

## Regional Workshop on Denying Safe Haven to Corrupt Officials and Stolen Assets

**Bangkok (Thailand), 8 October 2019-** The 15<sup>th</sup> Principal Meeting of the [Southeast Asia Parties Against Corruption \(SEA-PAC\)](#)-UNODC side event, co-organized with the National Anti-Corruption Commission (NACC) of Thailand, provided a platform for anti-corruption agencies' Commissioners and delegations from ASEAN countries and China to discuss **ongoing challenges about fugitives crossing borders and stolen assets abroad** , with the aim to inform the development of the SEA-PAC 2020 action plan.



Opening the workshop, Mr. Warawit Sukboon, Secretary-General of the NACC, highlighted that **cross-border evasions of corrupt officials and their illicit assets have become prevalent challenges to investigation and prosecution of corruption cases worldwide**, causing detrimental impact to the law enforcement process, stability of criminal justice system and collective efforts of all countries involved to fight against corruption. With growing methods of travels, communication and transactions in the modern age, such offenders flee overseas with their stolen assets in order to avoid prosecution and/or serving sentences in their own country, thereby evading justice. On the other side, law enforcement and anti-corruption agencies often find themselves in the complexity of limitations in pursuing the culprits abroad: even a slight delay in transmitting intelligence may jeopardize an operation, wasting human and financial resources.

To address this issue, **representatives from ASEAN countries and China were invited to present case studies and country experiences** in supporting law enforcement agencies to inspect and avoid these delays. The outcomes and recommendations of this regional workshop were then reported at the SEA-PAC 15<sup>th</sup> Principal Meeting for the development of the SEA-PAC 2020 action plan.

## Challenges and best practices for stolen asset recovery in China, Indonesia, Malaysia and Thailand

*“If crime crosses borders, so must law enforcement” Kofi Annan, cited by H.E. Mr. Laode Syarif, Commissioner, Corruption Eradication Commission (KPK) Indonesia, presenting KPK’s experience and the need to introduce new legal frameworks to fight “fast-moving crimes”*

**Multijurisdictional investigations can be particularly challenging.** Challenges presented by participants include non-cooperative jurisdictions, legal system differences such as civil versus common law systems or dual criminality requirements, differing requirements and evidentiary standards per treaties, lengthy administrative procedures of diplomatic channels, unfair trails with human rights concerns, risks of political offence and absence of an universal definition of political motivation, lack of resources, or language barrier among law enforcement officers. These challenges encountered as well as **how these have been overcome were presented through cases studies in Indonesia, China, Thailand and Malaysia.**

Common practices to address these challenges include consultation, simplified extradition, informal cooperation and mutual trust. In Malaysia, **a specialized/dedicated anti-money laundering division, the establishment of a high-level task force, inter-agency collaboration, the use of forensic and financial expertise, and joint operations,** proved to be successful in recovering assets in the [1MDB corruption scandal](#). In Indonesia, some of the successful cases presented such as [the Nazaruddin case](#), [Rolls Royce case](#), [e-KTP case](#) or [INNOSPEC case](#), highlighted the importance of **agency to agency collaboration and informal communication mechanisms followed by Mutual Legal Assistance procedures.** Despite successful cases, H.E. Mr Laode Syarif, KPK Commissioner, added that “the information collected via informal channels may be used for intelligence purposes only, and the evidence gathered often can’t be used in court proceedings: this is why there is an urgent need to introduce new regulations in line with [the UN Convention against Corruption \(UNCAC\) Chapter V](#)”.

## Requirements for ASEAN anti-corruption agencies and way forward

*“While different institutions may have different understanding of the cases -central banks, financial intelligence units, law enforcement agencies, police, anti-corruption agencies, prosecutors- there is a need to fundamentally change the way we work together and across borders” explained Mr. Shervin Majlessi, Senior Legal Adviser, StAR Initiative.*

UNODC experts shared international standards, best practices and requirements to address the above challenges. Mr. Shervin Majlessi, Senior Legal Adviser, UNODC-World Bank [Stolen Assets Recovery \(StAR\) Initiative](#), participating in the event, insisted on **the importance of strategic planning with appropriate legal avenues, inter-agency cooperation and appropriate resources allocation.** “While political support is essential, legal tools, capacities both at operational and institutional level, and communication and trust should be secured”. The [G20 Principles on Cooperation on Persons Sought for Corruption and Asset Recovery](#) may be used as a guidance. In addition, Mr. Francesco Checchi, UNODC Anti-Corruption Adviser for Southeast Asia, presented **how beneficial ownership transparency can be a fundamental tool for anti-corruption investigations and stolen asset recovery.** Countries in ASEAN have developed a set of recommendations towards this end in a recent UNODC regional workshop, which are summarized in an [Outcome document](#).



*Mr. Francesco Checchi, UNODC Regional Anti-Corruption Adviser for Southeast Asia, sharing how beneficial ownership transparency in the region can be a fundamental tool for stolen assets recovery.*

Participants highlighted the need for trainings and expertise within anti-corruption agencies to face increasingly complex corruption schemes, as well as increased international cooperation. The outcomes of this regional workshop were shared at the 15<sup>th</sup> Principal Meeting of SEA-PAC **to inform the development of the SEA-PAC 2020 action plan.**

*The SEA-PAC annual meeting is a closed-door meeting on the side of which UNODC annually organizes a seminar on a thematic topic of relevance. Last year, the side event of the 14<sup>th</sup> Principal Meeting of SEA-PAC, organized in cooperation with the Corrupt Practices Investigation Bureau (CPIB) in Singapore, focused on [the use of innovative tools to fight corruption](#).*