
REPORTS OF THE PROGRAMME

GROUP 1

EFFECTIVE MEASURES TO IDENTIFY, TRACE, FREEZE/SEIZE, CONFISCATE AND RECOVER PROCEEDS OF CRIME

<i>Chairperson</i>	Mr. Mohamed Al Jaifi	(Yemen)
<i>Co-Chairperson</i>	Mr. Toshio Kawai	(Japan)
<i>Rapporteur</i>	Ms. Zihna Naseer	(Maldives)
<i>Co-Rapporteur</i>	Mr. Rizki Baihaqi	(Indonesia)
<i>Members</i>	Ms. Yukari Kotani	(Japan)
	Mr. Tseden-Ish Shinebayar	(Mongolia)
	Mr. Frederico Paiva	(Brazil)
	Mr. Masashi Kaino	(Japan)
<i>Adviser</i>	Prof. Shinichiro Iwashita	(UNAFEI)

Contents

I. INTRODUCTION	126
II. MEASURES TO IDENTIFY AND TRACE THE PROCEEDS OF CRIME	127
A. Asset Declaration	127
B. Illicit Enrichment	127
C. Financial Intelligence Units (FIU)	127
D. Cooperation with Financial Institutions	128
E. Cooperation between International Financial Institutions	128
F. Capacity Building of Investigators in Financial Investigation	128
III. MEASURES TO FREEZE/SEIZE THE PROCEEDS OF CRIME	128
IV. EFFECTIVE CONFISCATION OF PROCEEDS OF CRIME	129
A. Conviction-Based Confiscation	129
B. Non-Conviction-Based Confiscation	129
V. RECOVERY OF CONFISCATED PROCEEDS OF CRIME	130
A. Current Situation/Challenges of Asset Recovery	130
B. Adequate Legislation for Securing the Return of Crime Proceeds from Foreign Countries	130
VI. INTERNATIONAL COOPERATION AND MUTUAL LEGAL ASSISTANCE	131
A. International Conventions	131
B. INTERPOL	131
C. Treaties and Agreements	131
D. International Cooperation Using Formal Channels	131
E. Reciprocity	132
F. International Cooperation Using Informal Channels	132
G. Acquiring Experience and Expertise in International Cooperation and Legal Assistance	132
VII. CONCLUSION	133

I. INTRODUCTION

The criminal justice system's role is very important in the fight against corruption. It is vital to have a criminal justice system where the investigators can investigate and identify, trace, freeze/seize, confiscate and recover proceeds of crime. To succeed in combating corruption, every jurisdiction should have laws and measures to punish the corrupt offenders and deprive them of proceeds of corruption. Today, the world is globalized, and the criminal offenders usually do not hide the assets obtained through means of crimes or invest their proceeds from crimes in their own countries. Hence, to fight against this universal crime called corruption all the countries need international cooperation and mutual legal assistance.

II. MEASURES TO IDENTIFY AND TRACE THE PROCEEDS OF CRIME

A. Asset Declaration

Obligating public officials to declare their assets is one way in which law enforcement agencies can identify and trace proceeds of corruption. Some countries that have already obligated public officials to declare assets start their investigation by analyzing asset declaration statements. However, when the assets are registered in the names of third parties (like drivers or wives), when the corrupt officials do not disclose the assets or when they register their assets under fictitious legal person's names, it is very difficult for the law enforcement agencies to do an investigation based on the asset declaration statements. Therefore, countries must have appropriate laws that clearly state who should declare their assets, how they should declare their assets and when they should declare their assets. The laws should also state what will be the penalty if one does not declare his/her assets. Countries also should adopt other necessary measures to strictly enforce the asset declaration law.

