

1. Record Nr.	UNINA9910787280303321
Autore	Brun Jean-Pierre <1962->
Titolo	Public wrongs, private actions : civil lawsuits to recover stolen assets // Jean-Pierre Brun [and 8 others]
Pubbl/distr/stampa	Washington, DC : , : STAR Stolen Asset Recovery Initiative, The World Bank-UNODC, , [2015] 2015
ISBN	1-4648-0373-0
Descrizione fisica	1 online resource (xv, 138 pages) : illustrations ; ; 26 cm
Collana	Stolen Asset Recovery Initiative
Disciplina	345
Soggetti	Civil procedure Federal government
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	<p>""Cover""; ""Contents""; ""Preface""; ""Acknowledgments""; ""Introduction""; ""Objective""; ""Context: Civil Remedies as One of Several Avenues to Asset Recovery""; ""Scope of the Book""; ""Audience""; ""Overview of Chapters""; ""1. Civil Asset Recovery Litigation: Who May Sue and Be Sueda€?States as Plaintiffs and Possible Defendants""; ""A. States as Plaintiffs in Corruption Cases""; ""B. Defendants: Who Can Be Sued?""; ""2. Hiring an Attorney: Steps, Considerations, and Fee Arrangements""; ""A. Identifying a Suitable Attorney""; ""B. Structuring a Fee Arrangement"" ""C. Litigation and Asset Recovery Funds"" ""D. Assistance from International Organizations""; ""3. Choice of Forum: Where to Sue?""; ""A. Where Are the Assets, and Where Do the Defendants Have Contacts?""; ""B. Further Considerations""; ""4. Types of Actions""; ""A. Proprietary Actionsa€?State Asserts Claim to a Particular Asset""; ""B. Personal Claimsa€?Claim against a Person""; ""5. Civil Provisional Measures and Investigative Tools: How to Investigate and Freeze Assets""; ""A. Investigative Measures in Civil Asset Recovery Cases"" ""B. Securing the Assets: Provisional Measures in Civil Proceedings"" ""6. Legal Tools for International Cooperation: How to Obtain the Supporting Evidence""; ""A. International Conventions Promoting International Cooperation""; ""B. Regional Instruments to Facilitate</p>

Mutual Legal Assistance"; "C. Factors to Consider When Collecting Evidence in Foreign Jurisdictions"; "7. Damages and Compensation: How Much to Sue For?"; "A. Methods Used to Quantify Compensation, Restitution, or Illicit Proceeds"; "B. Beyond the Presenta€?Emerging Theories"

"8. Enforcement and Collection of Judgments""A. The Recognition and Enforcement of Civil Judgments in an International Context"; "B. The Challenges of Collecting Civil Judgments"; "9. Using Insolvency, Receivership, or Similar Proceedings to Trace or Recover Assets"; "A. Purpose of Insolvency or Similar Proceedings"; "B. Using Insolvency Proceedings in Asset Recovery Cases"; "10. Conclusion"; "Appendix A. Glossary"; "Appendix B. Case Studies"; "1. Case of Mr. Diepreye Solomon Peter Alamiyeseigha (United Kingdom)"

"2. *Zambian Government v. the former Zambian President, Frederick Chiluba* (United Kingdom)"; "3. *Kartika Ratna Thahir v. Pertamina* (Singapore)"; "4. *Federal Republic of Nigeria v. Joshua Dariye & Another* (United Kingdom)"; "5. *JSC BTA Bank v. Ablyazov & Others* (United Kingdom)"; "6. *Attorney General of Turks and Caicos Islands v. Star Platinum Island Ltd. et al.*"; "Appendix C. Table of Cases Mentioned"; "1. Core of text"; "2. Cases mentioned in footnotes"; "Appendix D. Resources"; "1. Website Resources"; "2. Publications and Studies"; "Boxes"

"1.1 States Are Legal Persons Entitled to Bring Claims: The Ferdinand Marcos Case (United States)"

Sommario/riassunto

Over the last decade, the topics of corruption and recovery of its proceeds have steadily risen in the international policy agenda, with the entry into force of the United Nations Convention against Corruption (UNCAC) in 2005, the Arab Spring in 2011, and most recently a string of scandals in the financial sector. As states decide how best to respond to corruption and recover assets, the course of action most often discussed is criminal investigation and prosecution rather than private lawsuits. But individuals, organizations, and governments harmed by corruption are also entitled to recover I
