

**MARK PIETH (ED.)**  
BASEL INSTITUTE ON GOVERNANCE

# **RECOVERING STOLEN ASSETS**

WITH A PREFACE BY EVA JOLY

PETER LANG

# Contents

*EVA JOLY*

<i>Preface: Repatriation of Assets .....</i>	<i>ix</i>
<i>Préface: Rapatriement d'Actifs .....</i>	<i>xiii</i>

<i>Contributors.....</i>	<i>xvii</i>
--------------------------	-------------

*About the Basel Institute on Governance:*

<i>Empowerment for the Recovery of Stolen Assets.....</i>	<i>xxv</i>
---	------------

<i>Acknowledgements.....</i>	<i>xxvii</i>
------------------------------	--------------

<i>Abbreviations.....</i>	<i>xxix</i>
---------------------------	-------------

## *I. The Challenges*

MARK PIETH

<i>Recovering Stolen Assets – A New Issue.....</i>	<i>3</i>
--	----------

BERNARD BERTOSSA

What Makes Asset Recovery so Difficult in Practice?

<i>A Practitioner's Perspective .....</i>	<i>19</i>
---	-----------

NUHU RIBADU

Challenges and Opportunities of Asset Recovery

<i>in a Developing Economy .....</i>	<i>29</i>
--------------------------------------	-----------

## *II. Success Stories*

ENRICO MONFRINI

<i>The Abacha Case .....</i>	<i>41</i>
------------------------------	-----------

TIM DANIEL AND JAMES MATON Recovering the Proceeds of Corruption: General Sani Abacha – A Nation’s Thief .....	63
SERGIO SALVIONI Recovering the Proceeds of Corruption: Ferdinand Marcos of the Philippines .....	79
SIMEON V. MARCELO The Long Road from Zurich to Manila: The Recovery of the Marcos Swiss Dollar Deposits .....	89
GUILLERMO JORGE The Peruvian Efforts to Recover Proceeds from Montesinos’s Criminal Network of Corruption .....	111
<i>III. Asset Recovery Systems</i>	
WILLIE HOFMEYR Navigating between Mutual Legal Assistance and Confiscation Systems .....	135
ALAN BACARESE Asset Recovery in a Common Law System: The United Kingdom .....	147
PAUL GULLY-HART International Asset Recovery of Corruption-Related Assets: Switzerland .....	165
RENÉ BRÜLHART Asset Recovery from the Perspective of an Offshore Financial Centre (OFC): Liechtenstein.....	187

*IV. Concrete Challenges: Seizure and Confiscation*

HANS-PETER BAUER	
How to Deal with Politically Exposed Persons .....	195
MARY JANE SCHIRBER AND FRANK E. HYDOSKI	
Identification and Quantification.....	219
JEAN-BERNARD SCHMID	
Seizure .....	231
TIM DANIEL AND JAMES MATON	
Civil Proceedings to Recover Corruptly Acquired Assets of Public Officials.....	243
PIERRE-YVES MORIER	
Is Autonomous Confiscation the Acme of Asset Recovery?.....	267

*V. UNCAC, Technical and Development Assistance*

NIKOS PASSAS	
UNCAC, Technical Assistance and Development Efforts .....	281
ANNE LUGON-MOULIN	
Asset Recovery: Concrete Challenges for Development Assistance .....	297
CORNELIS DE JONG	
The Role of Donors .....	309
PIETRO VEGLIO AND PETER SIEGENTHALER	
Monitoring the Restitution of Looted State Assets: the Role of Multilateral Development Banks (MDB's).....	315

*VI. What is UNCAC Going to Change?*

DANIEL CLAMAN

- The Promise and Limitations of Asset Recovery  
under the UNCAC ..... 333

DIMITRI VLASSIS AND DOROTHEE GOTTWALD

- Implementing the Asset Recovery Provisions of the UNCAC ..... 353

ANTENOR MADRUGA

- Expectations of Developing Economies:  
A View from the Americas ..... 369

MARK PIETH

- Putting the Puzzle Together ..... 387