



OECD International Academy for Tax Crime Investigation

*Asset recovery: Seizure and confiscation of assets*



# Recovering assets of illicit origin

## What are the stages?

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ARGENTINA

**What does asset recovery  
involve?**

# 1. Financial investigation



## 2. Forfeiture of assets



### 3. Confiscation, attachment, seizure, etc.



# 4. Management of property

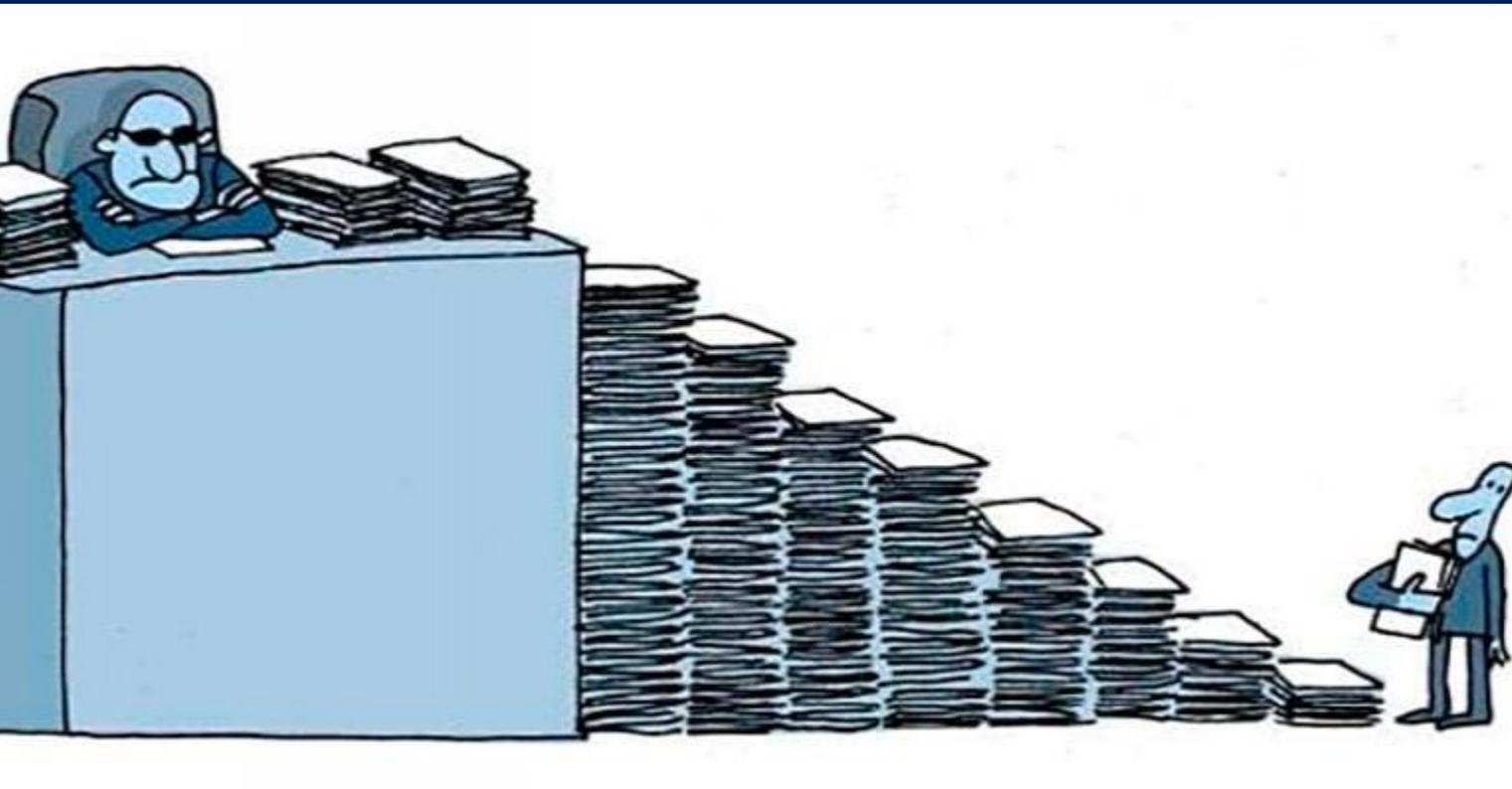


