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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 21 April 2003 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), and has the honour to reply to his note dated 4 March 2003.

The Permanent Mission of Colombia to the United Nations is pleased to forward to the Committee the first part of the information requested of Colombia in the above-mentioned note. The remaining information will be collected shortly, once it has been processed by those national authorities that have requested additional time to compile data.

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Annex to the note verbale dated 21 April 2003 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

Report by Colombia on the implementation of resolutions 1267 (1999), 1333 (2000) and 1390 (2002)

Taliban/al-Qa`idah sanctions regime

I. Introduction

1. *The Fiscalía General de la Nación*[1] (Office of the Prosecutor-General) has no knowledge of activities of Osama bin Laden or the al-Qa`idah network in Colombia. According to the country's intelligence services, however, there have been several warning signs concerning the possible presence of messengers or other individuals linked to al-Qa`idah. This is a serious possibility and the reasons for such contact are obvious: al-Qa`idah is able to provide terrorist technology of great interest to the Fuerzas Armadas Revolucionarias de Colombia (FARC), and FARC can offer al-Qa`idah money, of which it has vast amounts as a result of drug trafficking, and channels for entry into the United States.

II. Consolidated List

2. The Committee's List distributed to States Members of the United Nations is first sent to the Ministry of Foreign Affairs, which then forwards it to all competent authorities for inclusion in their information systems.

In the Administrative Department of Security (DAS), the list of members/collaborators of the Taliban and al-Qa`idah has been included in the migration control database that can be consulted at ports of migration control throughout Colombia, subject to the relevant rules and available facilities.

The Interpol Subdirectorate also includes, where appropriate, any information concerning members of al-Qa`idah and related organizations in the SIFDAS database. The Interpol Subdirectorate is also in permanent contact with the working group on terrorism and connected to the global database of Interpol's General Secretariat in Lyon, France, which offers access to data about al-Qa`idah to countries' judicial and police entities and provides information on the data on request.

The purpose of incorporating and consulting information provided by the Committee is to determine, inter alia, whether certain individuals or entities have physical or financial assets, whether there is a record of their entering the country, sending money to/from Colombia and of any stock market transactions or reports of suspicious operations.

The Financial Information and Analysis Unit (UIAF) then contacts all banking institutions in order to gather information concerning the business relationships of

[1] Responsible for investigating crimes and prosecuting the presumed perpetrators in the competent courts either ex officio or on the basis of a complaint or legal action.

those persons and entities within Colombia. In that connection, it should be pointed out that no Colombian bank has reported any person or entity with links to the Consolidated List.

If the Financial Information and Analysis Unit did detect reports of suspicious operations relating to the financing of terrorist acts, a financial intelligence report would be submitted to the competent authorities, primarily the Office of the Prosecutor-General, and, where necessary, their counterparts in other countries involved in combating financing terrorist activities.

Moreover, the Superintendence of Banks has issued Circular No. 9 of 22 January 2002 (see annex), in which it transmitted to monitored entities the lists of persons with relations to terrorism in Afghanistan (resolutions 1267 (1999) and 1333 (2000)). The lists were sent to the Superintendence by letter FGN.GIE-T20, dated 10 January 2002, from the National Division of Economic Investigations in the Technical Investigation Unit of the Office of the Prosecutor-General.

3. Yes. The lack of unique identification numbers and dates of birth for individuals and the lack of unique business identification numbers for entities makes it difficult for the Financial Information and Analysis Unit to identify them. It should be pointed out that the structure of the information systems accessed by the Financial Information and Analysis Unit is based on unique identification numbers.

The Financial Information and Analysis Unit would therefore like to suggest that the Committee's List include additional or alternative information to enable individuals and entities to be clearly identified.

4. None of the persons included on the List have been identified in Colombia.

5. There is no knowledge of additional individuals who should be on the List.

6. There is no record of any such administrative or judicial proceedings being instituted by listed individuals as a result of their inclusion in the list.

7. Checks made on the information contained in the List have not revealed any listed individuals to be nationals or residents of Colombia.

