

27 November 2023

English only

---

**Conference of the States Parties to the United Nations Convention against Corruption****Tenth session**

Atlanta, United States of America, 11–15 December 2023

**Other matters****Conference room paper****UNODC GlobE Network: Compendium of Practices on Informal Cooperation in Transnational Corruption Cases**

At its ninth session, held in Sharm el-Sheikh Egypt, from 13 to 17 December 2021, the Conference of the States Parties (CoSP) to the United Nations Convention against Corruption adopted resolution 9/5, entitled “Enhancing international anti-corruption law enforcement cooperation”. In that resolution, the Conference “welcomes the work undertaken by the United Nations Office on Drugs and Crime in the establishment of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network), which is aimed at providing a quick, agile and efficient toolkit for combating cross-border corruption offences, strengthening communication exchange and peer learning between competent anti-corruption law enforcement authorities...”. The UNODC GlobE Network notably strives to facilitate direct and informal cooperation between anti-corruption law enforcement authorities. Paragraph 6 of the GlobE Network Charter contains a specific reference to the development of knowledge products and tools, by mandating the Network to “enhance the knowledge, innovation and capacities of anti-corruption law enforcement authorities and exchange good practice.”

This conference room paper presents a Compendium of Practices on Informal Cooperation in Transnational Corruption Cases. The Compendium provides an overview of good practices and experiences on informal cooperation in the investigation and prosecution of corruption cases. It presents common trends and patterns in anti-corruption law-enforcement practitioners’ work, with information collected from 57 anti-corruption law enforcement authorities representing 42 countries, as of May 2023. The Compendium was developed as a publicly available tool upon recommendations of the third GlobE Network plenary meeting held in Madrid, Spain, in November 2022, and made public during the fourth GlobE Network plenary meeting, held in Vienna, Austria in July 2023.

This conference room paper thereby contributes to the implementation of Article 48 of the UNCAC, which requires that States Parties cooperate closely with one another in their law enforcement activities to effectively combat corruption and related offences; and article 58 of the UNCAC, which obliges States Parties to endeavour to proactively share information on proceeds of corruption offences.



# Compendium of Practices on Informal Cooperation in Transnational Corruption Cases

**UNODC Global Operational Network of  
Anti-Corruption Law Enforcement Authorities**








July 2023

Vienna, Austria



## Table of Contents

ABBREVIATIONS .....	4
INTRODUCTION .....	6
I. OBJECTIVE .....	6
II. METHODOLOGY .....	7
III. SCOPE OF INFORMAL COOPERATION .....	10
1. Formal vs. Informal Cooperation.....	10
2. Timing for engaging in informal cooperation.....	13
IV. PURPOSE OF ENGAGING IN INFORMAL COOPERATION .....	15
1. Informal cooperation and investigative actions.....	15
a. Identifying relevant counterparts and obtaining contact details .....	17
b. Urgently exchanging information.....	18
c. Discussing cooperation plans with counterparts.....	19
d. Tracing movements of assets or other instrumentalities .....	21
e. Locating or identifying the suspect.....	24
f. Requesting information which can be obtained via open sources .....	25
g. Spontaneously disclosing information .....	26
h. Preserving or requesting evidence .....	26
i. Requesting the opening of a foreign case and enquiring about evidentiary requirements for admissibility .....	28
j. Obtaining information already available in a different jurisdiction through coercive measures.....	29
2. Informal cooperation and MLA .....	30
a. Obtaining background information on the MLA rules, procedures, and requirements prior to sending a request.....	31
b. Discussing the content of the MLA request, prior to sending it .....	33
c. Following up to an MLA request previously sent .....	35
d. Consulting on the grounds for possible refusal of an MLA request.....	36
V. CHANNELS FOR INFORMAL COOPERATION .....	37
1. Previously formed contacts .....	37
2. International cooperation networks.....	38
3. Liaison officers .....	41
4. Additional channels of communication .....	41
VI. INFORMAL COOPERATION MEANS OF COMMUNICATION .....	42
VII. CHALLENGES TO INFORMAL COOPERATION AND HOW TO OVERCOME THEM .....	45
1. Limited use of obtained information .....	46
a. Inadmissibility of informally obtained evidence .....	46
b. Need to comply with confidentiality requirements and data protection rules.....	47
2. Difficulty identifying a counterpart.....	48
3. Lack of response from counterparts when approached informally.....	49
4. Lack of willingness to cooperate .....	50
5. Language barriers.....	51
6. Lack of clarity as to the informal cooperation process .....	52
VIII. CONCLUSION .....	55
ANNEX I: QUESTIONNAIRE.....	56
ANNEX II: REFERENCES.....	59

	Box 1: How UNODC GlobE Network facilitates communication.....	16
	Box 2: The Directory of Authorities .....	17
	Box 3: UNODC Directory of Competent National Authorities under the United Nations Convention Against Corruption .....	31
	Box 4: Good practices to improve information sharing .....	33
	Box 5: UNODC GlobE Network meetings.....	38
	Box 6: UNODC GlobE Network membership .....	39
	Box 7: UNODC GlobE Network Threema .....	43
	Good practices 1: Overcoming the limited use of information obtained informally .....	47
	Good practices 2: Identifying a foreign counterpart.....	48
	Good practices 3: Getting responses from counterparts when approached informally .....	50
	Good practices 4: Overcoming the lack of willingness to cooperate .....	51
	Good practices 5: Overcoming languages barriers.....	51
	Good practices 6: Clarifying the informal cooperation process.....	54

## ABBREVIATIONS

MOU	Memorandum of Understanding
MLA	Mutual Legal Assistance
AIAMP	Ibero-American Association of Public Prosecutors' Offices
APEC	The Asia-Pacific Economic Cooperation
APEC ACT NET	APEC Network on Anti-Corruption Authorities and Law Enforcement Agencies
ARIN-AP	Asset Recovery Interagency Network for Asia Pacific
ARIN-WCA	Asset Recovery Inter-Agency Network—West and Central Asia
ASEAN	Association of Southeast Asian Nations
CARIN	Camden Asset Recovery Inter-Agency Network
Globe Network	Global Network of Operational Anti-Corruption Law Enforcement Authorities
FIU	Financial Intelligence Unit
MOU	Memorandum of Understanding
NCB	Non-conviction based
PEP	Politically Exposed Person
POC	Proceeds of Crime
S.A.R.	Special Administrative Region
StAR	Stolen Asset Recovery Initiative

UN United Nations

UNCAC United Nations Convention against Corruption

UNODC United Nations Office on Drugs and Crime

## INTRODUCTION

Cross-border cooperation is essential for success in investigating and prosecuting transnational corruption cases. The importance of quick responses to foreign requests for international cooperation in criminal matters is widely recognized by practitioners, and numerous international agreements, in particular the United Nations Convention against Corruption (UNCAC), emphasize the importance of informal cooperation in speeding up formal cooperation.