In Japan, only politicians are mandated to declare their assets (under the Parliamentarians Assets Disclosure Law). In Brazil, all public officials have to disclose their assets every year (under the Improbability Administrative Law). In Indonesia, the Anti-Corruption Law clearly states that high-ranking officials have to disclose assets every four years, and also when a public official gets promoted or transferred he/she must declare assets. According to the Anti-Corruption Law of Mongolia, all public officials, except for junior public officials of the service sector, like the education and health sectors, must declare their assets and income every year. Newly appointed public officials must also declare their assets within one month of their appointment. If the assets of public officials increase more than around USD 26,000, then that official must declare the increase in assets within one month. In Yemen, the Asset Disclosure Law (Law No.30/2006) states that the Supreme National Anti-Corruption Council (SNACC) has the mandate of implementing that law. Under that law all public officials above the rank of Director General (including Director Generals) and who work in financial jobs are required to declare their assets, the assets of his/her spouse and assets of their children under 21 every two years except for public officials of national security and political security organizations. The asset declaration law requires the members of SNACC to declare their assets, assets of his/her spouse and assets of their children under 21 to the Parliament. The SNACC can check and analyze the asset declaration statement at any time and/or if there is an ongoing investigation of that person. Also SNACC can ask any public official to declare his/her assets at any time when there is something suspicious. In Yemen and Mongolia, the anti-corruption agency mandated to implement the asset declaration law can open the statement at any time and can start a corruption investigation based on it.

B. Illicit Enrichment

Countries like Maldives, Indonesia and Brazil cannot start an investigation only based on asset declaration statements of public officials or politicians because illicit enrichment is not criminalized in these countries. Mongolia criminalized illicit enrichment in 2012. Although criminalizing illicit enrichment would be a tremendous advantage in identifying and tracing proceeds of crime, it would be very challenging to criminalize illicit enrichment because it is in contradiction with the constitutional fundamental right to acquire and possess property. Also, some countries judiciatures and legislatures strongly believe illicit enrichment violates criminal justice principles as the burden of proof shifts to the suspect. Although illicit enrichment is not criminalized in Japan, in tax evasion cases or bribery cases the investigator can ask the suspect to explain how he/she obtained the suspicious property. Similarly, in Maldives in bribery cases, the suspect is required to establish that the money and property in excess of his/her lawfully known income was not obtained through bribery.

C. Financial Intelligence Units (FIU)

It is very important to have an FIU in each country to identify and trace proceeds of crime because the information from FIUs helps tremendously in corruption investigations. Most of the countries have FIUs and they share suspicious transaction reports (STR) with relevant authorities. In some countries the FIU is an independent institution, while in other countries it functions under the central bank. However, FIUs in different countries function differently. In some countries the FIU functions very efficiently and gives information about STRs to the law enforcement agencies. Having an FIU is not sufficient; the FIU must cooperate and communicate with law enforcement agencies promptly when they notice a suspicious transaction, as the speed of information is vital to trace the proceeds of crime

and recover it. To ensure that the FIU sends STRs to the law enforcement agencies in a speedy and effective manner, countries must have a legislative framework which requires the FIU to function that way. In Indonesia, Maldives and Yemen the Anti-Money Laundering laws, Anti-Terrorism Laws and other criminal laws mandate FIUs to send STRs to law enforcement agencies, while in Japan, such reporting is required by the Act on Prevention of Transfer of Criminal Proceeds.

D. Cooperation with Financial Institutions

In tracing proceeds of corruption, the banks play a vital role. Hence, it is of utmost importance to have banking laws which require banks to know their clients and cooperate with law enforcement agencies in providing bank account details of suspects. In Indonesia the corruption investigators use the Anti-Corruption Law to get the account details of suspects and their first degree family members. However, to get bank details of other related parties the investigators should use anti-money-laundering laws. To get the bank details of a suspect and related parties, the investigator must know the bank in which he/she has deposited the proceeds of corruption. Also the investigator has to prove the relation between the suspect and the related party and must provide evidence as to why he/she is a party to the crime. In Indonesia, *Komisi Pemberantasan Korupsi* (KPK) has informal relations with the Association of the Banks to get information regarding suspect's accounts and also the KPK has an MOU with the Central Bank of Indonesia. In Mongolia, the Anti-Money Laundering Law mandates all financial institutions to give suspect's bank information to the law enforcement agencies. In Maldives, the Banking Law, Anti-Money Laundering and Anti-Terrorism Act and Prevention and Prohibition of Corruption Act obligate banks to give information about bank accounts when requested by Maldives Police Services and the Anti-Corruption Commission. In Japan, the police and prosecutors can request banks to provide bank account details of the suspect without a court warrant. However, in Brazil, the law enforcement agencies must get court orders in order to get bank account details of suspects. In Brazil, the law enforcement agencies have to communicate with each bank separately, and it is time consuming because some suspects have accounts in several banks.

