

## Senior Asset Recovery Specialist – Non-Conviction Based Forfeiture, Malawi

Job title: Senior Asset Recovery Specialist, Non-Conviction Based Forfeiture  
Place of work: Lilongwe, Malawi  
Start date: January 2021 or shortly thereafter  
Employment rate: 100%  
Contract duration: 1 year, renewable  
Reporting: Head of Programmes, ICAR; Team Leader, TSOC

### About the International Centre for Asset Recovery (ICAR)

ICAR is a specialist centre of the Basel Institute on Governance that works with countries around the world to strengthen their capacities to recover stolen assets. Particular emphasis is placed on hands-on mentoring to assist with financial investigations and with developing suitable strategies for prosecution and the confiscation of assets. ICAR also supports legislative and institutional reform processes, develops and delivers tailor-made training, and works with other international organisations to advance innovation and global policy dialogue on asset recovery.

### Tackling Serious and Organised Corruption (TSOC) Programme, Malawi

ICAR has been commissioned by the UK Foreign, Commonwealth and Development Office (FCDO), Malawi, to implement the Tackling Serious and Organised Corruption (TSOC) programme. The programme focuses on strengthening investigation and prosecution capacity with a view to recovering stolen assets. In addition, the programme supports a range of prevention-related activities in relation to the anti-money laundering and counter financing of terrorism (AML/CFT) framework and engages with non-state actors such as journalists, civil society organisations and the private sector.

### Responsibilities

The Senior Asset Recovery Specialist will be expected to support competent authorities to pursue non-conviction based forfeiture (NCBF) cases in accordance with provisions of the Financial Crimes Act (FCA) and the Corrupt Practices Act (CPA) of Malawi. He/she will be required to provide case-based mentoring, training, and legal and policy advice to prosecutors in the various competent authorities such as the Financial Intelligence Agency (FIA), Anti-Corruption Bureau (ACB), and the Asset Forfeiture Unit (AFU). As a result of this technical assistance, we expect to see a more effective application of NCBF powers in Malawi and, ultimately, an increase in the volume of frozen and forfeited assets. Moreover, we also expect the post holder to advise on criminal prosecutions at the Directorate for Public Prosecutions (DPP) and ACB as required.

The post holder will work with an in-country team of investigators and prosecutors under the supervision of the TSOC Team Leader and ICAR Head of Programmes. Key responsibilities include:

- Provide case-based mentoring and advice, including developing and implementing suitable strategies and analysis in support of civil and criminal cases within TSOC's remits.
- Assist investigators and prosecutors through mentoring, training, and advising on financial investigations and asset tracing, as well as the application of asset recovery laws, especially NCBF.
- Support the development and implementation of criteria for prioritising cases with asset recovery prospects.
- Support effective coordination and cooperation between law enforcement agencies in Malawi with a view to facilitating effective prosecutions.
- Coordinate and cooperate with international partners both formally and informally in the context of international judicial cooperation.
- Draft and promote procedures for law enforcement authorities to identify and report potential asset recovery cases through a centralised process.
- Assist in the drafting of policies, rules and enhanced procedures for managing cases involving asset forfeiture at the ACB and the DPP's Asset Forfeiture Unit.
- Assist in establishing appropriate databases and case management systems that track cases and values of forfeitures and seizures as needed.
- Review current NCBF legislation and identify opportunities for enhanced uptake, awareness, training, and application of NCBF powers by the relevant authorities.
- Propose amendments to the current legislation.
- Work with headquarter-based staff, partner agencies and the TSOC team to develop and deliver the programme strategy and outputs.
- Contribute to the preparation of work plans, reports, and monitoring and evaluation related deliverables.
- Complete timely reporting inputs under the direction of the TSOC Team Leader to ensure that programme progress is accurately reported in line with work plans, the logframe, and the programme's strategy.

### Qualifications

- Qualified lawyer licensed to practise in a common law country.
- At least 15 years' exposure to asset recovery with extensive proven experience in NCBF.
- Experience working in donor-funded programmes in the context of rule of law or anti-corruption in developing or transition economies. Experience working in Sub-Saharan African countries a plus.
- Proven track record in mutual legal assistance procedures where proceeds of crime were traced or repatriated to foreign jurisdictions.

- Experience working collaboratively with various law enforcement authorities working on asset recovery cases both locally and abroad.
- Advanced drafting skills, including pleadings, briefs, memoranda, orders, draft legislation, and policies.
- Ability to develop systems and procedures as well as new policies for asset recovery.
- Ability to build working relationships with senior-level government employees.
- Native-level English speaking and writing skills.

### **Remuneration package**

The salary will be commensurate to experience and responsibility. Additional allowances for field staff may apply, including health allowance, accommodation allowance and one home leave flight per 12-month period. The position is entitled to 25 days of paid leave per 12-month period and 5 days of paid home leave per 12-month period. Spouse allowance is applicable for this position.

### **Application**

Please email your full application file, including a motivational letter in English and your detailed CV (merged into a single PDF file) by 1 December to [application@baselgovernance.org](mailto:application@baselgovernance.org). Only short-listed candidates will be contacted.