REPORT OF THE PROGRAMME

THE 23RD UNCAC TRAINING PROGRAMME (ONLINE)
"TACKLING EMERGING THREATS OF CORRUPTION IN THE BORDERLESS AND DIGITALIZED WORLD"

1. **Duration and Participants**
   - From 22 September to 18 October 2021
   - 27 overseas participants from 19 jurisdictions

2. **Programme Overview**

Globalization coupled with rapid progress of information technology has made trades and transactions borderless and highly reliant on worldwide information flows in cyberspace. While these changes have contributed to enormous economic growth, they have also made the fight against corruption more difficult with a number of new and emerging challenges. To counter these challenges, this programme offered participants an opportunity to share experiences and knowledge on (i) finding, preserving, collecting, analysing and utilizing electronic evidence; (ii) detection of corruption cases from various sources and gaining cooperation from witnesses, accomplices and citizens, and (iii) international cooperation.

This programme, for the first time in the history of UNAFEI's International Training Courses and Seminars, was exclusively conducted online due to the Covid-19 pandemic. In consideration of the time difference between the participating countries around the world, two-hour session were conducted twice a day. The participants were offered a virtual conference room and chat room through which they were able to communicate with the UNAFEI faculty and staff members as well as their colleagues in real time.

3. **The Content of the Programme**

(1) Lectures

Since the participants needed to continue their professional and family duties during the programme, the lectures were recorded in advance and broadcast on-demand for their convenience, followed by live Q & A sessions with the lecturers. UNAFEI faculty members gave on-demand lectures on the criminal justice system in Japan, as well as some live lectures on an overview of UNCAC, Japanese anti-corruption measures, and international cooperation focusing on the bottlenecks in MLA. The visiting experts from overseas and an ad hoc lecturer from Japan also gave informative lectures:

➢ Visiting Experts

- Dr. Thomas Dougherty
  International Computer Hacking and Intellectual Property
  Attorney for Central, Southern and Eastern Europe
  U.S. Department of Justice
  "Effective Use of Digital Evidence in Anti-Corruption Investigations and Prosecutions"

- Mr. LAM Seow Kin
  Deputy Director, Investigations
  Corrupt Practices Investigation Bureau, Singapore
  "Effective Measures and Practical Challenges to Detect Corruption Cases from Various Sources"

- Mr. Robin LEE
  Chief, Digital Technology Office, Deputy Director, Investigations, Corrupt Practices Investigation Bureau, Singapore
  "Effective Measures to Encourage Corruption Reporting"

➢ Ad hoc lecturer

- Mr. HACHIYA Kenichi
  Assistant Director, Second Unit of Investigation Training Office Cybercrime Division, Community Safety Bureau

National Police Agency
"Cybercrime Investigation Practice in Japan"

(2) Group Work
Participants were divided into four groups based on time zones and the themes of their choice for the Individual Presentation sessions and discussions.

➤ Individual Presentations
Participants shared the practices and the challenges in their respective jurisdictions regarding the theme of the Programme through their individual presentations. All the presentations were recorded and uploaded online for reference by participants in other groups or those who could not attend the sessions.

➤ Discussions
Participants had fruitful discussions on the themes of the Programme: (i) finding, preserving, collecting, analysing and utilizing electronic evidence; (ii) detection of corruption cases from various sources and gaining cooperation from witnesses, accomplices and citizens, and (iii) international cooperation, focusing on their challenges.

• Whistle-blower/witness protection
As for encouraging reporting, conventional measures such as anonymous reporting, exemption from civil/criminal liability and confidentiality of the identification of the reporter were shared as well as the use of new technology such as online-reporting systems and smartphone applications which give the public easy access to the authority. As for witness protection, in court measures such as confidentiality of the identity of the witness and video-link testimony were discussed along with out-of-court measures such as the change of identification or relocation of the witness by the government. Measures to obtain cooperation from accomplices and hostile witnesses was also discussed including deferred prosecution, plea agreement (or cooperation agreement) as well as subpoenas and the use of out-of-court statements as exceptions to the hearsay rule. It was mentioned that special units need to be established to deal with whistle-blower/witness protection because of its sensitive nature. The Singaporean experience of younger-age education was also pointed out as being effective in obtaining cooperation from the public.

• Effective use of information, financial intelligence and other corruption leads
Regarding FIU information, it was mentioned that the value of FIU information needs to be disseminated among criminal justice practitioners, and a successful case involving MLA based on the FIU information to detect and prosecute corruption was shared. The challenges and best practices of inter-agency cooperation, especially between anti-corruption agencies and police forces, were also shared. The Japanese leniency system of the Fair Trade Commission was introduced as a means to detect procurement-related corruption.

• Use of digital evidence
As for the challenges of collecting and analysing digital evidence, recovery of digital data, decrypting the locked devices seized and collection of digital data stored overseas, as well as lack of adequate laws, experts and tools to deal with digital evidence. As countermeasures, it was discussed that timely freezing of the data by international cooperation and sharing of tools and experts at the regional level as well as establishing sufficient legal frameworks and capacity -building of experts and investigators. As for the effective use of digital evidence at the trial stage, best practices for authentication were discussed, such as procedures for collection and preservation, establishing the "chain of custody", including numbering the evidence, and testimony by digital-forensics investigators and experts. Japanese precedent was also shared on the admissibility of digital evidence obtained from overseas servers.

• International cooperation
The lengthy, complicated process of mutual legal assistance was discussed as one of the primary challenges to international cooperation. To overcome these challenges, the use of informal

professional networks and information sharing were identified as important steps. Practices were also shared on collecting and analysing digital evidence in collaboration with law enforcement agencies in other countries. As for the collection of digital evidence, it was pointed out that the Budapest Convention is a valuable tool for handling preservation requests and mutual legal assistance, provided the parties to the request are member states.

(3) Action Plans

Each participant concluded the programme by presenting their own action plans based on the challenges they identified and what they learned in the lectures, presentations by the colleagues and discussions. Despite the lack of in-person interaction, most participants said they were quite satisfied that the programme had been helpful in acquiring knowledge on anti-corruption measures.