



UNCITRAL Colloquium on Civil Asset Tracing and Recovery

6 December 2019



Vienna International Centre



BACKGROUND

The UNCITRAL Colloquium on Civil Asset Tracing and Recovery will be held in Boardroom D of the Vienna International Centre, on 6 December 2019, after the fifty-sixth session of Working Group V (Insolvency Law) of the United Nations Commission on International Trade Law (UNCITRAL). The web page of the colloquium may be found at <https://uncitral.un.org/en/assettracing>.

The Colloquium is organized by the UNCITRAL secretariat, in cooperation with other relevant international organizations, pursuant to the request of the Commission at its fifty-second session in 2019 (A/74/17, paras. 203 and 221 (a)). At that session, the Commission agreed on the importance of the topic and on the usefulness of providing further guidance for States to equip themselves with effective tools for asset recovery. At the same time, it was considered essential to delineate carefully the scope and nature of the work that the Commission could undertake on that topic, and to avoid interference with existing instruments, for instance, those relating to criminal law (A/74/17, para. 202).

For that purpose, the Commission requested the Secretariat to organize a colloquium, in cooperation with other relevant international organizations, to further clarify and refine various aspects of the Commission's possible work in that area, for consideration by the Commission at its fifty-third session, in 2020.

The Colloquium should consider the elements of a possible toolkit on asset tracing and recovery and gather information in particular on the practices of civil law jurisdictions. It should also: (a) examine both criminal and civil law tracing and recovery, with a view to better delineating the topic while benefitting from the available tools; (b) consider tools developed for insolvency law and for other areas of law; and (c) discuss proposed asset tracing and recovery tools and other international instruments.

Participants at the Colloquium are invited to contribute to the discussion of those issues. The report of the Colloquium will be issued for consideration by the Commission at its fifty-third session (New York, July 2020).

Programme

9:00	Registration of participants
9:30	Welcome address by the Secretary of UNCITRAL
9:35	<p>1. Main legal issues arising from asset tracing and recovery</p> <p><i>The aim of the session is to provide a general overview of the main legal issues arising from asset tracing and recovery in both civil and criminal law contexts. The focus of the discussion will be on modern trends and challenges in asset tracing and recovery.</i></p> <p>Moderator: <i>Ms. Bettina Knoetzl, Partner, Knoetzl, ICC FraudNet representative</i></p> <p>Speakers:</p> <p><i>Mr. Samuel Baumgartner, Professor, University of Zurich Law School, on challenges of asset tracing and recovery</i></p> <p><i>Mr. Ángel Ballesteros Barros, representative of the Union Internationale des Avocats (UIA), on private international law issues concerning asset recovery actions</i></p> <p><i>Mr. Evgeniy Akimov, Managing Director, Sberbank, on digital means for tracing information about assets</i></p> <p><i>Ms. Teresa Rodríguez de las Heras Ballell, Associate Professor, Universidad Carlos III de Madrid, on tracing and recovering digital assets</i></p>
	Open discussion
11:00	Coffee break
11:15	<p>2. Perspectives of international organizations</p> <p><i>In this session, international organizations will explain the relevance of their work to asset tracing and recovery.</i></p> <p>Moderator: <i>Ms. Angela Barkhouse, Asset Recovery Specialist</i></p> <p>Speakers:</p> <p><i>Mr. Vladimir Kozin, Crime Prevention and Criminal Justice Officer, United Nations Office on Drugs and Crime (UNODC), on the United Nations Convention against Corruption</i></p> <p><i>Mr. Jean-Pierre Brun, Senior Financial Sector Specialist, UNODC/World Bank StAR Initiative, on the “Going for Broke” publication of the Initiative</i></p> <p><i>Mr. Brody Warren, Legal Officer, Hague Conference on Private International Law (HCCH), on the HCCH Convention on the Taking of Evidence Abroad in Civil or Commercial Matters</i></p> <p><i>Ms. Anna Veneziano, Deputy Secretary General, International Institute for the Unification of Private Law (Unidroit), on the Cape Town Convention and its Protocols and other relevant work by Unidroit</i></p> <p><i>Mr. José Angelo Estrella-Faria, Principal Legal Officer, UNCITRAL secretariat, on the relevance of the topic to texts and the current work program of UNCITRAL</i></p>
	Open discussion
12:30	Lunch
14:00	<p>3. Overview of available tools for asset tracing and recovery in common law and civil law jurisdictions</p> <p><i>The aim of the session is to demonstrate, on the basis of real-life examples how asset tracing and recovery works across jurisdictions in various contexts, commonly encountered problems and ways to overcome them.</i></p> <p>Moderator: <i>Ms. Irit Ronen-Mevorach, Professor, University of Nottingham</i></p> <p>Speakers:</p> <p><i>Mr. Benjamin Siino, Counsel, Shearman & Sterling</i></p>