E. Cooperation between International Financial Institutions

Cooperation and information sharing between foreign financial institutions and other relevant foreign institutions is equally important as information sharing between national banks and other national financial institutions. In today's world where you can do everything via internet, the corrupt offenders use banks all over the world, especially in countries where the bank secrecy laws are robust. When countries want to get information from banks in countries where a court warrant is not required to get the bank details of a person, then getting a court warrant is not necessary. In that case, the law enforcement agency can request the relevant organizations to get the bank account details. Therefore, whether or not a court warrant is required depends on the national law of the countries. If the requested country's law requires getting a court warrant, the requesting country may use MLAT or MLAA or request the relevant law enforcement agency to get a court warrant. The cooperation between those relevant organizations and the law enforcement agency is the key factor to getting the information necessary for investigation, identifying and tracing proceeds of crime.

F. Capacity Building of Investigators in Financial Investigation

It is necessary to analyse financial evidence thoroughly in order to identify the proceeds of corruption and to seize them. To do that law enforcement agencies need skilled personnel. Hence, continuous capacity building of investigators to upgrade the knowledge and skills and specializing investigators in the field of digital forensics and forensic accounting is essential to analyse financial evidence. The banks usually use electronic systems, and they send files in electronic form. Therefore, law enforcement agencies need more efficient and skilled public servants to use electronic systems and analyse the reports.

III. MEASURES TO FREEZE/SEIZE THE PROCEEDS OF CRIME

The rapidness of freezing/seizing of proceeds of corruption matters in all corruption cases. If the process is not speedy then the corrupt offenders can move their proceeds to some other safe haven country and then it will be very difficult to trace those proceeds and recover them. Thus, countries must have adequate laws to freeze/seize relevant property speedily.

17TH UNAFEI UNCAC TRAINING PROGRAMME
REPORTS OF THE PROGRAMME

In Japan, the police and Securities and Exchange Surveillance Commission (SESC) have an information sharing relationship. To freeze proceeds of corruption in banks, the law enforcement agencies must get a court order. The law enforcement agencies can get a court order only if they submit enough evidence to satisfy the judge to issue a court order to freeze. Although, there is a requirement to get a court order, the court process is very speedy in Japan. The police officers in Japan are able to freeze property in the early stages of investigation, and they can go directly to the court to get a court order, which is a very fast and effective system. Similar to Japan, the criminal code of procedure in Brazil states that a law enforcement agency can freeze suspected property by obtaining a court order. However, in Brazil the process for freezing is not fast enough because the court process in Brazil is rather slow compared to Japan.

The laws relating to freezing/seizing in Mongolia, Yemen, Maldives and Indonesia give power to law enforcement agencies to freeze/seize property without getting a court order. Therefore, the law enforcement agencies can freeze/seize property rapidly. The laws in these countries obligate the banks under the jurisdiction of those countries to disclose confidential information upon request from a criminal investigative body.

The amount of proceeds of crime that can be freeze/seized differs from country to county. In Maldives and Indonesia it is up to the law enforcement agency to decide what and how much to freeze. However, in Japan and Brazil it is in the discretion of the judge to decide how much and what proceeds of corruption to freeze/seize based on the evidence submitted to the court, by taking into consideration the opinion of the requesting authority.

IV. EFFECTIVE CONFISCATION OF PROCEEDS OF CRIME

The key factor in combating corruption is depriving the corrupt offenders of the proceeds of crime by confiscating the proceeds. Almost all the countries in the world use conviction-based confiscation. However, the United States of America confiscates assets in civil trials. In civil trials, the case is against the proceeds of crimes as the wrongdoer; i.e. U.S. v. Condominium. In civil-based confiscation unlike the criminal-based confiscation, criminal charges against a person are not required, and even if there is no conviction of a suspect, the proceeds of crime can be confiscated. Conviction-based confiscation takes time to confiscate the proceeds of crime as the owner must be convicted of a crime. The suspect will only be convicted if the prosecutor submits enough evidence to prove that the suspect was guilty of the crime beyond a reasonable doubt. On the other hand, non-conviction-based confiscation takes less time and is an easier way to deprive the corrupt offenders of proceeds of crime as the burden of proof required is lower in civil trials.

A. Conviction-Based Confiscation

Every country in Group 1 has adequate laws for conviction-based confiscation and enforcement of conviction-based confiscation of proceeds of corruption. The procedure is that the investigator or prosecutor submits evidence to court to confiscate the asset and the Judge then decides what assets may be confiscated or how much can be confiscated once the corrupt offender is convicted. In one such conviction-based case the KPK confiscated 50 luxury cars and 100 units of apartments.

