



ANTI-CORRUPTION INITIATIVE  
FOR ASIA AND THE PACIFIC

From Pandemic to Recovery:

# Building Resilient Economies through Transparency, Integrity, and Trust



# China's Special Confiscation Procedures of Illegal Proceeds and its Application in International Cooperation for Asset Recovery

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# Background

- In 2012, China amended its Criminal Procedure Law



- In 2017, the Supreme People's Court and the Supreme People's Procuratorate jointly released a judicial interpretation on the special confiscation procedures

- 1. Special Confiscation Procedures:  
Applicable Conditions  
Key Rules of Rights Protection**
- 2. Some experience and challenges on  
international cooperation in asset recovery**

# Special Confiscation Procedures

## Applicable Conditions

- Very strict precondition
  - The suspect or defendant is dead
  - The suspect or defendant escapes and is wanted for more than one year

# Special Confiscation Procedures

## Applicable Conditions

- Very limited scope of crimes
  - Corruption
  - Terrorism
  - National security
  - Drugs
  - Money laundering

# Special Confiscation Procedures

## Applicable Conditions

- Very accurate scope of property
  - illegal proceeds: direct illegal proceeds , benefits
  - contraband
  - personal belongings used for offense
- confiscation of equivalent value ✘

# Special Confiscation Procedures

## Key Rules of Rights Protection

- The right to know
  - Notice by publication—mandatory
    - 6 months
  - Supplementary notice

# Special Confiscation Procedures

## Key Rules of Rights Protection

- The right to entrust an agent ad litem
  - The suspect or defendant
  - An interested party

# Special Confiscation Procedures

## Key Rules of Rights Protection

- The rights of interested party
  - when the publication period expires
  - fails to participate in the proceedings during the first trial

# Special Confiscation Procedures

## Key Rules of Rights Protection

- The right to appeal
  - within 5 days after the court of first trial has issued the ruling
  - the close relatives of the suspect, defendant and other interested parties

# Some Experience and Challenges

useful experience

- Fast and effective asset preservation
- Professional and accurate asset tracking
- Smooth communication and collaboration

# Some Experience and Challenges

Difficulties and challenges

- The different judicial systems
- The different specific rules of non-conviction-based confiscation procedures



Some misunderstandings

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## Thank you!

