

# “Contemporary Measures For Effective International Cooperation – Malaysia’s Experience”

**Kamal Baharin bin Omar**

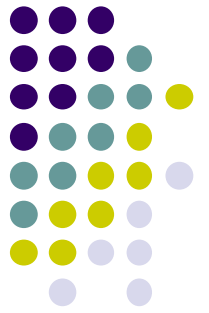
Deputy Director I

Legal and Prosecution Division

Malaysian Anti Corruption Commission



**Anda Boleh Lakukan Perubahan,  
PERANGI Rasuah**

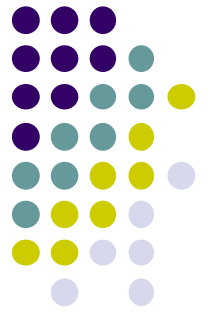


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1. Governing Laws
  2. Central Authority
  3. Types of Request
  4. Formal v Informal Request
  5. Challenges
  6. Best Practices



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# Governing Laws

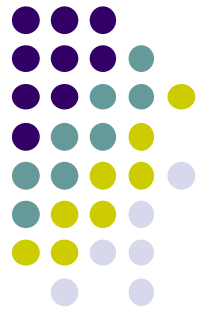


1. Mutual Assistance in Criminal Matters Act 2002 [Act 621]
2. Treaties (bilateral or multilateral)
3. Special Direction of Minister under s. 18 of MACMA



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# Central Authority



- Ss 7 and 19 MACMA – Attorney General

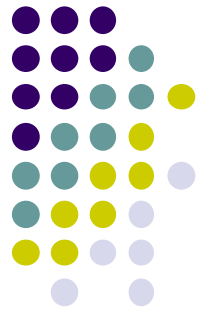
s. 7 – Request to be made by or through Attorney General

s. 19 – Request to be made to Attorney General



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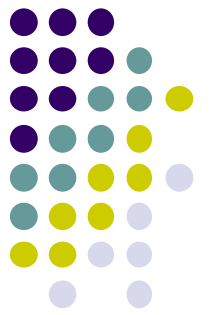
# Types of Request (s. 3 MACMA)



1. Providing and obtaining evidence;
2. Making arrangements for person to give evidence;
3. Recovery, forfeiture or confiscation of property;
4. Search and seizure;
5. Location and identification of witnesses and suspects;
6. Service of process;
7. Identification or tracing of proceeds of crime or property.



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# Formal v Informal Request

- Formal Request

Request made under s. 7 and 19 of MACMA

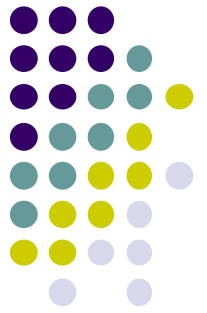
- Informal Request

Request made by virtue of bilateral cooperation between the investigating agencies

**TEST:** Are we able to legally obtain the matter for the particular purpose?



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Example:

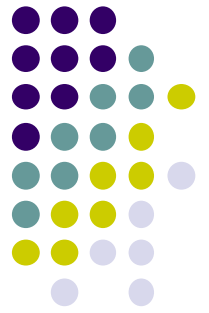
- Making arrangements for person to give evidence
- Location and identification of witnesses or suspects, proceeds of crimes
- Service of process

Summonses and Warrants (Special Provision)  
Act



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# Challenges



- Timing / Urgency

Transmission; process of approval; execution (application to court)

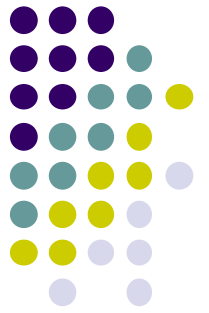
- Understanding the laws and procedures

Mandatory / discretionary grounds of refusal; undertaking; languages to be used;



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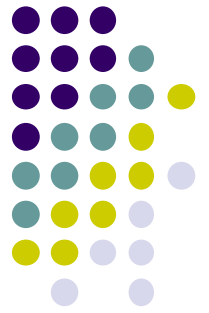
- Defective request

Central authority; insufficient / incomplete information



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# Solutions

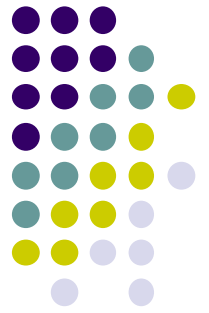


- Networking – knowing officer in charge of the matter
- Consultation on laws and procedures, and particulars of the request
- Alternative (informal request)



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# Best Practices



- Available information on website – reference / guidance
- Contact persons
- Consultation
- Monitoring systems on the progress of the request
- Internal networking between central authority and executing authorities.



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THANK YOU



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