

RESOLUTION OF THE CUSTOMS CO-OPERATION COUNCIL  
ENCOURAGING MEMBERS TO ADOPT APPROPRIATE LEGISLATION  
TO PREVENT OFFENDERS FROM PROFITING FROM THEIR OFFENCES

(25 JUNE 1987)

THE CUSTOMS CO-OPERATION COUNCIL,

AWARE of the serious economic and social damages which may be caused to countries by the absence of appropriate legislation empowering the competent authorities to trace, freeze, seize and confiscate assets derived from illicit trafficking activities,

MINDFUL of the need to use all available measures, including criminal, civil and administrative procedures in concert to accomplish the tracing, freezing, seizure and forfeiture of the proceeds and assets obtained from and through criminal activity,

ENCOURAGING Member countries to adopt legislation establishing a criminal offence for knowingly possessing and receiving any proceeds or income from criminal activity, whether or not the offence occurred in that country of jurisdiction,

INVITES Member countries as part of their efforts against illicit trafficking activities to undertake measures to adopt legislation containing elements of the ICPO/Interpol model titled "A law to facilitate the obtaining of evidence required in and for the purpose of criminal investigations and proceedings and for the purpose of forfeiting the proceeds of crime", such as :

- (i) providing an opportunity for access to banking and other business records by local law enforcement agencies to assist in the investigation and prosecution of serious offences or the apprehending or punishing of the perpetrators of those offences;
- (ii) providing an opportunity for access to banking and other business records by local law enforcement agencies in order that they may assist foreign law enforcement agencies in the investigation and prosecution of those offences;
- (iii) creating an indictable offence for any person knowingly to have in his possession, control or custody, anything which was obtained, directly or indirectly, or may be identified as the proceeds from the commission of a serious offence, whether the offence :
  - . was committed in the country where found, or
  - . if committed elsewhere, would be an indictable offence if it had been committed in that country;
- (iv) providing for the temporary freezing of assets prior to the filing of charges, where there is a reasonable cause to believe that the assets were used in or derived from the commission of a serious offence;

- (v) providing for the issuance of restraining orders, injunctions and other actions, regarding assets, prior to and after the filing of charges for a serious offence;
  - (vi) providing for the forfeiture of such assets to the government of the country where located, upon conviction for a serious offence.
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