8. Under migration legislation, if people entering the country are found to be involved in actions supporting terrorist organizations in general, the authorities may institute criminal action against the organization or apply migratory measures to order foreign nationals involved in such activities to leave the country.

III. Financial and economic assets freeze

9. Colombian penal law does contain some legal instruments that permit compliance with requests to seize financial assets, such as:

- **Criminal confiscation**: governed by article 67 of Act 599 of 2000 (Code of Criminal Procedure):

  "*ARTICLE 67: The instruments and assets used to commit the punishable act, or which are derived from the commission of such act and which are not freely tradable, shall be appropriated by the Office of the Prosecutor-General or an entity designated by that Office, unless the law provides for their destruction or other disposition.*

"*The same shall apply in the case of intentional offences, when assets that are freely tradable and belong to the criminally liable person are used to commit a punishable act, or are derived from the commission of such act.*"

- **Termination of ownership**: precautionary measures enshrined in article 12 of Act 793 of 27 December 2002:

"*ARTICLE 12: The initial phase. The prosecutor competent shall initiate the investigation, either ex officio or on the basis of information provided in conformity with article 5 of the Act, with a view to identifying those goods on which the action could be brought, based on the grounds stipulated in article 2.*

"In conducting this phase, the prosecutor may order precautionary measures or request the competent judge to take such measures, as appropriate; the measures shall include suspension of dispositive power; freezing and attachment of assets, money deposited in the financial system, transferable securities and the returns thereon, and the order not to pay out such yields if it proves impossible to seize them physically. In any event, the National Directorate of Narcotic Drugs shall be the depositary of the frozen or confiscated assets."

- **Criminal offences**: The Colombian authorities consider that activities linked to the financial aspect of terrorist actions are punishable as examples of the criminal offences of money laundering, illicit enrichment, (aggravated) conspiracy to commit an offence, and management of resources linked to terrorist activities of Act 599 of 2000 (Penal Code):

"*ARTICLE 323. MONEY-LAUNDERING: Any person who acquires, protects, invests, transports, converts, holds for safekeeping or manages assets originating, directly or indirectly, from the activities of extortion, illicit enrichment, extortive kidnapping, rebellion, arms trafficking, crimes against the financial system or public administration, or linked to proceeds of crime that are the object of a conspiracy to commit an offence, or activities related to trafficking in toxic or narcotic drugs or psychotropic substances, or gives assets derived from such activities the appearance of legality or legalizes them, conceals or disguises the true nature, origin, location, destination, movement or rights to such assets, or commits any other act for the purpose of concealing or disguising their illicit origin shall, by that act alone, be liable to a term of imprisonment of between six (6) and fifteen (15) years and a fine of between five hundred (500) and fifty thousand (50,000) times the minimum statutory monthly wage.*

"*The same penalty shall apply when any form of conduct described in the preceding paragraph is carried out in respect of assets ownership of which has been declared to be terminated.*

"*Money-laundering shall be punishable even when the activities from which the assets are derived, or the acts punished in the preceding paragraphs, have been carried out, in whole or in part, in a foreign country.*

"*The penalties involving deprivation of liberty provided for in this article shall be increased by one third to one half when such acts involved exchange or*

foreign trade transactions or when goods were imported into the national territory.

"*The increased penalty provided for in the preceding paragraph shall also apply when contraband goods have been brought into the national territory.*"

"*ARTICLE 327. ILLICIT ENRICHMENT OF INDIVIDUALS. Any person who, directly or through another person, obtains, for himself or for another person, an unsubstantiated increase in assets deriving in one way or another from criminal activities shall, by that act alone, be liable to a term of imprisonment of between six (6) and ten (10) years and a fine equivalent to twice the value of the illicit increase in assets, but shall not exceed the equivalent of fifty thousand (50,000) times the minimum statutory monthly wage.*"

"*ARTICLE 340. CONSPIRACY TO COMMIT AN OFFENCE. When a number of persons conspire for the purpose of committing offences, each of them shall, by that act alone, be punished with a term of imprisonment of between three (3) and six (6) years.*"

