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The Secretariat of the Conference of the States Parties to the United Nations Convention against Corruption presents its compliments to the [[[AddressLine1]]] and has the honour to draw the attention of the Government to resolution 5/3 (<http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session5-resolutions.html>), as adopted by the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) at its fifth session, held in Panama City from 25 to 29 November 2013.

In this resolution, the Conference, *inter alia*, encouraged States parties to make widely available information on their legal frameworks and procedures, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages.

The Secretariat is seeking herewith from all States parties and signatories information on their legal frameworks and procedures relevant to asset recovery which should take the form of a practical guide. The Country Guides published by some States <http://star.worldbank.org/star/ArabForum/asset-recovery-guides>, https://www.g20.org/g20_priorities/g20_2014_agenda/fighting_corruption might serve as a source of inspiration.

To enhance consistency, it is recommended that the documents respond to the following questions:

International information exchange and law enforcement cooperation

- Which agencies are able to provide informal asset tracing or investigative assistance to a foreign jurisdiction, and what kind of information can be made available through such informal request?

Mutual legal assistance

- Which is the central authority which has the responsibility and power to receive requests for mutual legal assistance?
- Which is the legal framework under which your jurisdiction provides mutual legal assistance for asset recovery? Can the Convention be used as a legal basis?
- What types of assistance are available?
- Are there certain legal requirements that must be met? Which is the process, including the minimum required information that must be included in the request?

[[[AddressLine1]]]

[[[City]]]

[[[CountryAddressName]]]

MAKING THE WORLD SAFER FROM DRUGS, CRIME AND TERRORISM

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Enforcement of freezing/ restraint orders

- Can your jurisdiction enforce foreign freezing/restraint orders? Are there circumstances in which your jurisdiction would seek a domestic order to freeze/restrain assets described in the foreign request?
- Which authority in your jurisdiction should a request for enforcement of foreign freezing/restraint order be sent to?
- Does your jurisdiction permit the enforcement of foreign freezing orders issued in criminal investigations and/or proceedings? Does this include freezing orders issued in “non-conviction based” or “civil” asset forfeiture proceedings?
- Does your jurisdiction permit the enforcement of foreign freezing/restraint orders issued in private civil actions undertaken by the requesting State?
- Which are the steps to be followed by the requesting State in seeking to enforce the foreign freezing order, and to which authorities should the request be sent?
- If executed, how long does a freezing order stay in effect?

Enforcement of confiscation / forfeiture orders

- Can your jurisdiction enforce foreign confiscation orders? Are there circumstances in which your jurisdiction would seek a domestic order to confiscate assets described in the foreign request?
- Which authority in your jurisdiction should a request for enforcement of foreign confiscation order be sent to?
- What are the legal grounds and requirements in your jurisdiction for the enforcement of a foreign confiscation order?
- What types of confiscation orders are able to be enforced in your jurisdiction (criminal confiscation order/non-conviction based confiscation order),
- Who can file an appeal against the enforcement of a foreign confiscation order? When can the appeal be presented and how?

Disposal and return of assets

- Which legal framework governs the disposal and return of assets in your jurisdiction?
- Which institutional framework in your jurisdiction for the disposal and return of assets?
- Which process for the disposal and return of assets in your jurisdiction has to be followed – for example, is a separate, formal request required to be filed by the requesting State? In this context, does it make a difference whether assets were confiscated as a result of domestic or foreign proceedings?

Contact details of authorities

- Central authority for mutual legal assistance
- Asset recovery agencies
- Specialized economic and financial crimes agencies
- Financial Intelligence Unit
- Contact points for investigative networks (examples: INTERPOL, CARIN, ARIN-SA/ARIN-EA/ARIN-AP, Rrag, StAR-INTERPOL Global Focal Point Initiative)

Additional materials

- Has your country already developed such a guide and if yes, can you share it and can it be made publicly available?
- Do you have practical pointers for good practices or common mistakes to avoid for requesting States?
- Web links to useful guides or references, including MLA checklists, detailed explanation of domestic legal and institutional frameworks for asset recovery, sample form letters / templates / suggested wording, diagrams describing the asset recovery process in your jurisdiction, etc.

The Secretariat will be available for any assistance your country may require in completing the documents. In particular, the Secretariat stands ready to assist those States parties that consider it convenient to combine the development of a practical guide with the preparation for the second cycle of the Mechanism for the Review of Implementation by completing, at the same time, the comprehensive self-assessment checklist on Chapter V of the Convention (Asset Recovery).

The Secretary of the Conference of the States Parties would be grateful if the Government would send any pertinent information to the Secretariat of the Conference of the States Parties to the United Nations Convention against Corruption, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime, Vienna International Centre, P.O. Box 500, 1400 Vienna, Austria, e-mail address: vladimir.kozin@unodc.org.

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