

## **EFFECTIVE INTERNATIONAL COOPERATION FOR COMBATING CORRUPTION**

*Chin How Law* \*

Fighting corruption is an uphill task faced by nations worldwide given the complexity and factual matrix of corrupt practices, their clandestine nature and due to globalization. International cooperation is a must in combating corruption to meet the objectives of nations worldwide such as to restore the public trust, to facilitate good governance, to encourage investor confidence and to provide a fair marketplace and competitive platform. The forms of international cooperation in combating corruption generally include mutual assistance in criminal matters, extradition, cooperation in restraining and confiscating proceeds of crime, the transfer of prisoners to serve their sentence in their countries of origin and the transfer of legal proceedings.

Malaysia is not left behind in fighting corruption through her graft buster the Malaysian Anti-Corruption Commission. International collaboration in fighting corruption is manifestly determined by the Government of Malaysia when the Mutual Assistance in Criminal Matters Act 2002 [Act 621] (MACMA) was ratified by the legislature and came into force on 1 May 2003. MACMA provides the legal basis for the provision of mutual assistance in criminal matters, including corruption. The legal proposition of MACMA was fortified when the Mutual Assistance in Criminal Matters Regulations 2003 (MACMR) were enacted by the Legislature and took effect on 15 June 2003, giving full effect to the provisions of MACMA in respect of procedure and implementation.

The international assistance provided and obtained by Malaysia in criminal matters as defined in section 3 of MACMA, save for extradition of any person, includes:

- (a) providing and obtaining of evidence and things;
- (b) making arrangements for persons to give evidence, or to assist in criminal investigations;
- (c) the recovery, forfeiture or confiscation of property in respect of a serious offence or foreign serious offence;
- (d) the restraining of dealings in property, or the freezing of property, that may be recovered in respect of a serious offence or a foreign serious offence;
- (e) the execution of request for search and seizure;
- (f) the location and identification of witnesses and suspects;
- (g) the service of process;
- (h) the identification or tracing of proceeds of crime and property and instrumentalities derived from or used in the commission of a serious offence or a foreign serious offence;
- (i) the recovery of pecuniary penalties in respect of a serious offence or a foreign serious offence; and
- (j) the examination of things and premises.

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\* Deputy Public Prosecutor, Attorney General's Chambers, Malaysia.

The Central Authority in Malaysia is the Transnational Crime Unit of the Attorney General's Chambers, which facilitates mutual legal assistance (MLA) relating to the provision and obtaining of international assistance under MACMA pursuant to section 7 of MACMA. Foreign authorities can extend their requests to the "Attorney General of Malaysia" through the diplomatic channel, which is the Ministry of Foreign Affairs of Malaysia. Prior to that, the advice of the Transnational Crime Unit could be sought by the requesting State to ensure compliance with statutory requirements as prescribed under the laws of Malaysia to avoid the preparation of such requests in vain.

According to section 19 of MACMA, any request from the foreign authority to Malaysia should be in writing and should include the details as below:

- (a) specify the purpose of the request and the nature of the assistance being sought;
- (b) identify the person or authority that initiated the request; and be accompanied by –
  - (i) a certificate from the appropriate authority of that prescribed foreign State that the request is made in respect of a criminal matter within the meaning of MACMA;
  - (ii) a description of the nature of the criminal matter and a statement setting out a summary of the relevant facts and laws;
  - (iii) where the request relates to –
    - (A) the location of a person who is suspected to be involved in or to have benefited from the commission of a foreign serious offence; or
    - (B) the tracing of property that is suspected to be connected with a foreign serious offence, the name, identity, nationality, location or description of that person, or the location and the description of the property, if known and a statement setting forth the basis for suspecting the matter referred to above;
  - (iv) a description of the offence to which the criminal matter relates, including its maximum penalty;
  - (v) details of the procedure which that prescribed foreign state wishes Malaysia to follow in giving effect to the request, including details of the manner and form in which any information or thing is to be supplied to that prescribed foreign state pursuant to the request;
  - (vi) where the request is for assistance relating to an ancillary criminal matter and judicial proceedings to obtain a foreign forfeiture order have not been instituted in that prescribed foreign state, a statement indicating when the judicial proceedings are likely to be instituted;
  - (vii) a statement setting out the wishes of that prescribed foreign state concerning the confidentiality of the request and the reason for those wishes;
  - (viii) the period within which that prescribed foreign State wishes the request to be met;
  - (ix) if the request involves a person travelling from Malaysia to that prescribed foreign state, details of allowances to which the person will be entitled, and of the arrangements for security and accommodation for the person while he is in that prescribed foreign State pursuant to the request;
  - (x) any other information required to be included with the request under any treaty or other agreement between Malaysia and that prescribed foreign State, if any; and

- (xi) any other information that may assist in giving effect to the request or which is required under the provisions of MACMA or any regulations made under the Act.