Article 48 of the UNCAC requires that States parties cooperate closely with one another in their law enforcement activities to effectively combat corruption and related offences; this should be achieved by establishing or enhancing adequate channels of communication, cooperation in conducting inquiries, exchanging information concerning the means and methods used by offenders, facilitating effective coordination, and entering into agreements or arrangements on direct cooperation between law enforcement agencies. Furthermore, article 56 of the UNCAC on special cooperation obliges States parties to endeavour to proactively share information on proceeds of corruption offences.

### I. OBJECTIVE

The Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) was established to facilitate informal cooperation among anti-corruption law enforcement authorities and its vision is “timely and efficient transnational informal cooperation and collaboration against corruption”. The UNODC GlobE Network strives to facilitate direct and informal cooperation between anti-corruption law enforcement authorities in the broad sense, which covers three key areas: a) informal cooperation to collect intelligence; b) informal cooperation in support of mutual legal assistance and other types of formal cooperation; c) informal cooperation in support of parallel and/or joint bilateral or multilateral investigations.

---

#### Answer from a respondent

For our authority, GlobE is the first network that will give us the opportunity for informal cooperation.

---

The third GlobE plenary meeting, which took place in November 2022, had a dedicated focus on information exchange through informal channels between anti-corruption law enforcement practitioners. To provide background information for the discussion, the UNODC GlobE secretariat circulated a questionnaire among members of the UNODC GlobE Network to collect information on existing practices related to informal cooperation between anti-corruption authorities. 25 anti-corruption law enforcement authorities from 21 countries provided inputs which, together with the desk review conducted by the UNODC GlobE secretariat, led to the development of the Compendium of Practices on Informal Cooperation in Transnational Corruption Cases. The meeting participants welcomed the compendium and urged UNODC to further develop it. Following this

request in March 2023, UNODC revised the original questionnaire and circulated it among members for further inputs.

The revised compendium aims to provide an overview of the scope (Chapter III), purpose (Chapter IV), ways of communication (Chapter V and VI.) and challenges and solutions (VII) for informal cooperation, with the inclusion of vivid, real examples provided by the UNODC GlobE Network members. The compendium also offers a number of tips for efficient and effective informal cooperation with a view to informing further discussions on how the UNODC GlobE Network can provide targeted support in this regard.

## II. METHODOLOGY

This compendium has been prepared with data collected through: (a) replies to two questionnaires on good practices and experiences on information exchange through informal cooperation in the investigation and prosecution of corruption cases; and (b) desk research, conducted for the purpose of obtaining additional data or information to make this compendium more comprehensive.

The initial questionnaire consisted of nine questions and was circulated in October 2022. The updated questionnaire consisted of eleven questions and was circulated in March 2023. Information requested included examples of successful cases of informal cooperation (including purposes and achievements) and challenges encountered in conducting informal cooperation. The questionnaire can be found in Annex I. UNODC extracted and consolidated the provided information to identify and present common trends and patterns in law-enforcement practitioners' work. The aggregated data has been synthesized and is represented in graphics throughout the Compendium.

As of 26 May 2023, UNODC had received responses to the questionnaire from 57 anti-corruption law enforcement authorities of 40 countries, as follows:

- Special Prosecution Office Against Corruption and Organized Crime of Albania
- Ministry of Justice/Anti-Corruption Directorate of Albania
- General Prosecution Office of Albania
- Directorate General of National Security of Algeria
- Central Anti-Corruption Office of Algeria
- Anti-Corruption Office of Argentina
- Federal Bureau of Anti-Corruption of Austria
- Attorney General's Office of Brazil
- Ministry of Interior of the Republic of Srpska, Bosnia and Herzegovina
- State Investigation and Protection Agency (SIPA), Bosnia and Herzegovina
- Public Prosecutor's Office of Chile
- National Commission of Supervision of China
- Independent Commission Against Corruption of Hong Kong, Special Administrative Region of China
- Commission Against Corruption of Macao, Special Administrative Region of China
- The Inspectorate General of Security Forces of the Czech Republic
- Office of the Comptroller General of the Dominican Republic
- Fiscalía General del Estado of Ecuador



- Egyptian Money Laundering and Terrorist Financing Combating Unit (EMLCU) of Egypt
- Economic and Organised Crime Office (EOCO) of Ghana
- Specialized Prosecutorial Unit Against Corruption Networks (Unidad Fiscal Especializada contra Redes de Corrupción) (UFERCO) of Honduras
- Directorate of Enforcement of India
- Central Bureau of Investigation of India
- Corruption Eradication Commission (KPK) of Indonesia
- Federal Integrity Commission of Iraq
- Council of Ministers, Iraqi Fund for Assets Recovery of Iraq
- Integrity and Anti-Corruption Commission of Jordan
- Anti-Corruption Agency of Kazakhstan
- Financial Monitoring Agency of Kazakhstan
- Anti-Corruption Authority (Nazaha) of Kuwait
- Prosecutor General's Office of Kyrgyzstan
- National Anti-Corruption Commission of Lebanon
- Special Investigation Service of the Republic of Lithuania
- Malaysian Anti-Corruption Commission (MAAC) of Malaysia
- National Anti-Financial Crime Centre of Malaysia
- Independent Commission Against Corruption of Mauritius
- Agency for Prevention of Corruption of Montenegro
- Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC) of Netherlands (Kingdom of the)
- National Office for Serious Fraud, Environmental Crime and Asset Confiscation (Functioneel Parket) of Netherlands (Kingdom of the)
- National Accountability Bureau of Pakistan
- International Cooperation Division, Supreme Prosecutors' Office of the Republic of the Republic of Korea
- Anti-Corruption General Directorate (DGA), Ministry of Internal Affairs of Romania
- National Anticorruption Directorate (DNA) of Romania
- General Prosecutor's Office of Russia
- The Oversight and Anti-Corruption Authority (Nazaha) of Saudi Arabia
- Department for Fighting Corruption in the Ministry of Interior of the Republic of Serbia
- Special Prosecutor's Office of Slovakia
- Supreme State Prosecutor's Office of the Republic of Slovenia
- Special Investigation Unit of South Africa
- Guardia Civil of Spain
- National Police of Spain
- Anti-Corruption Commission of the State of Palestine
- Court of Cassation of Türkiye
- Serious Fraud Office of the United Kingdom/England and Wales
- National Crime Agency of the United Kingdom/England and Wales
- Financial Intelligence Unit of Isle of Man, United Kingdom/ England and Wales
- Department of Justice of the United States
- Anti-Corruption Commission of Zimbabwe

Additional desk research conducted further provided examples of good practices and additional challenges involved in informal cooperation when investigating and prosecuting corruption offences. All references obtained through the desk research are detailed in Annex II.

To respect respondents' will, some case examples were anonymized. In those situations, the jurisdictions mentioned as counterparts were contacted to enquire about their consent for being named. Based on those answers, certain cases were fully anonymized, with every party involved being referred to as country A, B, C; or only partially anonymized. Similarly, some quotations do not identify the agency that provided the insight, in accordance with their demand.

