

REFERENCE INFORMATION
ABOUT ASSET RECOVERY COMMITTEE
OF THE GENERAL PROSECUTOR'S OFFICE
OF THE REPUBLIC OF KAZAKHSTAN
(March, 2025)

The Republic of Kazakhstan actively supports international initiatives to counter modern challenges and threats, including the fight against corruption.

As is known, corruption has a negative impact on all three dimensions of sustainable development: economic, social and environmental.

Corruption undermines democratic processes, increases injustice in society, and leads to the unjust enrichment of a narrow group of people.

In this regard, Kazakhstan is taking a set of measures to strengthen the country as a fair and honest state.

Mechanisms for the **protection of human rights** have been significantly **improved**.

The Law of the Republic of Kazakhstan “**On the return of illegally acquired assets to the state**” (hereinafter referred to as the Law) also pursues the goals of protecting the rights of the people of Kazakhstan and restoring social justice.

The implementation of the Law is entrusted to three main structures.

This:

- Commission under the leadership of the Prime Minister;
- Asset Recovery Committee of the General Prosecutor's Office;
- Management Company.

The Commission is developing recommendations on systemic measures, mechanisms and methods for asset recovery. Its members include the first heads of key government bodies, deputies of both Houses of Parliament, and representatives of civil society.

The Asset Recovery Committee (hereinafter referred to as the Committee, department) is a working body of the Commission and implements all the main functions of identifying, verifying the origin and returning illegally acquired assets. For these purposes, the Committee also carries out international legal cooperation.

The Management Company ensures the safety, manages and sells the returned assets with the proceeds credited to a special state fund.

The Committee applies new mechanisms and methods of return established by the relevant Law.

One of the main principles of the Law is to **encourage voluntary return**.

Its advantage is that part of the property can be retained by the subject.

In addition, a voluntary return agreement may provide not only for the transfer of assets to the state, but also other socio-economic obligations.

For example, it can be invested in projects that the country needs and that directly affect the welfare of citizens.

In addition, upon voluntary return, the subject receives a number of legal opportunities and guarantees, including exemption from liability.

To date, the Commission under the leadership of the Prime Minister of the country has approved the conclusion of more than **57 agreements** and other measures for the return

of assets worth over **1.8 billion euros**. More than **1 billion euros** have already been returned to the state.

The Management Company has sold assets worth more than **29 million euros**, including foreign assets.

It is important to note that the Management Company uses in its activities different methods of managing assets provided for by law.

These are property lease (hiring), transfer to trust management, conservation, sale, transfer of assets to state ownership and others.

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To date, the Government has approved financing from the Special State Fund for **16** social projects worth **207 million euros**.

Among them are 6 schools in four regions of the country for **15 million euros**.

For example, a new school with **150 seats** will be built in one of the villages.

This will eliminate the shortage of student places and expand employment opportunities for the local population.

In three more regions, **4 healthcare** facilities will be modernized using the **127 million euros** returned to the state.

They will be equipped with innovative medical equipment and the latest technology, and additional jobs will open.

In two regions it is planned to build **2 kindergartens** worth **18 million euros**, and in two more regions **3 sports complexes** worth **23 million euros** will be built.

A number of subjects of the Law additionally assumed obligations to implement investment and social projects.

This includes the construction of cultural, educational, and sports facilities, and the financing of rehabilitation and socialization programs.

Investment projects are expected to build and modernize production facilities, create new jobs, increase tax revenues and increase the country's export potential.

Agreements with subjects define specific parameters of objects, success criteria and responsibility for their failure.

If the conditions are violated, a fine and penalties will be paid; if the project is not implemented, an equivalent amount will be transferred to the Special State Fund.

Thus, the work of the Committee on voluntary asset recovery covers all the main components - these are:

- 1) replenishment of the republican budget;
- 2) return of assets in kind;
- 3) reinvestment of capital;
- 4) realization of social projects.