The request of the requesting State would be diagnosed and scrutinized swiftly by the Transnational Crime Unit before the recommendation is presented to the Attorney General Chamber for approval. In the event that such request is approved by the Attorney General Chamber of Malaysia, the Transnational Crime Unit will inform and instruct the relevant law enforcement, i.e. the Malaysian Anti-Corruption Commission, to execute such request; meanwhile, the requesting State is notified as to the progress in executing the request.

The ground of refusal would be informed by the Transnational Crime Unit to the Central Authority of the requesting State when the request is rejected by the Attorney General Chamber of Malaysia. There are certain circumstances as prescribed under section 20 of MACMA under which the request of the requesting State must be refused by the Attorney General Chamber of Malaysia:

- (a) there is a failure to comply with the terms of any treaty or other agreement between Malaysia and that prescribed foreign State in respect of that request,
- (b) the request relates to the investigation, prosecution or punishment of a person for an offence that is, or is by reason of the circumstances in which it is alleged to have been committed or was committed, an offence of a political nature;
- (c) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in Malaysia, would have constituted a military offence under the laws of Malaysia which is not also an offence under the ordinary criminal law of Malaysia;
- (d) there are substantial grounds for believing that the request was made for the purpose of investigating, prosecuting, punishing or otherwise causing prejudice to a person on account of the person's race, religion, sex, ethnic origin, nationality or political opinions;
- (e) the request relates to the investigation, prosecution or punishment of a person for an offence in a case where the person has been convicted, acquitted or pardoned by a competent court or other authority in that prescribed foreign State or has undergone the punishment provided by the law of that prescribed foreign State, in respect of that offence or of another offence constituted by the same act or omission as the first-mentioned offence;
- (f) the request relates to the investigation, prosecution or punishment of a person in respect of an act or omission that, if it had occurred in Malaysia, would not have constituted an offence against the laws of Malaysia;
- (g) the facts constituting the offence to which the request relates do not indicate an offence of sufficient gravity;
- (h) the thing requested is of insufficient importance to the investigation or could reasonably be obtained by other means;
- (i) the provision of the assistance would affect the sovereignty, security, public order or other essential public interest of Malaysia;
- (j) the appropriate authority fails to undertake that the thing requested for will not be used for a matter other than the criminal matter in respect of which the request was made;
- (k) in the case of a request for assistance under sections 22, 23, 24, 25 and 26 or sections 35, 36, 37 and 38 of MACMA, the appropriate authority fails to undertake to return

- to the Attorney General, upon his request, anything obtained pursuant to the request upon completion of the criminal matter in respect of which the request was made;
- (l) the provision of the assistance could prejudice a criminal matter in Malaysia; or
  - (m) the provision of the assistance would require steps to be taken that would be contrary to any written law.

On the other hand, the Attorney General Chamber of Malaysia may reject the request of the foreign state as articulated in the following circumstances:

- (a) pursuant to the terms of any treaty or other agreement between Malaysia and that prescribed foreign State;
- (b) if in the opinion of the Attorney General, the provision of the assistance would, or would be likely, to prejudice the safety of any person, whether the person is within or outside Malaysia;
- (c) if in the opinion of the Attorney General, the provision of the assistance would impose an excessive burden on the resources of Malaysia; the Attorney General shall consult with the appropriate authority of the foreign State on the conditions under which the Attorney General is to cease to give effect to it, as the case may be; or
- (d) if that foreign State is not a prescribed foreign State and the appropriate authority of that foreign State fails to give an undertaking to the Attorney General that the foreign State will, subject to its laws, comply with a future request by Malaysia to that foreign State for assistance in a criminal matter.

A request may be deferred due to certain reasons, and the requesting State will be informed of such reasons.

