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THE PRIORITY ACTIVITIES OF BUILDING SYSTEM TO RETURN ASSETS ACQUIRED CRIME IN UKRAINE

The returning of assets, that was removed from Ukraine by officials of former government, are very important. According to various estimates, the amount of these assets is approximately 70 billion dollars. However, this problem should not be the only tactical challenge for the current government. Necessary measure to safeguard national security of Ukraine are to build an effective system of asset recovery, the operation of which does not depend on the staff of the authorities or the state police.

An effective anti-corruption policy should not be limited search and asset recovery for crimes that have been committed. Understanding the officials of the fact that any assets of corruption is found and confiscated by the state, and the availability of relevant precedents may be the limiting factor in making decisions on official corruption act.

The experience of countries, that have faced similar facts resonant withdrawal of assets, acquired as a result of the abuse of power or of committing corruption crimes shows that the return of such assets are very difficult. Prospects for its solution are, however, as practice shows, not fully.

The return of corrupt assets involves three stages.

Stage I. Upon recommendation of the competent authorities opened legal proceedings on suspicion of misappropriation of funds in certain official.

Phase II. Appeal to governments that contain accounts of the person to seize the accounts in the specified amounts.

Stage III. Appeal to the Court of the country that contains accounts officer requesting to open a criminal case in connection with obtaining property as a result of corruption

However, the discrepancy in expectations about asset recovery - is not the only problem that faced the country from which the funds were withdrawn criminal regimes. More complex problem was the organization use the returned funds. For example, in Nigeria refund occurred directly to the state budget of Nigeria. However, in power left many supporters of the previous government, corruption schemes continued to exist, NGOs do not have any significant effect on the distribution of funds. As a result, many facts were reported misuse of returned funds, procurement-related companies and other abuses.

Specificity of corruption crimes implies the need to move obtained in a criminal way of money, which is why such crimes often reach internationally, and repayment becomes a matter of a few countries. Therefore, international cooperation in the return of funds derived from corruption offenses and withdrawn from the country, gaining relevance.

There is experience in asset recovery through the creation of non-governmental funds under the control of these funds by international observers. In this way, the return of assets carried out in Angola and Peru. However, the disadvantage of such a system the refund is that it deprives governments of political will to refund.

In order to provide a framework for an effective system of asset recovery in Ukraine must take the following steps:

1. Ministry of Justice of Ukraine - to develop a draft regulation of seizure, confiscation and return of property obtained by crime, where the expected order of storage and protection of arrested property, order the transfer of property rights of the former owners of the competent authority, order the confiscation and seizure of intangible assets, the introduction of registry arrested and confiscated property.
2. General Prosecutor of Ukraine - to ensure the opening of criminal proceedings against all persons whose assets have been frozen under international sanctions.

3. Government of Ukraine - to amend the legislation of Ukraine, which lead it into line with international law on counteraction to legalization (laundering) of proceeds from crime and with international bodies (FATF).
4. Interdepartmental Committee on the state return money received and bred abroad due to corruption - to ensure the development of appropriate provisions on the coordination of services that perform the functions of counteraction to legalization (laundering) of proceeds from crime and asset recovery for their effective functioning. Provide for public fund chaired by international institutions, which will be available to refund.

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