

A stylized world map with continents in various colors: North America (light green), South America (pink), Europe (yellow), Africa (light blue), Asia (light green), and Australia (orange).

COMPARATIVE ANTIMAFIA LEGISLATION

EXTRA-UE LAWS

ECUADOR

Criminal Code of Ecuador with reference to Art. 416 bis ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

No comparable provision exists under Ecuadorian law.

Criminal Code of Ecuador with reference to Art. 416 ter ITALIAN ANTIMAFIA LEGISLATION CRIMINAL CODE

No comparable provision exists under Ecuadorian law.

With reference to Law 175/2010 BAN ON CARRYING OUT ELECTORAL PROPAGANDA FOR PERSONS SUBJECT TO PREVENTIVE MEASURES

No comparable provision exists under Ecuadorian law.

With reference to Law 575/1965 ANTI-MAFIA LEGISLATION PERSONAL PREVENTION MEASURES

No comparable provision exists under Ecuadorian law.

Decree No. 111 amendment to Executive Decree No. 110/2024. Executive Decree No. 730/2023 with reference to Art. 6 of Legis. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE

The following shall be added as a final paragraph to Art. 3 of Executive Decree No. 110 of January 8, 2024: "To provide for the mobilization and intervention of the Armed Forces and National Police in the national territory to guarantee sovereignty and territorial integrity against transnational organized crime, terrorist organizations, and belligerent non-state actors as set forth in this Executive Decree."

The following transnational organized crime groups are identified as terrorist organizations and belligerent non-state actors: (...). The Public and State Security Council, based on the technical reports, will update the list of identified groups.

Decree No. 111 amendment to Executive Decree No. 110/2024. Executive Decree No. 730/2023 with reference to Art. 6 of Legis. Decree 159/2011 SPECIAL PUBLIC SECURITY SURVEILLANCE

Art. 1 To order the Armed Forces, in compliance with their mission of defending sovereignty and territorial integrity and protecting the rights, freedoms, and guarantees of citizens, to carry out military operations in all or part of the national territory, to confront and counteract terrorist persons and organizations; applying international instruments, the provisions of the Constitution of the Republic and the internal legal system of the Ecuadorian State, in order to guarantee sovereignty and territorial integrity and the full validity of the Constitution and the rule of law.

Art. 2 To order the Joint Command of the Armed Forces to immediately initiate the corresponding actions to suppress the terrorist threat, with all the means at its disposal, in coordination with the National Police. Art. 3 To order the National Service for the Comprehensive Care of Adults Deprived of Liberty and Adolescent Offenders (SNAI) to take strict security measures for military and police personnel who, as a result of military and police anti-terrorist operations, are subjected to criminal judicial proceedings, in order to guarantee their integrity in places of deprivation of liberty.

Art. 4 The Ministry of Economy and Finance shall allocate the necessary resources to meet the requirements of the Armed Forces and the National Police, within the framework of compliance with the provisions of this Decree.

Art. 5 To exhort all the functions of the State to support the fight against terrorism in a coordinated manner, respecting the independence of powers.

With reference to Art. 6, par. 2 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH PROHIBITION OF RESIDENCE

No comparable provision exists under Ecuadorian law.

With reference to Art. 6 par. 3 of Legisl. Decree 159/2011 SPECIAL PS SURVEILLANCE WITH OBLIGATION TO STAY

No comparable provision exists under Ecuadorian law.

With reference to Art. 16 Legisl. Decree 159/2011 ANTI-MAFIA LEGISLATION ASSET-RELATED PREVENTIVE MEASURES ENTITIES SUBJECT TO THE LAW

No comparable provision exists under Ecuadorian law.

Comprehensive Organic Criminal Code with reference to Art. 18 Legisl. Decree 159/2011 DECEASED PERSON

Art. 552 Special orders in the case of terrorist offences and their financing.- In the case of terrorist offences and their financing, the prosecutor shall request the judge to order the establishment of precautionary measures in the case of natural or legal persons identified as individual terrorists, terrorist groups or organizations or persons acting on their behalf or under their direction. that appear on the general list of the Security Council of the United Nations. The judge, following due process, shall order the precautionary measures verifying whether the person or entity is on the list indicated herein and shall order the immobilization or freezing provided for in the first paragraph of the preceding Art.. In order to comply with the measure, it will notify the corresponding institutions and financial control and supervision bodies, as well as the Ministry responsible for foreign policy so that it may inform the United Nations Security Council. In order to comply with this provision, without prejudice to the fact that it may be sent to other authorities, the Ministry of Foreign Policy shall send the list of persons designated by the Security Council of the United Nations, to the prosecutor and to the agencies linked to the fight against money laundering. terrorism and its financing.

