

United Kingdom Asset Recovery Action Plan Implementation Road Map 2013

Action Plan commitment	Progress so far	Timetable for next steps
<p>Seek to enhance responsiveness: Take into account the importance of transition countries' requests for case assistance in recovering proceeds of corruption and organized crime and accordingly give them priority, where legally permissible, and encourage regional partner countries to do the same. Implementation: Immediate</p>	<p>In September 2012 the UK established the Arab Spring Asset Recovery Task Force. A multi-agency operational team, under a single operational lead, comprising staff from the UK Central Authority, National Crime Agency, Metropolitan Police and Crown Prosecution Service has been created. The team has been given additional resources to enable the prioritisation of Arab Spring asset recovery case work.</p> <p>An asset recovery specialist has been posted to Cairo to serve as a Regional Asset Recovery Adviser, and provide MLA case work assistance <i>in situ</i>.</p> <p>The operational team has provided intensive assistance to the Egyptian authorities, opening joint investigations into agreed priority targets.</p>	<p><u>Ongoing:</u> The Task Force will continue to provide the fullest possible measure of support to Arab Spring countries seeking assistance in the recovery of stolen assets.</p>
<p>Adopt and enforce international frameworks: Ratify the U.N. Convention Against Corruption as soon as possible, and take steps to enhance their enforcement of laws against foreign bribery, in order to provide a universal legal framework for asset recovery cooperation.</p>	<p>The UK ratified UNCAC in 2006 and is fully compliant with its obligations.</p> <p>The Bribery Act 2010 is recognised as world-leading anti-bribery legislation. The UK has a specialist unit, based in the City of London Police, dedicated to tackling overseas bribery.</p>	<p><u>October 2013:</u> The UK has established a new national law enforcement body, the National Crime Agency (NCA), to lead the UK's response to serious and organised crime. The NCA's Economic Crime Command will bring a better-coordinated law enforcement response to both domestic and international bribery and corruption.</p>
<p>Promote transparency and effective cooperation. Each G8 member will:</p>		
<p>Publish a guide that describes specific steps required for assistance and cooperation in matters related to tracing, freezing, confiscation, and return of proceeds of corruption, whether through formal mutual legal assistance (MLA) or other forms of cooperation and make the guide available in Arabic</p>	<p>The UK's guide is published on the StAR website and is available in Arabic, English and French language versions. http://star.worldbank.org/star/ArabForum/country-guides-asset-recovery-0</p>	<p><u>Fully implemented</u></p>
<p>Designate or appoint the office/persons responsible for inquiries, guidance, or other investigative cooperation permitted by law, both for MLA and for other forms of cooperation not requiring MLA requests</p>	<p>The UK Central Authority is responsible for inquiries and guidance related to MLA. Its published guidance is available online at: https://www.gov.uk/mutual-legal-assistance-mla-requests</p> <p>Police-to-police and intelligence enquiries can be initiated through the UK representatives on CARIN, the Focal Point</p>	<p><u>Fully implemented</u></p>

	network, and Egmont, or using the contacts given in the UK's asset recovery guide available on the StAR website.	
Designate the appropriate points of contact to relevant networks , including but not limited to the global asset recovery Focal Point network, UNCAC COSP, and CARIN, that may be useful for coordination	<p>The UK has designated points of contact for each of the relevant networks:</p> <p>Focal Point network: UK represented by the National Crime Agency.</p> <p>UNCAC CoSP: UK represented by the Department for International Development.</p> <p>CARIN: UK represented by the National Crime Agency and the Crown Prosecution Service.</p>	<u>Fully implemented</u>
Facilitate cooperation leading to effective recovery.		
Each G8 member will act urgently on the following key measures:		
Ensure that there are mechanisms in place for enforcement of foreign orders of confiscation unless inconsistent with fundamental principles of domestic law. This would include, wherever possible, considering measures as may be necessary to enforce non-conviction based confiscation orders (such as confiscation orders which do not require a criminal trial and conviction), at a minimum in the circumstances envisaged by UNCAC and FATF Recommendations. Such enforcement should be permitted even in the absence of a domestic system for non-conviction based confiscation or other equivalent avenue	The UK can enforce foreign confiscation orders, including non-conviction based confiscation orders, in the UK courts (using sections 444 and 447 of the Proceeds of Crime Act 2002 and the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005).	<u>October 2013:</u> The UK has amended its legislation to enable the enforcement of overseas civil non-conviction based freezing orders in the UK courts (these powers are already available in criminal law cases).
Consider, to the extent consistent with fundamental principles of domestic law and judicial proceedings, establishing systems that allow for recovery through non-conviction-based confiscation or equivalent (at minimum in cases of death, flight, or absence) and adopting legislation that establishes a non-criminal standard for burden of proof or reverses the onus of proof through rebuttable presumptions	<p>The UK has a comprehensive non-conviction based confiscation system, known as <i>civil recovery</i>, set out in Part 5 of the Proceeds of Crime Act 2002. The UK's civil recovery scheme goes far beyond the minimum standards envisaged by UNCAC and FATF recommendations.</p> <p>Civil recovery allows UK prosecutorial authorities to recover any property which has been obtained through unlawful conduct. The court's decision is made on the civil standard of proof ('on the balance of probabilities').</p>	<u>Fully implemented</u>
Ensure that domestic legal frameworks (i.e., legislation and/or regulations) allow for swift identification and tracing	UK asset recovery legislation enables investigators to obtain far-reaching and intrusive investigative powers from the	<u>October 2013:</u> The UK has revised its asset recovery legislation to enable UK law enforcement agencies to obtain

