

## UK GLOBAL ANTI-CORRUPTION SANCTIONS REGIME FAQ

### **Q. Will the FCDO accept old or historical evidence?**

There are no limitation rules explicitly set out in the Anti-Corruption sanctions regime. The time-limit on a case would, however, most likely be subject to the “appropriateness” test laid out within the regulations.

### **Q. How will I know whether the FCDO has decided to or declined to investigate a case?**

As this is a foreign policy tool, rather than a judicial tool, the FCDO has no specific obligation to provide a response to civil society. The FCDO has stated that they cannot provide information about ongoing investigations as it often impacts other pending investigations.

### **Q. When making a submission on an individual to be designated, how helpful is it to the case if they are already designated elsewhere, for example, in the US?**

The UK Government’s [guidance](#) lists “collective international action” (policy point no. 4) as one of the factors it takes into consideration when deciding whether to impose sanctions. The FCDO has expressed its willingness to work together with other countries, principally, countries with these types of sanctions regimes, e.g., the US and Canada. Where a person is added to a US sanctions list, it would be a strong reason for the UK to do the same. However, the definition of corruption under the UK regime is more limited in scope than under the US regime. As the US regime has a much broader definition of corruption, there will be persons designated on their list that would not necessarily be considered sanctionable under the UK regime. However, the definition of “involved person” in the UK regime is very broad, making it possible to sanction persons who are facilitators of corruption.

### **Q. How can I determine whether a person has assets in the UK?**

There are a number of organisations with asset investigating expertise. If you suspect the target has assets in the UK, the UK Anti-Corruption Coalition (UKACC) has a number of members with specialist investigations teams that can be contacted for assistance.

### **Q. Does a case need to have a UK connection for the UK’s Anti-Corruption sanctions regime to apply?**

A UK connection is not a prerequisite for the imposition of anti-corruption sanctions. However, it will be valuable when the FCDO considers whether it is “appropriate” for the UK to apply or use sanctions in this context. If the target has assets in the UK, or spends time in or travels to the UK, then it will be much more persuasive in demonstrating how much impact the sanctions would have. However, there are some examples where the corruption is so egregious and serious, that the UK may impose sanctions to send a message that the target is not welcome in the country, regardless of whether they have a nexus in the UK.

### **Q. What are the asset recovery resources for victims of corruption? Is there a pathway for a country to apply for recovery to the FCDO once an individual has been sanctioned?**

Sanctions freeze assets, they do not “seize” assets. Once assets are frozen, they are still subject to investigation domestically or internationally. There is still the ability for asset return procedures to take place. In order for frozen assets to be seized, one would then need to go through either civil or criminal asset forfeiture or seizure procedures.

### **WHERE CAN I FIND FURTHER INFORMATION?**

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UKACC and REDRESS offer free online workshops to CSOs around the world on how to effectively use the GACS Regulations in their work. For further information on workshops and other support offered by UKACC and REDRESS, please contact Natalie Lucas ([Natalie@redress.org](mailto:Natalie@redress.org)).