Integral Organic Penal Code with reference to Art. 20, Legisl. Decree 159/2011 SEIZURE

Art. 549 Modalities (Replaced by Art. 88 of Law s/n, R.O. 279-S, 29-III- 2023). The judge may order the following precautionary measures on the property, funds, rights, investments, shares, participations, assets of any kind, corporeal or incorporeal, movable or immovable, tangible or intangible of the natural or legal person prosecuted:

- Kidnapping.
- Seizure.
- Retention.
- The prohibition of alienation
- Disqualification or destruction.
- Provisional suspension of hiring.
- Immobilization or freezing.
- Temporary prohibition of transferring, converting, alienating or moving.

Art. 550 Precautionary measures for legal persons The judge may order one or more of the following precautionary measures:

1. Provisional closure of premises or establishments.
2. Temporary suspension of activities of the legal entity.
3. Intervention by the competent public control entity. The intervention may be suspended after a report from the auditor. The precautionary measure ordered by the judge will have priority over any other administrative procedure, even if the latter was initiated prior to the judicial order

Integral Organic Penal Code with reference to Art. 20, Legisl. Decree 159/2011 SEIZURE

Art. 553 Validity of precautionary measures issued in crimes of terrorism and its financing.- The judge may lift precautionary measures in crimes of terrorism and its financing, at the request of a party, exclusively in cases in which they have been issued on the property, funds and other assets of a homonym or when the property, funds and other assets on which they have been issued, are not owned by or are not linked to the person or entity constant in the list indicated in the previous article. If the judge decides to lift the precautionary measures in the cases indicated, he or she must notify the Ministry of Foreign Policy so that it may inform the United Nations Security Council.

Comprehensive Organic Criminal Code with reference to Legisl. Decree 159/2011 CONFISCATION

Art. 552 and 553.

Organic Law on Forfeiture of Ownership with reference to Art. 25, Legisl. Decree 159/2011 SEIZURE AND CONFISCATION OF AN EQUIVALENT VALUE

Art. 1 Purpose.- (Replaced by Disp. First Reformatory, No. 1 of Law s/n, R.O. 496-2S, 9-II-2024).- The purpose of this Law is to regulate the forfeiture of ownership of assets of illicit or unjustified origin or illicit destination that will be transferred in favor of the State.

Art. 2 Scope of application.- This Law shall apply to property of illicit or unjustified origin or illicit destination located in Ecuador and property located abroad.

Art. 3 Forfeiture of ownership.- (Replaced by Disp. First Reformatory, No. 2 of Law s/n, R.O. 496-2S, 9-II-2024; and by Art. 17 of Law s/n, R.O. 599-S, 12-VII-2024).- Asset forfeiture consists of the declaration of ownership in favor of the State by means of a judgment of a judicial authority, without any consideration or compensation that is applied to the assets referred to in this Law. The forfeiture of ownership by its nature is of a patrimonial nature; it is directed against property and not against persons and is declared through an autonomous procedure and independent of any other process.

Organic Law on Forfeiture of Ownership with reference to Article 110, Legislative Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS

Art. 65 Property Administrative Entity.- The entity in charge of the administration and management of real estate in the public sector, in addition to the powers and attributions provided for in the regulations in force, shall assume the administration of movable and immovable property, cash, national and international investments, and other financial or stock market products on which the precautionary measures and judicial judgments of forfeiture of ownership issued pursuant to this Law fall.