Today's achievements of the Committee are the result of the manifestation of goodwill by the subjects of the Law to build a dialogue with the state and willingness to invest acquired capital in the national economy for the benefit of the people and the prosperity of the country.

If there is no such initiative and the Committee has reasonable doubts about the legality of the origin of the asset, then enforcement mechanisms may also be used.

The main tool is the **unexplained wealth claim**.

In such court cases, the main burden of proof lies with the defendant.

If he cannot reliably refute the Committee's arguments about the illegality of the origin of the asset, then the property, by court decision, turns into state income.

By filing such claims, the return of assets for **28 million euros** to the state was ensured.

A stable judicial practice has been formed on claims of unexplained wealth.

The defendant immediately admitted **one of the claims** and voluntarily returned the illegally acquired property to the state.

In the **second claim**, a court decision was made recognizing the property in question as assets of unexplained origin.

This judicial act, totaling over **9.2 million euros**, has been fully executed.

Among the assets returned to the state are money, jewelry and branded accessories, as well as objects of historical and cultural value.

The **third claim** of the Committee, satisfied by the court, provides for the conversion of **100% of the shares** of an illegally privatized company to the state and the **fourth claim was satisfied by court for 130 thousand euros**.

An important area of the Committee's activities is international legal cooperation.

The Committee signed memorandums of cooperation with the National Central Bureau of Interpol of the Ministry of Internal Affairs of the Republic of Kazakhstan, the National Anti-Corruption Center of the Republic of Moldova, the Commission for the Confiscation of Illegally Acquired Property of the Republic of Bulgaria and the New Bulgarian University.

Contacts have been established and interaction is being carried out with key international organizations. These include the UN, OSCE, Council of Europe, OECD, Interpol, FATF and inter-agency networks in the field of asset recovery GlobE, CARIN, ARIN and BAMIN.

Representatives of the Committee are identified as contact persons in the networks and actively participate in their meetings.

Committee's employees took part in meetings of the Interpol working group on the implementation of a new tool for the search and return of assets - "Silver Bulletin" and "Silver Notice" in Rome (Italy), as well as the BAMIN networks in Struga (North Macedonia), GlobE in Beijing (China), CARIN in Paris (France), ARIN in Seoul (Korea) and Sydney (Australia), FATF in Vienna (Austria).

At the invitation of the OSCE, in April 2024, the head of the Committee, as a speaker, took part in a meeting of the Economic and Environmental Committee of this organization in Vienna (Austria) on the topic: "Challenges and opportunities in the fight against corruption and promoting asset recovery through the effective use of digital tools."

In addition, representatives of the Committee visited Brussels and Mechelen (Belgium), Bern (Switzerland), Indore (India), Budapest (Hungary), Belgrade (Serbia), St. Petersburg (Russia), Minsk (Belarus), Tashkent (Uzbekistan) and Baku (Azerbaijan). During the visits, the Law and the work of the Committee were presented, and bilateral meetings were held to establish long-term cooperation.

Such measures contribute to the effective exchange of best practices in asset recovery, as well as the development of the competence of agency employees.

As a result of productive interaction with foreign partners, including the OSCE and UNODC, more than **50 prosecutors** received training on current topics.

Representatives of competent authorities of foreign countries, leading professors and international practitioners-experts in the field of asset recovery, as well as an honorary circle of academicians were involved in the training events.

At the initiative of the OSCE, a national expert provided technical assistance to the Committee, including analyzing international experience in asset recovery in the areas of:

- application of civil confiscation of property;
- searching for information about companies, movable and immovable property, including securities, using OSINT tools;
- providing asset recovery units with direct access to information constituting banking, tax and other secrets, as well as information from financial intelligence units;
- alienation of assets.

The purpose of all ongoing activities is to exchange experience, study standards and further improve mechanisms and methods for asset recovery.

The Committee continues to actively expand international cooperation, both in multilateral and bilateral formats.

**Asset Recovery Committee
General Prosecutor's Office
Republic of Kazakhstan**