B. Non-Conviction-Based Confiscation

In Brazil, Mongolia, Indonesia, Maldives and Japan non-conviction based confiscation is not stipulated in the law and the judicial systems do not sanction non-conviction based confiscation. It is impossible to have such a law in most of the countries because it contradicts the constitutional right to acquire and own money and property. Furthermore, the legislatures of some countries will not enact such laws as it might open a gateway for the law enforcement agencies to strip politicians of their assets even though they are not guilty of any crime. Although non-conviction based confiscation is against some judicial and fundamental human rights principles, it is an essential tool to deprive the powerful corrupt offenders who can hire the best attorneys and consultants.

V. RECOVERY OF CONFISCATED PROCEEDS OF CRIME

A. Current Situation/Challenges of Asset Recovery

The work towards eradicating corruption, bringing the corrupt offenders to trial and recovering proceeds of crime is not an easy task. Countries face legal and practical hinderances and challenges in investigating, identifying, tracing, freezing/seizing, confiscating and recovering proceeds of crime.

Most of the countries do not have vital laws required to do the work effectively. It is noteworthy that the majority of the challenges are due to the lack of essential laws required to investigate, trace and recover proceeds of crime. In addition to this, it is of utmost importance to update the laws that exist, so that they serve the purpose for which they are enacted.

Furthermore, developing countries face the challenge of lack of funds to cover the expenditure to trace the proceeds of crime. Also in developing countries investigative authorities do not have officers who have adequate knowledge and experience to identify, trace, freeze/seize, confiscate and recover proceeds of corruption. The corrupt offenders are sometimes more clever than the investigators, and they are very good in hiding proceeds of crimes. The corrupt offenders have the money to hire the best consultants and lawyers, and they use the latest technology to hide their crimes. Asset recovery is a new concept and countries need investigators and prosecutors who have the knowledge and technique to cope with that type of investigation.

As some countries are still in the early stages of democracy, there are many challenges which have to be tackled by the three primary organs of the State. States should have proper administrative structure to function efficiently and speedily. Bureaucracy and lack of political will in government of the states to fight against corruption and recover proceeds of crime is one major reason why some countries are unable to recover the public funds misappropriated by the powerful public officials and politicians.

The corrupt offenders usually do not hide their ill-gotten assets in their own country. In today's high-tech world everything is so fast and easy and with a click of the computer keyboard the corrupt offenders can transfer their money to any bank in the world and can invest their ill-gotten money anywhere in the world. To trace, confiscate and recover assets or proceeds of corruption hidden in another country, countries require dual criminality to exist and also to have an MLAT or to go through official procedure by contacting relevant authorities. These procedures take a long time, which impedes the investigation and sometimes it takes more money than the proceeds of corruption to identify and trace it. Hence, countries should give priority to ratifying laws to secure the returns of proceeds of crime from other countries by signing MLATs and MLAs specifically with countries in which the corrupt offenders tend to hide their proceeds.

B. Adequate Legislation for Securing the Return of Crime Proceeds from Foreign Countries

Countries must establish necessary legislative and other measures in their domestic systems to facilitate the return of the proceeds of corruption. Even if countries have laws which govern how to secure proceeds of crime from other countries, it might not be relevant to another country as different countries have different legal jurisdictions. Hence, to secure and bring back the corrupt money and assets, countries treat cases according to the laws of the countries where the money or assets are hidden.

The United Nations Convention Against Corruption (UNCAC) is an adequate convention as the convention stipulates recovery and return of proceeds of offences. In Indonesia, domestic laws like the Anti-Corruption Law and the Anti-Money Laundering Law are in line with UNCAC and those laws specify asset recovery from foreign countries. Yemen, Mongolia and Maldives do not yet have special laws about recovering assets from foreign countries and the return of proceeds of crime from foreign countries. However, in Japan there are a few articles about asset recovery in laws related to crime (Act on Punishment of Organized Crime etc.). Those laws state that Japan can receive a certain amount of proceeds of crimes from foreign countries.

