the Ministry of Finance and Public Credit.

116. In Costa Rica this recommendation was being implemented through a specific Law, which regulated in this matter.

117. In Cuba, due to the existence of the legal provisions mentioned above, to date there had been no difficulties in confiscating the proceeds of drug activities, provided that there had been sufficient burden of evidence required to prove the crime.

118. Ecuador was currently implementing a Unified System of Public Records. The Law of the National System of Public Data Registry aimed to ensure legal certainty, and to organize, regulate and systematize information. It also established that a conviction for money-laundering shall include the special confiscation penalty under the provisions of the Penal Code. In addition, the Penal Code stated that seizure of assets should apply to the products of crime and on the means for its commission and that special confiscation is applicable to goods that were subject of the offence or to the persons committing the offences.

119. Honduras reported that its legislation included a Law against Money-Laundering.

120. Italy reported that its legislation already provided for the use of seized property derived from illicit drug trafficking.

121. In Panama, a law established actions to optimize the application for the arrest and confiscation and distribution of assets derived from drug trafficking.

122. In Paraguay there currently was a proposal for a constitutional reform bill that may be used to facilitate the implementation of a law allowing for the forfeiture of assets.

123. In Peru there was legislation against the crime of money-laundering and the process of asset forfeiture, which had been recently modified through Legislative Decrees that had incremented the legal tools for its proper application.

124. Portugal, within the competences of the judicial police, had mechanisms that allowed correlating in investigations common elements that concerned money-laundering. But being able to follow the course of the proceeds of a crime linked to drug trafficking became harder when the transactions went beyond the national jurisdiction.

125. In the Bolivarian Republic of Venezuela, this recommendation had been included in the Drug Act, and in the Organic Law Against Organized Crime and Financing of Terrorism. In addition, a National Service of Administration and Transfer of Secured, Seized, Confiscated and Forfeited Property had been created by Presidential Decree in 2011.

Recommendation 11

126. Governments should consider the possibility of establishing specialized units in police and prosecution services for investigation of the crime of money-laundering.

127. Most respondents reported that they had specialized units in place in police and prosecution services for investigation of the crime of money-laundering. In one case, legislation on money-laundering and financing of crime did not provide for the use of special investigative techniques and the prosecution relied on conventional techniques such as obtaining bank information and wiretap investigations

128. In Argentina, the Prosecution Unit for the Investigation of the Crimes of Money-Laundering and Financing of Terrorism was created in 2006. The functions of the Unit included participating in preliminary investigations to determine whether public prosecution should be initiated, advising the relevant parts of the State in the implementation of common public policies on this issue and coordinating training efforts for staff of relevant Government agencies, among others.

129. In Colombia, there were three units responsible for investigating the crime of money-laundering: the Unit of Information and Financial Review (UIAF), the National Unit for Asset Forfeiture and Money Laundering (UNEDLA), which was part of the Attorney General's Office, and the Bureau of Criminal Investigation and INTERPOL — (DIJIN), which was part of the National Police.

130. In Costa Rica, a Unit Against Money-Laundering existed within the Judicial Police, and the Office of the Attorney against Economic and Tax crimes and Money-Laundering was contained within the Office of the Public Prosecutor. Both units worked together with the Unit on Financial Intelligence.

131. The Ministry of the Interior of Cuba had specialized bodies in countering money-laundering and other crimes of financial nature. Working groups for the continuous specialization and training of staff were established with other governmental agencies such as the Central Bank of Cuba, the Ministry of Finance and Prices, the Comptroller and the Attorney General's Office, among others.

132. According to Ecuadorian law the competent authorities designated and responsible for ensuring that the crimes of money-laundering and financing of crime are investigated were the Attorney General and the National Police, in accordance with the Organic Code of the Judiciary, and the Criminal Procedure Code. However, specific legislation on money-laundering and financing of crime did not provide for the use of special investigative techniques suitable for the investigation of crimes, such as the use of controlled delivery and undercover operations. The prosecution relied exclusively on conventional techniques and the possibility of obtaining bank information and wiretap investigations.

133. Honduras reported that this recommendation was being implemented by the Office of Public Prosecution.

134. In Italy there were already specialized structures in the fight against money-laundering, in relation to all types of serious crime, including mafia-related crime.

135. In Panama, there were specialized sections in the office of the public prosecutor and the National Police, to investigate the crime of money-laundering. There also existed a Financial Analysis Unit for Money Laundering and Terrorist Financing.

136. Paraguay had a Secretariat for the Prevention of Money Laundering (SEPRELAD). In addition, within the National Anti-Drug Secretariat (SENAD) there was a directorate that investigated drug-related money-laundering. The National Police and the Attorney General also had financial crimes units.

