



‘Public Wrongs, Private Actions’ – a new publication from the Stolen Asset Recovery Initiative

How private actions and civil lawsuits can—and must—be used to combat corruption and recover stolen assets

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Efforts to recover stolen assets in grand corruption cases generally start with criminal investigations and prosecution. In this context, civil lawsuits and remedies are often overlooked as a method to return assets to their rightful owner. Yet, they can provide an efficient and effective complement to the more commonly used criminal approaches.

A new report just released by the Stolen Asset Recovery Initiative (StAR), ‘Public Wrongs, Private Actions’ sets out, for the first time, a step by step guide for states on the use of civil lawsuits and civil remedies in recovering stolen assets. The report sets out the issues to consider when contemplating a civil lawsuit, and the practical ways of dealing with the various strategic, tactical and technical concerns of such a course of action.

“Countries need to have as many tools as possible at their disposal to fight corruption, and initiating and conducting civil lawsuits is something that can and should be a major element of their strategy” says Jean Pesme, Coordinator of the StAR initiative, a joint World Bank Group-UNODC partnership to facilitate the recovery of proceeds of corruption. “The UN Convention against Corruption requires countries to cooperate in this area, and in doing so they are expanding the possibility for successful asset recovery.”

The StAR study, launched during the Third Meeting of the Arab Forum on Asset Recovery, illustrates the advantages that civil claims can bring in comparison and in addition to pursuing criminal proceedings only. Civil actions allow for broader grounds for a legal action to be brought, both on the amount of damages to be claimed the choice of parties to sue.

The report also identifies methods that can be used to overcome or minimize some of the potential obstacles to civil lawsuits, such as the higher cost of litigating in foreign jurisdictions, and the challenges of asset tracing.

‘This study brings together- for the first time - all the steps required to consider and carry out civil actions to recover stolen assets’ says Jean-Pierre Brun, StAR, the main author of the report. “In many countries, the idea of using civil remedies is perceived as too complicated to be seriously pursued. This shows how it is practical and possible”.

The report can be accessed at: <https://star.worldbank.org/star/publication/public-wrongs-private-actions>.

About StAR

The Stolen Asset Recovery Initiative (StAR) is a partnership between the World Bank Group and the United Nations Office on Drugs and Crime that supports international efforts to end safe havens for corrupt funds. StAR works with developing countries and financial centers to prevent the laundering of the proceeds of corruption and to facilitate more systematic and timely return of stolen assets.

Contact: Richard Miron, Senior Communications Officer, StAR,
Email: rmiron@worldbankgroup.org Cell: + 1 202 247 5611 <http://www.worldbank.org/star>.