VI. INTERNATIONAL COOPERATION AND MUTUAL LEGAL ASSISTANCE

A. International Conventions

The United Nations Convention Against Corruption (UNCAC) is a very comprehensive convention and it is a vital tool that could be used to return the proceeds of corruption offences. It provides a framework for cooperation between countries to identify, confiscate and return the proceeds. For stronger cooperation between countries in recovering proceeds and returning those proceeds countries must also sign regional conventions on MLA and other relevant conventions through which countries can seek MLA. Maldives is a signatory to the South Asian Association for Regional Cooperation (SAARC) convention on Mutual Legal Assistance in criminal matters, and also Japan, Brazil, Mongolia and Maldives are signatories to the International Organization of Securities Commissions (IOSCO). If the member states of these conventions sign MOUs with other member states to request information and provide information, it would be a vast help in detecting and returning proceeds of crime.

B. INTERPOL

INTERPOL is an organization widely used throughout the world to cooperate between countries to share information regarding offenders. If a country wants to find a person, INTERPOL is a tremendous assistance. Police officers use INTERPOL more than other law enforcement agencies. Police are experienced and very familiar with how to use this channel. Once a country requests INTERPOL to share the whereabouts of an offender or to return offenders to the country, the response from INTERPOL is swift. All the countries have success stories of cooperating with INTERPOL through the police.

If a person against whom a red notice is issued enters a country, most countries require a court order to arrest that person or to extradite that person immediately because a court order is required to do so. However, countries can give information about the suspect's whereabouts like when he/she entered that country, when he/she left that country and which country he/she has gone to. In Japan, a court warrant is required to arrest, apprehend or extradite the offender. If countries want to acquire information about an offender or to return an offender, the most effective way is to use the INTERPOL and MLAT together.

C. Treaties and Agreements

Although countries have ratified certain conventions, they still need to have bilateral or multilateral agreements with foreign countries to secure and return proceeds of crimes from foreign countries. Thus, the most beneficial and convenient legal method to secure and bring back the corrupt offenders' illicit money and property is by using treaties. Brazil has bilateral and multilateral agreements with 17 countries while Mongolia has MLATs with 15 countries. Japan has an MLAA with Hong Kong and the European Union and an MLAT with the USA, South Korea, Russia and China in order to seek and provide assistance. Maldives has not yet signed MLATs or MLAA to cooperate with other countries to confiscate and return proceeds of corruption. So far Japan and Maldives have not requested or received assistance from foreign countries in crimes of corruption. However, Japan received assistance from Switzerland on a financial crime case committed by a Japanese crime group by negotiation based on reciprocity.

D. International Cooperation Using Formal Channels

Most of the countries provide international cooperation and mutual legal assistance usually through formal channels, and in most countries those formal channels are either the Ministry of Foreign Affairs or the Ministry of Justice (MOJ). In Yemen, if a country requests assistance related to corruption cases, the country should contact the Ministry of Foreign Affairs and then that Ministry will communicate to the request to the Supreme National Authority for Combating Corruption (SNACC) and the MOJ. In Indonesia, the central authority to be contacted is the Ministry of Law and Human Rights. In Japan and Mongolia, the central authority to be contacted is the MOJ while in Brazil it is the Department of Recovery of Assets and International Cooperation (DRCI). However, in Brazil the central authority to be contacted by Canada and Portugal is the Prosecutor General's Office as that is the procedure stipulated in the MLAT with those two countries. In Maldives, countries have to submit requests to the Ministry of Foreign Affairs, and then that Ministry will direct the request to the relevant authorities like the Attorney General's Office, the police or the central bank (see appendix 1).

E. Reciprocity

Most countries seek and provide MLA and cooperate with each other to return proceeds of crimes without treaties and agreements by negotiation based on reciprocity. Japan predominantly depends on reciprocity, which is one of the most crucial factors for MLA. When a country requests another country for legal assistance, the request must clearly state the terms of reciprocity. To seek and provide MLA based on reciprocity, it is very important to build relationships and trust with relevant authorities in other countries.

F. International Cooperation Using Informal Channels

Utilizing informal channels is a convenient and speedier way to get MLA. If a law enforcement officer uses informal channels and avoid bureaucracy it will stimulate and motivate the officer to do the work better and make more effort to recover proceeds as informal channels are speedier than the formal channels. Law enforcement officers need to make phone calls asking for information on contacts in foreign countries without fear. Countries can build relationships and trust with other countries by attending international trainings, forums and meetings. The officials who attend international trainings, forums and meetings must report to their authority about the contact persons and must have a database.