"*When the conspiracy involves the commission of the crimes of genocide, enforced disappearance, torture, forced displacement, homicide, terrorism, drug trafficking, extortive kidnapping, extortion or for the organization, promotion, arming or financing of armed groups outside the law, the punishment shall be a term of imprisonment of between six (6) and twelve (12) years and a fine of between two thousand (2,000) and twenty thousand (20,000) times the minimum statutory monthly wage.*"

"*The punishment of deprivation of liberty shall be increased by one half for any person who organizes, encourages, promotes, directs, leads, establishes or finances a conspiracy or association for the purpose of committing an offence.*"

"*ARTICLE 345. MANAGEMENT OF RESOURCES LINKED TO TERRORIST ACTIVITIES. Any person who manages money or assets linked to terrorist activities shall be liable to a term of imprisonment of between six (6) and twelve (12) years and a fine of between two hundred (200) and ten thousand (10, 000) times the minimum statutory monthly wage.*"

- Proposed draft Penal Code

It should be noted that currently, financing of terrorist activities as such is not a criminal offence. However, the National Unit for Termination of Ownership Rights and Suppression of Money-Laundering of the Office of the Prosecutor-General submitted a proposal for consideration to the Commission on Integration of Legislation formed under article 4 of Legislative Act No. 003 of 2002 to amend the designations of the offences of Illicit Enrichment, Money-Laundering and Failure to Monitor in order to comply with international recommendations against financing of terrorism. It is worth emphasizing that this draft is still in the process of elaboration and harmonization, and therefore it has not been submitted to the Congress of the Republic of Colombia for consideration.

10. As a structure, the Prosecutor-General's Office has the National Unit for Termination of Ownership Rights and Suppression of Money Laundering, established on 20 March 1998, which is in a position to conduct criminal and assets

investigations into the financial networks and the individuals linked to them which appear on the list.

This specialized Unit has jurisdiction throughout Colombian territory and receives investigative and operational support from various Intelligence and Judicial Police agencies and State authorities.

Moreover, the Unit of the Prosecutors-Delegate to the Criminal Court Judges of the Specialized Circuit Court of Bogotá and Cundinamarca has a Terrorism Sub-Unit, which in practice operates under the criteria and parameters of the National Prosecution Units, conducting investigations of national importance, which are assigned for special investigation by the inspectors who are members of this Unit, depending on the experience, skill and appropriateness of fielding them in this jurisdiction, as has been done for the various terrorist attacks and homicides constituting grave violations of human rights committed by groups outside the law operating in the Republic of Colombia.

Colombia also has a special administrative unit, the Financial Information and Analysis Unit (UIAF), a financial intelligence unit under the Ministry of Finance and Public Credit, whose function is to collect, organize and analyse reports on suspicious operations carried out in the sectors under surveillance and detect practices associated with laundering of assets which this Unit reports to the national Office of the Prosecutor-General.

In addition to what is described in the reply to question II.2, it is important to point out that the Financial Information and Analysis Unit (UAIF) undertook a strategic analysis of information on exchange transactions in order to identify flows of money into and out of our country, as well as recording the groups of persons and individuals who have made a significant number of exchange transactions over the past two years. On completion of this study, no links with the persons and entities contained in the Committee's List were found.

In this context, it should be noted that the UIAF, through correspondence with the Egmont Group, has the ability to exchange financial intelligence information with 69 countries and to coordinate action in its area of competence.

11. The first thing to note is that, on the subject of institutions monitored by the Superintendence of Banks,[2] articles 102 to 107 of the Organic Statute of the Financial System (Decree-Law 663 of 1993), establish a regime aimed at preventing criminal activities in those institutions, basically requiring them to adopt appropriate and adequate measures to prevent their operations from being used as a tool for the concealment, manipulation, investment or profit in any way from money or other assets derived from criminal activities, or to give the appearance of legality to such activities or to related transactions or funds.

For its part, Title I, Chapter 11 of the Basic Legal Circular of the Superintendence (007 of 1996), establishes the criteria that the monitored institutions must take into account when adopting the Integrated System for the Prevention of Money-Laundering (SIPLA) which covers the various control

[2] The Superintendence of Banks is a technical body attached to the Ministry of Finance and Public Credit of Colombia, and has the authority to monitor financial, insurance or stock market activity.

mechanisms necessary to fulfil the provisions of the aforementioned Organic Statute.

