



REGIONAL CONFERENCE

**“STRENGTHENING COOPERATION  
IN THE FIELD OF ASSET RECOVERY”**

Sarajevo, 28 March 2018

**CONFERENCE SUMMARY**

Regional Anti-corruption Initiative (RAI) and the Advice on Individual Rights in Europe (AIRE) Centre, with support of the United Kingdom (UK) Government and Organization for Security and Co-operation in Europe (OSCE), organised a Regional Conference on *Strengthening Cooperation in the Field of Asset Recovery*, held in Sarajevo, Bosnia and Herzegovina, on 28 March.

The Conference was organized under the project “Combating corruption in the Western Balkans and Strengthening Regional Cooperation in the field of Asset Recovery”, which is being implemented by RAI and AIRE Centre, with support from the UK Government and the OSCE. The project analysed the effectiveness, efficiency and adherence to human rights in criminal justice systems of Southeast Europe in relation to seizure and confiscation of the proceeds of crime.

The objective of the Conference was to present the findings of the study “Asset Recovery in the Western Balkans – A Comparative Analyses of Legislation and Practice”, prepared by the AIRE Centre and the RAI Secretariat, as well as the main findings of the similar study for other RAI jurisdictions (Bulgaria, Croatia, Moldova, Romania). The analysis specifically refers to the final court judgments in cases of corruption, with a particular focus on human rights standards. The Study on Asset Recovery in the Western Balkan and the Study for other RAI jurisdictions, were conducted with the clear objective to provide a snapshot of the current state of play, identify common challenges as well as the shortcomings at the local levels which can be affected regionally.

Participants of the Conference had an opportunity to get more familiar with the systems and successful practices on asset recovery from the United Kingdom, Italy, Croatia and Bulgaria. In addition, presentation about the main requirements and instruments of the Council of Europe, GRECO and Moneyval in particular, was delivered by GRECO representative.

The Conference served as opportunity for establishing a common dialogue about the identified challenges and determination of the priority future actions at the regional level.

**Key findings of the studies, confirmed and additionally elaborated through the conference discussions and deliberations, are the following:**

- **The international and European standards have been to a large extent transposed into the national legislation of jurisdictions in South East Europe. However, implementation of these standards on the operational level shall be improved;**

- There is a need to strengthen the capacity of law enforcement agencies, prosecution and courts in order to secure effective implementation of seizure and confiscation measures in jurisdictions of the South East Europe, and to ensure its compatibility with applicable European standards. Future activities shall be jurisdictions' need-oriented and cover specific aspects of the asset recovery process (e.g. application of specific confiscation mechanisms, particularly extended, third-party and non-conviction based confiscation, evidentiary thresholds, assessment of the value of property subject to seizure or confiscation, use of IT technologies, cooperation with banks and other financial institutions, effective management of the seized and confiscated assets etc.);
- There is a need to strengthen the ability of law enforcement agencies and prosecution services to systematically conduct financial investigations parallel to criminal investigations, to utilize different financial investigation techniques to determine the true nature, origin and ownership of the proceeds and instrumentalities of crime;
- There is a growing demand to use international co-operation mechanisms during the asset recovery processes, with countries engaging in asset recovery beyond its borders. The trend seems however to indicate a low use of international co-operation in relation to cases dealing with asset recovery. Therefore, there is a need to strengthen the ability of law enforcement agencies, prosecution services and judicial bodies to implement international co-operation mechanisms during the asset recovery process, thereby ensuring the collection of evidence, as well as the seizure and confiscation of property beyond national borders;
- In regards to the regional and international cooperation, direct communication between respective authorities of jurisdictions shall be fostered. In addition, conclusion of memorandum of understanding between respective authorities of jurisdictions in South East Europe shall be considered;
- Knowledge of European legal and human rights standards, and of the ECHR in particular, is insufficient and further capacity building actions are required;
- There is still an unclear use of terminology at the national, sub-national and transnational levels, despite the clear definitions contained at the international and European levels. The unclear terminology results in uncertainty in the application of such terms at the local level by the legal practitioners.

- **Designing a common regional methodology for the collection of statistics relevant to the asset recovery would be desirable, due to identified lack of the relevant statistics as well as inconsistency in the collection of specific datasets which would better enable assessing the effectiveness and efficiency of the asset recovery process, as well as fulfilling international obligations of data collection in the field of seizure and confiscation of assets.**
- **There is a strong need to consolidate regional efforts, keep complementary approach, coordination among all partners and organizations, in order to avoid possible duplication and overlapping in providing technical assistance;**
- **Regional events (workshops, trainings, forums) dedicated to the asset recovery topic and *peer to peer* approach are highly desirable.**