

## **GROUP 2**

### **EFFECTIVE INVESTIGATIVE MEASURES FOR CORRUPTION CASES**

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#### **I. INTRODUCTION**

Group Two started its deliberations on 28 October 2014 at 09:40 am. The group elected Mr. Johnny SAVERIO Ayik and Mr. NIYOZBADALOV Firdavs, as its Chair and Co-Chair respectively. Mr. Kiki Ahmad YANI was selected as Rapporteur and Ms. KHEANG Ratana as Co-Rapporteur. The group, which was assigned to discuss “Effective Investigative Measures for Corruption Cases”, agreed to conduct its discussion in accordance with the following agenda: 1) Current situation of investigating corruption cases, 2) Effective methods of investigation of corruption cases, and 3) Measures to encourage persons or bodies that have useful information on corruption to cooperate with the related authorities.

The group also agreed to conduct all discussions on the agenda first by each group member explaining the situation in their respective countries, sharing international trends and best practices, analysing the current situation and identifying issues, discussing countermeasures and thereafter the group as a whole came up with proposals and recommendations of best practices that have been identified through the group work sessions, UNAFEI lectures, study tours and lectures from Visiting Experts among others.

#### **II. SUMMARY OF DISCUSSION**

Corruption is a cancer which every nation and leader must strive to cure. It is a complex phenomenon. Corruption could lead to destruction of governments and nations. Its roots lie deep in bureaucratic and political institutions, and its effect on development varies with country conditions. Responsiveness, accountability and transparency are a must for a clean system. Bureaucracy, the backbone of good governance, should be made more citizen friendly, accountable, ethical and transparent.

To improve the current situation of investigating and prosecuting corruption cases, we have to undertake effective measures: Firstly, we should empower the Anti-Corruption Agencies and their investigators by enacting effective laws and organizing regular trainings and courses. Furthermore, it is advisable to attach special importance to teamwork with the support and the contribution of all members of the investigation team. Secondly, it requires having a database of information and legalized investigation techniques. Thirdly, there is the need to have well-equipped forensic laboratories. Fourthly, there is the need to have effective laws for protection of witness, whistle-blowers and their families from defendants and violators, and punishment of those who do not report corruption cases and do not cooperate with the process of investigation and prosecution. Fifthly, special importance has to be given to regional and international networking to obtain more knowledge, exchange experiences

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<sup>1</sup>Mr. Sayed Iqbal HOSSAIN had to leave training on 3 November 2014 due to unavoidable circumstances.

and cooperate among each other in issues of investigation, prosecution and asset recovery. No single country that can fight corruption alone, and fighting corruption requires the cooperation of all the countries. Last but not least, the Anti-Corruption Agencies should be more independent in doing their work and without any influence and interference from any institutions and/or offices as stated in the Jakarta Statement.

#### **A. Current Situation of Investigation of Corruption Cases in Each Country**

Corruption can occur on different scales. Petty corruption occurs where corruption occurs as small favours between a small number of people within established social frameworks and governing norms. Grand corruption, which affects the government on a large scale, occurs at the highest levels of government in a way that requires significant subversion of the political, legal and economic systems. Systemic corruption, which is primarily due to the weaknesses of an organization or process that is so prevalent and it is part of the everyday structure of society, including corruption as one of the symptoms of organized crime. It can be contrasted with individual officials or agents who act corruptly within the system.

Corruption cases are in most of the countries a conduct comprising offences related to public officials. In many countries, except two countries in which they have separate laws for corruption and/or financial offences, corruption offences are mentioned in the penal code, and include conduct comprising a conspiracy or attempt to commit or engage in an activity that would constitute corrupt conduct under those laws. These are the offences relating to public servants and/or are committed by public servants, whereby corrupt practices include soliciting, accepting, obtaining, giving, promising or offering of gratification by way of a bribe or other personal temptation or inducement, or the misuse of a public institution/authority or office to achieve private advantage or benefit to the person or others.