# Stages and activities

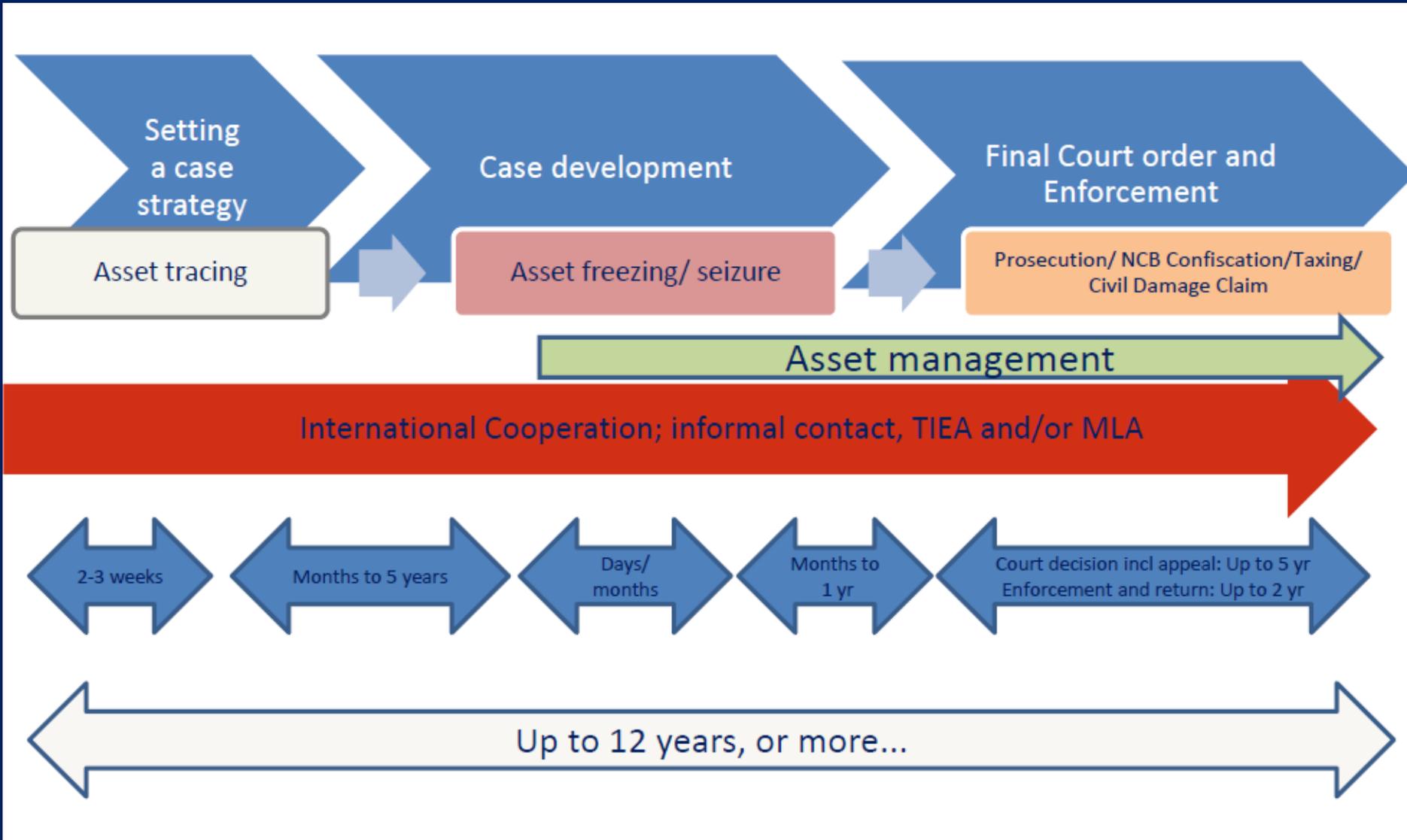
# Scylla and Charybdis

Rigid procedures

Managerial juggling



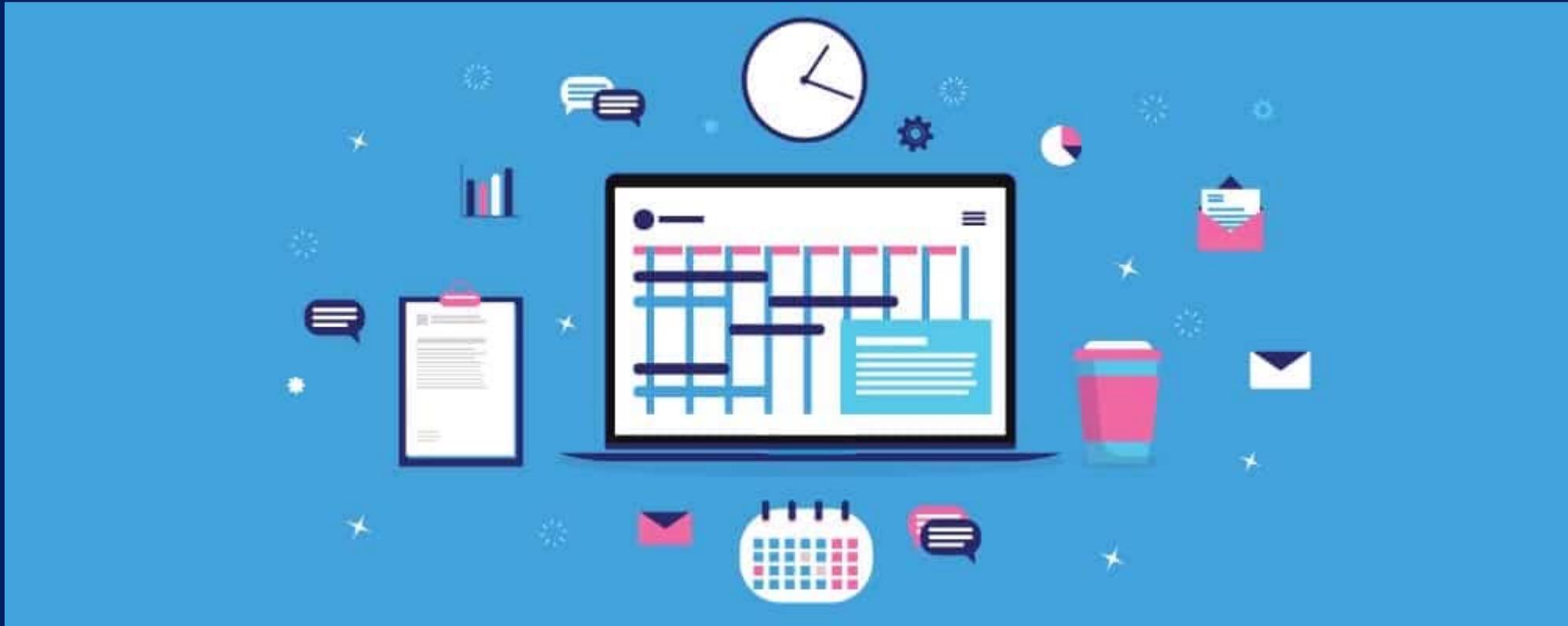
# What happens in Norway? (Inger Coll)



