Chapter V
Asset Recovery
Articles 51-59

Fundamental principle of UNCAC
Before

After
Asset recovery measures

Article 52:
Prevention and detection of transfers of proceeds of crime

Article 53:
Direct recovery of property

Articles 54-55:
Recovery of property through international cooperation

Article 57:
Return and disposal of assets
**Article 53: Direct recovery of property**

- **States parties shall be permitted to:**
  - Initiate civil action in another party’s courts to establish ownership of property acquired through corruption.

- **Courts shall be permitted to:**
  - Order corruption offenders to pay compensation to another State party.

- **Courts/competent authorities shall be allowed to:**
  - Recognize, in confiscation decisions, another party’s claim as legitimate owner of property.
Division for Treaty Affairs

Confiscating proceeds of crime

Article 55:
International cooperation for purposes of confiscation

Upon request from another State party

Article 31:
Domestic freezing, seizure and confiscation

Necessary legal framework required to the greatest extent possible

Bona fide third parties
Money Laundering

- Laundering of Proceeds of Crime Art. 23
- Measures to Prevent Money Laundering Art. 14
- Prevention and Detection of Transfers of Proceeds of Crime Art. 52
- Financial Intelligence Unit Art. 58
### Measures to Prevent Money Laundering Art. 14

<table>
<thead>
<tr>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive domestic regulatory and supervisory regime</td>
</tr>
<tr>
<td>Ability of authorities to cooperate and exchange information</td>
</tr>
<tr>
<td>Measures to detect and monitor the movement of cash and negotiable instruments</td>
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<tr>
<td>Due diligence measures for financial institutions, including money remitters</td>
</tr>
<tr>
<td>Relevant anti-money laundering initiatives</td>
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</tbody>
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Article 58 FIUs

Financial intelligence unit:

Receiving, analysing & disseminating reports of suspicious financial transactions.
Return and disposal of Assets (Art.57)

Return depending on **how closely the assets were linked** to the requesting State party

- **Embezzled Public Funds from the State**
  - Return to the State if it establishes ownership or damage recognized by the requested State party as a basis for return

- **Proceeds of other offences covered by UNCAC**
  - May be returned to the requesting State Party, a prior legitimate owner or used for compensating victims

- **Other Cases**
  - Return to the State if it establishes ownership or damage recognized by the requested State party as a basis for return
Make sure that crime does not pay…

Thank you for your attention!

For further information please consult:

http://star.worldbank.org/star/

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