Those instructions constitute the minimum rules that the monitored bodies must observe in designing and implementing their own prevention and control systems.

The instruction mentioned also states that the role of the supervisor in this area is to verify that the monitored institutions comply with the legal provisions, in other words, to see that the bodies have adopted systems to prevent and control money-laundering and that such systems function adequately. For this purpose, the supervisor conducts a comprehensive analysis of the systems adopted by the monitored institutions and their effectiveness.

Thus, the monitored institutions must adopt such control mechanisms as "know your client" and the market, detection and analysis of unusual transactions and determination and reporting of suspicious transactions.

In order to apply such mechanisms adequately, the system for the prevention of money-laundering must be supported at the very least by such tools as early warning mechanisms, technological development, market segmentation, electronic consolidation of transactions, monitoring and recording of individual cash transactions, monitoring of multiple transactions, education and training for staff, adoption of codes of conduct and establishment of procedures through written manuals.

Now, referring concretely to the matter addressed in question 11, the steps banks and other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of Al-Qa`idah or the Taliban, through compliance with the standards described earlier, aimed at the comprehensive prevention of criminal activities, they seek to prevent resources originating in such organizations, inter alia, terrorist organizations like those mentioned, from being manipulated, concealed or invested through the Colombian financial system.

In addition to the instructions issued by the Superintendent-Delegate for Social Security and Other Financial Services, with particular reference to the organizations mentioned, it should be pointed out that Circular Letter 25 of 2002, a copy of which is annexed, indicates that the mechanisms for prevention and monitoring of criminal activities which have been implemented by the Colombian financial system in compliance with the law, "*should be capable of successfully detecting any suspicious transaction that could be linked to the channelling of resources of illicit origin towards carrying out terrorist activities or which attempts to conceal assets derived from such activities and to promptly inform the Financial Intelligence and Analysis Unit (UIAF) of the Ministry of Finance and Public Credit of them*".

As for the concern regarding measures to "*know the client*", we would like to point out that in October 2002, through the issuance of External Circular 046 (annexed), the Superintendence gave clearer instructions and criteria to be considered by the monitored institutions in adopting their Integrated Systems for the Prevention of Money-Laundering (SIPLA).

Among other things, that instruction, a copy of which is attached, gave specific rules to be observed by the entities in their efforts to know their clients and the

nature of the economic activity they were engaged in. It stated that, at the minimum, the individual should be fully identified and his economic activity defined, along with the nature and amounts of his income and expenditure and of the transactions conducted with the respective entities.

In this manner, they would seek to monitor their clients' transactions continuously and have available the objective elements that would allow each institution to refrain from commercial association with individuals whose identity could not be established to their satisfaction, and would have elements on which to base a judgement and supporting documentation to allow them to analyse unusual transactions and detect the existence of suspicious transactions.

The instruction also includes *minimum standards* that procedures to know the client should meet, which include such aspects as due diligence for association forms, confirmation of information provided, definition of procedures for analysing information, etc.

Finally, we wish to reiterate that in Colombia, monitoring of compliance with this regime in the administrative area is the responsibility of the Superintendence of Banks, the authority whose function is to monitor the adoption of mechanisms against money-laundering in the monitored institutions and the effectiveness of those mechanisms, as well as the development of an effective prevention policy.[3]

12. The Office of the Prosecutor-General, through the National Unit for Termination of Ownership Rights and Suppression of Money-Laundering and the Unit of Prosecutors-Delegate to the Criminal Judges of the Specialized Circuit Court of Bogotá and Cundinamarca, has not "frozen" or seized assets in observance of resolutions 1455 (2003), 1267 (1999), 1333 (2000) and 1390 (2002), nor does it have any knowledge of this measure being imposed in the country.

