

## **CHAIR'S SUMMARY**

### **Tenth Regional Seminar on Good Governance for Southeast Asian Countries Yogyakarta, Indonesia 26 – 28 July 2016**

#### **GENERAL**

1. The Tenth Regional Seminar on Good Governance for Southeast Asian Countries, co-hosted by the Corruption Eradication Commission (KPK) of Indonesia, the Attorney General's Office (AGO) of Indonesia, and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), was held at the Royal Ambarrukmo Hotel in Yogyakarta from 26 to 28 July 2016.
2. Officials and experts from the following jurisdictions attended the seminar: Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, Japan, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

#### **OPENING CEREMONY**

3. Mr. KEISUKE SENTA, Director of UNAFEI, Mr. BAMBANG WALUYO, Acting Vice Attorney General of Indonesia, and Mr. LAODE M. SYARIF, Deputy Commissioner of the KPK, delivered opening addresses, welcoming the participants to the Seminar, focused on the theme of *Contemporary Measures for Effective International Cooperation*, and emphasizing the importance of sharing strategies, practices and case studies to develop stronger international cooperation to combat corruption in the ASEAN region and beyond.
4. Mr. KOZO HONSEI, Minister (Deputy Chief of Mission), Embassy of Japan in Indonesia, delivered a special address welcoming the participants, stating that corruption is an obstacle to good governance and democracy in all countries and stressing the need to counter corruption by engaging the support of the public. Mr. HONSEI noted Japan's decades-long partnership with ASEAN countries and stressed that the government of Japan stands ready to provide support to the region in its fight against corruption.

#### **KEYNOTE ADDRESS**

5. MR. SENTA delivered his keynote address, recalling the theme of this year's Seminar and the four key discussion topics: (1) international cooperation in generating leads; (2) best practices for international cooperation in investigating corruption cases; (3) international cooperation in the trial of corruption cases; and (4) international cooperation relating to asset recovery.

## **PURPOSE OF INTERNATIONAL COOPERATION**

To combat corruption in the modern era, investigators and prosecutors must engage in the collection of evidence, information and assets from foreign jurisdictions. *Evidence* collected through this process must be admissible and material; *information* in the form of leads or suspicious transaction reports can lead to increased enforcement and, in the long run, prevention of corruption; *assets*, the proceeds of corruption, must be repatriated to the country from which the proceeds were taken. Although common experience suggests that the process of obtaining evidence, information and assets from foreign jurisdictions is often a time consuming and discouraging process, this mindset needs to change.

## **HYPOTHETICAL CASE**

MR. SENTA presented a hypothetical case demonstrating the complexity of conducting investigations in other jurisdictions, but the case also showed that evidence and information can be obtained through means of informal assistance, which can result in the collection of leads and evidence that will lead to successful prosecution. Thus, pursuing informal assistance before resorting to a formal MLA request is generally a best practice. The hypothetical case demonstrated a number of important concepts: (1) investigators should be content with the level of assistance they can realistically obtain from foreign counterparts, (2) investigators should undertake all possible efforts to prove the case within their own jurisdiction before seeking international assistance, (3) mutual legal assistance (MLA) should only be resorted to if it is indispensable to the case, and (4) before sending a formal request, investigators should engage in open dialogue with the requested authority to make sure that the request has a high probability of being acted upon by the requested state.

## **THE LOS ANGELES CASE**

MR. SENTA also presented a particularly successful drug-smuggling case involving international cooperation that he had worked on as a Japanese public prosecutor. MR. SENTA succeeded in his mission to obtain written statements from witnesses in the United States, and some of the keys to success were: (1) a good working relationship had already been established between the officers in Los Angeles and the investigators in Japan; (2) the central authorities of both countries were very cooperative; (3) Japan had a legal attaché in Washington D.C.; (4) informal consultation had taken place prior to the submission of the formal MLA request; and last but not least, (5) the US permitted the Japanese investigators to be present during the execution of the request in Los Angeles (i.e., the recording of the witnesses' statements).

## **UNDERSTANDING THE JUDICIARY**

Finally, it is important to remember that judges act independently and do not take orders from any other authority. Thus, to draft formal MLA requests that are likely to be enforced by judges in foreign jurisdictions, it is important to cooperate with prosecutors in the requested jurisdiction so that expert advice can be obtained on drafting requests that comply with the jurisdiction's laws in order to increase the likelihood that they will be granted.

