

Legal Recovery Pathways — The Architecture Already Exists

UNCAC Chapter V · UK POCA / UWO · Magnitsky regimes · Swiss FIAA · Singapore CDSA/MACMA · universal jurisdiction · civil torts · FATF/APG. The architecture for recovering both misappropriated movement funds and war-era state-capture wealth — and for routing recovery into a community-trust restitution structure.

This brief does not name a target, an asset, or an account. It establishes that the categories of conduct in the previous dossier fall squarely within the reach of multiple concurrent legal regimes — built up, case by case, over forty years (Abacha, Marcos, Duvalier, Mobutu, Ben Ali, Mubarak, Lazarenko, Syrian command). Activation is a civil-society question, not a legal-gap question.

§1 Two asset pools

Pool A — misappropriated movement funds: diaspora-solicited funds diverted for personal enrichment, offshore parking, or organisational capture. Pool B — war-era and post-war state-capture wealth: procurement corruption, war profiteering, post-war economic capture of N-E land, tourism and ports.

§2 Nine pathways

1. UNCAC Chapter V (Arts 51–59). Sri Lanka acceded 31 Mar 2004. Art 54(1)(b) non-conviction-based forfeiture; Art 55 MLA; Art 57(3)(c) return to 'prior legitimate owners' — critical for Pool A.
2. UK POCA 2002 Part 5 + Unexplained Wealth Orders (CFA 2017, s. 362A–I). Hajiyeveva [2020] EWCA Civ 108.
3. Magnitsky-style sanctions — UK GHR Regs 2020 (SI 2020/680), US EO 13818, Canada JVCFOA 2017, EU Reg 2020/1998, Australia (2021).
4. Swiss Foreign Illicit Assets Act (FIAA) 2016. Art 3 'collapsed rule of law'; Art 17(2) restitution direct to the population. Precedents: Duvalier, Mobutu, Ben Ali, Mubarak.
5. Singapore CDSA + MACMA. Foreign-serious-offence predicate; reaches professional enablers (s. 47). 2023 S\$2.8B case.
6. Universal jurisdiction. UK CJA 2009 s.70; German VStGB (no nexus required); France, Spain, Argentina. ITJP filings in Argentina already create a foreign-judicial record usable as MLA grounding elsewhere.
7. Civil torts in host states. US ATS/TVPA; UK Group Litigation Order / class action for donor fraud, deceit, breach of charitable trust; Canadian Class Proceedings Acts.
8. Community-trust restitution architecture. UNCAC Art 57(3)(c) + FIAA Art 17(2) + comparators (UN Compensation Commission, Claims Conference, Kosovo Trust Agency, Liberian GEMAP) supply the building blocks for a non-state trustee returning recovered assets to Tamil community beneficiaries — not to Colombo.
9. FATF / APG Mutual Evaluation lever. R.12 (PEP EDD), R.13 (correspondent banking), R.38 (MLA effectiveness). Civil-society submissions to the next APG MER on Sri Lanka are a structurally consequential, non-litigious pathway.

§3 Strategic sequencing

Document -> file with one accredited judicial body -> activate FIUs (EGMONT) -> secure a Magnitsky designation (fastest) -> UWO or NCB civil recovery -> MLA chain to CH/SG -> register the community trust

before recovery completes -> submit to APG MER in parallel.

§4 What this is not

Not a list of targets. Not vigilantism. Not accusation. Not new — every comparator listed has been litigated for decades. The architecture exists; activation is a sustained civil-society question.

Sources

- UN Convention against Corruption (Chapter V).
- Proceeds of Crime Act 2002 (UK) + CFA 2017.
- UK Global Human Rights Sanctions Regulations 2020.
- Swiss Foreign Illicit Assets Act (FIAA) 2016.
- Singapore CDSA + MACMA.
- FATF / APG Mutual Evaluation methodology.
- US OFAC SDN — comparator regime.
- ICJ — Sri Lanka PTA jurisprudence.

What this is not

- This article does not name targets, beneficial owners, accounts, or jurisdictions of suspicion.
- This article does not call for blanket sanctions.
- This article does not accept asset-trace intake on the public site — route to NCA, SFO, your host-state FIU, EGMONT, or Transparency International.
- This article does not act as the trustee — the community-trust architecture is a structural recommendation, not a TLTE bid.