It is important to note that the National Economic Investigations Division of the Technical Investigation Body of the Office of the Prosecutor-General sent out working mission No. 048 of 9 January 2002 for the purpose of identification, investigation and "freezing" of funds or other assets of the entities described in the resolutions, which resulted in report 3399 of 28 June 2002, reporting no such activity.

13. In accordance with the information provided by the Office of the Prosecutor-General in observance of resolution 1452 (2002), no funds or financial assets have been released, given the previous response.

14. The Financial Information and Analysis Unit (UIAF), through the information requirements imposed on banking establishments on the basis of article 3 of Law

[3] "MONEY LAUNDERING, A Multi-Faceted Activity", Superintendence of Banks, 1998, p. 66.

526 of 1999[4] and Decree 1497 of 2002,[5] requests any information which may be known to those establishments concerning the individuals and entities contained on the Committee's List.

The backbone of a system for reporting suspicious operations consists in the rules that require financial and non-financial institutions to report to the competent authorities information relating to transactions or operations that may be associated with criminal activities. The Organic Statute of the Financial System, specifically articles 102 to 107, is regarded as the cornerstone of the system for reporting suspicious operations in Colombia. Article 102 (d) 2 specifies:

> "*Report immediately and sufficiently to the Financial Information and Analysis Unit (UAIF) any relevant information regarding the management of funds whose amount or characteristics are unrelated to the economic activity of their clients or regarding transactions engaged in by their customers which, through their number, through the quantities traded or in the light of their specific characteristics, may reasonably lead to suspicion that the customers are using the institution to transfer, manage, utilize or invest money or resources derived from criminal activities*".

This rule served as a reference for the extension by Act 190 of 1995,[6] article 3943, of the obligation to report suspect transactions to the entities subject to inspection, monitoring or control by the Superintendence of Securities and those engaging professionally in foreign trade activities, casinos and games of chance.

In order to give effects to the reporting obligation, UAIF worked with various authorities on the issuance of rules specifying the characteristics, periodicity and controls required for the reporting of suspicious operations and exchange and cash transactions in excess of a given amount.

The following entities periodically report operations of this kind to UAIF:

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[4] The purpose of the Unit will be the detection and prevention of, and general action against, money-laundering in all economic activities, and to that end it will centralize, systematize and analyse the information collected as anticipated in articles 102 to 107 of the Organic Statute of the Financial System and its regulations on remittances, tax and customs regulations and any further information learned by State or private entities that could be linked with money-laundering operations.
Those entities shall be required to provide ex officio or at the request of the Unit the information mentioned in the present article. In addition, the Unit can receive information from individuals.
The Unit, in fulfilment of its objective, shall transmit to the competent authorities and entities authorized to execute termination of ownership any relevant information within the framework of the comprehensive effort to combat money-laundering and the activities described in article 2 of Law No. 333 of 1996.
The Unit mentioned in this article may conclude cooperation agreements with similar bodies in other states and with national public or private institutions as appropriate, without prejudice to the obligations contained in this law.
PARAGRAPH 1. The National Government, in order to facilitate the observance of the provisions of articles 102 to 107 of the Organic Statute of the Financial System by other sectors, may make any necessary modifications in accordance with their economic activity.
PARAGRAPH 2. The Unit may trace capital abroad in coordination with similar bodies in other States.

[5] Decree regulating Law 526 of 1999.

[6] The Anti-corruption Statute.

Financial institutions, including high-level cooperatives and exchange bureaux;

Customs middlemen;

Currency exchange professionals;

Cooperatives specializing in savings and loans and multi-purpose or comprehensive cooperatives with a savings and loans section;

Notaries' offices.

Similarly, work is under way with the Superintendence of Banks to ensure that exchange bureaux report to UAIF all exchange transactions in excess of a given amount. This information is extremely useful to UAIF, in that it permits the identification of operations for the splitting up of funds sent from or to Colombia and the conversion of large amounts of currency possibly entering the country illegally.

Lastly, it must be pointed out that reports on suspicious operations related to the financing of terrorist acts are analysed in the same way as all reports of suspicious operations received by the Unit. The purpose of this work is to detect money-laundering operations in order to deliver the product of this analysis, the financial intelligence report, to the competent authorities, primarily the Office of the Prosecutor-General, or, as appropriate, to counterpart authorities in other countries involved.

