



## Resolution No. 3

AG-2013-RES-03

**Subject:** Promoting international action in the identification, location and seizure of assets

The ICPO-INTERPOL General Assembly, meeting in Cartagena, Colombia, from 21 to 24 October 2013 at its 82nd session:

NOTING that the growing involvement of organized criminal groups in both licit and illicit activities that can generate huge profits, including through money laundering and corruption, seriously undermines States' development, public policies and economic growth, while providing further incentives and opportunities for other organized criminal groups,

NOTING the efforts made by the international law enforcement community in the fight against organized crime through the recovery of its illicit proceeds and the engagement of the international community to assist them in these efforts,

RECALLING the United Nations Convention against Transnational Organized Crime (UNTOC) of 2000 and the United Nations Convention against Corruption (UNCAC) of 2003, which call upon States Parties to cooperate in, inter alia, depriving criminal organizations of their economic and financial power through the enforcement of robust anti-money laundering laws and the setting up of effective confiscation regimes,

RECALLING, in particular, Chapter V of the United Nations Convention against Corruption (UNCAC), which requires that Member States adopt a comprehensive set of legal measures in the area of asset recovery,

RECALLING INTERPOL General Assembly Resolutions AG-2012-RES-02 on promoting international action targeting illicit proceeds and AG-2009-RES-06 concerning the creation of a dedicated platform for the exchange of information and best practices and of a Technical and Strategic Anti-Corruption Information Database (UMBRA),

RECALLING Recommendation ERC-2013-REC-03 adopted by the 42nd INTERPOL European Regional Conference on promoting international action in asset recovery,

NOTING INTERPOL's strong engagement in this area through initiatives such as the setting up of a Global Focal Point Platform (GFPP) for exchanging sensitive information among anti-corruption entities and requests for assistance in the identification, location and seizure of assets,

RECOGNIZING the key role played by INTERPOL in connecting its 190 member countries through its secure communications channels in order to guarantee an improved and more rapid exchange of information, including financial data,

RECOGNIZING the European Union's determined engagement in this field through initiatives such as the setting up of National Asset Recovery Offices (AROs – Council Decision 2007/845/JHA) aimed at facilitating the fastest possible European Union-wide tracing of assets derived from crime,

RECALLING Financial Action Task Force (FATF) Recommendations 4 and 38 concerning, respectively, the introduction in domestic legislation of confiscation without criminal conviction (non-conviction based confiscation), and the enhancement of mutual legal assistance in the field of asset recovery,

RECOMMENDS that the NCBs encourage their relevant national authorities to adopt effective domestic legal frameworks and policies for the search, seizure, confiscation, management and return of assets illicitly acquired by organized crime groups as a fundamental component of States' development and criminal policies;

FURTHER RECOMMENDS that the NCBs, in coordination with their relevant national authorities, step up international cooperation in the identification, location and seizure of assets by, among other means:

- (i) encouraging their national authorities to put in place adequate domestic legal mechanisms for the purpose of identifying, locating, seizing, confiscating and managing the proceeds of crime;
- (ii) spontaneously disclosing information to other member countries on the proceeds of offences;
- (iii) equipping themselves with the legal frameworks necessary to quickly respond to a foreign request for asset seizure or confiscation either by directly enforcing the foreign seizure order or by taking the order as a basis for adopting a domestic one;
- (iv) encouraging their national authorities to put in place procedures that would allow the seizure and restraint of assets at the request of a foreign State, and sufficient time to preserve those assets in full pending proceedings in that State;
- (v) considering the adoption of measures allowing the confiscation of assets without a criminal conviction, including when the offender cannot be prosecuted by reason of death, flight or absence, as well as measures for the recognition of foreign non-conviction-based confiscation orders;
- (vi) encouraging their national authorities to support the granting of mutual legal assistance on the broadest possible basis and, in conformity with applicable international conventions, not to refuse the execution of incoming requests on the grounds of bank secrecy;
- (vii) setting up, as highlighted in Resolution AG-2012-RES-02, national multidisciplinary units specialized in gathering information on financial and other assets that would assist the investigating units and the judiciary in searching for and seizing illegal assets. Such a network of specialized units would facilitate the production of useful criminal analysis and comparative reports on the subject;
- (viii) making full use of INTERPOL's tools and services – including INTERPOL's notices and diffusion system – in order to circulate requests for police and judicial cooperation in in the identification, location and seizure of assets;
- (ix) stepping up efforts in crime prevention, especially in the prevention of corruption-related offences and, in this regard, exploring the feasibility of devoting a portion of the resources acquired through the recovery of illicit assets to training law enforcement officials in this area;

- (x) making full use of the Digest of Organized Crime Cases, developed as a joint UNODC-INTERPOL initiative and aimed at providing law enforcement officials worldwide with a compilation of illustrative cases of organized crime and related “good practices” in investigative and prosecutorial techniques;

RECOMMENDS that an Expert Working Group be established and tasked with conducting a study on the existing legal frameworks at the national and international levels, with a view to promoting the harmonization of laws in the in the identification, location and seizure of assets and providing recommendations on future steps to be taken in this field;

COMMENDS the INTERPOL General Secretariat for its ongoing support in the field of promoting international action in the identification, location and seizure of assets;

REQUESTS the General Secretariat to provide continued assistance to INTERPOL member countries in this area.

**Approved**