- ! A total of 57 respondents provided answers. As more than one answer could be provided per question, it was possible to obtain more than 57 results for one question. The results shown are thus not exclusive, e.g., a respondent could have declared to use informal cooperation both prior to and after sending an MLA request.
- ! Despite the high quality of inputs and case examples provided, not all examples could be included in the compendium. This document therefore presents a selection of cases that most accurately illustrate the intended situations.

### III. SCOPE OF INFORMAL COOPERATION

#### 1. Formal vs. Informal Cooperation

The strategy for investigating/handling a corruption case must involve considerations of international cooperation as soon as it is known that the case involves a foreign jurisdiction. Both formal and informal cooperation can be explored.

Generally, formal cooperation describes a written request for mutual legal assistance including all the prescribed procedures, requirements and conditions. Often, provisions of formal cooperation depend on meeting certain conditions, such as dual criminality or the existence of criminal charges. The process can be lengthy and subject to delays caused by, for example, due process rights of the suspect or lack of resources in the requested jurisdiction. Formal mutual legal assistance is usually required when the requested assistance involves the use of a coercive power by the requested jurisdiction, such as search and seizure or confiscation orders, or when the request is to compel disclosure of sensitive information, such as financial or tax data. Formal cooperation is usually required when the purpose is to obtain evidence, for instance, to use in a criminal proceeding, for a confiscation proceeding or to enforce restraint or confiscation orders. Some jurisdictions require a formal MLA request or signing a special agreement for conducting joint investigations. It will depend on the legal framework adopted by the jurisdiction(s).

Not all international cooperation requires a formal request from one State to another. ‘Informal cooperation’ is any kind of cooperation that takes place outside the context of a formal, written request, with the intent to shorten time and efforts. It is the exchange of information and intelligence between investigative authorities on ongoing corruption cases in a timely, casual and unconstrained manner<sup>1</sup>, with the aim of ensuring effective, real-time cooperation. Informal cooperation is a direct, “agency-to-agency” or “officer-to-officer” collaboration<sup>2</sup>: law enforcement authorities located in different countries exchange information without it being necessary to have intermediaries and use diplomatic procedures, which can be lengthy, such as through Foreign Ministries or Ministries of Justice<sup>3</sup>. This flexible approach of inter-agency collaboration is crucial when dealing with complex or evolving corruption situations that require rapid adaptation and cross-border assistance.<sup>4</sup> Informal cooperation should be explored from the outset and during the entire cooperation process.

Based on the answers received to the circulated questionnaire, informal cooperation is commonly used. Regarding frequency of use, half of the respondents resort to informal cooperation at least once a month, whether it be daily, weekly or monthly. Many respondents claimed to resort to informal cooperation whenever the need arises.

---

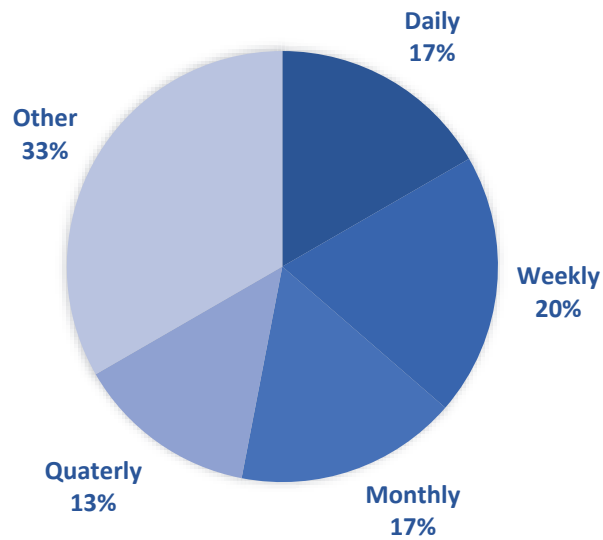
<sup>1</sup> Answer from a respondent; Jordan (Integrity and Anti-Corruption Commission): response to the questionnaire

<sup>2</sup> China, Hong Kong Special Administrative Region (HKSAR) (Independent Commission Against Corruption, ICAC): response to the questionnaire

<sup>3</sup> Answer from a respondent

<sup>4</sup> Answer from a respondent

## How often do you resort to informal cooperation in your work?



'Informal' also refers to the way in which the request is made and the route by which it is communicated, using informal communication channels, such as telephone, emails, video teleconference, or face-to-face meetings. This direct form of cooperation between practitioners is an essential part of the international cooperation process and is built on trust and reliable networks; it requires commitment from all parties involved. Trust and informal cooperation are interrelated: the more an agency engages in informal cooperation and in assisting its counterparts, the more it builds trustworthy relationships with counterparts and vice-versa. In many cases, effective timing and networks (personal acquaintances) play a major role in the rapid solving of a crime.<sup>5</sup> The informal process may result in information or evidence gathering that may or may not be admissible in court, i.e., admissibility would depend on the nature of the requested material/measure and/or the requirements of the domestic law. Nonetheless, the initial step<sup>6</sup> in gathering adequate and sufficient information is often done informally and the intelligence obtained plays an important role in advancing investigations<sup>7</sup> and supporting a formal MLA.

Direct exchange and communication between counterparts accelerate the drafting and execution of MLA requests, thereby enabling both counterparts to save time<sup>8</sup> and laying the ground for a swift and successful formal cooperation. More examples are provided in *Chapter IV., section 2. Informal cooperation and mutual legal assistance*. In their understanding of what informal cooperation is, many practitioners only view it as a preliminary step before embarking on formal cooperation or in

---

<sup>5</sup> Answer from a respondent

<sup>6</sup> Montenegro (Agency for the Prevention of Corruption): response to the questionnaire

<sup>7</sup> Honduras (Specialized Prosecutorial Unit Against Corruption Networks - Unidad Fiscal Especializada Contra Redes de Corrupción, UFERCO): response to the questionnaire

<sup>8</sup> Egypt (Egyptian Money Laundering and Terrorist Financing Combating Unit – EMLCU): response to the questionnaire

parallel to the later. For many it is a tool completing and supporting the use of MLA<sup>9</sup>, as the information obtained will later need to be reprocessed through formal communication channels.

---

### Egypt, Egyptian Money Laundering and Terrorist Financing Combating Unit (EMLCU)

Informal cooperation is a tool that aims at speeding up and facilitating international cooperation in criminal matters by allowing law enforcement practitioners to reach out to counterparts in other countries and obtain information or data in a very swift manner. Despite the inability to use the obtained information in court, such direct communications can help speed up the drafting and execution of MLA requests.

---

Informal cooperation can take place both at the national level<sup>10</sup>, directly between authorities of the same country, and at the international level, between counterparts of different jurisdictions. Ensuring proper domestic coordination is crucial for the success of transnational cooperation: it will prevent the loss of time and information within and outside national borders. In the context of this publication, only the aspects related to cross-borders cooperation are addressed. Practitioners are however invited to consider the good practices highlighted and develop them domestically where appropriate.