Since the establishment of UAIF, reports have been received from gold marketing companies which describe the operations conducted for the purchase and sale of gold and identified the individuals and companies with which commercial transactions were conducted.

IV. Travel ban

15. The names of the individuals listed have been incorporated in the migration register database. If one of them arrives at a post to enter a country, instructions are given, in conformity with Colombian migration legislation and the Security Council resolutions, that he or she should not be admitted to the national territory without verification of background information and legal requirements at the national and international levels through comparison with databases in judicial registers, Interpol and other international agencies.

16. Initially, the List was incorporated in migration control processes by means of written communications issued to each of the control posts. Also, with a view to systematizing this procedure through the use of electronic means that make it possible to detect the possible entry of one of the listed individuals into Colombian territory, a tool is being developed in the migration databases which enables us to incorporate it systematically.

17. Information on the travel ban on members of or persons assisting these organizations is transmitted immediately. Once incorporated in the database, the programme will facilitate their automatic detection through the system.

18. To date, the presence of none of the listed individuals has been detected at any of the migration control posts.

19. **Information relating to this paragraph will be transmitted subsequently and will constitute a supplement to the present report.**

V. Arms embargo

The use of any type of arms (weapons of war or arms for personal use) must be controlled by the State, as stated in our Constitution in article 223:

> "*Only the Government is entitled to import or manufacture arms, war munitions and explosives. No person shall be entitled to possess or to carry them without a licence issued by the competent authority. Such licences may not be granted to persons either participating in or attending political meetings, elections, or meetings of public corporations or assemblies.*
>
> "*Officials belonging to national security agencies and other standing official armed forces having permanent status and established or authorized by law are entitled to carry arms under governmental control, in accordance with the principles and procedures established by law*".

20. Colombia does not export conventional arms or weapons of mass destruction. The sale of small arms, munitions and explosives to individuals is regulated by Decree 2535/93 and the accompanying Regulation 1809/94, and registration and control are conducted through the Arms, Munitions and Explosives Control and Marketing Department attached to the Ministry of Defence.

In addition, the Military Industry Board (INDUMIL)[7] pursuant to the provisions of Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002) and in conformity with the functions assigned to it by law and with its internal regulations embodied in the Agreement of the Board of Governors No. 0439 of 12 June 2001, issued Resolution No. 100 of 11 April 2003 (annex) prohibiting the supply, sale or direct or indirect transfer to Osama bin Laden, members of al-Qa`idah organization, the Taliban and other persons and entities associated with them from Colombian territory or by Colombian nationals outside its territory of arms and related materials of all kinds, including the supply of spare parts and technical advice, assistance or training in military activities.

21. The offence of arms embargo violation is not provided for in our legislation. To cover these forms of dangerous conduct, there are various characterizations of crimes aimed at protecting public security as an appropriate State policy for protecting the lives of citizens; there is full constitutional backing for this. In the case of Colombia, because of the conditions our society is experiencing, control of arms ownership is essential in order to ensure public security and the effective exercise of the rights of individuals.

Characterizations of crimes associated with the topic of arms in our criminal legislation are specified in the following articles of the Colombian Penal Code:

> "*ARTICLE 365: Manufacture, trafficking and carrying of firearms or munitions. Whoever without a licence from a competent authority imports, traffics, manufactures, transports, stores, distributes, sells, supplies, repairs or*

[7] INDUMIL, as a State industrial and commercial enterprise, takes part in formulating and develops the Government's overall policy with respect to the manufacture, import and marketing of arms, munitions, explosives and complementary items.

carries firearms for self-defence, munitions or explosives shall be liable to imprisonment for a term of between one and four years.

"The minimum penalty provided for the above shall be doubled when the conduct is committed in the following circumstances:

1. *When motorized transport is used;*
2. *When the arm is product of a crime;*
3. *When violent resistance is offered to the requests of the authorities; and*
4. *When masks or similar items serving to conceal identity or make identification difficult are worn.*

"ARTICLE 366: Manufacture, trafficking and carrying of arms and munitions whose use is the prerogative of the armed forces. Whoever without a permit from a competent authority imports, traffics, manufactures, repairs, stores, conserves, acquires, supplies or bears arms or munitions whose use is the prerogative of the armed forces shall be liable to imprisonment for a term of between three and ten years.