Art. 66 Coordination body.- The President of the Republic shall designate a body in charge of coordinating the national policy on the administration of property or special assets and of providing that, in accordance with the regulations in force, citizen oversight bodies shall be formed, on a semiannual basis, for the processes of disposal of property owned by the State acquired through a process of extinction of ownership and the maintenance of the property under the administration of the entity in charge of the administration and management of real estate in the public sector that have not been purchased or that the law does not allow their sale. Art. 68.- Functions of the highest authority.- (Replaced by Disp. First Reformatory, No. 43 of Law s/n, R.O. 496-2S, 9-II-2024). In addition to the powers and attributions provided for in the regulations in force, for the purposes of this Law, the highest authority of the entity in charge of the administration and real estate management of public sector assets shall have the following functions, attributions and duties: 1. To exercise the legal, judicial and extrajudicial representation of the entity in charge of the administration and management of real estate in the public sector: 2. Direct, organize, coordinate, and control the management of the entity in charge of the administration and management of real estate in the public sector;

Organic Law on Forfeiture of Ownership with reference to Article 110, Legislative Decree 159/2011 AGENCY FOR ASSETS SEIZED AND CONFISCATED ANTIMAFIA LAWS

3. To comply with and enforce the provisions of the laws, decrees, regulations, agreements and resolutions applicable to the administration of Special Assets; 4. Designate those responsible for the processes, sub-processes or administrative units of the entity in charge of the administration and management of real estate in the public sector; 5. Issue management policies and strategies, in order to strengthen institutional development; 6. To generate, negotiate and apply international cooperation instruments for the forfeiture of ownership of assets of illicit or unjustified origin or destination that are abroad, ensuring the existence of agreements with the largest number of countries, giving preference to those considered by Ecuador as tax havens; 7. To issue a reasoned resolution approving the alienation, destruction, or scrapping of assets on which there is an enforceable judgment of forfeiture of ownership; 8. To enter into any act or contract that allows for an efficient administration of goods and resources. For the administration, the figure of public-private partnership may be used; and, 9. The other functions and powers assigned to it by law.

Art. 69 Powers of the entity in charge of the administration and management of real estate in the public sector.- In addition to the powers contained in the specific regulations on the matter, the entity in charge of the administration and management of real estate in the public sector shall have the following: 1. Supervise the use of assets that constitute special assets that are in the process of forfeiture of ownership, preventing their illegal occupation. 2. To collaborate with the jurisdictional authority and with the Office of the Attorney General of the State in the phase of investigation of assets of assets. 3. To manage compliance with orders for the return or restitution of seized assets or assets that have not been proven to be assets of illicit or unjustified origin or illicit destination in asset forfeiture processes.

With reference to Decree-Law 8/1991 converted into Law 82/1991 KIDNAPPINGS FOR THE PURPOSE OF EXTORTION AND PROTECTION OF WITNESSES OF JUSTICE

Not specifically from third parties unless they are directly linked.

With reference to Art. 143 TUEL Consolidated Law for Local Authorities DISSOLUTION OF MUNICIPAL COUNCILS FOR MAFIA INFILTRATION

The COOTAD establishes only dissolution in specific crimes but not directly organized crime or terrorism.

Organic Law of the National Public Procurement System/ Non-specific with reference to Art. 84, Legisl. Decree 159/2011 COMMUNICATION AND INFORMATION OF THE ANTI-MAFIA DOCUMENTATION

It does not specify but refers to crimes such as money laundering, organized crime and corruption.

Art. 62 General disqualifications The following may not enter into contracts provided for in this Law with the Contracting Entities: Art. 1.2.- Prevention of money laundering and compliance rules.- (Added by Disp. Third Reformatory No. 1 of Law s/n, R.O. 496-2S, 9-II2024).- The Financial and Economic Analysis Unit will integrate in its reports the evaluations of State contractors, in order to avoid and eradicate any type of conduct related to money laundering and financing of crimes in public procurement. The National Public Procurement Service shall deliver for the respective analysis to the Financial and Economic Analysis Unit, in accordance with the parameters defined by it and on a monthly basis, all the information on the award of contracts made in the National Public Procurement System, as well as the list of public servants who have worked in SERCOP during that period. In addition, any entity that is part of the National Control Subsystem may alert the Financial Analysis Unit of suspicious conduct for the respective analysis.

PROVISIONS OF THE CRIMINAL CODE NOT INCLUDED IN THE ITALIAN CRIMINAL CODE