---

### Albania, Ministry of Justice, Anti-Corruption Directorate

The anti-corruption structure in the Ministry of Justice of Albania is organized as a Network of anti-corruption practitioners and we do cooperate in both forms, informal way as well as the formal ways. In all administrative investigations conducted by this directorate, information is requested from the coordinators in real time (through informal cooperation) and then an official letter is sent to the institution.

---

In terms of the reasons for engaging in informal cooperation, this includes both the exchange of case specific information and intelligence per se and the provision of technical assistance<sup>11</sup>, for instance, in the form of expertise and resources<sup>12</sup> or exchange of best practices<sup>13</sup>. Informal cooperation also creates a useful dialogue with counterparts in the foreign jurisdiction and helps jurisdictions better understand each other's technical or legal requirements. Some agencies can also

---

<sup>9</sup> Malaysia (Anti-Corruption Commission): response to the questionnaire.

Netherlands (Kingdom of the) (National Office for Serious Fraud, Environmental Crime and Asset Confiscation- Functioneel Parket - and the Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire; Answer from a respondent; Answer from a respondent.

<sup>10</sup> Brazil (Attorney General's Office): response to the questionnaire; Ghana (Economic and Organised Crime Office - EOCO): response to the questionnaire

<sup>11</sup> Answer from a respondent

<sup>12</sup> Answer from a respondent

<sup>13</sup> Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire

request/provide information related to shareholdings of companies/firms/entities, bank details, call detail records, antecedents of accused/suspect, etc.<sup>14</sup> More information is provided in *Chapter IV., Purpose of engaging in informal cooperation.*

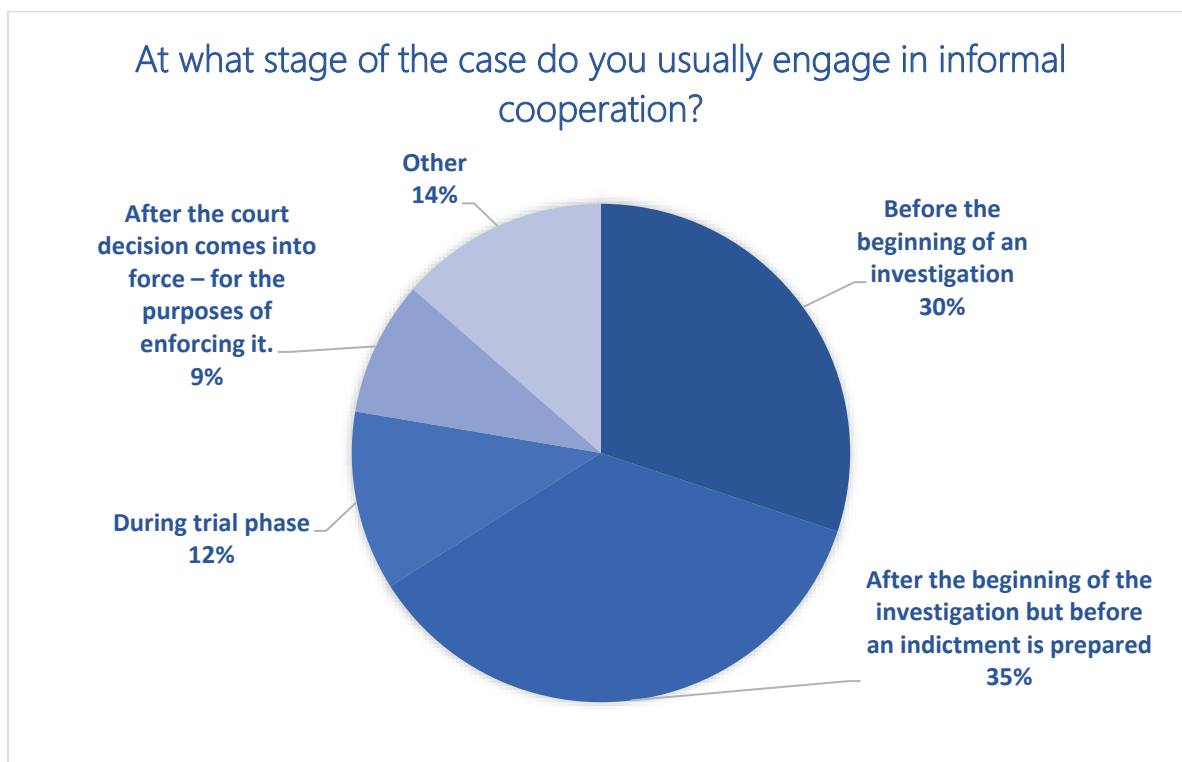
## 2. Timing for engaging in informal cooperation

Contact with authorities of a foreign jurisdiction should be made as soon as it becomes evident that the case extends beyond domestic borders. The requesting jurisdiction should inquire, as early as at the outset of the investigation, about what kinds of informal cooperation are available and ideally all paths of informal cooperation should be pursued before, during and after the submission of a formal MLA request. Communication should take place during the investigation process, to support obtaining information and intelligence, making strategic decisions, understanding the foreign jurisdiction's requirements for assistance, conducting pre-MLA consultations, drafting MLA requests or following up on requests for assistance.

The answers to the questionnaire showed that practitioners tend to resort to informal cooperation mostly before the launch of an investigation (30%), or after an investigation is concluded but prior to an indictment being drafted (35%). These results confirm that informal cooperation is a tool preceding and facilitating formal cooperation, but also illustrate its usefulness afterwards and throughout the handling of a corruption case. As detailed in *Chapter IV. 2.*, this is often the case in relation to MLAs. Other respondents specified using informal cooperation depending on the circumstances.

---

<sup>14</sup> Answer from a respondent; Iraq (Fund for Assets Recovery): response to the questionnaire; Netherlands (Kingdom of the) (National Office for Serious Fraud, Environmental Crime and Asset Confiscation - Functioneel Parket): response to the questionnaire




---

#### Slovenia, Supreme State Prosecutor's Office

In a transnational case, informal cooperation is extremely important from the beginning of the case. When special investigative techniques are used, such communication is done on a daily basis, even more within the Police but also among prosecutors. Prosecutors often communicate to discuss the details of an EIO (European Investigation Order) or MLA request, and later regarding their execution. At the end of the case, informal cooperation is important to coordinate the date of closing actions and to discuss which State will prosecute which suspects.

Good informal cooperation is important not only for the success of a specific case, but and also for our work in general as mutual trust from a successful cooperation creates roots for good cooperation in also for future cases.

---



---

#### United Kingdom, Serious Fraud Office

At the start of the case there is often regular informal contact to establish the availability of material, its location and the appropriate means to secure it. As the investigation progresses this generally becomes less frequent as formal channels are used but may be required for specific needs.