## **VISITING EXPERT'S LECTURE**

6. DR. KIM HAN-KYUN, Research Fellow at the Korean Institute of Criminology, delivered his lecture on the topic of *Contemporary Measures for Effective International Cooperation in the Fight Against Corruption—International Cooperation for Anti-Corruption: South Korean*

*Practices.* With ratification of UNCAC by 178 states parties (as of December 2015), the Convention has established opposition to corruption as a global norm and made the elimination of corruption a global aspiration. UNCAC focuses on four key areas: prevention, criminalization, international cooperation, and asset recovery. To achieve UNCAC's anti-corruption goals, the UNODC has released a guide titled *The United Nations Convention against Corruption National Anti-Corruption Strategies: A Practical Guide for Development and Implementation* (2015). The guide lays out specific strategies such as fighting corruption within the political, social, economic and cultural context of each state; generating sufficient political will; the involvement of civil society and so on. Accordingly, the guide recommends that each country should develop an action plan with clearly identified responsibilities and timelines for implementation of the national strategy. Moreover, the guide identifies a general process for asset recovery, which includes the steps of asset tracking, securing the assets, engaging in the court process, enforcing orders and repatriation of the assets to the requesting country. To develop procedures and practices for asset recovery, the Stolen Asset Recovery (StAR) Initiative focuses on training, technical assistance and building partnerships with and between jurisdictions. Other resources include the *UNODC Digest of Asset Recovery Cases*, the StAR Initiative's *Asset Recovery Handbook*, and the UNODC's *Mutual Legal Assistance Request Writer Tool*.<sup>1</sup>

## **REGIONAL COOPERATION**

At the regional level, the Asset Recovery Network-Asia Pacific (ARIN-AP) has been developed, with South Korea serving as the network's secretariat. ARIN-AP is an informal network to overcome the challenge of cross-border cooperation to combat money laundering. Because ARIN-AP is not a formal institution with legally binding obligations, members can cooperate quickly and informally in asset recovery cases, whether or not they have ratified bilateral or multilateral MLA treaties. The network is intended as a developmental step toward the establishment of an AsiaJust programme.

## **INTERNATIONAL COOPERATION IN KOREA**

In Korea, the Anti-Corruption Department of the Supreme Prosecutors' Office is primarily responsible for international cooperation in the fields of corruption and asset recovery, and has specialized teams dedicated to accounting analysis, money tracking, asset forfeiture, and financial intelligence. The government of Korea has entered into MLA treaties with 27 jurisdictions and extradition treaties with 30 jurisdictions. International cooperation typically takes the form of information exchange, joint investigation and deportation of criminals. MR. KIM concluded his presentation by reviewing a case of asset recovery in which criminal proceeds, for the first time, were successfully recovered from the United States under the Korea-US MLAT, which has been in force since 1997.

## **COUNTRY PRESENTATIONS**

7. VIET NAM: A number of institutions are involved in the fight against corruption, such as the Central Steering Committee on Anti-Corruption, which makes strategies, policies and plans, the Supreme People's Procuracy, which prosecutes corruption, the Ministry of Public Security, which conducts criminal investigations, and the State Bank of Viet Nam, which serves as the anti-money-laundering agency. Regarding international cooperation, Viet Nam ratified

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<sup>1</sup> Available at <[http://www.unodc.org/unodc/access\\_request.html](http://www.unodc.org/unodc/access_request.html)>.

UNCAC in 2009 and grants MLA requests pursuant to MLA treaties or based on reciprocity; dual criminality is required. Regarding extradition, the Ministry of Public Security serves as the Central Authority, and Vietnamese nationals cannot be extradited; in the case of extradition requests, dual criminality is an optional ground for refusal. The participants also presented two cases studies. In a successful case involving Viet Nam and Japan, both sides exchanged documents that established the bribery of Vietnamese officials by a Japanese company, and persons in both countries were successfully prosecuted. The second case was the Bio-Rad Laboratories case in which company officials were accused of making improper payments to Vietnamese government officials. The case was discovered in Viet Nam through public documents obtained from the United States Securities and Exchange Commission, but the documents did not contain information on the individuals in Viet Nam who were involved in the improper payment scheme. Viet Nam submitted a formal MLA request to the US seeking additional documents and evidence. After a face-to-face meeting with the US legal attaché, the Vietnamese were told that they had not complied with certain requirements listed on the MLA request form, including the initiation of a formal investigation before submitting the request. Although the US officials had resolved their case against Bio-Rad by imposing a monetary penalty of 55 million USD, no Bio-Rad officials were prosecuted. This case demonstrates that differences in legal systems and lack of coordination between authorities may reduce the effectiveness of requests for assistance. The participants from Viet Nam stressed the importance of overcoming differences among legal systems through frequent consultations among practitioners, developing friendships and goodwill, and enhancing the willingness to cooperate in order to successfully deal with criminal matters.