"The minimum penalty provided for shall be doubled when the circumstances specified in the second paragraph of the preceding article apply.

"ARTICLE 367: Manufacture, import, trafficking, possession and use of chemical, biological and nuclear weapons. Whoever imports, traffics, manufactures, stores, conserves, acquires, supplies, uses or carries chemical, biological or nuclear weapons shall be liable to imprisonment for a term of between 6 and 10 years and to a fine of 100 to 20,000 times the current minimum statutory monthly wage.

"The penalty shall be increased by up to one half if genetic engineering is used to produce biological weapons or weapons to exterminate the human race."

22. The General Command of Colombia's Military Forces, through the Department to monitor trade in arms, munitions and explosives, has a systematic national archive of arms which makes it possible to identify the purchase of an arm, its type, its technical characteristics, make, calibre and serial number, and containing a chronological record from its sale to its final disposition, whether decommissioning, destruction or voluntary surrender to the State.

Sale is regulated with respect to carrying, and there is an Arms Committee in the Ministry of Defence which is responsible for monitoring compliance with the existing regulations.

On the other hand, it is important to indicate that there is in Colombia a Private Security Service, monitored by the Superintendence of the Private Security Service, which in turn, with regard to permits to carry arms, is governed by Decree 2535/93, articles 9 and 11.

The data recorded are verified by the State security agencies in order to ensure that arms permits are not issued to persons with a criminal record, who, in the specific case of terrorism, can be neutralized if their names are on record.

The Arms Control and Trade Department is an administrative body without powers of seizure, and accordingly this work is performed on a full-time basis by the National Police throughout the national territory, and in specific cases through special operations of the armed forces.

23. The existing import and export system ensures that arms and munitions produced by Colombia's military industry do not fall into the hands of terrorists, including the Osama bin Laden group and members of al-Qa`idah organization, with the exception of those stolen by armed assault or fighting conducted by the terrorist groups that exist in Colombia. Temporary import and export takes place through the Ministry of Defence, which licenses foreign companies or their representatives in Colombia to import arms, munitions and their accessories for the purpose of conducting tests or authorized demonstrations, and also issues temporary export licences for repair and sports competitions.

VI. Assistance and conclusion

24. The Administrative Department of Security is willing to provide assistance to other States with a view to structuring a system that will facilitate cooperation among the States Members of the United Nations.

To this end, the information provided in the various requests from States needs to be clear, specific and complete, including if possible biographical and fingerprint cards on the persons appearing in the Committee's Consolidated List in order to prevent impersonations and thus counter the activity of international networks trafficking in migrants.

For its part, UAIF, as was indicated earlier, is in the position, through the Egmont Group, to exchange financial intelligence information with 69 countries, and also to coordinate activities within its sphere of competence.

25. It is recommended that unified regulations on arms, munitions and explosives for civilian and military use should be promoted, incorporating the requirements for the issuance of licences for import, purchase and use, prohibitions and penalties.

Annexes*

1. Circular letter 25 of 2002 (21 February), Superintendence of Banks of Colombia.

2. External circular 046 of 2002 (29 October), Superintendence of Banks of Colombia.

3. Circular letter 32 of 2002 (6 March), Superintendence of Banks of Colombia.

4. Circular letter 09 of 2002 (22 January), Superintendence of Banks of Colombia.

5. Circular letter 158 of 2001 (26 December), Superintendence of Banks of Colombia.

6. Circular letter 143 of 2002 (14 November), Superintendence of Banks of Colombia.

7. Circular letter 55 of 2001 (23 April), Superintendence of Banks of Colombia.

8. Resolution 100 of 2003 (11 April), Ministry of Defence, Military Industry.

* The enclosures referred to in the report are on file with the Secretariat, Room S-3055, and are available for consultation.