Module VI: Corruption, Enforcement and the Public Sector

Course: Asset Recovery: International Cooperation in Recovery of Proceeds of Corruption

Lecturer: Shervin Majlessi

Course Summary

The one-day lecture will cover topics relating to recovery of proceeds of corruption, including background and extent of the problem, process and legal avenues for asset recovery, strategic considerations for developing and managing a case, international cooperation in asset recovery, barriers and solutions, management of returned assets, as well as global policy discussions related to asset recovery.

Learning Outcomes

By the end of the lecture and discussions, students will:
(a) acquire a general knowledge of asset recovery and its process;
(b) understand barriers, solutions and strategic considerations in managing asset recovery cases;
(c) become familiar with global policy discussions on asset recovery.

Teaching Methods: Lecture and presentation of case studies, group discussions, and exercises.

Overview of topics (a detailed course outline and time table will be shared shortly)

- Background and current status of asset recovery efforts
- Asset recovery process and legal avenues
- Barriers and solutions
- Management of returned assets
- Global policy discussions

Reading Materials

1. Mandatory

Executive summaries of the following publications:

- Gray, L., et al., *Few and Far The Hard Facts on Stolen Asset Recovery*, StAR, 2014 (pages 1-3)
  https://star.worldbank.org/star/sites/star/files/few_and_far_the_hard_facts_on_stolen_asset_recovery.pdf
- Brun, J.P., et al., *Asset Recovery Handbook – A Guide for Practitioners*, StAR, 2011 (pages 5-18)
  http://www.unodc.org/documents/corruption/Publications/StAR/StAR_Publication_-_Asset_Recovery_Handbook.pdf
- van der Does de Willebois, E., et al., *The Puppet Masters: How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It*, StAR, 2011 (pages 1-10)
  https://star.worldbank.org/star/sites/star/files/puppetmastersv1.pdf
- Stephenson, K.M. et al., *Barriers to Asset Recovery – An Anlyis of the Key Barriers and Recommendations for Actions*, StAR, 2011 (pages 1-10)
  http://star.worldbank.org/star/sites/star/files/BarrierstoAssetRecovery.pdf
- StAR, *Management of Returned Assets: Policy Considerations,* 2009 (pages xi-xii)
  https://www.unodc.org/documents/corruption/Publications/StAR/StAR_Publication_-_ManagementReturnedAssets.pdf
- Anyango Oduor, J., et al., Left out of the Bargain: Settlements in Foreign Bribery Cases and Implications for Asset Recovery, StAR, 2013 (pages 1-5)
  https://star.worldbank.org/star/sites/star/files/9781464800863.pdf

2. Optional

- Articles 8, 14, 31, 39, 40, 46-59 of UNCAC.
- Resolutions 6/2 and 6/3 (pages 6-13) of the 6th Conference of the States Parties to UNCAC: https://www.unodc.org/documents/treaties/UNCAC/COSP/session6/Report_COSP_VI_advance_copy.pdf
- Monfrini, E., "The Abacha Case", in Pieth, Mark (ed.), *Recovering Stolen Assets*, Peter Lang, 2009 (pages 41-60) http://www.mcswisslaw.com/pages_e/2008 Monfrini - The Abacha Case.pdf
- Greenberg, T.S., et al., *Politically Exposed Persons: Preventive Measures for the Banking Sector,* StAR, 2012 (pages xiii-xviii) https://star.worldbank.org/star/sites/star/files/Politically Exposed Persons_0.pdf
- *U.S. Asset Recovery Tools & Procedures: A Practical Guide for International Cooperation* http://www.state.gov/documents/organization/190690.pdf
- UNODC, *Manual on Mutual Legal Assistance and Extradition*, Chapters 3 and 7 on Mutual legal Assistance, UN Publishing, Vienna, September 2012, http://www.unodc.org/documents/organized-crime/Publications/Mutual_Legal_Assistance_Ebook_E.pdf
- UNODC, *Mutual Legal Assistance, in United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators*, 2004 (Chapter 14, pages 121-131) http://www.unodc.org/pdf/crime/corruption/Handbook.pdf

To browse:

- Sotry, L, and Saul, S., "Towers of Secrecy: Stream of Foreign Wealth Flows to Elite New York Real Estate", New York Times, 7 February 2015 (5 part report and responses), http://www.nytimes.com/2015/02/08/nyregion/stream-of-foreign-wealth-flows-to-time-warner-condos.html
- UNODC, *Digest of Asset Recovery Cases*, 2013 https://www.unodc.org/documents/corruption/Publications/2015/15-05350_Ebook.pdf
- StAR Corruption Cases Search Center, http://star.worldbank.org/corruption-cases/?db=All