

Challenges to Asset Tracing and Recovery

UNCITRAL, Vienna, Dec. 6, 2019

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Finding Assets in Civil Cases

Stage of relationship:

pre-contract: due diligence

In anticipation of litigation

During litigation

Enforcement of judgment

Bankruptcy proceedings

countervailing factors:

Due process

Protection of property

Data protection

National sovereignty

Treaty obligations

Other factors (history, inertia etc.)

Sources of information:

Registries

Defendant/debtor

Third parties (incl. banks)

Governmental agencies

Internet searches

Domestic vs. transnational

Finding Assets in Criminal Cases

Stage of proceeding:

- Pre-investigation
- investigation
- judgment
- Post judgment

countervailing factors:

- Due process
- Protection of property
- Data protection
- National sovereignty
- Treaty obligations
- Other factors (history, inertia etc.)

Sources of information:

- Registries
- Defendant/debtor
- Third parties (incl. banks)
- Governmental agencies
- Internet searches

Important principles throughout:

- Probable cause
- No fishing expeditions