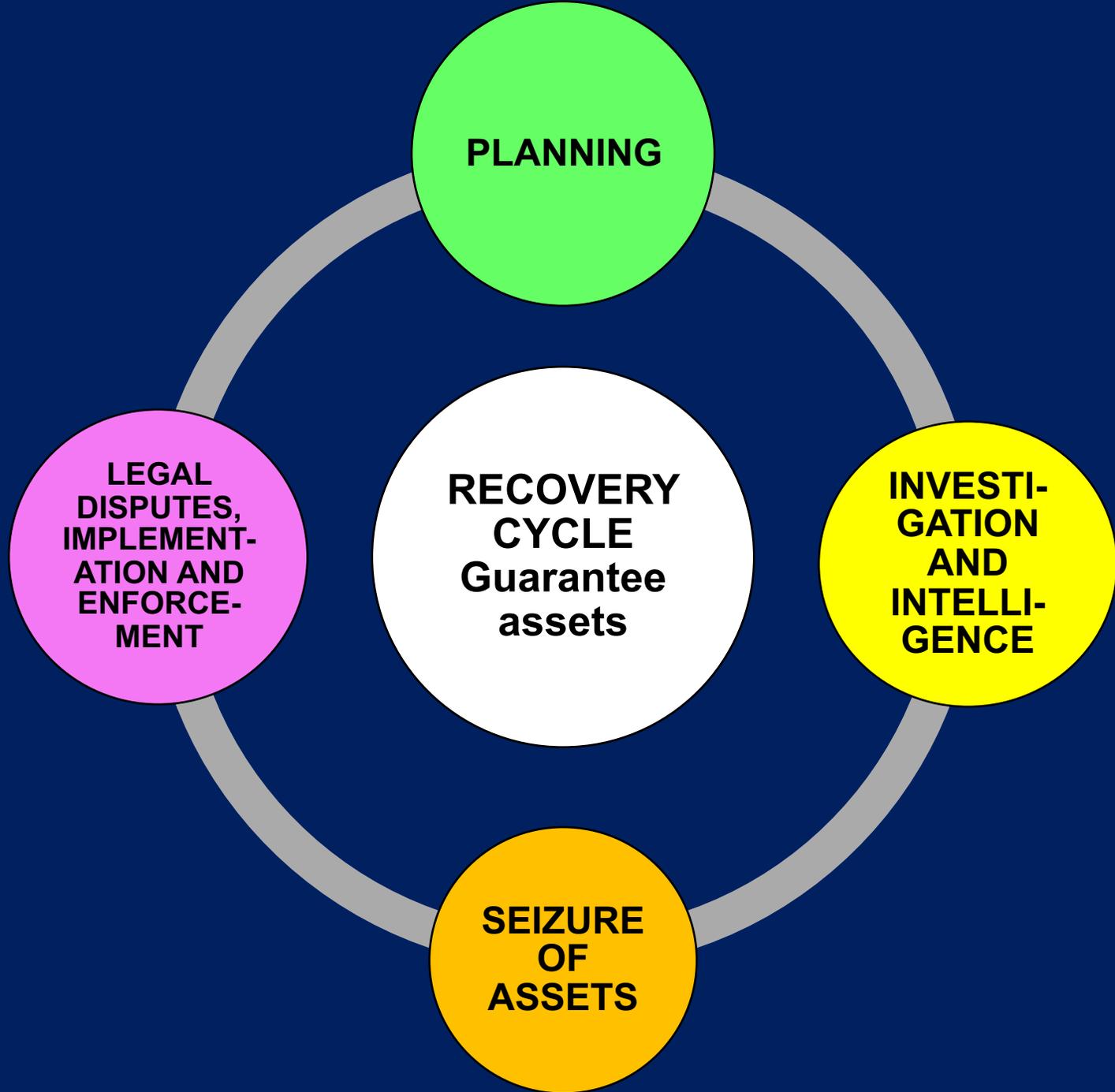


**The  
traditional  
model: a  
conveyor-  
belt of red  
tape**

# Asset recovery: stages and activities



**Are they the same thing?  
Why the distinction?**



**PLANNING**

**RECOVERY  
CYCLE**  
Guarantee  
assets

**INVESTIGATION  
AND  
INTELLIGENCE**

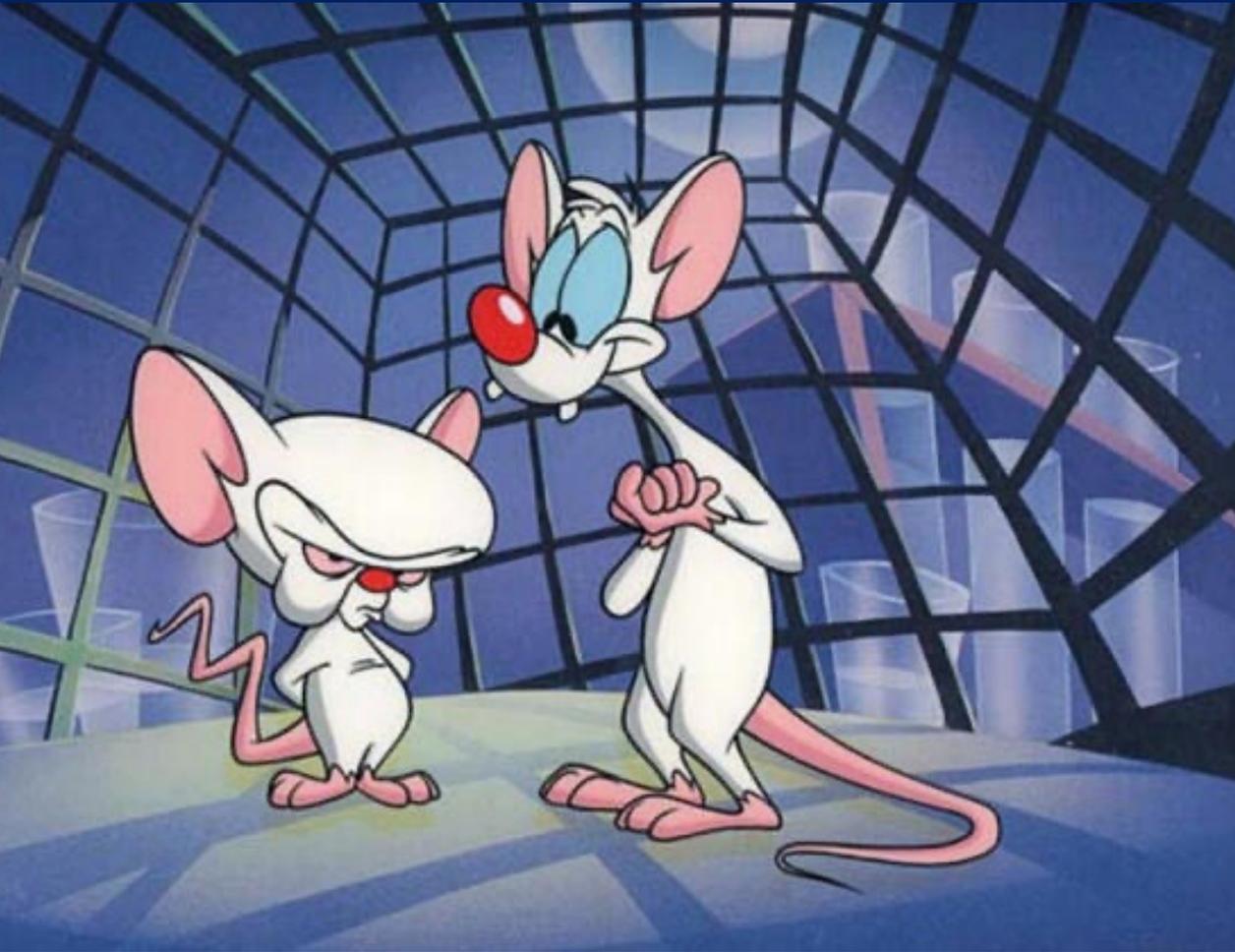
**SEIZURE  
OF  
ASSETS**

**LEGAL  
DISPUTES,  
IMPLEMENTATION  
AND  
ENFORCEMENT**

# PLANNING



# STRATEGIC PLANNING 1: DEFINITIONS



1. **Definitions: what are the objectives in my case?**
  - a. **To achieve a custodial sentence?**
  - b. **To cause financial harm to the offenders?**

# STRATEGIC PLANNING 2: Work team



- ▶ Work team
- ▶ Rationale behind individual case loads
- ▶ Team management
- ▶ Inclusive work teams: experience

# STRATEGIC PLANNING 3: TOOLS and RESOURCES



- ▶ Investigative tools
- ▶ Legal tools
- ▶ Information channels
- ▶ Channels of co-operation

# INTELLIGENCE & INVESTIGATION



# INTELLIGENCE + EVIDENCE 1: What assets do the suspects have? + Property profile



- ▶ Public and private records
- ▶ Internet sources
- ▶ Lattice analysis (i2, etc.)
- ▶ Co-operation FIU + MLAT

