# Forms of Liability in Public Legal Actions: Criminal, Civil and Administrative* (World Bank)

<table>
<thead>
<tr>
<th></th>
<th>Criminal</th>
<th>Civil</th>
<th>Administrative</th>
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<tbody>
<tr>
<td><strong>Possible punishments</strong></td>
<td>- Imprisonment</td>
<td>- Fines and other monetary penalties</td>
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<td></td>
<td>- Fines and other monetary penalties</td>
<td>- Asset confiscation and restitution</td>
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<td>- Asset confiscation and restitution</td>
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<td>- Warnings</td>
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<td></td>
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<td></td>
<td>- Revocations/ suspensions of licenses or permits</td>
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<td><strong>Source of authority</strong></td>
<td>Written laws</td>
<td>Written laws or case law</td>
<td>Written laws or regulations</td>
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<td><strong>Burden of proof</strong></td>
<td>Beyond a reasonable doubt or intimate conviction</td>
<td>Probability, more likely than not to have committed the infraction</td>
<td>Highly variable, usually lower than criminal standard</td>
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<td><strong>Objectives</strong></td>
<td>Punish, deter, rehabilitate, restore victim’s position</td>
<td>Punish, deter, confiscate profits derived from illegal activity, compensate for harm caused</td>
<td>Punish, deter, regulate activities.</td>
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<tr>
<td><strong>Enforcers</strong></td>
<td>Prosecutors</td>
<td>Prosecutors, regulators</td>
<td>Regulators</td>
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<tr>
<td></td>
<td>- UK Serious Fraud Office</td>
<td>- UK Serious Fraud Office</td>
<td>- UK Financial Conduct Authority</td>
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*Page extracted from: [Forms of Liability in Public Legal Actions: Criminal, Civil and Administrative* (World Bank)](https://example.com)
Group “OK” case: a reference for non-criminal procedures (NCP).
- R$ 1.2 billion seized in real estate assets;
- many properties were being rented for the Brazilian Government itself;
- right after judicial forfeiture (in a civil court), the group voluntarily postulated for payment in installments, which was deferred by the Federal Union;
Key concepts in NCP to combat corruption:

- NCP do not replace criminal prosecution
- NCP authorities shall work jointly with criminal authorities
- NCP shall be filed in the more “suitable” jurisdiction (forum shopping)
Facing legal battles abroad to combat corruption

Facing a legal battle abroad. What type? (article 53 of UNCAC)

- Plaintiff in a civil procedure to establish ownership of proceeds of corruption (art. 53, a)
- Plaintiff in a civil procedure or third party (“parte civile”) in a criminal procedure seeking compensation (art. 53, b)
- Third party in a criminal procedure to seek ownership of confiscated assets (art. 53, c)
Facing legal battles abroad to combat corruption

Facing a legal battle abroad: Who will represent you? Hiring a foreign legal counsel

- how to choose a legal counsel?
- controlling each step of the case
- public procurement rules vs. best lawyers
- alternatives on State legal representation: international cooperation
Facing a legal battle abroad: What if you need cooperation from another State? (article 43 of UNCAC)

- international cooperation on civil and administrative procedures is not mandatory (art. 43, 1)
- exploring possibilities on case-by-case basis
- future developments: Expert’s Meeting on Int Cooperation
Thank you!

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