A witness who is authorized by the Attorney General Chamber of Malaysia must appear at the Session Court before which evidence is taken to assist the criminal investigation or proceeding in the requesting State. As elucidated in section 22 of MACMA, the relevant witness must give evidence on oath and such oral evidence must be reduced to writing. The legal representative is allowed by the Session Court Judge to participate in the proceedings when the evidence is taken. The legal representative represents the parties as below:

- (a) the person to whom the proceedings in the prescribed foreign State relates;
- (b) any other person giving evidence or producing any materials or articles at the proceedings before the Sessions Court Judge; and
- (c) the appropriate authority of the prescribed foreign State.

The relevant witness will testify in response to questions posed by the counsel of the Transnational Crime Unit on behalf of the requesting State as to the subject matter in the said request. Therefore, the requesting State shall provide the requested State the material and specific particulars to obtain the evidence as per the request. The Session Court Judge must certify the written evidence or the exhibit given by the witness before those evidence or exhibits are sent to the Attorney General Chamber of Malaysia for transmission to the requesting State. The Transnational Crime Unit will inform the requesting State in the event that the witness is untraceable or the evidence of the witness is unviable.

A Production Order in Form 13 of the MACMR would be issued by the Session Court upon the application of the Attorney General Chamber of Malaysia or the appointed officer

in pertaining to a thing in the possession of any party in Malaysia as to the request of the requesting State by virtue of section 23 of MACMA unless the request pertains to a thing in the possession of a financial institution, in which case the application should be made to the High Court. There are certain conditions precedent to be fulfilled before approval is granted by the Court in respect of the application, inter alia:

- (a) that there are reasonable grounds for suspecting that a specified person has committed or benefited from a foreign serious offence;
- (b) that there are reasonable grounds for believing that the thing to which the application relates:
  - (i) is likely to be of substantial value, whether by itself or together with another thing, to the criminal matter in respect of which the application was made; and
  - (ii) does not consist of or include items subject to legal privilege; and
- (c) that the court is satisfied that it is not contrary to the public interest or to any written law for the thing to be produced or access to it to be given.

The Court will make the Production Order to a certain party who is in possession of the subject matter as to the request of the requesting State after the abovesaid condition precedents being satisfied as below:

- (a) produce the thing to an authorized officer for him to take away; or
- (b) give an authorized officer access to the thing, within seven days of the date of the order or such other period as the court considers appropriate.

In the scenario that the application for the Production Order is refused by the court, the Transnational Crime Unit of the Attorney General Chamber of Malaysia will inform the requesting State accordingly. The requesting State should send the Transnational Crime Unit the “Acknowledgement of Receipt” upon the receipt of the thing as per the Production Order. An “Acknowledgement of Return” of the thing would be given by the Transnational Crime Unit to the Requesting State if there is requirement to return the thing.

Section 35 and 36 of MACMA provides that a search warrant would be issued by the Court upon the application of the Attorney General or an authorized officer directed by him to search a person or a thing which is with the person or located at certain premises as in relation to the request of the foreign State. The Attorney General or the authorized officer will execute the warrant with the assistance of the law enforcement agency such as the Malaysian Anti-Corruption Commission or person as may be necessary. Upon further direction from the Attorney General, the items may be transmitted to the requesting State.

Failure to obtain a search warrant or if the thing is not found as described by the search warrant, the Transnational Crime Unit of the Attorney General Chamber of Malaysia will inform the requesting State accordingly. Additional information is required in order to facilitate the search and seizure such as:

- (a) the full details of the particular person, premises or land to be searched;
- (b) the description of the particular of things or classes of things which are to be searched for and seized, and the grounds for believing that they are relevant to the criminal investigation or proceeding and are on (or under the control of) of the person, in the premises;
- (c) the grounds for believing the particular things to be located as described.

The requesting State may request the Attorney General Chamber of Malaysia to enforce a forfeiture order that has been made in the requesting State or restrain any dealing in property in Malaysia pursuant to section 21 of MACMA. The application of the enforcement of the foreign forfeiture order is in Form 20 of the MACMR as authorized by the Attorney General Chamber. The Attorney General Chamber of Malaysia will inform the High Court if there is any legal representative of the requesting State to present during the proceeding as to the enforcement of the foreign forfeiture order. Section 33 of MACMA deals with the admissibility of the foreign forfeiture order when the application is made to the High Court as follows:

- (a) any order made or judgment given by a court of a prescribed foreign State purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or to have been signed by that person, as the case may be; and
- (b) a document, duly authenticated, that purports to be a copy of any order made or judgment given by a court of a prescribed foreign State shall be deemed without further proof to be a true copy.