##### 1. Frequent Corruption Cases

After sharing among the members of the group, most countries face similar issues of corruption. Therefore, the cases frequently investigated and prosecuted are:

- **Bribery (active and passive):** the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. The private sector bribe to a public official in order to get the project in various fields. There are bribery cases by high-ranking government officials at different levels of government.
- **Embezzlement:** when a person holding office in an institution, organization or company dishonestly and illegally appropriates, uses or traffics the funds and goods they have been entrusted with for personal enrichment or other activities; e.g., the higher ranking officers in the ministries take some percentage of the salary of the lower ranking officers.
- **Abuse of power:** an act committed by public servants or citizens vested with public office through election or otherwise, in the exercise of his/her duty or in the course of exercising his/her duty such as taking action to hinder law enforcement in order to take any illegal advantage. The public officers have authority, but they take advantage of it for themselves or their relatives.
- **Money laundering:** the process of concealing the origin, ownership or destination of illegal or dishonestly obtained money by hiding it within legitimate economic activities, making the dirty money clean, e.g., the criminal creates shell companies in order to keep their dirty money out of their hands. However, Indonesia, Japan and Viet Nam do not consider the money laundering offence as a corruption offence.
- **Conflict of interest:** a situation where an individual or the entity for which they work, whether in the public or private sector, is confronted with choosing between the duties and demands of their position and their own private interest; e.g., some procurement officers are prohibited to be involved in auctions, but they ask a third party to take action instead of them, but for their interest.

- **Fraud:** to cheat. The act of intentionally deceiving someone in order to gain an unfair or illegal advantage (financial, political or otherwise). It is an act of deceiving somebody so as to get money or goods illegally.

## 2. Obstacles to the Detection, Investigation and Prosecution of Corruption

All countries have to deal with a number of obstacles that interfere with the detection, investigation or prosecution of corruption cases. The obstacles undoubtedly are many from human and financial resources to effective tools and enacted laws. However, the political will in many countries is one of the main obstacles, especially pressure from powerful elements of the society and high-ranking officials. In spite of that, the members of the group note that their countries are going through the formation of democratic institutions, and at this stage there can be some difficulty fighting corruption. However, they are confident that the fight against corruption is in full swing in their countries and will hopefully succeed.

Corruption cases are difficult to prove before courts of law because corruption usually is an invisible action. Due to this reason, there are a lot of obstacles in combating corruption. In some countries, it is getting more difficult to get confessions from suspects for various reasons such as the change of their character, use of the right to remain silent and the introduction of video recording of interrogation. The measures of collecting material evidence are not enough. Therefore, the investigation agency may not be able to detect corruption cases appropriately.

Although the Anti-Corruption Agencies use their best efforts to investigate and prosecute corruption cases in all the countries in order to combat corruption, they still face many obstacles, summarized as follows:

- **Political will:** The leaders of most countries do not have real political will to combat corruption. The politicians (the ruling party and leaders of other political parties) and high-ranking public officials are not doing their best, and above all are not so committed in the fight against corruption.
- **Database Information:** Most of the countries do not have publicly available database information to search for more information. It is hard to collect information, and sometimes informants try to delay providing information because they are not open-minded and do not cooperate with the investigators.
- **Tradition and Attitudes:** The tradition or custom of each group in many countries protects the benefit of their groups, making it difficult to cooperate in the investigation processes. Nepotism is one of the main obstacles. In addition, the low level of education of many citizens makes them not see the importance of their duty in the fight against corruption. Moreover, they still do not understand how bad the impact of corruption is on their lives and national development.
- **Human and Financial Resources:** The Anti-Corruption Agencies do not have enough qualified investigators or specialized investigators. There is lack of logistic support from government. In some countries, investigators have to use their money for investigation.
- **Forensic Laboratories:** The tools of investigation are not high tech (especially many countries do not have technical forensic investigation and document examination); lack of modern investigative techniques and machines is what most countries face.
- **Security:** Job security, well paid salary packages and personal security of the investigators are not guaranteed in many cases, especially when dealing with serious cases, which involve high-ranking officers.
- **Evidence:** It is not easy to produce evidence accepted by the courts; most of the evidence is very hard to find and to be accepted by law, e.g., evidence obtained during undercover operations among others.

