



CFATF Monthly Article

CFATF Secretariat Research Desk
August 9, 2021

**Characteristics of a
Good Asset Recovery
System:
IO 8, the case study
and Flowchart of
International Co-
operation from the
StaR publication
[Part 2]**

The Requirements of Immediate Outcome (I.O.) 8



To what extent is confiscation of criminal proceeds, instrumentalities and property of equivalent value pursued as a policy objective?



How well are the competent authorities confiscating the proceeds and instrumentalities of crime, and property of an equivalent value, involving domestic and foreign predicate offences and proceeds which have been moved to other countries?



To what extent is confiscation regarding falsely / not declared or disclosed cross-border movements of currency and bearer negotiable instruments being addressed and applied as an effective, proportionate and dissuasive sanction by border/custom or other relevant authorities?



How well do the confiscation results reflect the assessments(s) of ML/TF risks and national AML/CFT policies and priorities?



Examples of Information that could support the conclusions on Core Issues

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Experiences

of confiscation proceedings (e.g., the most significant cases in the past; types of confiscation orders obtained by the country; trends indicating changes in methods by which proceeds of crime is being laundered).

Information

on confiscation (e.g., number of criminal cases where confiscation is pursued; type of cases which involve confiscation; value of proceeds of crimes, instrumentalities or property of equivalent value confiscated, broken down by foreign or domestic offences, whether through criminal or civil procedures (including non-conviction-based confiscation); value of falsely / not declared or disclosed cross-border currency and bearer negotiable instruments confiscated; value or proportion of seized or frozen proceeds that is subject to confiscation; value or proportion of confiscation orders realised).

Other relevant information

(e.g. value of criminal assets seized / frozen; amount of proceeds of crime restituted to victims, shared or repatriated).



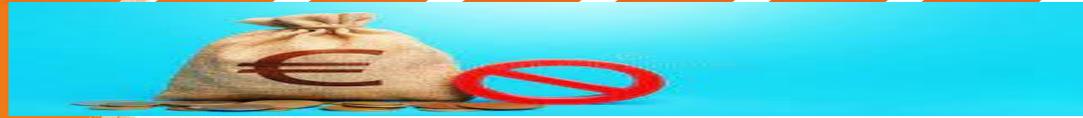
CFATF Member Experiences I.O. 8

Jurisdiction	IO4
<u>Antigua & Barbuda</u>	ME
<u>The Bahamas</u>	LE
<u>Barbados</u>	LE
<u>Bermuda</u>	LE
<u>Cayman Islands</u>	ME
<u>Haiti</u>	LE
<u>Jamaica</u>	SE
<u>Trinidad and Tobago</u>	LE
<u>Turks & Caicos Islands</u>	LE
<u>St. Lucia</u>	ME



CASE STUDY: Peru: Vladimiro Montesinos and his associates

Vladimiro Montesinos, personal adviser of Peru's President Alberto Fujimori (1990–2000) and the de facto head of Peru's intelligence service, was caught in September 2000 in a corruption scandal that involved the bribery of an elected opposition congressman.



Illegal assets in the Cayman Islands: For the assets allegedly deposited in the Cayman Islands, Peru hired local lawyers to assist with the pursuit of US\$33 million transferred through a Peruvian bank. Peruvian authorities also met with the financial intelligence unit (FIU) in the Cayman Islands to seek assistance.

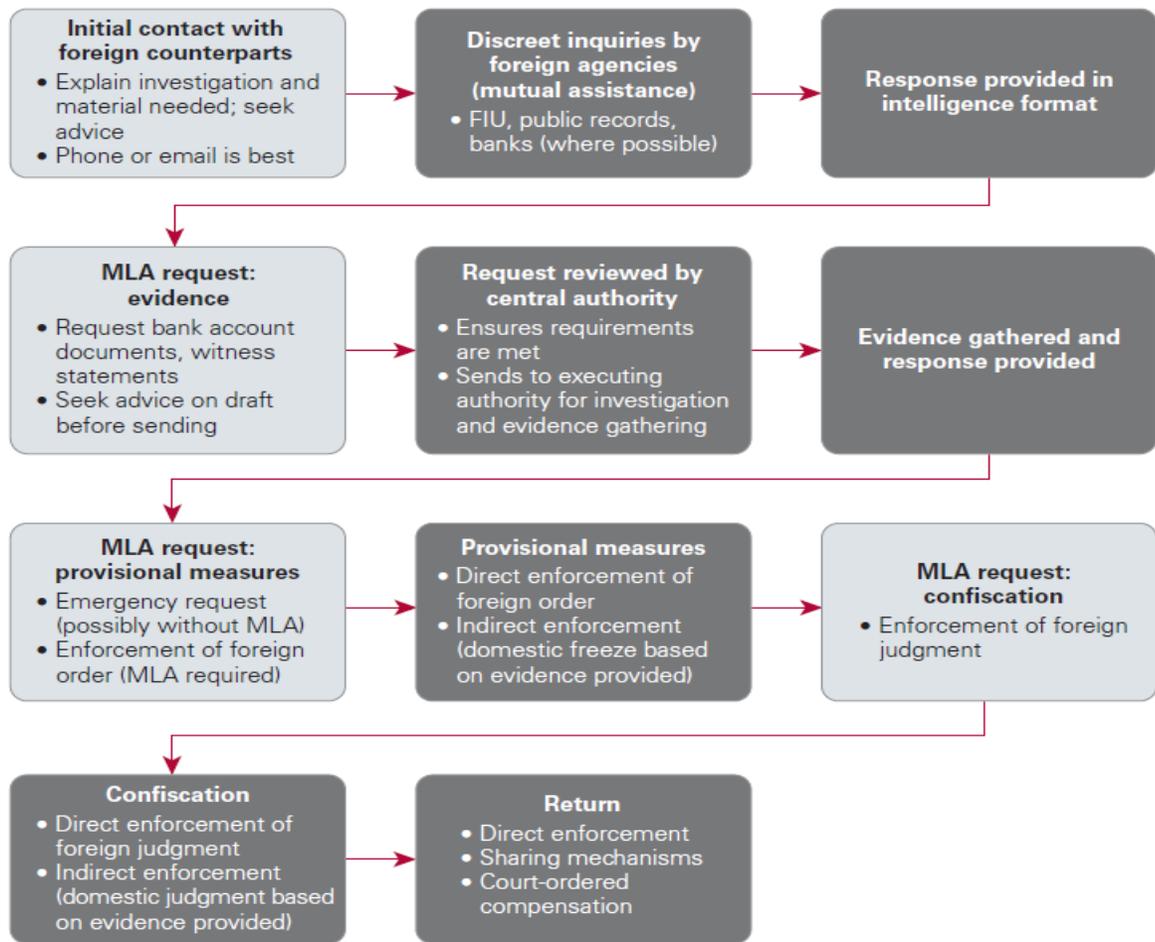
Source: <https://star.worldbank.org/focus-area/legal-tools-asset-recovery>

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Flowchart of International Co-operation from the StaR publication



FIGURE 8.2 Flowchart of International Cooperation in Asset Recovery Cases



Source: World Bank.
 Note: Light gray boxes designate requesting jurisdictions; dark gray boxes designate requested jurisdictions. In some jurisdictions, evidence and provisional measures can be requested at the same time. FIU = financial intelligence unit; MLA = mutual legal assistance.

Source: Asset Recovery Handbook: A Guide for Practitioners, second edition by Jean-Pierre Bru, Anastasia Sotiropoulou, Larissa Gray, Clive Scott and Kevin M. Stephenson- Stolen Asset Recovery Initiative-The World Bank and the UNODC p. 231