137. The National Police of Peru, through the Anti-narcotics Directorate, had a Division on Investigation of Money-Laundering (DIVILA), which would in the near future become a specialized directorate of the National Police. The Office of Public Prosecution also included specialized offices on organized crime and crimes related to illicit drug trafficking.

138. Portugal reported that the structure of its judicial police in regard to economic and financial crime had two specialized units — at operational level, the National Anti-Corruption Unit, and at the intelligence level, the Financial Intelligence Unit.

139. Uruguay reported on the creation of a financial unit for the detection and investigation of natural and juridical persons.

140. In the Bolivarian Republic of Venezuela, the Attorney General's Office had created the Directorate General of Anti-Money-laundering, Economic and Financial Crimes, which was responsible for specialized investigation in the field of money-laundering. Competent police bodies such as the National Guard and the Unit of Scientific, Criminal and Criminalist Investigations had directorates which focussed on the prevention, control and suppression of money-laundering offences. In addition, in 2012 the National Office Against Organized Crime and Terrorism Financing was created.

Recommendation 12

141. Governments should, in a flexible and timely manner, provide the broadest possible international cooperation to combat money-laundering and support the recovery of assets that were the proceeds of crime through information exchange, the sharing of information on money-laundering typologies and the identification and location of assets and property.

142. All respondents indicated having in place international cooperation to combat money-laundering, including on mutual legal assistance and the exchange of financial intelligence information. Other forms of cooperation covered the provision of technical assistance and training and the participation in various international bodies and events.

143. The Government of Argentina continued to be strongly committed to combating money-laundering and the financing of terrorism, through a continuous commitment to international cooperation in these matters. The Financial Intelligence Unit had actively participated in several technical regional and international groups

with this purpose, including GAFISUD and the Egmont Group, and through other multilateral settings. Furthermore, the Unit had signed 29 memoranda of understanding with countries across all regions.

144. Colombian law allowed the Financial Intelligence Unit to sign international cooperation agreements with homologous entities on mutual legal assistance and exchange of financial intelligence information. The Unit had signed 51 memoranda of understanding with counterpart units. The Financial Intelligence Unit also provided technical assistance and training of homologous units of other countries on such topics as strategic analysis, technology and information security, typologies of money-laundering and terrorism financing, methodologies for data analysis and database structures.

145. In Costa Rica, this recommendation was being implemented by law. Costa Rica was also part of the EGMONT group since 1998, and various cooperation agreements had been signed with counterparts. Costa Rica was also part of GAFISUD.

146. The Government of Cuba placed much importance on international cooperation and was party to various existing multilateral treaties on international drug control, organized crime and terrorism, and on other transnational criminal activities. The Ministry of the Interior systematically strengthened bilateral cooperation and conducts exchange of intelligence in real time with its counterparts in different countries as well as with INTERPOL.

147. The Law for the Prevention, Detection and Eradication of the Crime of Money-laundering and the Financing of Offences of Ecuador contained an international criminal assistance provision with respect to legal assistance in relation to money-laundering and financing of terrorism. Specifically regarding the confiscation of property and assets related to money-laundering offences there existed a Law on Prevention, Detection and Eradication of the Crime Money-laundering and Financial Crimes, through which the competent authorities responded to requests by courts or similar authorities in other countries, for mutual legal assistance.

148. Honduras reported that this recommendation was being implemented through existing legislation on seized assets and money-laundering.

149. In Panama there existed laws which established policies to prevent money-laundering as well as other laws that criminalize the offences of money-laundering.

150. In Paraguay, information sharing was implemented with peers from Brazil, Argentina and the United States of America, through their respective permanent representations in the country, jointly coordinating work for combating money-laundering.

151. In Peru, the Unit on Financial Intelligence (UIF-Peru) was the competent national central agency for receiving, analyzing and disseminating suspicious transactions, which centralized information as a focal point for financial intelligence. It was also the focal point for international information exchange, as part of GAFISUD.

152. The judicial police of Portugal, through its Financial Intelligence Unit, participated and cooperated, on an ongoing basis in projects to exchange operational information on money-laundering with the competent bodies, in particular with their European counterparts.

153. Uruguay conducted international cooperation to combat money-laundering in the framework of GAFISUD.

154. The Organic Law Against Organized Crime and Terrorist Financing of the Bolivarian Republic of Venezuela had established procedures for exchange and international cooperation. In addition, the Financial Intelligence Unit (FIU), had signed memorandums of understanding for the exchange of information with various intelligence units in different jurisdictions.
