
REPORT OF THE PROGRAMME

THE 25TH UNAFEI UNCAC TRAINING PROGRAMME

“EFFECTIVE CORRUPTION INVESTIGATION UTILIZING INTERNATIONAL COOPERATION”

1. Duration and Participants

- From 2 to 28 November 2023
- 30 overseas participants from 25 jurisdictions
- 4 participants from Japan

2. Programme Overview

This programme focused on effective corruption investigation utilizing international cooperation, in particular effective legal frameworks and measures in international cooperation regarding the investigation of corruption cases with a view to securing evidence which can be used in the criminal proceedings as well as to confiscate/recover the criminal proceeds of corruption. The participants identified the challenges and shared the possible solutions and good practices from the aspects of i) building a network among law enforcement, ii) information sharing including through Interpol and FIUs, iii) official cooperation through mutual legal assistance and joint investigation teams.

Also, this programme, through participants' presentations, lectures and discussions, aimed to enhance the participants' mutual understanding and knowledge in regard to measures to improve anti-corruption crime efforts in their respective jurisdictions as well as to establish a global network among the participants who are criminal justice practitioners.

3. Contents of the Programme

(1) Lecturers

The following visiting experts from overseas and Japanese experts, as well as UNAFEI faculty members, gave lectures as follows:

- Visiting Experts
 - Dr. Badr El Banna (online)
Crime Prevention and Criminal Justice Specialist, UNODC
“Stolen Asset Recovery (StAR) Initiative: Work & Highlights”
 - Ms. Rositsa Zaharieva (online)
GlobE Network Coordinator, Corruption and Economic Crime Branch, UNODC
“Global Operational Network of Anti-Corruption Law Enforcement Authorities”
 - Mr. Andrew Hanger (online)
General Counsel – Criminal Assets Litigation, Australian Federal Police
“Criminal Assets Confiscation and Corruption matters – Australia’s approach”
 - Ms. Suet San Daphne Lim
Senior Principal Investigator, Independent Commission Against Corruption
“Fighting Corruption: The Mission Continues”
“Catching the Villains - International Cooperation”
 - Mr. Boštjan Lamešič (online)
Deputy National Member for Slovenia at Eurojust and Senior State Prosecutor
“Eurojust International Judicial Cooperation Tools in Corruption Cases: Effective Corruption Investigation Utilizing International Cooperation”
 - Mr. Federico Paesano (online)
Senior Financial Investigation Specialist, Basel Institute on Governance

“Cryptocurrency Investigations and International Cooperation”

- Japanese Experts
 - Mr. KAYA Tomonobu
Assistant Director, INTERPOL Financial Crime and Anti-Corruption Centre
“Leveraging INTERPOL’s Capabilities and Tools in the Fight Against Financial Crime and Corruption”
 - Mr. SAITO Takahiro
Deputy Director, Organized Crime Department, Criminal Affairs Bureau, National Police Agency
“Suspicious Transaction Reporting System and Practice in Japan”
 - Mr. YOSHIDA Masahiro
Mr. NAKAIMA Shinichi
Digital Forensic Centre, Tokyo District Public Prosecutors Office
“Overview of the Digital Forensic Centre and Smartphone Forensics”
 - Mr. WATANABE Naoki
Director, International Affairs Division, Criminal Affairs Bureau, Ministry of Justice
“Effective International Cooperation in Corruption Cases”

(2) Individual Presentations

Participants shared the practices and the challenges in their respective jurisdictions regarding the theme of the programme through their individual presentations. Materials for presentation and overview sheets which described the legal system of respective participants’ countries were uploaded online in advance for reference by participants.

(3) Group Workshops

The participants were divided into four groups. They were assigned to have discussions on two parts. Part 1 was a fact-pattern exercise. All the participants were asked to put themselves in the shoes of government officials who committed a corruption crime and discussed how they would hide their crimes and bribes from law enforcement as well as where to buy a vacation home overseas. The aim of Part 1 was to find gaps and shortcomings of present measures on corruption investigation and international cooperation from the criminal’s point of view. In part 2, the participants discussed the improvements to be made in international cooperation for corruption cases based on the discussion of Part 1, and knowledge obtained through lectures and participants’ presentations. Participants were required to develop an action plan which suggests improvements in international cooperation.

In group discussions, participants pointed out the problems regarding bank secrecy, award of golden passports or visas to foreign nationals who invest more than a certain amount, and weak governance of financial institutions in some countries. Also many of them agreed that the regulations of cryptocurrencies were not enough. Furthermore, in international cooperation, the language barrier, lengthy time necessary for the execution of the requests, passive attitude of requested countries, limited resources allocated to the execution of the mutual legal assistance request were identified as problems. In developing an action plan, each group discussed the possible solutions to these various challenges. Each group concluded the programme by presenting their action plans to the fellow participants and faculty of UNAFEI.

4. Feedback from the Participants

Most participants commented that the volume of the lectures, individual presentations and group workshops were overall well balanced in the programme and were helpful to gain knowledge. On the other hand, some commented that the duration of the programme was a little long and would like to have more observation visits. We appreciate all the feedback from the participants and will take them into consideration when planning our future training programmes.

5. Comments from the Programming Officer

Corruption is often one of the most difficult crimes to investigate due to its secrecy and the political power

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of an offender. Many countries had difficulties in proving the connection between the criminal proceeds and predicate offences. This explains the background of criminalizing “illicit enrichment”, which is criminalized in more than half of the participants’ countries. Moreover, some countries developed a legal framework to confiscate the unexplained assets by administrative measures or based on non-conviction-based civil forfeiture. These measures, which enable the government to recover criminal proceeds and other assets with a lesser burden of proof compared to criminal conviction, seemed likely to be utilized more in the future.

In addition, Eurojust showed an effective model of international cooperation which minimizes the many challenges pointed out by the participants and lecturers, namely differences in language and legal systems and limited resources allocated to the execution of mutual legal assistance requests. Though it might be questionable whether Eurojust model would be equally effective for the whole world, it gives us a clue to the future direction on international cooperation.

These are just a few observations on the outcome of this programme, which targeted various forms of international cooperation. I hope the knowledge gained by the participants is useful to improve their own practices.

We started to hold in-person training at UNAFEI’s facilities in May after the Covid-19 pandemic, and we are glad no participants caught Covid or the flu. It was obvious that in-person communication among both overseas and Japanese participants throughout the programme made it more effective to understand the legal systems and practices of other countries as well as to establish personal connections. We hope that this personal network will contribute to solving corruption crimes through international cooperation.