

Mission permanente
de l'État du Qatar
auprès de l'Office
des Nations-Unies à Genève



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**Subject: Advisory Committee's questionnaire prepared pursuant to Council
resolution 31/22**

The Permanent Mission of the State of Qatar to the United Nations Office and other international organizations in Geneva presents its compliments to the Secretariat of the Human Rights Council Advisory Committee and has the honour to refer to the latter's Note Verbale dated 18 November 2016 and its attachment the questionnaire on *the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation*, prepared by the Advisory Committee pursuant to the Human Rights Council resolution 31/22

The Permanent Mission of the State of Qatar is pleased to attach herewith the responses to the questionnaire as received from the competent authorities in the State of Qatar.

The Permanent Mission of the State of Qatar avails itself of this opportunity to renew to the Secretariat of the Human Rights Advisory Committee the assurances of its highest consideration.

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Human Rights Council Advisory Committee Questionnaire

3. What are the challenges that inhibit repatriation of illicit funds to countries of origin?

There are two types of challenges that countries face usually when trying to repatriate funds to their country of origin:

a) Legal Challenges

This is often represented by the differences in legislative requirements related to asset repatriation, where one country's legislation requires some elements that cannot be met by the country of origin. Usually, these requirements, however, are there to protect the human rights of the defendant.

b) Operational Challenges

These are found in the long procedural aspects related to asset recovery. Sometimes, due to the lengthiness of such procedures, the recoverable assets cannot be even frozen in preparation for further steps.

4. What are the negative impacts of non-repatriation of funds of illicit origin on the enjoyment of human rights? What are the positive impacts in cases where such funds were returned to the country of origin?

Some of the negative impacts that result from non-repatriation of funds of illicit origin to their country of origin are:

a) Deprivation of right of lawful ownership

People whose assets get stolen and transferred lose their chance to enjoying the funds that they have legally acquired.

b) Weakening the deterrence effect of the penalties, both at the public and the private levels:

When assets are stolen and not restored due to any reason the grip of justice becomes weak, as the criminal who was able to get hold of the funds will enjoy their illicitly obtained funds, which will encourage them to carry out further illicit operations, causing tremendous detriment to the private deterrence factor of the penalty.

On the other hand, the general public will also be induced to be involved in such illicit operations, due to lack of effective penalization system, which causes the destruction of the public deterrence factor of the penalty.

The opposite of this is true. Where assets are recovered, people will enjoy their legally obtained funds. The grip of law will be strong as the private and public deterrence factors will be clearly materialized.

5. From your perspective, what is the applicable legal framework, regarding funds of illicit origin and their repatriation, in terms of domestic law and international treaties.

The most comprehensive international treaty, thus far, dealing the subject matter of asset recovery, is the United Nations Convention Against Corruption.

6. Can you provide examples of best practices or recommendations for the successful return of funds of illicit origin?

The World Bank has launched in 2007 an initiative in collaboration with the United Nations Office on Drugs and Crime on Asset Recovery, called the StAR initiative. The World Bank and UNODC have been working with a number of countries since then on restitution of stolen assets and have made many successes. Further information can be found on the StAR website at the following address: www.star.worldbank.org

8. How can States, the United Nations, non-governmental organizations, national human rights institutions, and financial institutions contribute to the successful implementation of the return of funds of illicit origin to their countries of origin?

"An ounce of prevention is worth a pound of cure," thus go the saying. It should be emphasized that asset restitution is one piece of the big picture of combating financial crimes. Endeavors aiming at combating such crimes combine both preventive and punitive aspects, both of which are interdependent. So, all the above mentioned institutions should put the accent on the preventive measures applied by relevant entities, so that the latter part, i.e., punishment, can work properly.

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8. Would you be in favor or against the following points related to offshore companies?

publicly available international register of offshore companies

Yes NO

Prohibition of anonymous shares in limited liability companies (LLCs).

Yes NO

This is already applicable by Recommendations (24 & 25) of the FATF Forty Recommendations

Making the ultimate beneficiary nominee of shares publicly known to avoid tax evasion.

Yes NO