---

## IV. PURPOSE OF ENGAGING IN INFORMAL COOPERATION

### 1. Informal cooperation and investigative actions

The purposes of engaging in informal cooperation are many and varied. An important one is to provide information or intelligence that can assist the investigation of the offence or assist an asset recovery investigation, or both. At a minimum, all noncoercive investigatory measures in the requested jurisdiction may be utilized to provide the desired information. These investigatory actions could include provision of information on bank accounts, provision of public records or registry information (corporate, land, vehicle, etc.), consent searches, consent interviews and visual surveillance, gathering information related to shareholdings of companies/firms/entities, antecedents of suspects<sup>15</sup>, confirming the existence or the reliability of the information or of the person of interest<sup>16</sup>, etc.

Furthermore, although freezing of assets can be considered coercive in certain jurisdictions, temporary freezing orders may still be available on an informal basis to avoid the dissipation of those assets. Informal cooperation may also extend to spontaneous disclosures, joint investigations and requests to open a foreign case.

---

#### Indonesia, Corruption Eradication Commission (KPK)

Several examples of the use of informal cooperation include taking voluntary witness statements, conducting voluntary witness interviews, assisting foreign law enforcement agencies to conduct investigations in Indonesia, sharing intelligence information, conducting physical surveillance, obtaining criminal records, or obtaining publicly available information.

---

---

#### Brazil, Attorney General's Office

The Attorney General's Office of Brazil deals with many corruption cases which require some form of international cooperation. As a general rule, the authorities always try to explore informal cooperation options before relying on formal MLA procedures. Informal cooperation is used to obtain intelligence and other information, obtain noncoercive measures, obtain background information for formal MLAs, review case strategies, identify relevant agencies that can provide assistance, receive guidance on the next steps in formal procedures and convey important information about their cases. As a matter of practice, they discuss the cases with the foreign authorities before sending any formal MLA request so that they have a good understanding of the country's requirements. Informal cooperation has successfully assisted cases in number of ways, such as:

- Moving a case forward that was pending in another jurisdiction for months
- 

<sup>15</sup> Answer from a respondent.

<sup>16</sup> Answer from a respondent.

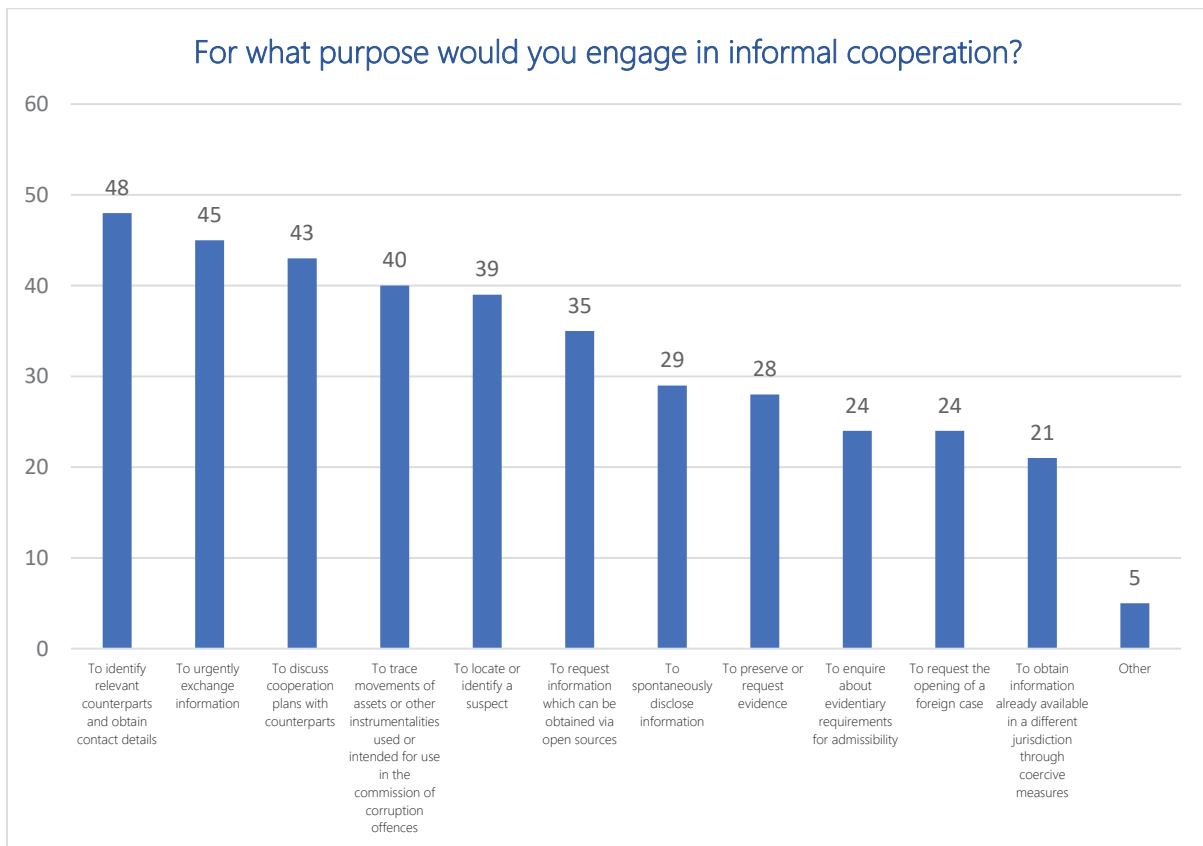


- Obtaining public data from a foreign jurisdiction, including addresses, assets and company registration

Explaining how Brazil’s legal system works in cases of corruption and the requirements for formal mutual legal assistance

Based on the received responses to the questionnaire, practitioners engage in informal collaboration for the reasons outlined in Figure 1. The sub-sections of this Chapter are organized from the most to the least common response.

Figure 1



### Box 1: How UNODC GlobE Network facilitates communication

The UNODC GlobE Network can facilitate communication and cooperation by bringing anti-corruption practitioners and authorities together and by providing a secure communication solution for information exchange.

Informal cooperation with counterparts in foreign jurisdictions helps to build trust, which in turn allows for swift and open information exchange. With increased trust, authorities are more willing

to share information on an informal basis, largely because they know how the information or intelligence will be handled.

Membership in the UNODC GlobE Network can strengthen trust between authorities and help build partnerships among counterparts from other jurisdictions. The UNODC GlobE Network facilitates communication between anti-corruption law enforcement practitioners through:

- the online secured communication platform, GlobE Threema, which its members have access to, (more details about GlobE Threema can be found in *Box 7*);
- yearly plenary sessions for face-to-face communication and networking that help build a community of practitioners;
- bi-lateral and multilateral meetings in the margin of plenary meetings to discuss and advance ongoing cases; and
- the support provided by UNODC, which can facilitate connections between GlobE members and external authorities

More detailed information about available services can be found in other relevant parts of the compendium.

#### Answer from a respondent

It is important to note the significant role of the GlobE plenary sessions, which are excellent opportunities for making useful acquaintances and forming contacts. This positively affects the further development of informal cooperation.