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REPORTS OF THE PROGRAMME

- **Delay in time:** In some cases investigation is done long after the act was committed and investigation may take a longer time because of difficulties in getting evidence, which makes the case out of date. Also during the trial stage, long prosecution periods prolong the trial process.
- **Protection of Witnesses:** There are not enough facilities to provide protection to the witness, and there are no effective laws or mechanisms to protect witnesses and whistle-blowers.
- **Weak legislation:** The Anti-Corruption Agencies are limited in most cases when it comes to the process of investigation and prosecution and the tools needed to accomplish their mandate to fight corruption. Some countries do not have power to investigate and/or prosecute. They have to depend on police offices and prosecution offices. There are no proper laws and if they exist, there is no proper implementation of the existing laws.

## **B. Effective Methods of Investigation of Corruption Cases**

One of the main tools for effective investigation is the principal officers who are the investigators and prosecutors. They assist in carrying out the task of investigation and support for the investigation team. The investigator must have a special ability and must be supported on a regular basis especially through tiered education/training programmes. Maximizing information from various sources is the key to the success of an investigation, and analysing the precision and accuracy of this information.

Each participating country has a different legal basis concerning the authority for issuing the warrants for search and seizure. There are countries that need a court warrant to do so, while other countries' laws have authorized the investigating authorities to issue the warrant for search and seizure themselves and conduct search and seizure with a warrant from the investigator, prosecutor and the head of the ACA; however, all the participating countries agreed that action to carry out a search and seizure and the authority concerned to issue the warrant must be authorized by the laws of the concerned country. There is a need for special investigation techniques in corruption cases, and almost all of the ACAs in the participating countries have the authority to conduct wiretaps and surveillance, and there are even countries that allow undercover operations like in Tajikistan. And no less importantly, ACAs are expected to have a forensic laboratory, e.g. *Komisi Pemberantasan Korupsi* (KPK) in Indonesia, which already has its own forensic laboratory unit. While handling corruption cases, it is also important to cooperate and collaborate with other agencies, such as other law enforcement institutions, financial institutions, FIUs, etc.

### 1. Effective Structure/Team of Investigators

Good investigation must begin with a good work plan and must be structured so that the investigator knows what they will do during the process of investigation. Work plans should be shared among the members of investigation team, so that all team members know and understand the strategies and measures that will be carried out during the investigations. In addition to the work plan, the investigation team should also have people who have the knowledge and abilities of handling cases to achieve the target of the investigation successfully. Further, it is important to upgrade the capability of investigators through programmes to enhance their knowledge of relevant legal provisions and the latest corruption investigation techniques, since the corruptors in their action are using increasingly sophisticated actions, and investigators should further streamline investigation.

The success of the investigation is also determined by the structure of the investigation and related units that support the investigator, e.g. the Indonesian ACA, and other countries have effective structures for investigating corruption cases. They have Investigation Directorates which are headed by a director, and then the investigators are divided into several task forces, each task force consists of four investigators. When conducting an investigation, the investigator has to cooperate with the prosecutors in handling a case by sharing information and discussing the progress and what to do next. In investigating, the investigators also are assisted by the administrative staff, asset-tracing unit, evidence-management unit, monitoring team and surveillance team. In Japan, prosecutors lead the investigation; each investigator reports the result of investigation to the leading prosecutor and shares important information. Each investigation team should establish a chain of command, communication network and division of roles; moreover, investigation teams should share information and common approaches.

Participating countries shared thoughts related to the structure of an effective investigation, which requires strong and effective methods of fighting corruption such as on-the-job training on a regular basis, e.g. every six months and refresher courses and training programmes. One of the tools is to have a special interview room with a welcoming environment for the interviews; confidentiality is very important for the investigators so as not to undermine human relationships (the team leaders have to know their team members and their feelings). In Viet Nam, they divide investigators into many teams; each team is responsible for investigating corruption cases in a certain region. When receiving the complaints from one region, the leader of the investigation team will create a group of investigators from that team which is responsible for investigating in that region. This group can include three or more investigators depending on the seriousness of the case. This group must have a minimum of three investigators who have more experience in investigating such cases. The leader of this group will draw an investigation work plan.

