

***Regarding the implementation of the Resolution 5/3 of the
Conference of the States Parties to the UNCAC***

On the issue of international cooperation in asset recovery

It should be noted that the experience of the Ministry of Justice of Ukraine, as the central authority of Ukraine responsible for international legal cooperation at the stage of judicial proceedings in criminal cases regarding mutual legal assistance, extradition, transfer of sentenced persons and the enforcement of judgments, including with the sanction of confiscation is limited.

In particular, pursuant to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 1990, the Ministry of Justice of Ukraine submitted the request to the competent authorities of the Federal Republic of Germany for the execution on its territory of the decision of the Ukrainian court of 1998 concerning a citizen of Ukraine. According to the Ukrainian court decision, currency values that were at the accounts in German bank had to be forfeited to the State budget of Ukraine, as well as offset the damage caused by the criminal actions to the Ukrainian company.

It took about 4 years to execute the decision of the Ukrainian court in Germany, given the large amount of currency values and securities, which had to be confiscated and transferred to the territory of Ukraine, as well as time for the consideration by German courts of cases at the request of creditors of the Ukrainian company with respect to deposits in German bank.

Through the combined efforts of the competent authorities of Ukraine and Germany and with the assistance of legal advisers, agreement was reached on fulfillment of the execution of the Ukrainian court decision, permitted by the decision of the German court, and the transfer of currency values on the territory of Ukraine.

Thus, as result of the activity mentioned, in June and July 2005 the confiscated assets in the amount of EUR 692.704,98 were transferred to the account of the State Budget of Ukraine. In addition the damage caused offence in the amount of DM 456.521,30 (EUR 233.425,63) was compensated to the Ukrainian company.