	<p><i>Mr. Olivier Van Der Haegen, Counsel, Loyens & Loeff</i></p> <p><i>Ms. Colette Wilkins, Partner, Walkers Global, ICC FraudNet representative</i></p> <p><i>Mr. Henrique Forsse, Partner, Duarte Forssell Advogados, ICC FraudNet representative</i></p> <p><i>Mr. Yves Klein, Partner, Monfrini Bitton Klein, ICC FraudNet representative</i></p> <p>Commentator:</p> <p><i>Mr. Rodrigo Rodriguez, Professor, University of Lucerne</i></p>
	Open discussion
16:00	Coffee break
16:15	<p>4. <i>Possible work by UNCITRAL on civil asset tracing and recovery</i></p> <p><i>The aim of the session is to assess on the basis of the preceding sessions, feasibility and desirability of work by UNCITRAL on civil asset, tracing and recovery and, if work were to be undertaken, its possible form and scope.</i></p> <p>Moderator: <i>Mr. José Angelo Estrella-Faria, Principal Legal Officer, UNCITRAL secretariat</i></p> <p>Speakers:</p> <p><i>Mr. Vladimir Kozin, Crime Prevention and Criminal Justice Officer, UNODC</i></p> <p><i>Ms. Antonia Menezes, Senior Financial Sector Specialist, World Bank Group</i></p> <p><i>Mr. Christopher Redmond, Principal, Redmond Law Firm LLC, ICC FraudNet representative</i></p>
	Open discussion
17:00	Closing

SPEAKERS BIOGRAPHIES



Ángel Mª Ballesteros Barros is a Professor at Cadiz University (Spain) where he teaches Private International Law as well as International Trade Law. He worked as a lawyer in different international law firms, with expertise in areas such as Civil Procedure Law, Conflict of Laws and Insolvency Law. He has participated as observer on behalf of the Union Internationale des Avocats (UIA) in UNCITRAL Working Group V (Insolvency Law) and in the ongoing “Judgments Project” of The Hague Conference on Private International Law (HCCH). He has also acted as consultant to the European Commission and to the Council of Europe.



Angela Barkhouse is a financial crime investigator and international asset recovery practitioner. With fifteen years of professional experience, she has investigated bribery, corruption, malfeasance, conflicts of interest and embezzlement, identified stolen assets, and made cross-border asset recoveries utilizing a range of asset recovery tools in support of criminal and civil litigation. She has also advised upon international projects in anti-corruption and asset recovery, and contributed to articles and policy papers on the same, including most recently a policy paper with the Universal Rights Group, funded by the United Kingdom Foreign and Commonwealth Office and Foreign Ministries of Denmark and Norway, on the analytical link between grand corruption and human rights. She is recognized as an expert in asset recovery by Who’s Who Legal 2019 and is a Fellow of the Association of Certified Chartered Accountants, a Certified Fraud Examiner and Insolvency Practitioner. She holds degrees in Applied Accounting (BSc) and Criminal Justice Policy (MSc).



José Angelo Estrella Faria is Principal Legal Officer and Head, Legislative Branch, at the secretariat of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna (Austria) From 1 October 2008 to 31 July 2017, he was the Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT), an independent intergovernmental organization based in Rome (Italy) and devoted to the unification and harmonization of private law worldwide. Until his appointment to UNIDROIT, Mr. Faria had worked at the UNCITRAL secretariat from 1996 to 2008. As secretary to the relevant intergovernmental working groups, he was responsible for UNCITRAL work on privately financed infrastructure projects and electronic commerce. He also supervised the work of Working Group III (Transport Law) between 2005 and 2008. Before joining the United Nations in 1992, he had worked as an attorney in Brazil, specialising in commercial and trade law. He has published articles and books, and taught various courses on legal harmonisation, commercial law and international law.



Henrique Forssell is one of the founding partners of Duarte Forssell Sociedade Advogados (São Paulo, Brazil), advising trustees, foreign liquidators and financial institutions in the identification of bankruptcy and banking related frauds of transnational implications. Over the last ten years, he has been designated by several judicial authorities in Brazil to lead and coordinate proceedings of international asset recoveries, in particular related to complex insolvencies. Since 2011, he has been a member of ICC

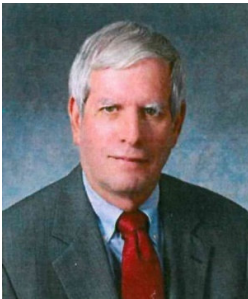
FraudNet.



Irit Mevorach is a Professor of International Commercial Law and the founder and co-director of the University of Nottingham Commercial Law Centre. She teaches and researches issues of corporate law, enterprise group insolvency, cross-border insolvency and bank resolution. She holds degrees in law from Tel-Aviv University (LLB, 1997, LLM in Commercial Law, 2001) and UCL, London (PhD, 2006). Between 1998-2003, she practiced law at Lipa Meir & Co (Tel-Aviv, Israel) where she led financing and secured transactions, commercial litigation, and advice in corporate restructuring, liquidations and administrations. Since 2006, professor Mevorach has been acting as an expert adviser to the delegation of the United Kingdom to UNCITRAL. Before that, from 2013 to 2016, she represented the World Bank Group in UNCITRAL in deliberations in the areas of insolvency and cross-border insolvency. Professor Mevorach was elected to the International Insolvency Institute (III) membership in 2012 and is currently the vice chair of the III academic wing. She was elected to the American College of Bankruptcy in 2019.