8. THAILAND: Formal and informal assistance, as well as technical assistance and capacity-building, are fundamental forms of international cooperation. Regarding formal assistance, the government of Thailand ratified UNCAC in 2011 and has entered into bilateral and multi-lateral MLATs and extradition treaties. Thailand had previously criminalized bribery, bid rigging, other fraudulent acts and money laundering predicated on corruption. In addition, Thailand had established the National Anti-Corruption Commission and the Public Sector Anti-Corruption Commission as government agencies to investigate corruption among politicians, executive officials and other public officials. Furthermore, good governance in the private sector is regulated by the Public Company Limited Act and the Securities and Exchange Act. When territorial and jurisdictional limitations prevent direct investigation of corruption by Thai authorities, they are empowered by law to seek and render mutual legal assistance by way of formal requests sent through Thailand's Attorney General as its Central Authority. The Act on International Mutual Assistance in Criminal Matters authorizes Thai authorities to seek and provide formal assistance including, *inter alia*, locating persons, conducting searches and seizures, and taking witness statements and testimony. Extradition is also permitted by law if the penalty in the requesting jurisdiction is more than one year, dual criminality is satisfied, and the offence is not political or military in nature. Cases presented during the presentation demonstrate that Thailand faces the challenges of pursuing corrupt officials beyond national borders, the length of time required to secure the extradition of officials back to Thailand, and the difficulty of repatriating proceeds and allocating costs of anti-corruption enforcement.
9. SINGAPORE: Corruption investigations are becoming more complex and time consuming due to the growing trend of criminals who abscond to other countries and hide bribery proceeds overseas. Accordingly, there is great need for cooperation between law enforcement agencies to fight transnational bribery and other crimes. Regarding formal cooperation, the Attorney General's Chambers is designated as Singapore's Central Authority based on the Mutual Assistance in Criminal Matters Act (MACMA) while the CPIB investigates corruption cases

and provides assistance to foreign agencies as they prepare their formal MLA requests. Singapore has extradition agreements with the USA, Germany, Hong Kong SAR, as well as the 40 declared Commonwealth countries. The CBIP also engages in informal cooperation to generate leads and provide informal assistance prior to the receipt of formal requests. Informal cooperation is facilitated through regular communication with the investigative agencies in other jurisdictions, as well as through participation in SEA-PAC and other bilateral working groups. The CPIB also shares financial intelligence among FIUs in the form of suspicious transaction reports and utilizes INTERPOL for information sharing of intelligence, the identification of crime trends and for training in investigation. Joint operations are a key practice employed by the CPIB. Although joint operations can only be used for intelligence gathering and investigation, they allow quick and efficient sharing of information and facilitate the drafting of formal MLA requests, ensuring that necessary evidence is preserved through proper chain-of-custody procedures and so on. Singapore presented two case studies on joint operations, which demonstrated the importance of information sharing and collaboration among authorities, *inter alia*, to synchronize searches and seizures in both jurisdictions to prevent dissipation of evidence and to maintain close cooperation and timely exchange of information, which may allow cases to proceed in both countries without the need for the exchange of formal MLA requests.

