Chapter V
Asset Recovery
Articles 51-59

Fundamental principle of UNCAC
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.
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 to the greatest extent possible
Bona fide third parties
Special cooperation:
Forwarding useful information on offences to another State without prior request.

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

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
Some Potential Civil Society Entry Points

• **Awareness raising of corruption issues**
  – domestically (as partners/stakeholders)
  – internationally

• **Whistle-blowers**

• **As potential parties to proceedings**

• **Management/monitoring of Returned assets – confidence building**

• **Networking cannot be overestimated**
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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