##### *a. Identifying relevant counterparts and obtaining contact details*

Many jurisdictions use informal cooperation to identify the appropriate agency in a foreign jurisdiction from which they may seek assistance (48 answers out of 57). This ensures effectiveness and dramatically reduces delays. Yet, as will be shown in *Chapter VII* on challenges, many experience difficulties identifying a counterpart (27 answers out of 57).



#### Box 2: The Directory of Authorities

Among its services, GlobE provides its members with a Directory of Authorities, in which each authority's mandates and the contact details of nominated focal points are included. UNODC can also facilitate liaison between members and non-members.

The list of GlobE's members can be found on GlobE's website, here: [GlobE Membership \(unodc.org\)](https://www.unodc.org/globenet/globenet-membership.html). For additional questions, the UNODC GlobE secretariat can be reached at [globenetwork@un.org](mailto:globenetwork@un.org)

### Answer from a respondent

The case pertains to fraud and corruption in the procurement for the redevelopment project of a power plant awarded to a company based in country A for the contract value of USD 118 million. Following an internal investigation by the International Finance Corporation, which financed the project, malpractices were identified in the procurement process whereby public officials, members of the Public Administration and Politically Exposed Persons (PEPs), had been bribed. One of the main suspects at the level of the company facilitated payments of bribes through approval of fake invoices to its main Civil Contractor and agent based in the respondent's country.

Informal cooperation was required to find out whether there was any investigation in country A in that respect and to identify the Law Enforcement Authority (LEA) responsible for that. The respondent's authority developed close working relationships with the said LEA for the exchange of information. This collaboration was subsequently formalised by an MLA request to country A. The investigation is still ongoing and is being carried out jointly with country A's authority through a Joint Investigation Team agreement.

### Chile, Public Prosecutor's Office

Chilean authorities use their practitioner networks for informal cooperation. As an example, information was requested through country A's representative at one of the GlobE Network meetings on the most effective way to get a Chilean citizen, with a temporary address in country A, back to Chile. In this case, information was obtained informally about the appropriate agencies to contact to obtain the address details and potentially initiate immigration procedures. Information requested from the agencies was received within one week.

#### *b. Urgently exchanging information*

45 out of the 57 respondents reported using informal cooperation to urgently exchange information, making this action the second most common purpose of those exchanges.

At their own discrepancy, practitioners can decide to expeditiously share information they believe to be of importance for foreign counterparts. The urgency of the situation can also become apparent through a request for the implementation of emergency provisional measures. Some jurisdictions, indeed, allow very fast seizure or restraint of funds in emergency situations, to prevent transfer or dissipation of funds before a formal request can be made. If such measures are allowed, they usually need to be followed up by a formal MLA request within a limited timeframe. In this case, freezing takes place simply on the basis of information provided through direct communication by fax, email or even telephone – without the original documents. Initial freezing can be achieved through a domestic order issued by the appropriate judicial authority in the requested jurisdiction. For this type of action to take place, there must be a very high level of trust between the relevant parties.

Emergency freezing of assets can also be achieved by allowing an FIU or other competent authority to impose a temporary freeze of up to 72 hours or allowing a prosecutor or investigating magistrate, when the legal framework allows, to order the temporary freeze. This protects the assets while efforts are made to obtain a longer freezing order.

#### Answer from a respondent

In a case of criminal conspiracy, the suspect, a national of the respondent's country (hereinafter "country A"), illegally obtained funds and hid them in various bank accounts in the said county in the names of family members and associates. During the investigation, a transaction of USD 2,000, from a bank in country B to a bank in country A, was detected and international cooperation was required to identify the beneficial owner of the account in country B. Country B's authorities indicated, on an informal basis, that the suspect was in fact the beneficial owner of the account. Authorities froze the account and asked the respondent's authority to issue an order to formally restrain the account and submit a formal request.

#### Answer from a respondent

In two cases, the respondent's authority investigated bank fraud and money laundering offenses occurring in two different countries. To trace the proceeds of crimes, the authority engaged in informal cooperation with the relevant counterparts' authorities through the communication channel of the Egmont Group. In both instances, responses received from FIUs showed that the accused had purchased various insurance policies, one of them for a total USD 3.65 million and one for USD 250,000. As a result of the speedy exchange of information, successful freezing and attachment of the insurance policies was made possible. Before receiving the formal requests for attachment, the counterparts' authorities placed temporary freeze on the insurance policies until the formal mutual legal assistance requests were received, thereby protecting the assets from dissipation or transfer.

#### Jordan, Integrity and Anti-corruption commission

We had communicated with country A for inquiring about a certain company that works regionally and whether it was involved in money laundering and illegal money transfer activities. To shorten the time and since the information was urgently needed, an informal cooperation request was sent to country A. The information came in due time, and we were able to proceed with our investigation.

#### *c. Discussing cooperation plans with counterparts*

Speaking directly to counterparts in the foreign jurisdiction about exactly what you want to achieve and discussing what is available in the requested jurisdiction can contribute immensely to creating a workable strategy, both in terms of the overall investigation and in terms of international

cooperation efforts. This is the case for 43 of the 57 respondents. It can also alert practitioners to challenges posed by differences in legal systems. These differences are amplified when dealing with, for instance, common law and civil law systems. Nevertheless, discussion of the available options with a counterpart enables practitioners to make appropriate requests, understand limits to what is available in the foreign jurisdiction and provide opportunities for novel solutions to the challenges posed.

#### **Netherlands (Kingdom of the), Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)**

Corruption investigations in the healthcare sector are difficult to find and start in the Netherlands. However, settlements in other countries can help us: how were those cases discovered? what were the modus operandi? did they come across doctors or money flows in the Netherlands, etc. This topic was presented and discussed during the LEN-meeting of OECD WGB in December 2022 and after that, a video call was set up between country A and the Netherlands to discuss specific cases.

#### **United Kingdom, Serious Fraud Office**

In a case of criminal conspiracy to receive a corrupt payment, the suspect (an expert advisor from a multilateral development bank) was paid by contractors to use his position to influence the award of medical contracts. The bidding companies were based in a number of European countries. The Serious Fraud Office made initial, informal, contact with authorities from each of the various countries to establish the best way to investigate and secure evidence from those jurisdictions. The police-to-police informal cooperation was enabled through previous professional contacts, contact with counterparts in the foreign jurisdictions as well as Europol, Eurojust and OLAF. Informal cooperation in this case was successfully used to identify agencies that could provide assistance, to receive guidance on the next steps and to identify the appetite or capacity to investigate and prosecute companies and individuals in their jurisdictions. The informal cooperation sped up the process dramatically. The defendant was convicted and sentenced to 6 years imprisonment.

#### **Romania, National Anticorruption Directorate (DNA)**

In 2018, the DNA launched an investigation into a fraud against the EU financial interests, committed by 5 citizens of country A. Informally, the DNA contacted country A's authorities and found that they also had an investigation into related offences committed by the same citizens. More specifically, country A's prosecutors were investigating the laundering of the proceeds of the offences committed in Romania.