G. Acquiring Experience and Expertise in International Cooperation and Legal Assistance

International cooperation and mutual legal assistance is a relatively new area and most of the developing countries do not have adequate knowledge, expertise and experience in this area. To acquire the knowledge, expertise and experience, respective organizations of countries have to give on-the-job training to the investigation officers, prosecutors and other personnel who work in that area of international cooperation and mutual legal assistance. The relevant staff can acquire knowledge through training courses like international investigation courses as those courses teach about MLAT and international cooperation. Indonesia shares information with some countries regarding international cooperation relating to recovery of proceeds of corruption, and in that way the law enforcement officers in those countries gain knowledge and expertise. In Indonesia, Mongolia and Maldives, the law enforcement officers who participate in international trainings are mandated to conduct in-house training for those who do the same work in the organization.

In order to train law enforcement officers on international cooperation and mutual legal assistance, countries must have guidelines and manuals which will guide the officers to handle the cases more efficiently and to succeed. Law enforcement officers can acquire knowledge and become efficient in their work by reading guideline books and by reading materials prepared by former law enforcement personnel who already have the experience and the expertise. Having a manual which includes past cases and experience is essential as it would teach the officer what route to follow when attending a similar case and it will speed up the investigation. The central authorities of Brazil have guidelines (manual) that the law enforcement officers can use to get international cooperation. INTERPOL has a guideline on how to get information via INTERPOL and most police officers who work in the international cooperation section use those guidelines to get information through INTERPOL.

As well as making guidelines, on-the-job training is also effective. In Japan, public prosecutors' offices have some effective systems to enhance ability of prosecutors in the field of international cooperation. The MOJ, which is the central authority in Japan, has an International Division in charge of MLA matters, where there is a Director, Deputy Director and 4-5 Prosecutors. The prosecutors of the International Division are appointed from those who have around 7-10 years' experience as a prosecutor in each district public prosecutors' office (It is not required for them to have knowledge of MLA), and can acquire sufficient knowledge and experience on international cooperation and mutual legal assistance through their work for 2-3 years. After that, most of them go back to the district public prosecutors' offices, and they are expected to play important roles in the field of international cooperation. Moreover, some prosecutors not only work at the International Division of the MOJ but also are dispatched to the Embassy of Japan as First Secretaries, such as in the USA, UK, France, Germany, Korea, China, Geneva and Brussels. They work for three years in the legal section of the embassy, and they can become experts of MLA between Japan and various countries and meet many contact persons and use those contacts as informal channels. After finishing their terms, they go back to the MOJ or public prosecutors' office, and are expected to lead or supervise prosecutors in the field

17TH UNAFEI UNCAC TRAINING PROGRAMME
REPORTS OF THE PROGRAMME

of international cooperation. For example, some are appointed as Director or Deputy Director of the International Division of the MOJ, and some are transferred to the Special Investigation Bureau of the Tokyo District Public Prosecutors' Office, where they investigate corruption cases committed by politicians and high-ranking officers independently and request MLA from foreign countries in the stage of their investigation, as experts on international cooperation. In addition, recently, several public prosecutors' offices in the large cities in Japan set one public prosecutor in charge of international cooperation and MLA, and the MOJ holds conferences and seminars for them 2-3 times a year to enhance their knowledge and skills in the field of international cooperation and MLA. In Japan, the circle of the on-the-job training system explained above works well to train more prosecutors.

VII. CONCLUSION

We recommend countries to adopt effective legislative, administrative and other measures to identify, trace, freeze/seize, confiscate and recover proceeds of corruption. UNCAC is a legal framework which is adequate to investigate and recover proceeds of crime. However, ratifying UNCAC is not sufficient. Countries must adhere to the convention and should adopt such legislative, administrative and other measures as may be necessary to harmonize the national laws with UNCAC.

Furthermore, we recommend countries to ensure that their laws are up-to-date for freezing and conviction-based confiscation of proceeds of corruption. The corrupt offenders exploit the technology to transfer their illegitimate funds from one country to another. In this high-tech world, countries must ensure the laws and other mechanisms laid down to identify, trace and freeze assets are adequate and the mechanism laid down to do so is rapid. Additionally countries may consider adopting and utilizing non-conviction based confiscation as it is a vital tool in the modern era to deprive corrupt offenders of their criminal proceeds. This is because corrupt offenders are often able to hire the best attorneys to exploit the legal loopholes and establish themselves as innocent in criminal court proceedings.