**INVESTIGATION IN  
THE FIELD**

INTELLIGENCE + EVIDENCE 2: **MONEY TRAIL**  
and straw men/women



**MONEY TRAIL**



**PAPER TRAIL**

# INTELLIGENCE + EVIDENCE 3: MONEY TRAIL and straw men/women



## Registro de Beneficiarios Finales

Una demanda transversal

# END BENEFICIARIES

# SEIZURE OF ASSETS



# Which assets can be seized?

IMMOVABLE  
PROPERTY



MONEY



BUSINESSES



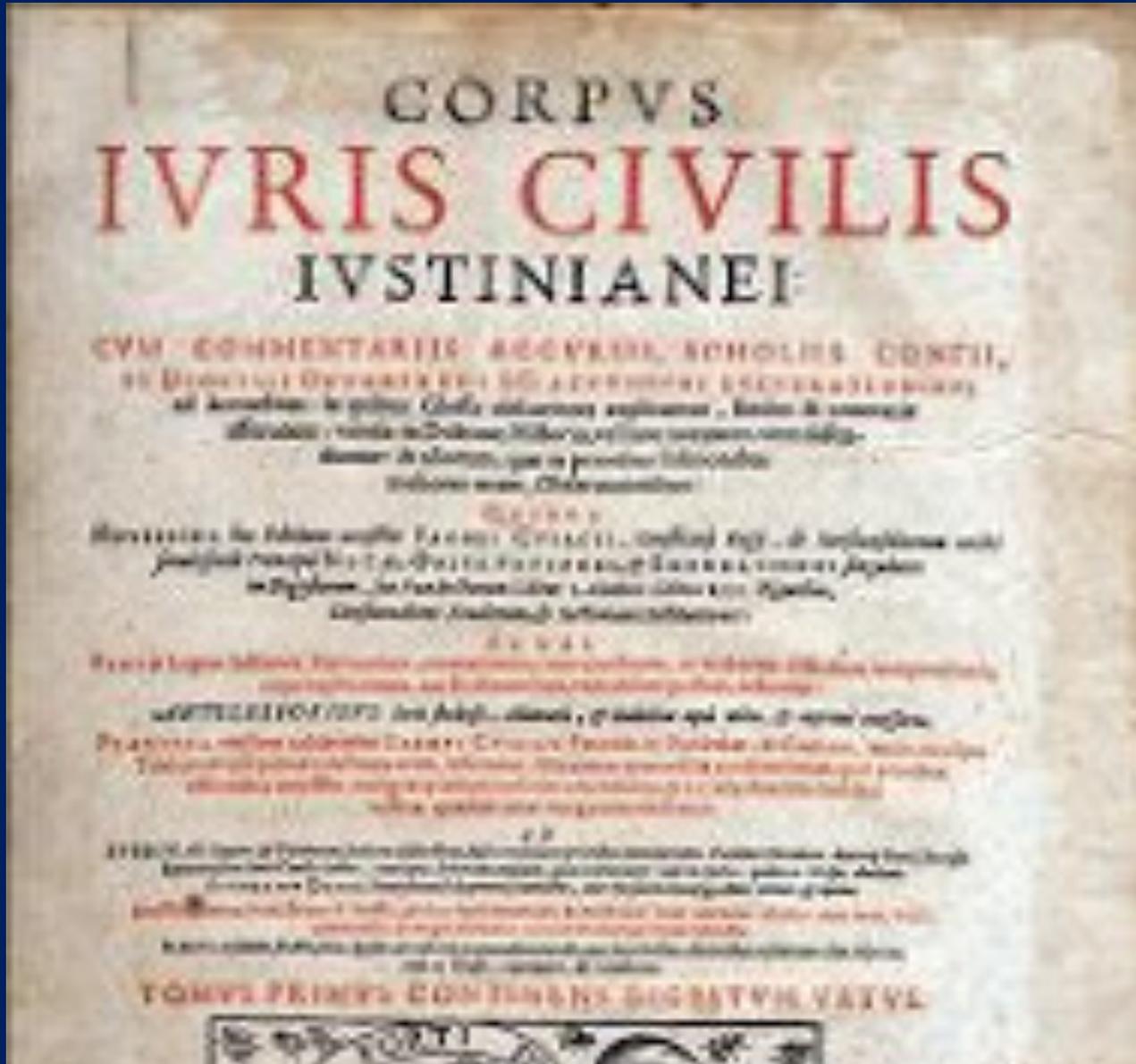
FINANCIAL ASSETS



ELECTRONIC ASSETS



# SEIZURE OF ASSETS 1: Know the LAW INSIDE OUT



- ▶ Precautionary measures in criminal law: seizure, freezing, sequestration, restraint, judicial intervention.
- ▶ Civil proceedings: precautionary registration of claims, measures introducing changes, measures prohibiting changes, interventions, etc.
- ▶ Administrative procedures: closures, sequestration, etc.

# SEIZURE OF ASSETS 2: Know the **RED TAPE** INSIDE OUT



- ▶ Property registration practices
- ▶ Banking practices
- ▶ Police practices
- ▶ Forms
- ▶ Offices/telephones
- ▶ Co-operation between bureaucracies
- ▶ FIU bureaucracy
- ▶ Formalities

# SEIZURE OF ASSETS 3: MAINTAIN THEIR WORTH



**ADMINISTER  
THE  
ASSETS**

# LITIGATION, LITIGATION CULTURE & ENFORCEMENT OF JUDICIAL DECISIONS



# Legal avenues and need for a co-ordinated approach

- ▶ Criminal prosecution and confiscation: scope in our legislation? Time scales? Projected outcomes? Opportunities for co-ordination?
- ▶ Federal or state level?
- ▶ Non-criminal actions: nullification of ownership, civil claims
- ▶ Administrative penalties: scope, time scales, projected outcomes, opportunities for enforcing decisions, etc.
- ▶ Tax adjustments: co-ordination with Tax Agencies
- ▶ Use of bankruptcy proceedings: declaration of bankruptcy is a powerful tool for causing financial harm
- ▶ International co-operation: range of options

# FINAL DISPOSAL OF ASSETS/ REPATRIATION OF ASSETS



# SEIZURE OF ASSETS 3: MAINTAIN THEIR WORTH



**ADMINISTER  
THE  
ASSETS**

**Thank you**

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