



**澳門大學**  
**UNIVERSIDADE DE MACAU**  
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**International Legal Assistance for Confiscation of Proceeds  
of Crime under United Nations Convention against  
Corruption**

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I, Chen Lin Jun, hereby declare that, I am the author of the above thesis and it is my original research work.

This work has not been submitted anywhere else, either in part or whole, for a degree or other academic credits.

I undertake the sole responsibility for any inaccuracy in this declaration.

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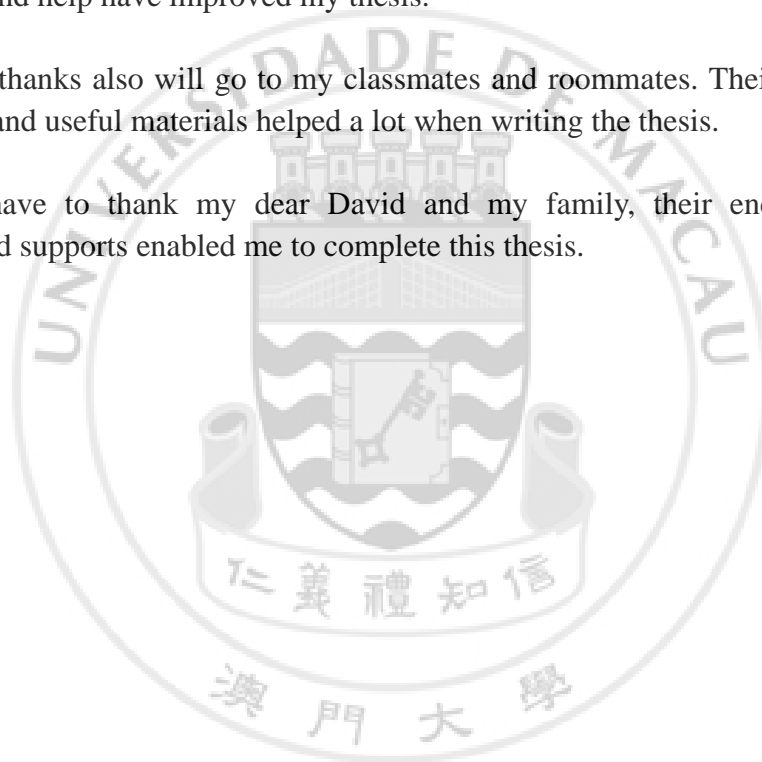
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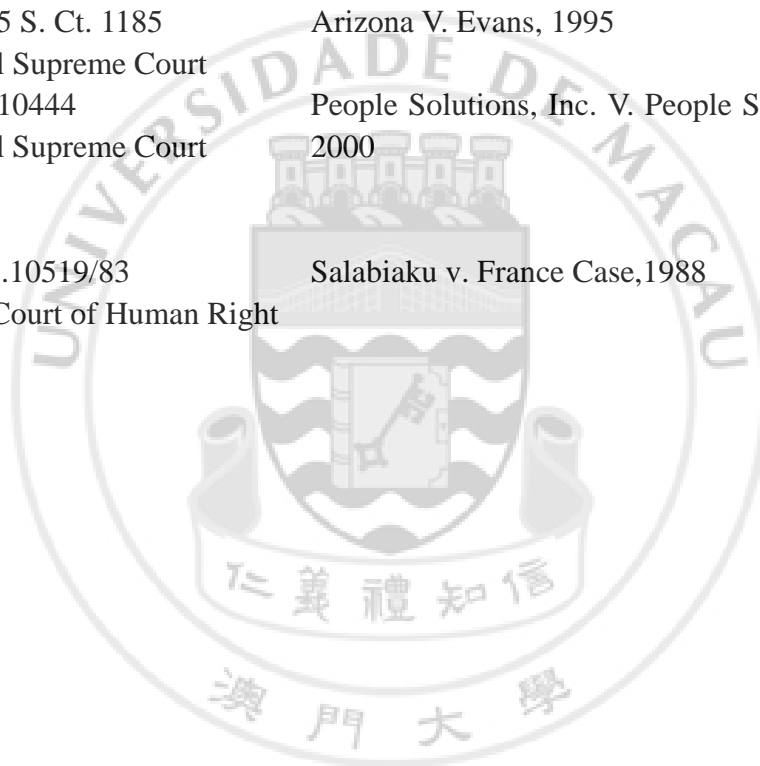
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## **Abstract**

With economic globalization, there is an increasing rate of cross border crime. Governments realize it is inefficient or not sufficient to control crimes within their territory by simply using their internal powers. Therefore, some conventions were drafted aiming at standardizing substantial crimes and also at strengthening procedural cooperation among countries in criminal matters. Legal assistance for confiscation of proceeds of crime is one aspect that has been addressed in recent years by many conventions. The purpose of legal assistance is to effectively trace and confiscate assets, especially in matters such as money laundering and corruption. To effectively prevent and control these crimes and to find and confiscate the proceeds, it is necessary to have legal assistance among different countries so as to ensure cooperation and a degree of harmonization on asset confiscation. When the process happens to be successfully concluded, the issue of asset sharing among the jurisdictions involved then arises.

The substantive international rules on asset confiscation will be presented and discussed in the thesis, based on the important global convention, the 2003 United Nations against Corruption. A small reference will also be made to civil confiscation, which is not required by international law and is an optional approach in the fight against crimes.

The thesis shall address the methods of cooperation. How does legal assistance work? Are there obstacles to cooperate?

**Key Words: international legal assistance, seizure, confiscation, proceeds of crime**

## **Abbreviations**

CCAC	Commission Against Corruption of Macao
CDD	Customer Due Diligence
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EAG	Eurasian Group on Combating Money and Financing of Terrorism
EU	European Union
FATF	Financial Action Task Force
FIU	Financial Intelligence Unite
HK	Hong Kong
HKSAR	Hong Kong Special Administrative Region
ICAC	Independent Commission Against Corruption of Hong Kong
IMF	International Monetary Fund
Interpol	International Criminal Police Organization
MSAR	Macao Special Administrative Region
POCA	Proceeds of Crime Act
STR	Suspicious Transaction Report
U.S.C.	United States Code
UN	United Nation
UNCAC	United Nation Conventions against Corruption
UNODC	United Nations Office for Drug Control and Crime Prevention
UNTOC	United Nation Conventions against Transnational Organized Crime



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