From the description above, the structure of an effective investigation can be achieved through:

- A well-organized system of approving the investigation. Investigation must always be approved by the head of the unit/agencies, not by every investigator;
- There must be a well-organized team with a team leader, and human relationships are also important among the team of investigators (the team leaders have to know about the team members);
- There must be a well-prepared and organized work plan for the investigation so that the team knows what it wants to achieve in the investigation;
- There must be specialized investigators on the team;
- There must be a special room for interviews with a welcoming environment;
- There must be regular on-the-job training (advisable every six months and refresher courses and training programmes);
- Investigators must be well prepared for interviews; we need to prepare questions before the interviews, and ensure that these questions are known and agreed by the investigation team and the head of the ACA; and
- Building confidence and trust from the side of the public (among the citizens), and confidentiality is very important for the investigators.

## 2. Use of Available Information

Information and data are very important in the disclosure of corruption cases as is proving evidence before courts of law. The investigators have to be smart in maximizing the information and data collected from various sources to be used in the preliminary investigation and/or developing the investigation process and plan. In many countries, investigators obtain information or clues from complaint letters, accusations, media coverage, informants, whistle-blowers, investigation of other cases and issues (i.e., analyzing seized evidence or investigation of suspects in tax evasion cases), etc. It is important to obtain information from various sources, but it is also important to evaluate the value of this information correctly because most of them could be untrustworthy and slanderous.

Information can be obtained from various sources, such as the public, the complainants, the Internet, newspapers, magazines, television, financial institutions (banks, insurance companies, etc.), Financial Intelligence Units (FIU), even from NGOs. ACAs need to cooperate with NGOs among others who are concerned with the eradication of corruption; sometimes they have the information and data that can assist the investigation. In most cases it is hard to get information from each place because it takes time, and many bureaucratic steps may be required. ACAs should develop and have databases to make it easy to access and get information, in order that the investigators can be facilitated by getting information easily and fast.

17TH UNAFEI UNCAC TRAINING PROGRAMME  
REPORTS OF THE PROGRAMME

The Indonesian ACA, as other countries, has a public complaints unit which receives all reports from the public, and examines them by digging the information from the report and other sources, and if the information and the given data are enough, the public complaints unit will submit a report of the case to the preliminary investigation officers for careful study and evidence collection. Then the suspect will be determined, followed by issuing investigation warrants or approvals for investigation by the head of the ACA.

3. Search and Seizure

It is important to understand what we mean by the word “warrant”. Warrant means an order issued by a concerned authority to carry out certain activities by an officer based on the power given by enacted law to that authority to issue an order for warrant of arrest, search and seizure, among others. Therefore, it is important that any warrant issued by an authorized institution should have that power as given to it by enacted law.

The ACAs of many countries have the power to search and seize by themselves, and others even have power to issue warrants of arrest. However, in other countries, investigative agencies have to get court warrants or approval of the prosecutor. Cambodia’s ACA can arrest the suspect without a warrant from the court, but seizure requires a warrant from the court. When the ACA has limited authority to issue certain warrants, it makes investigation very difficult. Indonesian and South Sudan ACAs, like other ACAs, have the authority to search and seize in corruption cases. The warrant to search and seize does not need to be issued by the court; it is enough that the warrant is issued by the ACA and signed by its head. In Japan, the investigation agency, including prosecutors, does not have the right to issue the warrant of search and seizure.

In order to avoid consuming too much time, all participating countries except Japan suggest that the investigating agency should have the right to issue different warrants, such as summonses, search warrants, seizure warrants and the right to interview any person without consideration of immunity and considering of his/her position.

The participating countries have different bases for conducting searches and seizures, but all agreed that the definition of a warrant is the power given by enacted law to certain authorities to issue an order, e.g. a warrant of arrest, search, and seizure. Search and seizure are important tools of investigation and producing evidence before courts of law.

