



PRESS RELEASE

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Bill to amend the Proceeds of Crime Act 2015

Today, the Minister with responsibility for Justice, the Hon Neil Costa, has published a Bill containing amendments to the Proceeds of Crime Act 2015.

This Bill will expand upon the current definition in that Act of ‘unlawful conduct’ to include conduct outside Gibraltar by a public official that constitutes a gross human rights abuse. This is further defined in the Bill as the torture or inhuman, cruel or degrading treatment of a person on the grounds that such person has been obtaining, exercising, defending or promoting human rights, or has sought to expose gross human rights abuse conducted by a public official.

As a result, any property obtained through this conduct will be subject to the existing civil recovery powers within the Act including the freezing of assets obtained and their subsequent forfeiture. This amendment reflects a similar change made in the UK earlier this year, but not yet in force there, which came out of the so-called “Magnitsky Amendment”, (named after the Sergei Magnitsky, a Russian lawyer who was tortured and died in prison in Moscow in 2009 after exposing an alleged \$230m (£184m) fraud carried out by leading Kremlin officials).

Commenting on the publication of the Bill the Minister for Justice Neil Costa said:

“I am delighted to cause the publication of the Bill which once again shows the commitment of this Government to ensuring that Gibraltar has all the legislation necessary to prevent the laundering and retention of money by persons involved in unlawful conduct. This Government introduced the Proceeds of Crime Act in 2015, which included “recovery orders” for the first time in our legislation, and has not shied away from introducing any necessary or desirable amendments to it since then to ensure that our law enforcement agencies have all the tools they need to recover the proceeds of crime.”