Following a coordination meeting (informal method of cooperation), it was agreed that a joint investigation team (JIT) should be set up. This JIT provided the formal legal framework for the collection of evidence in the two investigations, but at the same time involved informal, direct

cooperation between the members of the JIT. This informal cooperation took the form of direct discussions (by phone/ WhatsApp/email/face-to-face meetings) on how to collect evidence, on procedures, on the investigation plan, on how to share jurisdiction to avoid *ne bis in idem*, etc.).

The two investigations were completed by charging the defendants in both countries. Both trials are pending, as of April 2023.

#### **China, Hong Kong Special Administrative Region (HKSAR), Independent Commission Against Corruption (ICAC)**

Since 2010, with the assistance of country A's authority, ICAC interviewed a total of 11 witnesses in country A in relation to a corruption investigation concerning a listed company in Hong Kong and an acquisition of a business venture in country A. These interviews are a result of discussing cooperation plans with counterparts. The investigation resulted in the charging of three senior executives of the listed company and the vendor of the venture with offences of conspiracy to defraud and deal with crime proceeds. At the original trial and a subsequent re-trial of the defendants, seven of the witnesses interviewed in country A, including one former Forensic Accountant of country A's authority, became prosecution witnesses of the trial.

Country A's authority had also assisted in arranging witnesses to testify via live television-link.

#### **Honduras, Specialized Prosecutorial Unit Against Corruption Networks (Fiscal Jefe de UFERCO, Ministerio Publico)**

A network of investors linked to a drug cartel created 21 companies. It was necessary to investigate the foreign partners and obtain information on their activities in their country of origin. We were able to identify suspicious activities of interest in one country and the information was provided to us. We were also asked for any information we might have to initiate a joint investigation. We are currently collecting the information to be able to send it to that country and determine whether it is appropriate to initiate a joint investigation. These partners received transfers from a third country, and according to our information, there are large amounts going to that third country, with no record of their origin, because several of the companies never initiated operations. It is assumed that it may be money from the drug trafficking cartel.

All of the above has been done through the Threema platform.

#### *d. Tracing movements of assets or other instrumentalities*

Assets and instrumentalities are an inherent aspect of corruption cases. Besides convicting offenders, another ultimate goal of the investigation is often to seize and recover relevant assets. Such assets can either be the proceeds of crimes, or the means employed to commit them. Tracing assets enables investigators to track and identify the perpetrators and to uncover the schemes employed

to commit the offense. Moreover, following such movement is also important for victims, be it to identify them, or to return them their assets.

Given the almost equal importance of identifying suspects and tracing assets to the success of an investigation, it is not surprising that both rank as the fourth most common reason why respondents cooperate informally (40 respondents out of 57).

#### **Kazakhstan, Anti-Corruption Agency**

The Anti-Corruption Agency has been investigating a case against the former top management of BTA Bank, since 2009, for stealing funds in an amount exceeding \$7.5 billion. The investigation revealed that stolen funds were transferred to the ownership of the suspects' companies through the issue of non-repayable loans. The funds were withdrawn abroad and placed in the accounts of offshore companies. The suspects' 'criminal gang' was involved in illegal activities in more than 20 countries. The Anti-Corruption Agency engaged in informal cooperation with foreign jurisdictions and found that stolen funds had been laundered in those jurisdictions through the purchase of expensive real estate and investment in large foreign projects. As a result of well-coordinated, close cooperation with foreign counterparts there have been 15 convictions against 50 people in this case, as well as \$2 billion in 'indemnified damage'.

#### **China, Macao Special Administrative Region, Commission Against Corruption**

In the course of an investigation into a bribery case, the Commission Against Corruption of Macao found evidence that a former leader of the (former) Land, Public Works and Transport Bureau received 'advantages of high value' from businesspersons and abused his power by illicitly approving applications for construction work permits. The suspect allegedly committed offences involving passive bribery to perform illicit acts, money laundering and document forgery. The main suspect moved to a foreign jurisdiction after committing the crimes and part of the proceeds of the crimes were also transferred to the foreign jurisdiction. Informal cooperation with the foreign jurisdiction facilitated the exchange of intelligence and provided access to information that was considered crucial to the investigation. Some of the suspects are in custody awaiting trial in Macao.

#### **Saudi Arabia, Oversight and Anti-Corruption Authority (Nazaha)**

Informal cooperation played a vital role in many cases we came across. One was the case of public officials working at a state-owned enterprise who received bribes from a European company based outside the Kingdom of Saudi Arabia. The bribes were received to facilitate the supply of the European company products through certified supply companies. The FIU-to-FIU informal cooperation in this case proved that the accused deposited the bribes in bank accounts offshore. Informal cooperation also revealed the amount and the location of the money that was transferred. The accused were sentenced to imprisonment and fined for charges of receiving bribery and money laundering by transferring money and depositing it in accounts outside the

Kingdom. The ruling also included the confiscation of the bribes received by the accused that were deposited in their offshore bank accounts.

#### **Brazil, Attorney General's Office**

In a case of money laundering activities related to three real estate properties in a foreign jurisdiction, cooperation was needed to ensure:

- that the properties still existed
- if yes, that they had not been sold to third parties, and
- that they had no legal restrictions (such as leasing mortgages, and so on).

The request was sent to the GlobE contact point of that jurisdiction and in 7 days, we received documents obtained from legal registries on the status of the properties within the foreign jurisdiction.

#### **Saudi Arabia, Oversight and Anti-Corruption Authority**

The Oversight and Anti-Corruption Authority of the Kingdom of Saudi Arabia relies on the trust built with the region and other foreign counterparts to obtain information about corruption cases such as:

- if a person owns property (including commercial registries in a country) movement of proceeds of crime or property derived from a corruption offence
- identification of real beneficiary of movable property, assets, and corporate entities in relation to corruption offence

#### **Answer from a respondent**

The respondent's authority had informed country A that an individual had transferred proceeds of the crime committed in the respondent's country to that country A. To pursue legal action against the accused, the respondent's authority requested information on assets acquired by the later using informal cooperation with country A. This information was obtained and post analysis with other corroborating facts discovered during the investigation was conducted. A formal Letter of Request was sent for the seizure of said assets and their repatriation.

#### **Answer from a respondent**

Through misrepresentation, the accused caused funds to be transferred to country A on the pretext that they wanted to purchase prepared electric meters. Through this misrepresentation, the accused moved funds from the respondent's country to country A, which were never acquitted as per requirement by the central bank thereby committing a criminal offence. The accused, through this modus operandi, moved funds amounting to US\$650 000. 00 on three different occasions. Once the funds were in country A, they were used to purchase movable and immovable properties to disguise the true nature of the funds. Informal cooperation was then



sought to identify the properties acquired, bank accounts and companies where the accused have interest(s). The case is still pending trial at the court (as of April 2023).

*e. Locating or identifying the suspect*

In addition to the movement of goods and assets, transnational bribery cases often entail the movement of persons across borders. Informal cooperation can be used to ascertain whether a suspect is in fact located in a foreign jurisdiction and further, to identify the suspect's precise location. It can also be used to confirm the identity of a suspect or obtain entry and departure records<sup>17</sup>. 39 respondents out of 57 use informal cooperation for those reasons.