4. Special Investigation Techniques

In many countries, wiretapping can be used; however undercover operations can be used in corruption cases only in one country, while in Japan, wiretapping can be used only in cases of drug crimes, gun crimes, smuggling of illegal immigrants and organized murder. On the other hand, digital forensics is often used by investigation agencies in Japan. For Viet Nam, wiretapping and undercover investigation are used in the investigation, but are not approved by laws. For other countries, they can use these methods, but the equipment used in the operation is not modern and still not enough. Moreover, some ACAs still do not have forensic examination departments, equipped with modern technology. When there is a case, they have to depend on other agencies to help on these matters or even seek the assistance of other countries. Indonesia’s ACA conducts special investigative techniques in handling corruption cases and is able to conduct wiretaps and surveillance of electronic devices, and even has a forensic computer unit itself, but Indonesia’s ACA must refrain from impersonating or trapping in corruption cases because their laws do not authorize them to do that.

Each investigating authority should have a well-equipped forensic laboratory with digital technology. It is very important to have specialized equipment to use in investigation of corruption cases. They should use any opportunities to analyse any equipment that interviewees bring along during the interview. It is advisable to introduce undercover operations as one of the means of investigation; however, it must be authorized by an enacted law. Even though evidence is obtained, it is not admissible as per the law of evidence. It is also advisable to include evidence obtained through undercover operations as admissible evidence before courts of law. Every ACA should make it a priority to have rooms equipped with advanced technology to be used for investigation.

5. Interagency Coordination and Collaboration

In most of the ACAs, the head of the ACA can order public authorities, government officials, citizens who hold public office through election and otherwise, as well as units concerned in the private sector, namely financial institutions and others, to cooperate and share information with officials of the ACA in the work of the investigation. The head of the ACA can also ask national and international institutions to cooperate in forensic examination related to its investigation. Indonesia's ACA can also take over the cases handled by the National Police and the Attorney General Office handling the case when it is considered that there is a conflict of interest. In most countries, the police and prosecutors have to coordinate in investigating corruption cases, and prosecutors have authority to supervise the investigation of the police. Nepal's ACA has the power to investigate and prosecute, and Nepal has a special court for corruption cases. However, other institutions and agencies that are related to investigation are not cooperative. Most of the countries do not have laws to punish the ones who do not cooperate and provide information.

ACAs should have agreements or MOUs with different institutions and agencies that are related to investigation in how to share information and cooperate together. ACAs should have clear mandates to be the main actors in investigation of corruption cases and be the focal point of the cooperation and sharing of information with others in regard to investigating corruption cases. It is advisable to create a forum that brings together all the stakeholders and mechanisms to support fighting corruption, especially in the area of investigation. There is a need for ACAs to have open access to any key government institutions or private institutions that have information and facilities that can help quicken the process of investigating corruption cases.

**C. Measures to Encourage Persons or Bodies to Supply Information to ACAs**

ACAs, in carrying out their duties, need the participation of the public/citizens, information or baseline data from public use to find early indications of corruption, but to do so is not easy, because it requires awareness of the public to report corruption and the creation of facilities that make it easy to report such crimes. If necessary, there should be a special law that requires the public to report corruption cases; if not, then that person is liable to be punished. Something that is more important is to maintain the confidentiality of the reported allegation.

Sometimes in revealing a case, the investigator obtains good information from witnesses, whistle-blowers or defendants who cooperate, in which case measures are needed for the protection of witnesses, whistle-blowers and the defendants, or even offers to mitigate punishment.

1. Reporter-Friendly Mechanisms to Encourage Reporting by Citizens, Raising Public Awareness of Such Measures

To encourage the citizens/public to report corruption boldly, measures have been implemented in all countries who participate in this programme, for example through education to increase public awareness of the consequences of corruption, providing the good and friendly facilities to submit the public complaints to the Anti-Corruption Agency (ACA), and more important is how to maintain the confidentiality of the complainant and report, and the action of the ACA to follow up on the complaints. These measures will encourage the citizens to report corruption cases.

