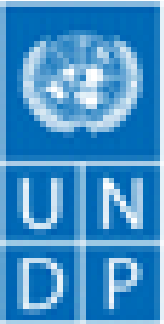




الشبكة العربية لتعزيز  
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# *Regional Workshop*

*Cairo*

*27 - 28 November 2012*

## *Asset Tracing*

*Tareq Haddad*

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# *Agenda*

1. Introduction
2. Tracing assets
3. How we trace assets
4. The reality of tracing assets
5. Real cases

# *Introduction*

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# *Introduction*

## **What is asset tracing**

- The identification of assets that are or potentially are the result of a crime for recovery
- The 11<sup>th</sup> Congress of the UN on Crime Prevention concluded that asset tracing is an effective measure against criminal activity

## **Context**

- Why is it needed
  - Freeze for future confiscation
  - Enforce judgment against assets

## **Approach**

- Dependent on the situation
  - Identify assets and question source
  - Investigate transactions to identify assets

# *Tracing assets*

2

# How to trace assets

## Detailed review of internal documentation

*Vital first step in generating leads to obtain the best possible results from public asset searches, as assets are rarely held in the names of individual or corporate target Subjects.*

### **Approach**

- Review of hard copy and electronic data
- Can involve utilising forensic technology tools to guide and inform our research
- Interviews with key personnel to understand Subject's lifestyle, hobbies and interests

## Targeted public records research

*Focused open source information research to identify assets and relevant information linked to the Subjects.*

### **Approach**

- Searches of a large array of on-line and off-line data sources and research methods in most jurisdictions.
- Often targeted on jurisdictions most likely to yield results.

## Discreet enquiries

*Intelligence gathering from industry and market sources that would be acquainted with the Subjects.*

### **Approach**

- Drawing on relevant industry and jurisdiction experts to provide guidance on likely assets of the Subjects.
- Follow-up searches of public records.

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## *What assets can be traced?*



# *How to scope an asset search?*



What is reasonable?

- Connected parties:
  - Spouse/dependents in the first instance?
  - Include known associates (business/personal)?
- Jurisdictions:
  - Which could be included?
  - Which should be included?



# *The purpose: what are we looking for?*



- Adequate information to start.
- Evidence of asset sheltering:
  - Transactions at under value/for love and affection
  - Transactions within a time frame that could be challengeable
- Requires knowledge of:
  - Spouse, dependents
  - Trusted personal and business associates
  - Connected corporates

# *The purpose: what are we looking for?*



- Evidence of corporate interests:
  - Initial directorship searches – country, global
  - Follow-up shareholder searches - equity interest?
  - Additional searches to understand what sits behind the corporate’s assets e.g. property searches
- Evidence of asset sheltering:
  - Transactions at under value and / or recent transactions to close associates?
- Requires knowledge of:
  - Business associates
  - Jurisdictional interest
  - Business interests and investment patterns (if any)

# *The purpose: what are we looking for?*



- Indications of wealth:
  - Is less about the actual assets and their value
  - Is more about what they tell us about the individual/ corporate and the Subject's lifestyle
- Requires knowledge of:
  - Hobbies/interests / associates
  - Jurisdictional interest

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# *Lifestyle asset searches*

## **Public asset registers**

- Shipping registers, aircraft, cargo transportation, race horses etc.

## **Supplemented by:**

- **Deep Internet and media searches- English and local language**
  - Indications of interests and hobbies
  - Identification of other business and personal associates
  - Highlighting potential asset categories – relevant to lifestyle, but may also include property and corporate
  - Jurisdictions

## **Focus on assets**

- May involve additional property , corporate and asset register searches
- Potential to involve discreet source/on the ground enquiries

# *Challenges*

3

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# *Challenges*

- Lack of enabling framework and cooperation
- Concealment: difficulty to identify leads and information
- Lack of publically available data
- Cross boarder issues: even Governments face issues with:
  - Bank secrecy
  - Dual criminality
  - Slow pace of exchange of information
  - Resources and costs

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# *Questions?*

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