



PROSECUTOR PLACEMENT PROGRAMME

A hands-on work programme designed for prosecutors specializing in asset confiscation

PROGRAMME OVERVIEW

Transitioning from mainstream criminal prosecutions to asset confiscation is a major shift in operational practices and work methodologies for many prosecutors. Most confiscation laws, even those which are conviction-based, follow the rules of civil, rather than criminal procedure. Non-Conviction Based (NCB) forfeiture is even further removed from the usual prosecutorial experience. In addition, confiscation work requires more proactive interactions than criminal prosecutions, and necessitates the development of new relationships with the police, tax authorities and financial intelligence units.

The GPML Prosecutor Placement Programme is a sustainable capacity-building programme designed to give newly appointed confiscation prosecutors a practical understanding of asset confiscation methodologies and practices by placing them in the office of an experienced and capable confiscation lawyer. Over this time they develop knowledge of the work requirements, as well as practical abilities with executing procedures and conducting asset confiscations. PPP participants take their new skills home with them for implementation in their own Asset Forfeiture Units (AFU).

Target audience

Prosecutors who have recently been assigned to an AFU to work full-time on asset confiscation cases.

PROGRAMME OUTCOMES

By the end of their placement visiting prosecutors will:

- Improve their understanding of confiscation concepts by seeing them applied in a practical context;

- Understand the basics of drafting confiscation pleadings and affidavits;
- Develop an awareness of how a well run AFU operates, both internally and with external partner agencies whose input is essential to successful confiscation practice;
- Have access to a professional network of experts working in the field of asset confiscation, and
- Be able to support and run asset confiscation cases in their home countries.

Programme content

After a short introductory period, during which visiting prosecutors will be introduced to their host AFU and gain an understanding of basic asset confiscation law and procedure, prosecutors will be assigned a caseload which might consist of cases being processed by the host AFU or cases the participants have brought with them. They will draft appropriate applications and affidavits for these cases under the supervision of an experienced practitioner. They will also observe cases being run in their host AFU and attend liaison meetings with investigation and other authorities with whom the AFU routinely interacts.

Duration

2 months.

NB: This Programme can only be offered by UNODC in partnership with an experienced national Asset Forfeiture Unit. The Programme currently operates in South Africa in conjunction with the South African National Prosecution Authority's AFU.

ABOUT GPML

The Global Programme against Money Laundering, Proceeds of Crime and the Financing of Terrorism (GPML) assists Member States in implementing the various anti-money laundering and counter-finance of terrorism (AML/CFT) provisions contained in the 1988 United Nations Drug Convention, the United Nations Convention against Transnational Organized Crime, the United Nations Convention against Corruption and relevant United Nations resolutions, such as Security Council Resolution 1373 (2001), as well as other international AML/CFT requirements.

GPML's primary goal is to assist Member States via their legal, financial, law enforcement and judicial authorities in developing effective and comprehensive domestic AML/CFT legal and regulatory frameworks, as well as the institutional infrastructures and practitioner skills needed to implement them. GPML is further committed to promoting national coordination and regional and international cooperation on issues concerning money-laundering and terrorism financing.

GPML fulfills its mandate principally through technical cooperation and capacity-building for requesting Member States, the provision of in-depth training to national administrations and private sector actors dealing with AML/CFT issues, and the development and sharing of AML/CFT information resources, good practices and databases.

GPML has initiated specific products to assist Member States. These deliverables aim to raise awareness of the risks of money-laundering and terrorism financing, build institutional capacities and provide key technical assistance and training—based on current good practice and operational expertise—at the national and regional level. A series of GPML Facts Sheets provide information on the key products offered by GPML.