In other countries, they increase public awareness of the consequences of corruption by Anti-Corruption Agencies through dissemination to public officials, communities, posting stickers, banners, slogans of anti-corruption, distributing brochures, producing spots, songs and books, and celebrating International Anti-Corruption Day on 9th December every year by holding concerts, reading poems and holding painting contests for students, and comedy as well, or launching an educational book relating to corruption in the curriculum of schools and universities.

After the public/citizens become aware of the consequences of corruption, they will have the courage to report the corruption that occurs in their societies. Moreover, the ACA provides facilities to submit complaints, such as rooms to receive complaints from citizens, reporting boxes, hotlines, and official websites as well; therefore the complaints can be submitted directly or through the facilities that have been provided.

17TH UNAFEI UNCAC TRAINING PROGRAMME  
REPORTS OF THE PROGRAMME

However, these methods are still not enough to encourage the awareness of people to report. Maintaining the confidentiality of the complaints and follow up by providing information on the progress of cases reported by the complainants is needed. There must be a special unit that handles reports/complaints from the public/citizens. This unit should communicate directly and maintain the confidentiality of the complainant, and the public complaint unit will analyse and assess the report and make a decision on whether the report has enough data or information to investigate or not.

Last but not least, in order to encourage witnesses to provide information, there should be a system of rewarding them, and the citizens who reported corruption cases should be publicly praised and receive rewards. The ACA should give awards to members of the public who have been helping with the prevention, eradication, or disclosure of corruption activities. The award could be in form of money, certificate of appreciation, or any other form of rewards.

2. Reporting Obligations or Mechanisms of Related Investigative Agencies and Public Officials

Some countries have laws requiring the reporting of corruption to the law enforcement agencies, but also there are countries that have no such law. These laws stipulate that the citizen/public can contribute and help the prevention and eradication of corruption. Communities shall have the rights and responsibilities in the prevention and eradication of corruption; and it is also stipulated that the government should give awards to members of the public officers who have been helping the prevention, eradication, or disclosure of corruption. As a matter of fact, most of the countries do not impose penalties for individuals who are aware of corruption cases and do not report them. It is important to introduce a law which allows punishment of citizens who are aware of corrupt practices and do not provide information related to corruption. In many countries, punishment for someone who did not report corruption is merely an administrative penalty while it should be a criminal offence based on its importance. However, most participating countries do not have such provisions. In the future, the punishment for not reporting corruption is needed as a criminal offence in order to be more effective against corruption.

3. Witness and/or Whistle-blower Protection

Witness and whistle-blower protection are essential in order to help investigators in investigating corruption cases, as well as especially designed mechanisms for implementation. So, they should be protected legally and physically. Only Indonesia has special laws and a special agency for protection of witnesses and whistle-blowers; the agency is tasked to provide protection to witnesses and whistle-blowers and those related to them. This agency carries out its work in collaboration with other law enforcement agencies in order to protect witnesses and whistle-blowers in all criminal offences, including corruption. While in other countries ACAs have policies and direct departments which provide protection to complainants, witnesses and relevant persons who provide information related to corruption cases and when the need arises this department cooperates with other security organs. However, there are many countries which have no such system.

In order to get information from the witnesses and whistle-blowers effectively, there should be witness and whistle-blower protection laws, which require financial resources for implementation. However, the law should clearly state the timeframe for the protection. Also, there should be a special room equipped with high-tech equipment for whistle-blowers when they come to provide information. The laws should provide the facilities to witnesses and whistle-blowers to feel free while giving information (not showing their face to public).

4. Mitigation of Punishment/Grants of Immunity from the Prosecution to Cooperative Witnesses or Defendants

Most countries do not have laws on this, excepting Viet Nam and Tajikistan, which have such laws stated in the Penal Code. In these countries, there are specified circumstances for mitigation of punishment. They include circumstances in which the defendants cooperate with investigators and prosecutors to clarify a corruption case. In all the countries except Nepal, the laws do not give a promise or grant of immunity to the defendant even if they cooperate with investigators. In Japan, the penal code states that the punishment of a person who committed a crime and surrendered him/herself before being identified as a suspect by an investigative authority may result in reducing the sentence.