<p>of assets, including in response to international requests.</p>	<p>courts to facilitate the swift identification and tracing of assets.</p> <p>The UK's Financial Intelligence Unit (FIU) is responsible for providing intelligence in response to international requests for assistance in tracing assets. It is a member of both the Egmont Group and CARIN.</p>	<p>far-reaching investigative powers when providing mutual legal assistance to a foreign jurisdiction in a civil non-conviction based confiscation case (these powers are already available in criminal law cases).</p>
<p>Ensure that domestic legislation and/or regulations allow sufficient time frames for freezing assets during the pendency of foreign investigations and proceedings</p>	<p>Assets frozen in the UK remain frozen until a court discharges (cancels) the freezing order.</p> <p>The UK fully implements the EU and UN sanctions regimes that freeze assets related to the former regimes in Egypt, Libya and Tunisia.</p>	<p><u>Fully implemented</u></p>
<p>Ensure that mutual legal assistance regarding asset recovery can be granted in the absence of a bilateral legal assistance agreement, under appropriate circumstances. If necessary, and without prejudice to the preceding point, recognize UNCAC as a sufficient legal basis for mutual legal assistance (MLA) by States Parties</p>	<p>The UK's domestic laws on mutual legal assistance (MLA) are widely drawn and allow the UK to provide most forms of MLA (including all of those provided for by UNCAC) even where there is no treaty basis.</p>	<p><u>Fully implemented</u></p>
<p>Ensure that MLA requests for freezing can be permitted on an <i>ex parte</i> basis (i.e., no requirement to give the asset holder the opportunity to contest beforehand the provision of MLA)</p>	<p>In accordance with section 42 of the Proceeds of Crime Act 2002, UK freezing orders can be made on an <i>ex parte</i> basis.</p>	<p><u>Fully implemented</u></p>
<p>Allow domestic officials, in accordance with its domestic laws, to alert a foreign jurisdiction to an ongoing investigation in the disclosing jurisdiction and indicate that existing information could be of interest, a proactive form of assistance, and to do so on a peer-to-peer basis where permissible</p>	<p>UK law enforcement officials are able to alert counterparts in a foreign jurisdiction to information that could be of interest, and have done so in practice on a number of Arab Spring asset recovery cases.</p>	<p><u>Fully implemented</u></p>
<p>In case of a barrier to execution of a mutual legal assistance request, promptly communicate the nature of the difficulty to the requesting authorities so that it may be corrected expeditiously</p>	<p>The UK has created a new resource in the UK Central Authority dedicated to Arab Spring MLA requests. This enables faster processing of MLA requests, and reduced time-lags when communication with the requesting country is required.</p> <p>The UK has also posted an asset recovery specialist from the Crown Prosecution Service to serve as the Regional Asset Recovery Adviser in the MENA region, based in Cairo. The RARA provides direct and expert advice on the completion of</p>	<p><u>Ongoing</u>: The Regional Asset Recovery Adviser is available to assist all requesting countries in the Middle East and North Africa region.</p>

