



# **The Prosecutor General's Office of the Russian Federation**

**TOPICAL ISSUES  
OF INTERNATIONAL COOPERATION ON RECOVERY  
OF CORRUPT ASSETS FROM ABROAD**



# **UNITED NATIONS CONVENTION AGAINST CORRUPTION**



**The return of assets is a fundamental principle of this Convention, and States Parties shall afford one another the widest measure of cooperation and assistance in this regard.**

**(Article 51 Chapter V «Asset Recovery» of the UNCAC).**



## The activities for recovery of the stolen assets from abroad in the Russian Federation are carried out by different state authorities

### ➤ **Investigative agencies**

(The Investigative Committee, The Ministry of internal affairs)  
Send requests for legal assistance in criminal matters where there is evidence to the effect that the funds and property have been illegally exported from Russia.

### ➤ **Bodies engaged in operational and search activities**

(The Federal security service, The Ministry of internal affairs)  
Interact with their colleagues from abroad through their channels, first of all through the INTERPOL.

### ➤ **Financial intelligence authority** (Federal financial monitoring service)

Participates in this work through the Egmont group network in cases involving legalization of the money funds and financing of terrorism.

### ➤ **The Prosecutor General's Office of the Russian Federation**

Ensure practical international cooperation on identification, seizure, confiscation and recovery of the assets received from corrupt practices. Participates in the procedures of legal assistance in criminal and administrative matters.



The recovery of stolen assets is among the key priorities of the Prosecutor General's Office of the Russian Federation which is a supervisory body coordinating the activities of law enforcement authorities in crime combating

Since 2010 until today, owing to the efforts of the Prosecutor General's Office of the Russian Federation and the competent authorities of foreign states the property was returned from abroad for the amount **over 300 million U.S. dollars**, including works of art and valuable historical documents.



## Refusals to execute requests of the Prosecutor General`s Office of the Russian Federation for asset seizure in corruption-related matters for 2012 - 2016

The competent authorities of foreign states **refused to execute 13 requests** of this category (3 - by France, 2 - by Luxembourg, 2 - by Switzerland, and 1 - by Liechtenstein, the Republic of Cyprus, Serbia, Spain, the Bahamas, the Cayman Islands).

The said requests sought to seize accounts in credit organizations, and real and other property owned by the suspected or accused persons or the persons who bear material liability for their acts under the law. The value of the assets declined to be seized is estimated **over 500 million U.S. dollars**.

**18 requests** for legal assistance of the category under review have been executed for a long time, i.e. for more than a year (of which 5 - by France, 3 - by Switzerland, 2 - by the Republic of Cyprus and the USA, 1 - by the Netherlands, Bosnia and Herzegovina, Montenegro, Liechtenstein, Monaco, Singapore).



## The grounds for refusal in most cases included:

- X specific requirements of the laws of foreign states and their differences from the Russian laws;
- X the exit of the suspected or accused persons or the persons affiliated with them from the property to be seized;
- X the refugee status of the accused in a criminal matter and some other grounds.

Lengthy execution of such requests is also explained by the peculiarities of procedural legislation of the requested states, that the persons whose property is sought to be seized have the citizenship of the requested state, or the absence of the court investigator authorized to examine the request.



## **Federal law of the Russian Federation № 230-FZ "On control over compliance costs of persons holding public office, and other persons to their income"**

In accordance with this law, the expenses of a state official or members of his family exceed the confirmed income of the family for the last three years, the property acquired with the funds the legality of which has not been proved shall be seized in favour of the state.

In some countries such circumstances are qualified as a crime - illicit enrichment which may be criminalized in accordance with Article 20 of the UN Convention against Corruption.

In Russia such facts constitute sufficient ground to bring the public officials to civil (material) and disciplinary liability. By the court decision the assets acquired by the public officials with the unsubstantiated funds shall be seized in favour of the state.



## Resolutions and decisions adopted by the Conference of the States Parties to the UNCAC

### **Resolution 5/1**

Enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the UNCAC

### **Resolution 5/3**

Facilitating international cooperation in asset recovery

### **Resolution 6/2**

Facilitating international cooperation in asset recovery and the return of proceeds of crime

### **Resolution 6/4**

Enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the UNCAC







# Thank you!

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