10. PHILIPPINES: The participants from the Philippines focused on the legislative framework to combat money laundering and explained the development of the law through amendments to close loopholes in the Anti-Money Laundering Act (AMLA). Money laundering was criminalized in the Philippines in 2001, and the AMLA authorizes the investigation of suspicious transactions, the institution of civil forfeiture, rendering assistance to foreign governments seeking assistance to combat money laundering and so on. Despite these powers, the Philippines was non-compliant with FATF standards; in response, the Philippines undertook a series of remedial amendments. These amendments strengthened legal provisions on freeze orders and bank inquiries, and they also expanded the definition of “covered institutions” to natural and juridical persons and clarified the authority of the Anti-Money Laundering Council to freeze money or property through *ex parte* proceedings. Despite these efforts, the \$81 million Bangladesh cyberheist demonstrates that loopholes still remain, and law enforcement authorities still face challenges in suppressing money laundering, particularly in reference to the regulation of casinos. A comprehensive and effective AMLA including provisions that regulate the flow of money through casinos, together with timely implementation and effective enforcement, will certainly reduce the profitable aspects of criminal activity and, ultimately, discourage criminals from pursuing their illicit trade.
11. MYANMAR: The government of Myanmar is fighting corruption through strategies to enhance prevention, investigation and prosecution, and international cooperation. Regarding the prevention of corruption, the new government elected in 2016 has issued a directive limiting the value of gifts to public officials to about 25 USD, and the government recognizes the need for public-private partnership to combat corruption, as demonstrated through its efforts to raise public awareness of anti-corruption policies during major public festivals. When corrupt acts are detected, investigation and prosecution proceed under Myanmar’s new anti-corruption legislation. In August 2013, Myanmar adopted its second anti-corruption law and repealed the Prevention of Corruption Act, 1948. The new law established the 15-member Anti-Corruption Commission, which is appointed by the President with the approval of the Parliament and which is responsible to the President of the Union. The Commission is responsible for conducting investigations into allegations of corruption and illicit enrichment. When

allegations are received, the Commission forms investigation boards, which are chaired by a member of the Commission and are also composed of appointed citizens. Preliminary scrutiny boards are formed on a case-by-case basis. These investigating bodies are empowered to order searches and seizures of money and property, inspect and copy relevant documents and conduct suspect and witness interviews. If the suspect can explain the legality of his or her conduct, the suspect may be excused. Where grounds exist, the Commission can order the investigative board to file suit against the suspect in the appropriate court. From 2014 to 2016, a total of 2,108 complaints were received by the Commission; 8 were acted on by the Commission, 8 were acted on under the Civil Servants Regulation, and 482 cases were transferred to the relevant ministry. Myanmar continues to face the challenge of suspects and witnesses absconding after they are brought before the investigation board, and Myanmar is considering appropriate amendments to its laws and rules. Myanmar also engages in international cooperation through a variety of frameworks. Myanmar's domestic law on international cooperation is the Mutual Legal Assistance in Criminal Matters Law (2004), which was drafted with the help of the UNODC and the FATF. The Ministry of Home Affairs serves as the Central Authority for MLA requests related to corruption cases. Myanmar has ratified UNCAC and the ASEAN Mutual Legal Assistance Treaty and participates in SEA-PAC and other international organizations.

12. MALAYSIA: The legal bases for MLA in Malaysia are the Mutual Assistance in Criminal Matters Act 2002 (MACMA), bilateral and multilateral treaties, and Special Direction of the Minister of Law under section 18 of MACMA. MACMA establishes the Attorney General as the Central Authority for MLA, and authorizes assistance such as providing and obtaining evidence, conducting searches and seizures, identification and tracing of proceeds of crime or property and so on. Malaysia also provides informal assistance, which should always be the first step in the MLA process. Examples of informal assistance include, arranging witness statements, location and identification of witnesses or suspects, and service of process. A common challenge in the field of MLA and extradition is the timing and urgency of the MLA request. The requested state requires time to process the request and to seek approval and execution of the request by the court. Another challenge is the requesting state's understanding of the laws and procedures of the requested state and the submission of requests with insufficient or incomplete information. These challenges might be overcome through professional networking between officers and agencies, consultation on laws and procedures of the requested state and pursuing informal requests for assistance. Furthermore, the effectiveness of MLA can be enhanced by implementing the following best practices: reviewing relevant guidance from the requested authority on its website, the identification of contact persons for handling requests, consultation between the requesting and requested authority, establishing monitoring systems on the progress of requests, and internal networking between central and executing authorities.
13. LAOS: The participants from Laos provided an overview of the country's strategy to combat corruption. In 1999, the Lao government saw a large increase of corruption, especially in the public sector. In response, the government issued an anti-corruption decree that expanded auditing of state budgets. In 2001, the State Inspection and Anti-Corruption Authority was established, and that agency answers directly to the prime minister. Laos signed UNCAC in 2003 and ratified it in 2009; since then, Laos has engaged in the UNCAC implementation review process. Laos has criminalized (1) acceptance of bribes by government officials, (2) the act of bribing foreign officials and officials of international organizations, (3) trading in influence, (4) private-sector bribery and (5) money laundering. To strengthen enforcement,

