

UNICRI AND ASSET RECOVERY

Assisting Countries in the Tracing, Seizure and Confiscation of Illicitly-Obtained Assets



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United Nations
Interregional Crime and Justice
Research Institute

UNICRI and the United Nations Sustainable Development Goals

Now more than ever, with increasing threats emanating from organised crime, corruption and the financing of terrorism (as well as armed conflict), governments need to be more attuned to the latest modalities for agile seizure and confiscation of assets. Member States need to be able to identify and use all of the “tools in the toolbox”. UNICRI’s particular and highly-spe-

cialised expertise in this field has proven to be practical, pragmatic and results-oriented. This approach appeals to Member States who need real, actionable advice; and appeals to international donors, who wish to see such pragmatic and results-oriented approaches. UNICRI’s efforts help ensure that promoting justice also promotes the achievement of the UN Sustainable Development Goals.



For more information on UNICRI’s strategic priorities, or its specific work in assisting countries to capture assets linked to corruption and organised crime, please visit UNICRI’s website at: www.unicri.org

UNICRI's Mission

The United Nations Interregional Crime and Justice Research Institute (UNICRI) identifies evolving threats and trends in crime, as well as best practices in responding to these issues, with the wider aim of advancing justice, security and the rule of law in support of peace, human rights and sustainable development.

This work ranges from the latest practices to address the causes of radicalization, to promote effective (and ethical) use of artificial intelligence in law enforcement, as well as to support the development of CBRN risk mitigation programmes and to assist countries in addressing multiple other areas, including how to better trace, seize, confiscate and recover illicitly-obtained assets.

While UNICRI's headquarters is located in Turin, Italy, UNICRI's specialised office on Illicit Financial Flows and Asset Recovery is located in Brussels and has over 25 years of experience in tracing, freezing, seizure and confiscation of illicitly-obtained assets. UNICRI's Asset Recovery experts have assisted States in recovering assets valued in the hundreds of millions of US dollars and in facilitating the drafting or modification of laws and regulatory frameworks to streamline the asset tracing and recovery process.

UNICRI also provides technical advice to Member States on real, pending cases, giving prosecutors and other asset recovery officials real-time, practical experience in resolving cases, and in hunting down assets linked to corruption and organised crime.



UNICRI's work focuses on Goal 16 of the 2030 Agenda for Sustainable Development, that is centred on promoting peaceful, just and inclusive societies, free from crime and violence. Justice, crime prevention and the rule of law are the basis for fighting poverty and reducing inequalities while enhancing economic growth and stability and protecting the environment.

UNICRI's Asset Recovery Work



Carry out **research** on illicit financial flows, particularly illicitly-obtained assets linked to organised crime and corruption. The aim of our research papers and risk assessments is to provide States with tailored and practical recommendations on how to improve their mechanisms for asset recovery, including modalities for accelerating the asset recovery process. Traditional international support has focused on asset recovery solely through the criminal justice process, a process which can often take several years; UNICRI's research highlights steps that Member States can take to use "all of the tools in the toolbox", and not just those within the criminal justice process – e.g., strengthening the tax and customs authority capacity to seize and confiscate, and using civil confiscation procedures. This helps to engender public confidence in governmental capacity to "follow the money".

RESEARCH



Organise highly specialised **training and study missions** in cooperation with the national authorities of countries that have developed good practices for asset recovery, as well as the effective management of seized and confiscated assets. Such missions are ideal opportunities for experts to meet and share best practices, as well as to create or strengthen informal networks of cooperation.

Such study missions often include closed-door discussions on pending cases, and the sharing of new modalities being deployed to, for example, capture cryptocurrency and other virtual assets which are linked to criminality.

TRAINING



Facilitate cross-border communication, both formal and informal, between States that may have lost a significant amount of assets as a result of high-level corruption or organised criminal activity, and States in which the fruits (bank accounts, real estate) of that illicit activity may be located. This support from UNICRI often leads to much more targeted Mutual Legal Assistance (MLA) requests and, in some cases, no need at all for MLA requests, as well as quicker resolution of pending cases. For example, UNICRI's experts have assisted Member States in recovering well over USD 400 million in stolen assets, and in the tracing / locating of assets valued at over USD 60 billion. This includes bank accounts, aircraft, real estate and gold, as well as stolen cultural assets, some of which are over 2 000 years old.