We recommend improving the law enforcement structure of countries to cooperate with law enforcement agencies and make investigations faster to recover assets. Countries may enact laws that emphasize the cooperation between law enforcement organizations and financial institutions to facilitate the effective tracing and confiscation of proceeds of crime. Also countries may establish mechanisms in which the relevant authorities must cooperate, coordinate and share information with law enforcement agencies to identify and trace proceeds of crime. As it is important to have cooperation between law enforcement agencies without power conflicts and effective collaboration of law enforcement agencies, countries must clearly state the roles and functions of each institution in the relevant laws. Furthermore, we recommend countries to design standards and procedures to safeguard the integrity of law enforcement agencies to avoid leaking of information and jeopardizing investigations.

We recommend countries to criminalize illicit enrichment as a control measure to prevent corruption of top-ranking public officials and politicians and to deprive the corrupt public officials of their illicit money and property subject to constitutional and fundamental principles of the country's legal system.

We recommend countries to enact laws, sign treaties agreements and adopt other administrative measures and arrangements to give cooperation to each other to the fullest extent possible to investigate, confiscate and return proceeds of corruption. Also, countries may adopt measures to enhance international cooperation. To build relations with other countries, the participants of UNAFEI's UNCAC training programme on criminal justice may make an action plan and give it to the respective authorities of their countries and follow-up on it and give information to each other formally and informally. Law enforcement agencies may emphasize making more use of the informal channels.

We recommend to law enforcement agencies of countries to train and upgrade the knowledge and skills of law enforcement officers by specialization in the field of digital forensics and forensic accounting to analyse financial evidence. In addition, countries must invest in developing a team with the skills and knowledge required to return proceeds of corruption from foreign countries.

As explained above Japan has a well-organized and effective system for prosecutors to acquire

experience and expertise in international cooperation and MLA, and countries may consider adopting that system. The additional advantage of that system is by working with other countries and by making good connections they can acquire information through informal channels rapidly.

Finally, robust enforcement of laws, conventions and treaties is essential to recovering the proceeds of corruption and returning the proceeds of corruption from foreign countries.

17TH UNAFEI UNCAC TRAINING PROGRAMME
REPORTS OF THE PROGRAMME

ANNEX 1
MLA TABLE (COUNTRIES OF GROUP 1)

	Yemen	Mongolia	Japan	Brazil	Maldives	Indonesia
Domestic Law	anti-corruption law No.39 for the year 2007+ money laundry Law No.1 for the year 2010	The Law on Criminal Procedure	1980, Law on International Assistance in Investigation, etc.	Code of Criminal Procedure	Anti Corruption Law,Banking Law, Anti Money Laundering and Anti-Terrorism Law	Law No.1/2006, Act on MLA in Criminal matters
Requiere Treaty/ Agreement?	yes. The united Nation for combating corruption+ The united nation for	Yes	No (with reprocity)	No (with reprocity)	Yes	No (with reprocity)
Compulsory judicial intervention possible without treaties?	yes, it is called judicial substitution for the purpose of information and people exchange	Yes	Yes	Yes	Yes	Yes
UNCAC can be the basis?	yes, regarding combating corruption yes.	Yes	Not Ratified yet	Yes	Yes	Yes
Requesting (Cerntral) Authrity	Parliament	MoJ	MoJ, NPA (MoFA if no treaty)	MoJ	MoFA	Minister of Law and Human Rights
Requested (Central) Authritiy	MoF and then contact with the counterpart institution	MoJ	MoJ (MoFA if no treaty)	MoJ	MoFA	Minister of Law and Human Rights
Which authorities are involved in executing request?	in Criminal Cases the Public Prosecution is authorized, as for corruption cases and SNACC , money laundry and terrisom the Public Prosecution beside money	Court, Police and Prosecutor	MoJ, PPO, NPA, Police	MoJ, Prosecution Services, Police, Judiciary	Central Bank, Attorney General Office, ACC and Police	Police, Attorney General Office, KPK
Require dual criminality?	money-laundering unit and information yes, Law No.246. Yemeni Citized is punished if they are not executing outside the country.	Yes	Yes (exceptions by treaties)	Yes	Yes	Yes
Language (Is English version acceptable?)	yes, and it can be translated	Yes	Japanese (couldn't be substituted but could be supplemented by english version)	No	Yes	English is acceptable
Non-Conviction Based confiscation	this contradicts with the constitution No 32/b regarding corruption cases.	No	No	No	No	No