Laos has criminalized obstruction of justice, enacted measures for witness protection, and engages in the practice of asset seizure and confiscation. Despite these measures, Laos still has many needs to strengthen enforcement, such as technical assistance and training, capacity-building to develop qualified human resources, and modern technology and equipment. It is important for Laos to continue working closely with international organizations and countries that have been garnering experience and knowledge on these matters for years. Thus, in addition to working through fora such as SEA-PAC, Laos has participated in the United Nations Implementation Review Programme to ensure that its legislation and practices continue to improve.

14. **INDONESIA:** The participant from the Attorney General's Office stressed the importance of informal cooperation to the fight against crime and corruption, and noted that knowledge and flexibility are important characteristics for the success of anti-corruption officials. With regard to formal cooperation, Indonesia has signed extradition treaties with 10 countries. Indonesia can extradite to treaty and non-treaty partners, though the procedures are somewhat different. Pursuant to law, Indonesia offers mutual legal assistance, such as identifying and locating persons, conducting searches and seizures, freezing and confiscating property and so on. MLA treaties have been entered into with a number of countries in the region, and Indonesia is a party to the ASEAN MLAT. Cooperation between a country's prosecutors and its Central Authority is very important because prosecutors are skilled practitioners in the country's judicial system. This is necessary, for example, to address issues of admissibility of evidence obtained from foreign jurisdictions. In addition to formal assistance, informal assistance can be rendered in the form of informal evidence gathering and in the form of deportation or expulsion from the country as an alternative to extradition. The participant from the KPK introduced the agency's broad role in combating corruption, which includes investigating corruption cases, freezing bank accounts, conducting undercover operations, conducting joint investigations, processing MLA and extradition requests, training and capacity-building and so on. The participant from the KPK also presented two case studies demonstrating the effectiveness of informal agency-to-agency communication in order to obtain speedy and successful assistance.
15. **CAMBODIA:** The participant from Cambodia explained the country's anti-corruption enforcement mechanism and MLA procedures. The Anti-Corruption Institution comprises two sections: the National Council Against Corruption (NCAC) and the Anti-Corruption Unit (ACU). The NCAC develops anti-corruption strategies in five areas, namely education, prevention and obstruction, law enforcement, national and international cooperation, and good governance and internal control; the ACU has the exclusive power to investigate corruption. Cambodia engages in bilateral and multilateral cooperation through UNCAC, MLATs, and MOUs. Regarding MLA, the Ministry of Justice is currently drafting the Law on Mutual Legal Assistance. Despite the lack of specific legislation, Cambodia received 42 requests for MLA in criminal matters and 36 requests in civil cases between 2012 and 2014 from countries including the US, the UK and EU member states; between 2012 and 2013, Cambodia sent 27 requests in criminal cases and 34 in civil cases. Successful cases of informal assistance were introduced. For example, the ACU collaborated with the Corruption Eradication Commission of Indonesia (KPK) and the Corrupt Practices Investigation Bureau (CPIB) of Singapore to exchange information through focal persons nominated by each agency. As a result of collaboration between the ACU and the KPK, the suspect was arrested and sent back to Indonesia. In addition, the ACU and the CPIB have cooperated in the exchange of information and support related to court procedures, information gathering and evidence collection, and

obtaining interviews and recorded statements so that the CPIB could use the evidence legally in court. Cambodia reported facing a number of challenges in the fight against corruption, including the need to develop technical expertise in the fields of investigation, forensic science, law, accounting and procurement, as well as the need for technical equipment.

16. BRUNEI: The Anti-Corruption Bureau (ACB) of Brunei presented a case study demonstrating its close cooperation with the Malaysia Anti-Corruption Commission, which has existed since 2002, through a bilateral cooperation Working Group for the purposes of cooperation and information sharing in the fields of intelligence and investigation. The Working Group acts as a focal point for mutual legal assistance. In the course of the investigation of a criminal who gave smugglers tips to reduce customs duties on cigarettes, the ACB was able to use the Working Group to obtain necessary information from Malaysia, such as bank account information that identified a Malaysian national's involvement in the cheating scheme. As a result of further cooperation from the MACC, including obtaining a witness statement from the Malaysian national, the ACB was able to build its case against the criminal in Brunei, who was convicted and imprisoned as a result. Thus, the bilateral agreement proved the effectiveness of exchanging information and gathering evidence involving cross-border and transnational crime.

