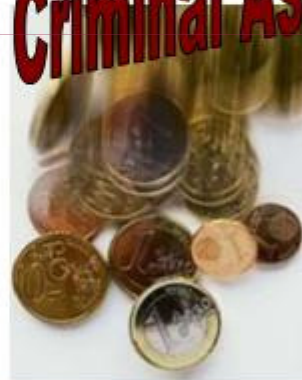




Criminal Assets Deprivation Bureau





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Deprivation in the Netherlands & Criminal Assets Deprivation Bureau of the Public Prosecution Service



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Legislation on Deprivation of illegally obtained advantages

Coming into force: 1 March 1993

- Extension of the possibilities to deprive
- Introduction of a separate deprivation procedure
- Introduction of a Criminal Financial Investigation
- Extension of the possibilities to precautionary seizure to secure the implementation of fines and deprivation measures
- Better possibilities to execute a deprivation measure



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Formation of an organization for the implementation of the legislation on deprivation

1994: Central Advice- and Management Bureau for Seizure (CABB)



1996: Criminal Assets Deprivation Bureau of the Public Prosecution Service (BOOM)



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Tasks (1)

- Assistance in prosecution of deprivation cases by members of the BOOM-adviceteam, including lawyers and auditors
- Assistance by help desk, reviews of case law and a news letter



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Tasks (2)

- Management of precautionary seizure of capital assets
- Support of the Central Judicial Recovery Agency (CJIB) with regard to the execution of deprivation measures



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Evaluation of legislation on deprivation (1)

1998: *Capital to deprive*

This evaluation has lead to the entrance into office of two public prosecutors, who were dealing with major deprivation cases

Evaluation of legislation on deprivation (2)

2004: Evaluation major deprivation cases

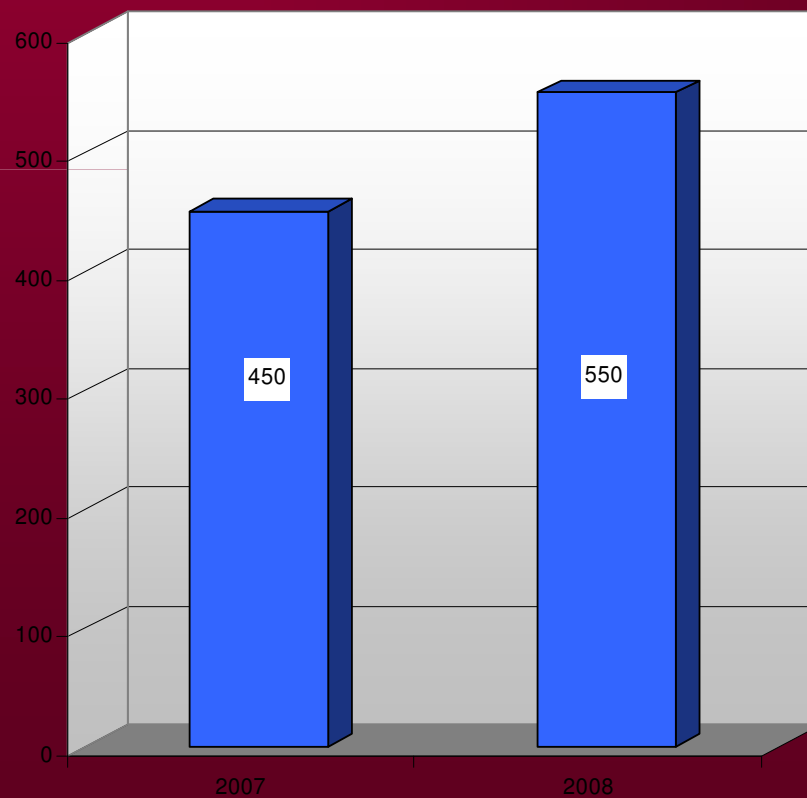
- Small and medium-sized deprivation cases including the execution of these cases run reasonably
- Major deprivation cases:
 - Lack of expertise
 - Investigation in criminal and deprivation cases do not run parallel

Consequence: too little precautionary seizure and therefore
too little execution

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Development value of precautionary seizure

Waarde Conservatoir Beslag
per ultimo jaar (bedragen x € 1.000.000)



Bron: CEBES

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Total amount of collection

Incasso ontnemingen
(bedragen x € 1.000)



Bron: JURIST



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Recent tasks of the Criminal Assets Deprivation Bureau (BOOM)

- Prosecute most important deprivation cases
- Asset tracing
- Expertcenter = knowledgecenter



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New organization

1 June 2006:

- Entrance into office of public prosecutors, public prosecutor's assistants, administrative officers, asset tracers and analyst/documentalist
- Opening of branches in Zwolle, Amsterdam, Rotterdam and Den Bosch



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Occupation in each branch

- Public prosecutor
- Assistant of the public prosecutor
- Administrative officers
- Advisors:
 - auditor
 - civil advisor
 - international advisor



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International cooperation concerning deprivation

2006: *'Inventory of bottlenecks with international cooperation concerning deprivation of unlawful obtained advantage'*

Conclusion:

The (inter)national legal instruments are adequate, but there are bottlenecks in the practical cooperation.

Bottlenecks (1)

1. Execution international deprivation cases:
 - Registration of requests for mutual legal assistance has shortcomings
 - Lack of a survey of the assets seized on requests of the Netherlands in foreign countries
 - Lack of arrangements on asset sharing



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Bottlenecks (2)

2. Lack of expertise in the field of international deprivation (requests on mutual legal assistance, precautionary seizure, asset sharing)
3. Small perception on results



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Possible solutions

The results obtained by international cooperation concerning deprivation could improve by reinforcement of the national instruments



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Proposals with regard to the Netherlands (1)

1. Precautionary seizure
2. Asset sharing
3. Expertise
4. Policy plan



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CARIN

The Camden Asset Recovery Inter-Agency Network

- An informal network of experts in the field of asset forfeiture.
- In September 2004 CARIN was officially launched at a seminar in The Hague.
- The Netherlands participates in the CARIN-network (member of the steering group).



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CARIN

- The aim of CARIN is to increase the effectiveness of members' efforts on a multi-agency basis, in depriving criminals of their illicit profits.
- 39 countries (member) and 6 International Organisations (observer)



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International Contactpoint

- more and better international deprivation cases
- expert centre (best practises)
- = BOOM Nederland



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Future (1)

- increasing effectiveness = more precautionary seizure
- different approach = not only criminal law
- define parties in struggle against crime



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Future (2)

- Integration of handling deprivation cases in PPS = core business
- focus on organized crime, financial crime and cybercrime
- BOOM = expert centre for deprivation of criminal assets



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Future (3)

- new legislation
- reversal of the burden of proof
- more deprivation results!

