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❑ Judge at Criminal Court

❑ Dutch Public Prosecution Service
Criminal Assets Deprevation Bureau

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International Legal Assistance
Department

Tirana 14 March 2007

The management of seized assets requires a professional approach.....

WHY???











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Sold for € 896.598,-

Ferrari, 1956

Type: 625/250 TRC.



Sold for € 1.216.687,-

Ferrari, 1960

Type:250 GT SWB •

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Sold for € 365.910,-

Ferrari, 1953

Type: 375 America Vignale •

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Sketch of the Dutch confiscation law

A value-based confiscation.
Imposing a confiscation order
creates an obligation for the
convicted person to pay a sum of
money to the State

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All the assets belonging to the suspect can be seized before judgment, with a view to the enforcement of the confiscation order to be imposed. Even if these

***B* assets were obtained legally.**

No limitation concerning the type of assets that can be seized.

The mayor player in the field of
asset confiscation is the public
prosecutor.
For the use of certain powers of
investigation the permission of the
examining magistrate is required.

A consequence of the seizure of objects is that the accused loses the power to dispose of the object.

Professional management of
seized assets should maximize the
profits and minimize the costs.

Art. 117 Criminal procedure Act

1. The seized object cannot be alienated....unless an authorisation has been obtained.

2. The authorisation mentioned in section 1 may be given by the Public Prosecutor's Service as regards objects:

- a. which are not suitable for storage
- b. of which the storage costs stand in no relation to their value
- c. which can be replaced and the counter value of which can be easily be determined.

- Car
- Cash
- Jewellery
- Painting
- Residence
- Boat

Value retention? Expenses
involved? Decision?

Once the alienation decision has been taken, the person involved will first be given the opportunity to recover the objects against production of a surety.

Art. 118 Criminal Procedure act

1. The Public Prosecutor's service can either officially or on behalf of the person involved or another interested party order the return against surety of an object seized

Art. 118 Criminal Procedure act

2. The surety implies the transfer of money by the party subject to the seizure or a third party, or in relation to a third party, as a guarantee for an amount and payment method accepted by the PPS

B.O.O.M. The Dutch Criminal Assets Deprivation Bureau

One of the tasks – on base of a
instruction governing seized
objects - is the management of
seized properties

Activities of BOOM

1. Depositing
2. Assessment
3. Providing surety
4. Alienating
5. Return

1. The police makes a report and send it to the local PP office.
2. Registration at the PP office.
3. Through the computersystem of the PPS automatically forwarded to BOOM
4. Registration in CEBES (Prejudgement and Executory Seizure System)

- The management of assets which are seized on request of a foreign country
- The management of assets which are seized on your request in a foreign country

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Tirana 14 March 2007