

18 August 2014

English only

**Open-ended Intergovernmental
Working Group on Asset Recovery**
Eighth meeting
Vienna, 11-12 September 2014

**Questionnaire on the management, use and disposal of
frozen, seized and confiscated assets**

V.14-05370 (E)



Please recycle 

Management, Use, and Disposal of Frozen, Seized, and Confiscated Assets

Questionnaire

In early 2014, the Region of Calabria, Italy, started to work with the United Nations Office on Drugs and Crime (UNODC) in the field of management, use and disposal of seized and confiscated assets. This initiative, jointly undertaken by UNODC and the Region of Calabria, seeks to identify good practices with a view to developing relevant tools and guidelines on the issue of administration of seized and confiscated assets.

In the context of the joint initiative by UNODC and the Region of Calabria, a first Expert Group Meeting took place from 2 to 4 April 2014 in Reggio Calabria, Italy, involving approximately 80 experts from approximately 35 countries, agencies and organizations with experience and expertise in the area of the management, use and disposal of frozen, seized and confiscated assets. The meeting provided a platform for dialogue among practitioners involved in the tracing and seizing of assets, managing assets post-seizure, as well as experts and practitioners in the areas of disposal of assets, the use by governments of seized assets and international cooperation in the management of seized assets. Three parallel focus groups were held during the meeting to advance the work and thinking of the international community in the areas of: (i) international cooperation in identifying, seizing and confiscating criminal assets, particularly those of Mafia-based criminal organization; (ii) domestic management, use and disposal of seized and confiscated assets; and (iii) management of returned assets in asset recovery cases.

For more information on the meeting, see document CAC/COSP/WG.2/2014/CRP.1 at <http://www.unodc.org/unodc/en/treaties/CAC/working-group2.html>

The meeting, inter alia, identified the need for a:

1. Good Practice Guide/Study on Database Systems to Track, Monitor and Analyse Seized and Confiscated Assets: Most countries appear to face challenges in the collection and analysis of macro data on seized and confiscated assets, thus the Group might wish to consider to further assess existing national database systems for the collection, tracking and analysis of data relating to asset recovery, possibly with a view to developing a good practice collection and/or model for such databases.
2. Good Practice Guide/Study on the Legal Framework for the Disposal of Seized (and Confiscated) Assets: Powers to dispose of assets during the seizure phase create various advantages, including lowering the administrative burden, costs, as well as the risks related to the management of assets. Countries have established very diverse legal conditions and administrative mechanisms to address this issue, so it might be beneficial to conduct a more in depth study on the good practices and lessons learned in the management and disposal of seized assets.

In response to these recommendations, the attached questionnaire has been prepared to collect information from Member States on existing national database systems for the collection, tracking and analysis of data relating to asset recovery and to elicit useful information on the existing legal, institutional and policy frameworks and systems in place to manage and dispose of seized and confiscated assets.

We would be grateful if your relevant authorities could complete the below questionnaire, providing all available information, and e-mail your responses to Ms. Julia Pilgrim (julia.pilgrim@unodc.org), at your earliest convenience, but not later than **15 October 2014**. This will allow us to prepare good practice guides which are based on up-to-date information.

Thank you for your support in this endeavour.

Management, Use, and Disposal of Frozen, Seized, and Confiscated Assets

Questionnaire

1. Overall framework

- a) Please describe your country's existing legal and policy framework for the collection, tracking and analysis of data relating to asset recovery.

- b) Please provide any relevant legislation, guidelines, or regulations.

2. Current database systems

- a) Do you currently have a database system for the registration of seized and/or confiscated assets? yes no

*If no, please move on to question 3.

- b) How is the data collected and stored? (i.e. electronic or paper based collection, is it managed centrally or across multiple institutions)

- c) Who gathers and manages the data? (i.e. courts, law enforcement agencies, other bodies)

d) Is training provided for the gathering and management of the data?
yes no

e) Who has access to the database/information?

f) How often is the database updated?

g) What information is collected?

i. Type of asset: yes no

ii. Condition of asset: yes no

iii. Location of the asset (including address): yes no

iv. Value: yes no

v. Case related information [e.g. investigating officer, case number, status of the case, owner, etc.]. Please specify:

vi. Any additional information: (please specify)

h) How is the asset recorded in the system to determine its value? (description, photos, etc.?)

i) What type of analysis is conducted on the data collected?

j) How is the data used? (recording, inventorying, reporting, monitoring and tracking, performance, etc.?)

k) Please provide the following background information:

Seizure and Freezing:

- i. Total number of seized/frozen assets between 1 January 2010 – today:

- ii. Total number of seized/frozen assets in 2013: _____
- iii. Total [estimated] value of seized/frozen assets between 1 January 2010 – today: _____
- iv. Total [estimated] value of seized/frozen assets in 2013: _____

Confiscations:

- v. Total number of confiscated assets between 1 January 2010 – today:

- vi. Total number of confiscated assets in 2013: _____
- vii. Total [estimated] value of confiscated assets between 1 January 2010 – today: _____
- viii. Total [estimated] value of confiscated assets in 2013: _____

l) Please indicate the types of assets most frequently seized and confiscated [e.g. cash, jewelry and other valuables, real estate, corporate assets, vehicles, life stock, farm land etc.]?

m) Do you share the data internationally?

n) What type of data sharing would you find useful on an international basis?

3. Asset management

a) Do you have legislation/guidelines for the management of seized and confiscated assets? yes no

Please provide any relevant legislation, guidelines, or regulations and attach the full text of the respective legal provisions, guidelines and/or regulations.

b) What is your country's institutional framework for the management and disposal of seized assets?

c) Which institutions are involved in the management and disposal of seized, frozen and confiscated assets [e.g. police or other law enforcement agencies, prosecutors, courts, specialized asset recovery agencies or offices, trustees etc.]

d) Who manages the assets?

e) What is the professional profile of those managing the assets? (i.e. previous profession, internally or externally hired, etc.)

f) Are there training courses for those managing the assets? If so please provide a short description of the respective training programmes.

g) What are the powers of those administering the confiscated assets?

h) How do you protect the value of the seized and confiscated assets?

4. Disposal of assets

- a) Is there existing legislation for the disposal of seized and/or confiscated assets?
yes no

If yes, please provide the relevant legislation:

- b) Is there any specific procedure regarding the disposal of seized and/or confiscated assets whose property has been claimed by other country(ies)?

- c) Is there a central contact point in your country that is responsible for the management of foreign and international seized goods? yes no

If yes, please fill in the contact information (email, phone number)

_____ (name)
_____ (phone)
_____ (email)

- d) Please describe the types of assets and conditions under which you are allowed to dispose of seized/frozen assets?

- e) How are *seized/frozen* assets disposed of?

f) How are *confiscated* assets disposed of?

e) What happens with the proceeds of the seized/confiscated assets?