A document is duly authenticated for the purpose of paragraph (1)(b) if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in question or by or on behalf of the appropriate authority of that prescribed foreign State.

The registration of the foreign forfeiture order at the High Court takes effect if the application is being satisfied as follows:

- (a) that the order is in force and not subject to further appeal in the prescribed foreign State;
- (b) where a person affected by the order did not appear in the proceedings in the prescribed foreign State, that the person had received notice of such proceedings in sufficient time to enable him to defend those proceedings; and
- (c) that enforcing the order in Malaysia would not be contrary to the interests of justice.

In the event that the registration of the foreign forfeiture order is –

- (a) refused by the High Court, the Attorney General's Chambers will inform the appropriate authority of the requesting State accordingly; or
- (b) granted by the High Court, the said High Court will register the foreign forfeiture order and issue a warrant for its enforcement in accordance with Form 31 of the MACMR, subject to such undertakings as may be required by the High Court. Upon registration, the foreign forfeiture order may be enforced in Malaysia.

Once the warrant for enforcement is issued by the High Court, the Sheriff or authorized officer, must proceed to enforce the foreign forfeiture order as if it were a forfeiture order issued by the High Court. The warrant must be executed within a period of 12 months unless renewed by the High Court.

The registration of the foreign forfeiture order could be revoked by the High Court when the foreign forfeiture order has been satisfied by payment of the amount due under it

or by the person against whom it was made serving imprisonment in default of payment or by other means.

The Attorney General Chamber of Malaysia will notify the requesting State if it is impossible to recover any part of the property in respect of the foreign forfeiture order. If the property to which the foreign forfeiture order relates or any part of it has been recovered, the Attorney General Chamber of Malaysia will commence a forfeiture proceeding and vest it in the Government of Malaysia without prejudice to the rights of bona fide third parties.

A public notice is to be published in the Gazette by the Attorney General Chamber of Malaysia that specifies the articles of which the property consists and requiring any person who has any claim to it to appear before the High Court and establish his claim within 6 months from the date of the public notice. If no person establishes a claim to the property, the ownership of the property or, if sold, the net proceeds will pass to and become vested in the Government of Malaysia.

If any property is vested in the Government of Malaysia, the vesting shall take effect without any transfer, conveyance, deed or other instrument and where any registration of such vesting is required under any law, the authority empowered to effect the registration shall do so in the name of such public officer or such authority, person or body as the Attorney General may specify. The Government of Malaysia shall have absolute discretion on the management and disposition of any property seized and forfeited pursuant to section 32 of MACMA.

On the other hand, the evidence relates to the foreign forfeiture order need to be certified by the appropriate authority of the requesting State, and such certificate must specify the requirements as in section 34 of MACMA:

- (a) judicial proceedings have been instituted and have not been concluded, or that judicial proceedings are to be instituted, in that prescribed foreign State;
- (b) a foreign forfeiture order is in force and is not subject to appeal;
- (c) all or a certain amount of the sum payable under a foreign forfeiture order remains unpaid in that prescribed foreign State, or that other property recoverable under a foreign forfeiture order remains unrecovered in that prescribed foreign State;
- (d) a person has been notified of any judicial proceedings in accordance with the law of that prescribed foreign State; or
- (e) an order, however described, made by a court of that prescribed foreign State has the purpose of
  - (i) recovering, forfeiting or confiscating
    - (A) payments or other rewards received in connection with an offence against the law of that prescribed foreign State that is a foreign serious offence, or the value of the payments or rewards; or
    - (B) property derived or realized, directly or indirectly, from payments or other rewards received in connection with such an offence or the value of such property; or
  - (ii) forfeiting or destroying, or forfeiting or otherwise disposing of, any drugs or other substance in respect of which an offence

against the corresponding drug law of that prescribed foreign State has been committed, or which was used in connection with the commission of such an offence,

shall, in any proceedings in a court, be received in evidence without further proof.

In any such proceedings, a statement contained in a duly authenticated document, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarize evidence given in proceedings in a court in a prescribed foreign State, shall be admissible as evidence of any fact stated in the document.

With regard to the restraint order, the Attorney General Chamber of Malaysia will issue an authorization in Form 21 of the MACMR to apply for a restraint order from the High Court in relation to the request of the requesting State.