The members of the group are of the view that the law should not be introduced to allow mitigation/immunity for defendants or witnesses, except when there are serious cases of corruption. However, when introduced, it should have a good mechanism of control; if not, it may be abused. Therefore, the best way is to introduce the use of high-tech investigation in order to not depend too much on the witnesses.

### **III. RECOMMENDATIONS ON EFFECTIVE INVESTIGATION MEASURES FOR CORRUPTION CASES**

The necessary measures to make effective investigation in each country were recommended as follows:

- 1— Having a special law separate from the criminal code that deals with corruption and financial offences.
- 2— Ensuring that conflicts of interest are included as offences with criminal punishment, not just administrative punishment.
- 3— Ensuring that our top political leaders and high-ranking officers have the will to fight corruption not by word, but by action through advocacy and enlightenment.
- 4— Enacting strong laws, which empower ACAs with the functions and authorities to effectively fight corruption and investigate corruption cases, ensuring independence as per the Jakarta Statement.
- 5— Preparation of work plans for investigation and teamwork as an important tool for investigations.
- 6— Having qualified and specialized investigators of the right quality and quantity to do investigations.
- 7— Investigators should undergo on-the-job training and refresher courses every three to six months on modern tools of investigation and how to use and introduce new modern technology equipment in their work.
- 8— Introducing well-equipped forensic laboratories.
- 9— Having special rooms for investigation well equipped with special devices.
- 10— Introducing and legalizing undercover operations.
- 11— Ensuring that evidence obtained during the undercover operation is acceptable in courts of law, which requires amendment of evidence laws in some countries.
- 12— Ensuring the independence of the investigators.
- 13— Empowering through legislation the ACAs to have the power and the right to issue search and seizure warrants and warrants for arrest.
- 14— Ensuring provision of good working environment, job security and dignified salary packages for investigators to ensure effective investigation.
- 15— Having comfortable rooms to interview the defendants and witnesses.
- 16— Ensuring cooperation between public officials and the private sector in providing needed information.

17TH UNAFEI UNCAC TRAINING PROGRAMME  
REPORTS OF THE PROGRAMME

- 17— Ensuring the creation and availability of database information whenever needed to speed up and help investigators in their work.
- 18— Ensuring enactment of special laws for protection of witnesses and whistle-blowers and those related to them; advisably having a special budget and mechanism for its implementation.
- 19— Enacting laws which punish those who have information and are aware of corrupt practices and do not provide such information to ACAs.
- 20— Ensuring and enacting laws that allow ACAs to issue any summonses and warrants without consideration of immunity and to interview persons.
- 21— Encouraging citizens and the public to report corrupt practices to ACAs using different means such as education, communication mobilization, reporting centers, hotlines, mailboxes, web-sites, and face-to-face reception of allegations.
- 22— Awareness-raising programmes for all, which pays special attention to students through workshops, seminars, meetings, schoolbooks, clubs for corruption fighters/citizens for a corruption free society and nation.
- 23— Ensuring proper implementation of the international conventions, especially UNCAC, and inclusion of international obligations and standards in our domestic laws.
- 24— Ensuring cooperation between different countries with easy facilitation of Mutual Legal Assistance (MLA), without entering into agreements and/or treaties, just by using the principles of reciprocity.

#### IV. CONCLUSION

The group thoroughly deliberated and discussed the current issues and problems of each participating country relating to effective collection and utilization of evidence in criminal cases. Following thorough discussion, the group concluded certain recommendations and necessary measures to be implemented in their respective countries for the development and improvement of the criminal justice system focusing mainly on investigation. However, it should be noted that the measures and the recommendations in this report may be adopted and implemented in the respective countries based on the necessity and suitability for ultimately achieving an effective and efficient criminal justice system.

Finally, we should admit that many drawbacks in investigating corruption cases still exist: lack of strong legal framework, ACA independence and capacity of the investigation and investigators, among others. The best way to improve and overcome investigation obstacles and difficulties is by putting in place effective measures of investigation. In addition, we should strengthen global networking and acquire modern technologies and techniques from developed countries. If we are ready to change, then we can win this battle of the fight against corruption.