

<p>RESOLUTION AGN/58/RES/4</p> <p>SUBJECT: FOPAC* Working Group</p>	<p>TO BE CLASSIFIED AS FOLLOWS:</p> <p>1 copy in the CHRONOLOGICAL SERIES: Year 1989</p> <p>1 copy in the SUBJECT SERIES: Heading: Drugs</p> <p>Sub-heading: Resolutions concerning several types of drugs and/or of a general nature concerning international co-operation in the fight against drug traffic and abuse.</p> <p>1 copy in the SUBJECT SERIES: Heading: Crime, organized</p>
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TEXT OF RESOLUTION

WHEREAS the ICPO-Interpol General Assembly, meeting in Bangkok from 17th to 23rd November 1988, recognized that the ICPO Interpol must continue to support law enforcement efforts and intensify co-operation between countries and their respective law enforcement authorities to combat narcotics traffickers and other criminals and their money-laundering activities, decided to transform the FOPAC Working Group into a world-wide group to:

- A. STUDY existing, and develop new, mechanisms for the gathering of financial information connected with, arising from, related to or resulting from narcotics transactions and other crimes,
- B. DEVELOP proposals for the sharing of the above-described information between countries for the use by, among others, their respective law enforcement authorities, and,
- C. DEVELOP a proposal and implementation plan for creating, within an appropriate international body, a clearing-house for the receipt, co-ordination and execution of requests for the above-described information,

* FOPAC (Fonds Provenant d'Activités Criminelles):

Interpol working groups formed to develop programs and to monitor investigations involving the movement of funds associated with international criminal activity.

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RECOGNIZING the utility of financial information to the successful prosecution of money launderers and traffickers in illicit narcotic drugs and psychotropic substances and other criminals and the forfeiture of assets acquired directly or indirectly through the use of proceeds from such trafficking and other crimes,

The ICPO Interpol General Assembly, meeting in Lyons from 27th November to 1st December 1989 at its 58th session:

RECOMMENDS that national administrations:

- A. Take measures to record and, where appropriate, report financial information connected with, arising from, related to or resulting from narcotics transactions and other crimes, including suspicious and large currency transactions and large currency exchanges involving domestic and/or foreign currency;
- B. Contribute the above-described financial information to an Interpol data base and/or create their own data base for the above-described financial information and provide such information as permitted by the member country's laws;
- C. Agree that these data bases may include information identifying:
 - (1) persons conducting large currency transactions and exchanges,
 - (2) the individuals or organizations for whom such transactions and exchanges are conducted,
 - (3) the account(s) affected by such transactions and exchanges, and,
 - (4) when appropriate, the amount seized and confiscated;
- D. Agree that countries that have their own data bases may share information from the data bases directly with other countries or through the Interpol General Secretariat. Countries that elect to participate shall so advise the Interpol General Secretariat and specify the contents and form of any request for information from their data bases. Upon receipt of a request for information, the Interpol General Secretariat will forward the request to such participating countries which may either respond directly to the requesting country or respond through the Interpol General Secretariat;
- E. Agree that information contained in the Interpol General Secretariat data base shall be protected in accordance with established guidelines which shall provide for three different levels (Tiers One, Two and Three) of controlled dissemination. Countries contributing information to the Interpol General Secretariat data base shall specify which guidelines are to be applied in releasing such information as they may have contributed. Countries contributing information to the Interpol General Secretariat data base may specify any one or more of the following tiers of controlled dissemination:

Tier One: Tier One shall contain information from countries which provide the Interpol General Secretariat data base with all or some of the recorded details from their financial records and which impose no restrictions on the dissemination of this information to requesting countries. The Interpol General Secretariat will disseminate Tier One information directly to requesting countries;

Tier Two: Tier Two shall contain information identifying individuals for whom contributing countries hold financial records. Upon receipt of a request for information, the Interpol General Secretariat will alert the requesting country as to which member countries hold information relevant to the request. The member country holding records will be notified of the request, by the Interpol General Secretariat, and will be expected to respond directly to the requesting country;

Tier Three: Tier Three shall contain information contributed by those countries requiring the greatest degree of controlled access to financial records. Information contained in Tier Three shall identify individuals for whom contributing countries hold financial records. Upon receipt of a request for information, the Interpol General Secretariat will alert the country holding relevant records of the request and of the identity of the requesting country. The country holding records may transmit records directly to the requesting country, provide no response, or transmit a notice of "records not available" through Interpol General Secretariat if records are not available or may not be released for reasons of law and/or policy;

- F. Agree that the above-described financial information may be made available for law enforcement purposes when properly requested by another member country through established Interpol or diplomatic channels;
- G. Agree that requests for financial information contained in the Interpol General Secretariat's data base shall: identify the requesting authority; specify the charges or violations of law being prosecuted or under investigation; briefly summarize the facts of the case under investigation or prosecution; state the specific purpose for and intended use of the requested information; and provide data identifying the individual and institutions about whom information is requested;
- H. Agree that implementation of the above-described measures shall not abrogate any of the responsibilities assumed by parties to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted on 19th December 1988, in Vienna, Austria;
- I. Agree that Tiers One and Two can be in operation as soon as the mechanism is put into place to store and transmit such information. It is noted that Tier One and Tier Two information guidelines conform to Article 7 of the Rules on International Police Co-operation. As Tier Three may not conform to these guidelines, the General Secretariat will explore ways to remedy this and will determine how Tier Three can be implemented.