A restraint order is made by the High Court where –

- (a) judicial proceedings have been instituted in a prescribed foreign State;
- (b) the judicial proceedings have not been concluded;
- (c) a foreign forfeiture order has been made in the judicial proceedings;
- (d) it appears to the High Court that there are reasonable grounds for believing that a foreign forfeiture order may be made in the judicial proceedings;
- (e) the High Court is satisfied, whether by information that has been placed before it or otherwise, that judicial proceedings are to be instituted in the prescribed foreign State;
- (f) it appears to the High Court that a foreign forfeiture order may be made in the judicial proceedings;
- (g) the making of the order in Malaysia would be contrary to the interests of justice.

If the application for the restraint order is –

- (a) refused by the High Court, the Attorney General's Chambers will inform the appropriate authority of the Requesting State accordingly; or
- (b) granted by the High Court, a restraint order in Form 23 of the MACMR will be issued to prohibit any persons from dealing with the property specified in the restraint order, subject to such conditions and exceptions as may be specified in the order.

The restraint order is discharged by the High Court if the proposed judicial proceedings are not instituted in the requesting State within 3 months from the date of the restraint order. The Attorney General Chamber of Malaysia will then seek further instructions from the appropriate authority of the requesting State on the next course of action after the restraint order is discharged.

A restraint order issued may apply to all property in respect of which a foreign forfeiture order could be made that is held by a specified person, regardless whether the property is described in the restraint order or not or being property transferred to him after the making of the restraint order.



Section 27 of MACMA provides that arrangements could be made by the Attorney General Chamber of Malaysia for a person from Malaysia to travel to a prescribed foreign State to assist in a criminal investigation or proceeding. The Attorney General may assist in making such arrangement pursuant to the request if the Attorney General is satisfied that:

- (a) the request relates to a criminal matter in the prescribed foreign State involving a foreign serious offence;
- (b) there are reasonable grounds to believe that the person concerned is capable of giving evidence or assistance relevant to the criminal matter;
- (c) the person concerned has freely consented to attend as requested; and
- (d) the appropriate authority has given adequate undertakings in respect of the matter.

Nevertheless, the undertakings to be given by the appropriate authority to the Attorney General Chamber of Malaysia for the said travel arrangements are as follows:

- (a) that the person shall not:
  - (i) be detained, prosecuted or punished for any offence against the law of the prescribed foreign State that is alleged to have been committed, or that was committed, before the person's departure from Malaysia;
  - (ii) be subjected to any civil suit in respect of any act or omission of the person that is alleged to have occurred, or that had occurred, before the person's departure from Malaysia; or
  - (iii) be required to give evidence or assistance in relation to any criminal matter in the prescribed foreign State other than the criminal matter to which the request relates, unless the person has left the prescribed foreign State or the person has had the opportunity of leaving the prescribed foreign State and has remained in the prescribed foreign State otherwise than for the purpose of giving evidence or assistance in relation to the criminal matter to which the request relates;
- (b) that any evidence given by the person in the criminal proceedings to which the request relates, if any, will be inadmissible or otherwise disqualified from use in the prosecution of the person for an offence against the law of the prescribed foreign State, other than for the offence of perjury or contempt of court in relation to the giving of that evidence;
- (c) that the person will be returned to Malaysia in accordance with arrangements agreed to by the Attorney General; and
- (d) such other matters as the Attorney General thinks appropriate.

The Attorney General can grant the approval as to the request for the attendance of a prisoner/person under detention from Malaysia to a prescribed foreign State, upon consultation with the Ministry of Home Affairs, the relevant law enforcement such as the Malaysian Anti-Corruption Commission and the Prison Department in accordance with section 28 of MACMA.

In order for the transfer to be effected, the appropriate prescribed foreign State shall give an undertaking as follows:

- (a) to bear and be responsible for all the expenses of the transfer of custody;
- (b) to keep the person under lawful custody throughout the transfer of his custody; and

- (c) to return him to Malaysia's custody immediately upon his attendance before the appropriate authority or court in the prescribed foreign State being dispensed with.

Form 16 of the MACMR is issued by the Attorney General Chamber of Malaysia to the Director General of Prison for the attendance of the prisoner or person under detention before the Attorney General or an authorized officer in the event that the approval is given by the Attorney General. If the prisoner or person under detention refuses to attend at the date, time and place specified in the notice, the Attorney General Chamber of Malaysia will inform the appropriate authority of the requesting State accordingly, together with proof of service of the notice if required.

When the prisoner or person under detention attends at the date, time and place specified in the notice, the Attorney General or an authorized officer will inform the prisoner or person under detention in the presence of his legal representative, if any, of his rights and liabilities if he consents to travel to the requesting State to give evidence or assist in the criminal matter to which the request relates.