COMMUNICATION

UNICRI relies on voluntary contributions for all of its programmes; our work on illicit financial flows and asset recovery is funded principally by generous contributions from the European Union, to:



Offer **legal advice** on the drafting of policies on asset recovery. For example, UNICRI provides the most up-to-date expert advice to Member States in developing laws on civil confiscation.

There is a clear global trend in the adoption of **civil confiscation mechanisms** (outside and independent of any criminal proceedings), in which assets are seized (and often named as the defendant in a civil or administrative proceeding), and in which the State has the initial burden (e.g., no reversal of the burden of proof) to demonstrate that the assets are linked to some form of criminality. In light of the fact that such proceedings do not allow the court to deprive anyone of his or her liberty, and that the only determination to be made is whether the assets are linked to criminality, the burden of proof is often lower; the State often need only prove that it is “more likely than not” that the assets are linked to criminality, rather than show that it is beyond any reasonable doubt that the assets are linked to a specific crime. Civil confiscation proceedings do not entail criminal culpability and have the advantage of recovering assets in a span of months, compared to a span of years, as is often the case in typical money laundering proceedings. UNICRI’s team includes renowned experts on developing laws to address illicit enrichment and other forms of unexplained wealth.

LEGAL ADVICE



Promote social re-use of recovered assets. Ensuring that assets stolen from State coffers are returned to the citizens, or that profits from organised criminal activity are recovered and put to good use, contribute to restoring communities’ confidence in the work of the State are key objectives of UNICRI’s asset recovery programme. UNICRI’s asset recovery experts provide technical advice on how to draft legislation that helps to ensure that any recovered assets are optimized for social re-use. This may include legislation that ensures that a certain percentage of recovered assets are directed, say, to improving the salaries for nurses, doctors, teachers, police and judges, or for building clinics and schools, as well as providing funding to reduce youth unemployment (which, in some countries, is a catalyst for radicalization).

SOCIAL RE-USE

Key initiatives in UNICRI's mission to advance global justice are generously funded by the European Union.

UNICRI's broad portfolio includes collaborative efforts aimed at strengthening the capacities of asset recovery practitioners worldwide and spans numerous countries, from Armenia and Azerbaijan, to Georgia, Moldova and Ukraine, as well as throughout the Middle East and North Africa.

UNICRI's support extends to key national entities, benefiting among others, prosecutors, intelligence and financial crime investigators. A distinctive focus is placed on bolstering non-penal modalities to effect the seizure and confiscation of illicitly-obtained assets, particularly those linked to organized criminal activity and corruption, and to help ensure that any support is sustainable in the long term. Part of UNICRI's holistic approach is to teach practitioners (as well as policymakers) best modalities for "going after the money"; this not only weakens the influence of organized criminal groups and corrupt officials, but limits their resources to carry out future criminal activity. UNICRI's experts also place significant emphasis on advising States on the development and implementation of policies to ensure that recovered assets are transparently managed, and are directed to high-priority development needs, such as those within the health and education sectors; this demonstrates the synergistic relationship between the recovery of stolen assets and the promotion of development. To date, UNICRI's expertise in the field of asset recovery has assisted UN Member States in the tracing and/or recovery of assets valued at over USD 60 billion; for donor countries, this represents a significant and exponential return on investment.

UNICRI HQ, Turin

Viale Maestri del Lavoro, 10
10127 Turin, Italy
Tel.: (+39) 011 6537 111
Fax.: (+39) 011 6313 368
unicri.publicinfo@un.org

ROME LIAISON OFFICE

Piazza di San Marco, 50
00186 Rome, Italy
Tel.: (+39) 06 6789 907
Fax.: (+39) 066780 668
unicri.romeoffice@un.org

UNICRI PROJECT OFFICES

Algiers, Amman, Brussels,
Geneva, Manila, Nairobi,
Rabat, Tashkent, Tbilisi and
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unicri.assetrecovery@un.org



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