	MLA requests working on site with colleagues in requesting countries.	
Enhance case cooperation:		
<p>During the post-transition period, work with local officials in requesting transition countries on the underlying investigations to develop leads for records and assets located abroad as well as to facilitate international legal assistance. This would include, upon request, sending practitioners (whether from the G8 country governments themselves, relevant international organizations and initiatives or other appropriate sources) to the requesting country</p>	<p>The UK established in September 2012 a multi-agency operational Task Force to increase and accelerate our efforts on asset recovery. The task force brings together experts from the UK Central Authority, Financial Intelligence Unit, Metropolitan Police and Crown Prosecution Service.</p> <p>A Regional Asset Recovery Adviser was posted to Cairo in February 2013 to assist in the drafting of mutual legal assistance requests and bilateral cooperation on asset recovery.</p> <p>Bilateral investigations have been opened on priority targets agreed with the Egyptian authorities. The UK has also shared intelligence with Egypt.</p> <p>Practitioners have repeatedly visited Egypt to develop case work and share information.</p> <p>UK law enforcement officials also conducted a technical review of cases provided by the Libyan authorities.</p>	<p><u>By the end of 2013:</u> We have identified a Financial Investigator from the Metropolitan Police who we hope to post to Cairo to assist in live asset recovery investigations.</p>
Measures Related to Technical Assistance and Capacity Building:		
<p>Provide Specialized Training: During the post-transition period, to the extent possible, provide funding and/or in-kind expertise to ensure that specialized training by international practitioners from relevant public authorities, whether from the G8 country governments themselves, relevant international organizations and initiatives (such as, inter alia, the World Bank/UN Office of Drugs and Crime Stolen Asset Recovery Initiative - StAR), or other appropriate sources is provided to requesting transition countries. The key topics would include: financial investigations, financial document analysis, asset confiscation and forfeiture, requesting international assistance, asset recovery and asset management tools, and other topics identified by the requesting countries</p>	<p>The UK has provided bilateral training to Egypt on mutual legal assistance, and to Libya on asset recovery and financial investigation techniques.</p> <p>Under the auspices of the Arab Forum on Asset Recovery the UK has provided training on the domestic co-ordination of asset recovery, financial investigation, and the role of civil society in asset recovery.</p>	<p><u>Fully implemented</u></p>

<p>Support domestic coordination: During the post-transition period, assist a requesting transition country in setting up locally an Asset Recovery Task Force (ARTF), as a domestic coordination measure for the transition country partner, comprised of representatives of relevant law enforcement agencies (police, customs, prosecutors, etc) and regulatory bodies (such as financial intelligence units, central banks etc.), among whose functions will be cooperation with international practitioners</p>	<p>In addition to providing training at AFAR Special Session I on domestic coordination, the UK's Cairo-based Regional Asset Recovery Adviser is providing support to the Egyptian authorities as they establish an Asset Recovery Task Force in Egypt.</p>	<p><u>Ongoing:</u> The Regional Asset Recovery Adviser's remit is region-wide and the UK will provide assistance to other requesting countries in the region seeking support on domestic coordination of asset recovery.</p>
<p>Promote legal and institutional reforms: During the post-transition period, to the extent possible, assist a requesting transition country in drafting appropriate legislation and/or institutional reforms that will adhere to international standards, including, but not limited to, in pursuing criminal and/or non-conviction based forfeiture legislation; and to establish systems for disclosure of assets and interests by senior public officials and appropriate relations, consistent with international best practices; and other relevant legal frameworks. Urge relevant international organizations to assist in this regard</p>	<p>The UK has not yet received bilateral requests for assistance in this area.</p> <p>However, the UK provides funding for the International Centre for Asset Recovery (ICAR), part of the Basel Institute on Governance, which provides advice on legislative reform and institutional capacity.</p>	<p><u>Ongoing:</u> The UK's Regional Asset Recovery Adviser stands ready to provide assistance on legislative and institutional reform to any requesting countries in the MENA region.</p>
<p>Strengthen frameworks to manage recovered funds: During the post-transition period, to the extent possible, assist a requesting transition country with legislative drafting advice or other assistance in setting up locally a central fund, to receive assets confiscated at home or abroad and to ensure transparency in their administration.</p>	<p>The UK has not yet received bilateral requests for assistance in this area.</p>	<p><u>2014:</u> The UK strongly supports the establishment, in all cases, of mechanisms that provide transparency for the administration and end-use of returned funds. In a specific current case in another region, the UK is discussing with the receiving state arrangements for return of recovered assets, and stands ready to advise and assist Deauville partners on the basis of this emerging experience.</p>
<p>Support the Arab Forum on Asset Recovery: Support the establishment of and participate as appropriate in the Arab Forum on Asset Recovery, including through financial support, where possible, expertise, and attendance at the inaugural meeting at the appropriate level.</p>	<p>The UK participated in the first Arab Forum on Asset Recovery, providing a high-level delegation including experienced practitioners to run workshops and offer bilateral casework meetings.</p> <p>In 2013, the UK has played a central role, working with StAR, the US and Qatar, in planning and delivering the three Special Sessions, providing expert trainers at Sessions I and II, and hosting Session III in London.</p>	<p><u>October 2013:</u> In our role as 2013 G8 Presidency, the UK will co-host, with the State of Morocco, the second Arab Forum on Asset Recovery in October 2013. The UK will send a Ministerial-level delegation, supported by senior officials and law enforcement practitioners.</p> <p>We will work with partners at the second Arab Forum to establish the governance structure and objectives for the future of the Arab Forum on Asset Recovery.</p>