

Information Concerning with Resolution 5/3 adopted by the Conference of the States Parties to the United Nations Convention against Corruption.

1. The Union of the Republic of Myanmar, Central Authority for Mutual Legal Assistance headed by Minister for Home Affairs is providing informal asset tracing or investigative assistance to a foreign jurisdiction.

2. Central Authority for Mutual Legal Assistance has the responsibility and power to receive requests for mutual legal assistance. Legal frameworks for mutual legal assistance for asset recovery are as follows and Convention can be used as a legal basis-

- (a) Criminal Procedure Code (1898)
- (b) Criminal Amendment Law (1951)
- (c) The Law against Unlawful Possession and Procurement (1986)
- (d) Mutual Legal Assistance on Criminal Matters Law and Rules (2004)
- (e) Anti-Corruption Law (2013)
- (f) Anti-Money Laundering Law(2014)

3. Myanmar can assist on criminal investigation, prosecution and adjudication according to the Mutual Legal Assistance on Criminal Matters Law.

4. Central Authority for Mutual Legal Assistance can enforce the foreign freezing orders.

5. Foreign countries can make request to the Central Authority to enforce the foreign freezing orders. Myanmar can freeze the assets according to the finding of the investigation. There is no restriction for forfeiture of civil assets. If the foreign country request to freeze private sector the offense to freeze private sector the offense should be one year and above imprisonment. The requesting country should conduct according to the Mutual Legal Assistance Law. Freezing order duration is not restricted.

6. Myanmar can enforces foreign confiscation order if the accused was found guilty. Request letter should be send to the Central Authority for Mutual Legal Assistance. Assets confiscation order should be issued according to the Myanmar Jurisdiction, Special Laws and Administrative procedure can also be apply for the

confiscation. The owner of the foreign assets can file an appeal against the enforcement of foreign confiscation order.

7. Disposal and return of assets can be done according to the Criminal Procedure Code and Special Laws. Disposal and return of the assets will be done by the organization instructed by the authority according to the law.
8. Foreign countries can contact Central Authority, Ministry of Home Affairs, Myanmar Police Force and Departments and Union Attorney General Office for the Mutual Legal Assistance of the Criminal Affairs.
9. Our Country has not developed such a guide for mutual legal assistance.

Director General
Bureau of Special Investigation