The Attorney General will issue –

- (a) a Warrant for Transportation in Custody to the Director General of Prison for the transportation in custody of the prisoner or person under detention; and
- (b) a request to the Director General of Immigration to issue the necessary travel documents and approvals for the purposes of such travel to and return from the Requesting State.

The Attorney General or the authorized officer, with the assistance of the Prison Department and the Royal Malaysia Police/Malaysian Anti-Corruption Commission will supervise the transfer of custody of a prisoner or person under detention to an authorized officer of the requesting State.

An authorized officer of the requesting State can come to Malaysia and take custody of the prisoner or person under detention if the approval is granted by the Attorney General Chamber of Malaysia. If the prisoner or person under detention is required to transit in a third country, the Attorney General will notify the appropriate authority of the third country accordingly and request the necessary arrangements to be made until his transportation can be continued.

The Attorney General will issue a Warrant for Return to the Director General of Prison in Form 18 of the MACMR requiring the Director General of Prison to convey the prisoner or person in custody from the requesting State to Malaysia and there to deliver him into the custody of the prison officer appointed to receive the prisoner or person in custody. If the attendance of the prisoner or person in custody is dispensed with by the requesting agency or court in the requesting State, the requesting authority can make a further request to the Attorney General to allow the prisoner or person under detention to remain in the requesting State for any other criminal matter. The Attorney General may consent to his further stay in the requesting State after consulting the relevant agencies. The Attorney General will consult the Ministry of Home Affairs, the Royal Malaysia Police/Malaysian Anti-Corruption Commission and the Prison Department before making his decision.

A prescribed foreign State may request assistance from the Attorney General in locating or identifying and locating persons for the purposes of assisting criminal investigations or proceedings in the prescribed foreign State.

With the authorization of the Attorney General, for the execution of the request to provide assistance in locating or identifying and locating a person who is reasonably believed to be in Malaysia, an officer of the Royal Malaysia Police/Malaysian Anti-Corruption Commission or an officer of a relevant agency will be appointed to locate or identify and locate the person to whom the request relates or forward the request to the Royal Malaysia Police or other relevant agency for execution. The Attorney General will give such officer(s) an authorization in Form 38 of the MACMR.

The Attorney General may authorize in writing assistance in accordance if he is satisfied that –

- (a) the request relates to a criminal matter in the prescribed foreign State; and
- (b) there are reasonable grounds for believing that the person to whom the request relates:
  - (i) is or might be concerned in, or could give or provide evidence or assistance relevant to the criminal matter; and
  - (ii) is in Malaysia.

If the person cannot be located or identified and located, the authorized officer or authorized agency must inform the Attorney General Chamber of Malaysia together with documentation of the measures that have been taken to execute the request. If necessary, the authorized officer concerned will swear or affirm an affidavit for this purpose.

If the Attorney General Chamber of Malaysia is satisfied that the person cannot be located or identified and located after due effort, the Attorney General Chamber of Malaysia will inform the appropriate authority of the requesting State accordingly. If not, the Attorney General Chamber of Malaysia will direct the authorized officer or the authorized agency to continue his efforts. If the person to whom the request relates is located or identified and located, the authorized officer or authorized agency must inform the Attorney General Chamber of Malaysia immediately.

Likewise, Malaysia also requests international assistance from the appropriate authority of the foreign State in obtaining evidence (section 8 of MACMA) or recovering of any property (section 13 of MACMA) or locating the witness who is wanted to assist the investigation (section 14 of MACMA) as related to corruption such as the case of 1 Malaysia Development Berhad (1MDB). As of the date of 29 October 2021, a total of RM18.2 billion worth of assets linked to 1MDB have been seized and recovered as the outcome of collaboration between the Department of Justice (DOJ) of the United States and the Attorney General Chamber of Malaysia.

As an upshot, MACMA provides a legal framework in the form of Mutual Legal Assistance to the appropriate authority of the foreign State by rendering various kinds of international assistance in obtaining evidence to assist in any criminal proceeding in the foreign State. Therefore, the counterpart of Malaysia must fully utilize the method and platform as provided under MACMA in the context of mutual legal assistance to ensure the international cooperation mechanism is optimized. International cooperation must be

adamantly, persistently and cohesively effected by nations worldwide to eradicate corruption. It cannot be gainsaid that the war against corruption cannot be won overnight.