Proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002

In order to prepare the seminar on the return of illicit funds, which will be held in Vienna at June 21, 2002, the German delegation would like to distribute to all interested countries the following questionnaire.

I. The Government of your country suspects the transfer abroad of public funds or assets of illicit origin. Please describe, which measures might be taken, such as:
   (a) Criminal, civil or administrative proceedings against the suspect in your country.
   (b) Preparation of procedures to trace the funds or assets transferred abroad, in particular, the identification of any evidence origination in the country of origin.

II. The illicit funds need to be localized. Please describe:
    (a) The legal framework for international co-operation in your country aimed at tracing the funds or assets of illegal origin.
    (b) The role and obligation of financial institutions in your country.

III. The funds or assets have been located in your country. Please describe:
    (a) The legal framework for co-operation and other necessary conditions under which your country could take seizure and confiscation measures in order to prevent the further transfer of these funds.
    (b) The possibility of civil or administrative action to recover the funds or assets.
(c) Time-limitations of these provisional measures.

IV. Please describe the mechanisms by which illicit funds or assets, that have been located in your country might be returned, especially:

(a) The legal requirements which have to be fulfilled so that your country could return the funds or assets to the beneficiary in penal, civil or administrative law.

(b) The issue of competing claims between the requesting country and a natural person.

(c) The legal remedies applicable for the offender or (bona fide) third parties in the country concerned against the return.

(d) Division of costs, imposition of taxes, etc.

(e) Any other possibilities.