Yves Klein, admitted to the bars of Geneva, Switzerland, since 1995, is an international asset recovery lawyer, partner at Monfrini Bitton Klein. His main activity for the past twenty years has been litigating and coordinating transnational asset recovery proceedings before civil, criminal and bankruptcy courts on behalf of victims of economic crimes. He is also active in anti-corruption investigations and in offshore litigation, such as the enforcement of foreign judgments and arbitral awards, the obtaining of evidence and the freezing of assets concealed in Switzerland and abroad. Yves Klein has published on tracing and recovery of assets and anti-corruption issues since 1996, and regularly speaks at international conferences on these matters. He is the past chair (2016–2017) of the Asset Recovery Subcommittee of the International Bar Association's Anti-Corruption Committee and is a member of ICC FraudNet.



Christopher J. Redmond is the founder and principal of the Redmond Law Firm LLC. He has been a bankruptcy trustee in the United States since 1978 and has also acted as a Chapter 11 trustee, an examiner and a receiver. He has been involved in numerous cross-border insolvency proceedings and has tried a number of cases on the recovery of assets transferred to off-shore jurisdictions. He has been a member of the delegation of the United States to UNCITRAL Working Group V (Insolvency Law) since 2008, before that, from 1999 to 2008, he was the lead representative of the American Bar Association in that Working Group. He has also represented the United States as a delegate to UNODC on commercial fraud issues. He was Chair of the American Bar Association Business Bankruptcy Commission on International Insolvency from 2004 – 2012 and Chair of the International Coordinating Committee of the Business Law Section of that Association from 2009 – 2012. Since 2012, he has been Chair of the UNCITRAL Task Force in that Association. He has been a member of the ACPIIL (Advisory Committee to the U.S. Department of State Private International Law) since 2011. Since 2006, he has been a member of ICC FraudNet.



Rodrigo Rodriguez, born in Madrid, is a professor at the University of Lucerne (Switzerland). He studied law at the University of Fribourg where he obtained his Ph. D degree and passed the bar exam. Since 2006 he has worked at the Federal Office of Justice in Switzerland, initially in the International Private Law Division and from 2014 as the head of the supervisory authority on debt collection and insolvency. In that capacity, he has been instrumental in elaborating and obtaining the approval by the parliament of Switzerland of revised provisions on the recognition of foreign insolvency decrees and insolvency-related

decisions, which are in force since 1 January 2019. As head of the supervisory authority on debt recovery and insolvency, he has a comprehensive overview of the insolvency sector in Switzerland. He was member of the commission on the reform of corporate insolvency law, a bill currently discussed in Swiss parliament.



Teresa Rodríguez de las Heras Ballell is Associate Professor of Commercial Law at University Carlos III of Madrid, Spain. She studied Law and Business Administration, and she holds a Doctor in Law degree. She has been Chair of Excellence at Oxford University affiliated to Harry's Manchester College; James J. Coleman Sr. Distinguished Visiting Professor of Law at Tulane University Law School, Visiting Fellow at Harris Manchester College, Oxford University (UK), and Marie Curie Fellow at the Centre of European Law and Politics (ZERP) of the University of Bremen (Germany). She also held other visiting teaching or research positions at a number of universities and research centers

such as Columbia Law School, Université de Toulouse 1 Capitole as a Professeur invité, University of Washington, University of Tokyo (Japan), and University College of London (UK). Her main research interests focus on digital law (crowdfunding, shared economy, electronic platforms, digital intermediaries), international business transactions and secured transactions and corporate finance.



Brody Warren joined the Permanent Bureau of the Hague Conference on Private International Law (HCCH) in 2014. He is part of the international legal cooperation and civil procedure team, responsible for the day-to-day work in relation to the HCCH Apostille, Service, Evidence, and Access to Justice Conventions. Prior to joining the Permanent Bureau, Mr Warren worked for legal publisher LexisNexis in the Press Gallery of the Australian Federal Parliament. He holds a Bachelor of Laws (Honours) and Bachelor of Arts (Political Science/Spanish) from the Australian National University (Canberra, Australia) and is admitted

to practice in the Supreme Court of New South Wales (Australia).



Colette Wilkins has been a commercial litigator for 30 years, specialising in high value asset recovery, contentious insolvency, investment fund disputes and issues relating to corporate governance and fraud. She advises office-holders in complex cross-border liquidations, and regularly represents creditors and liquidators in insolvency and related proceedings to determine and protect interests in insolvent estates. She started her career as a barrister in Lincolns Inn, London and was admitted as an

attorney in the Cayman Islands in 2005. She has been a partner at Walkers since 2009 and is admitted also as an attorney in the BVI. She is one of the two attorneys appointed by the Chief Justice to sit on the Cayman Islands Grand Court Rules Committee. She is a member of ICC FraudNet.