## **CONCLUSIONS AND RECOMMENDATIONS**

In the modern era, technology facilitates the rapid transfer of communications, funds and people all around the world. This technology allows criminals engaged in corruption to quickly and effectively hide their criminal proceeds and abscond to foreign jurisdictions. As a result, corruption investigations are becoming more complex and time consuming. Anti-corruption practitioners increasingly need specialized skills and technology in order to track criminals, and they rely on goodwill and professional relationships to pursue criminals in foreign jurisdictions. In light of the time-consuming nature of formal MLA requests, informal cooperation between anti-corruption agencies and practitioners of different countries enhances the speed of information sharing, as well as the chances of successful prosecution.

### **A. INTERNATIONAL COOPERATION IN GENERATING LEADS**

Informal information sharing between investigators in different jurisdictions is the dominant practice for generating leads on corruption cases. In addition to discovering the identities and *modi operandi* of individuals engaged in corrupt acts, financial intelligence—through suspicious transaction reports—can identify money laundering and help connect illicit proceeds with the criminals who attempt to launder them. Thus, anti-corruption investigators should actively pursue stronger contacts with their counterparts in other jurisdictions with the aim of generating leads and increasing anti-corruption enforcement.

### **B. BEST PRACTICES FOR INTERNATIONAL COOPERATION IN INVESTIGATING CORRUPTION CASES**

Formal requests for assistance have their limits. Throughout the seminar, there was substantial agreement that formal requests should only be resorted to if they are absolutely indispensable to the case, and before submitting a formal request, investigators should engage in open dialogue with the authorities of the requested state to ensure that the request has a high probability of being granted. With these concepts in mind, all participating countries stressed the importance of informal cooperation, which is particularly useful for obtaining speedy and successful assistance. Though it takes many forms, informal cooperation includes joint



operations or investigations, and a number of countries reported success in the use of this model. Benefits of joint operations include enhanced exchanges of information, synchronized searches and seizures in both jurisdictions to prevent dissipation of evidence, and the timely exchange of information, allowing cases to proceed in both jurisdictions without the need to exchange formal MLA requests. Finally, all countries reported engagement in regional MLA treaties or fora, such as the ASEAN MLAT and SEA-PAC. Accordingly, all countries are encouraged to consider using these practices to comprehensively enhance anti-corruption investigation.

#### C. INTERNATIONAL COOPERATION IN THE TRIAL OF CORRUPTION CASES

Corruption trials can only be successful if the evidence submitted is admissible in court. Evidence collected and testimony secured through international cooperation must comply with the rules of evidence in the jurisdiction in which the trial takes place. Thus, the steps taken during the investigation stage to preserve the admissibility of evidence by establishing a proper chain of custody or to ensure that witness statements or testimony are procedurally sound can win or lose the case at trial. Likewise, prosecutors seeking execution of MLA and extradition requests cannot prevail at court hearings if they lack the information, evidence or arguments necessary to persuade the judge to grant the request. Thus, close cooperation between investigators and prosecutors, domestically and internationally, is critically important to achieve success at court hearings and trials.

#### D. INTERNATIONAL COOPERATION RELATING TO ASSET RECOVERY

If money laundering is successful and the proceeds of corruption cannot be traced, asset recovery becomes impossible. The process of asset recovery includes the technical and time-consuming steps of asset tracking, securing the assets, engaging in the court process, enforcing court orders and repatriation of the proceeds to the requesting country. The exchange of financial intelligence is crucial to the first step of asset tracing, and a combination of informal and formal assistance is often necessary to successfully recover illicit assets. However, cases such as the Bangladesh cyberheist demonstrate that loopholes in domestic anti-money-laundering legislation can thwart or reduce the ability to recover assets. In addition, due to the technical nature of financial analysis and banking practices, investigators and prosecutors involved in asset recovery should enhance their specialized knowledge and skills by making use of training, technical assistance and the development of professional networks through programmes such as the StAR Initiative, as well as other forms of cooperation such as ARIN-AP.

28 JULY 2016

YOGYAKARTA, INDONESIA