**Answer from a respondent**

Informal cooperation was provided by the respondent's authority, in a case where counterparts needed to confirm the correct particulars of the person of interest before they could begin the formal process of extradition.

**China, National Commission of Supervision**

In a case of embezzlement, two suspects (public officials) absconded after committing the alleged embezzlement offence. The National Commission of Supervision engaged in informal cooperation with the anti-corruption agency of the country where the suspects fled using UNCAC as a legal basis. As a result of this informal cooperation, they were able to obtain information about the suspects' location. A working team was sent to the foreign jurisdiction to explain the case, provide information about relevant legal instruments, provide DNA samples to confirm the identity of the suspects and other materials related to the case. This information was critical as it enabled China to follow up with an extradition request based on the extradition treaty between the two countries. The suspects were subsequently extradited to China.

**China, Hong Kong Special Administrative Region (HKSAR), Independent Commission Against Corruption (ICAC)**

The Independent Commission Against Corruption of Hong Kong (HKSAR) charged a businessman with various offences, including bribery. After failing to turn up in court, an arrest warrant was issued and he was placed on an INTERPOL Red Notice. Subsequently, country A's immigration authority informed the Independent Commission Against Corruption that a Chinese man had been arrested with the same fingerprints of the man on the Red Notice but using a different name. Using informal channels, ICAC provided fingerprints and identification documents of the suspect for comparison and his identity was confirmed by country A's officials. He was subsequently extradited to Hong Kong following a formal request.

<sup>17</sup> Republic of Korea, International Cooperation Division, Supreme Prosecutors' Office

*f. Requesting information which can be obtained via open sources*

35 of the 57 respondents declared using informal cooperation to request information that can be obtained via open sources. Such information can relate to public registries, for instance regarding real estate, vehicles, incorporation records for companies or court records, including copies of convictions<sup>18</sup>, etc., and can help identify the ultimate beneficial owner of an asset.

However, difficulties in using foreign national public registers can arise, whether due to language barriers, costs when fees are required, or limited access (e.g., restricted to certain groups of people, such as law enforcement practitioners from that jurisdiction). Identifying the pertinent registries can also be a tedious process. In any case, contact should always be established with counterparts since they can help resolve these challenges and provide additional information.

**Answer from a respondent**

In a preliminary investigation on illicit gain, it was necessary to verify the ownership of a real estate property in a locality in Brazil. It was possible to contact the agency in charge via e-mail (real estate registry). The agency requested a formal request to send the required information. Finally, a complaint was filed before the courts without being able to obtain the information, requesting that the Brazilian agency be urged to do so. For other reasons, the criminal case was time barred.

**Answer from a respondent**

In a preliminary investigation on illicit gains, we needed to know if the person under investigation and his family-owned real estate and/or registrable personal property, and if they were responsible for the payment of services related to real estate, in country A.

To this end, the public registries of real estate, motor vehicles and commerce were contacted; upon receiving the request, they determined that cooperation between administrative bodies as requested was not foreseen since the respondent's country's authorities do not have jurisdiction or competence to take measures in country A. They concluded that, as it was not the appropriate channel, we should cooperate within the framework of the mutual legal assistance treaty that unites both countries.

Likewise, through its web page, we contacted the state-owned company that provides water services, in the framework of a request for access to public information. Housing bills, such as water bills, can be used to trace someone's residence as they are generally nominative and destined to tenants or owners of the property. This company processed a file after it was determined that the information requested was public information and provided us with access to it, notifying us by e-mail. Though the information received was negative, we managed to avoid having to process the corresponding court order.

---

<sup>18</sup> Answer from a respondent

#### *g. Spontaneously disclosing information*

Spontaneous disclosures can alert foreign jurisdictions of evidence discovered in the disclosing jurisdiction, such as a bank account of a corrupt politician or an ongoing investigation in the disclosing jurisdiction. Article 46(4) and 56 of the UNCAC require States parties to disclose information on a proactive basis. The disclosures are unilateral and can facilitate investigations and, potentially, drafting of formal MLA requests by relevant foreign jurisdictions. This type of informal cooperation can assist greatly with corruption cases. When a spontaneous disclosure is received, contact should be made with the sending jurisdiction to ensure that disclosure obligations are understood, ascertain what the foreign case is about, ensure that assets are protected and discuss any following steps to be taken. 29 of the 57 respondents use informal cooperation for this purpose.

##### **Answer from a respondent**

Informal cooperation involves information sharing that can support or direct a criminal investigation, or that can be used to initiate or support a developing investigation. From an FIU perspective, this will often be spontaneous financial intelligence dissemination.

##### **Netherlands (Kingdom of the), Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)**

An ongoing investigation in the Netherlands revealed bribe payments to another European country. It is not sure yet if we will be able to further investigate and prosecute the active briber in the Netherlands, but we spontaneously shared the information with our colleagues abroad as they might be interested in the passive briber.

#### *h. Preserving or requesting evidence*

Informal cooperation can be used for the request or preservation of evidence, as confirmed by 28 of the 57 respondents. Receiving admissible data and technical assistance can be a lengthy process<sup>19</sup>. Although most jurisdictions will not approve intelligence received informally as evidence, informal cooperation can accelerate the process of receiving such material through direct communication between practitioners. It is possible to informally request evidence, even if that information will later have to be re-obtained via formal and official channels.

It can also be necessary to informally ask a foreign counterpart to preserve some evidence<sup>20</sup>, before formalizing the demand, due to the urgency of the situations and to avoid the loss of precious information.

##### **Egypt, Egyptian Money Laundering and Terrorist Financing Combating Unit (EMLCU)**

<sup>19</sup> Answer from a respondent.

<sup>20</sup> India (Central Bureau of Investigation): response to the questionnaire.

The Egyptian Money Laundering and Terrorist Financing Combating Unit (EMLCU) received a Suspicious Transaction Report (STR) from a bank due to repeated transfers from the suspect (x)'s account abroad to his own account, his father's account as well as the accounts of his mother and sister. These transfers were followed by withdrawal from the father using a power of attorney.

In the STR, the reporting bank stated that money transfer companies were instructed by the Central Bank of the foreign country A not to transfer any funds for the person named (x). Based on the information received in the STR, the Financial Intelligence Unit (FIU) in country A was contacted through the Egmont Secure Web. The FIU reported that the person in question exploited his position (at entity Z) to issue checks deducted from the account of the aforementioned entity to be deposited in his own account. Afterwards, he would withdraw and transfer the funds through money transfer companies.

The EMLCU asked for the consent of the FIU of country A to make the information received available to the investigation and prosecution authorities in the Arab Republic of Egypt; it also provided the counterpart FIU with the information obtained. Accordingly, the EMLCU informed the investigation and prosecution authorities to take precautionary measures.

Based on the evidence of committing the aforementioned crimes, and as a result of the financial information obtained, it was ordered to prevent the suspect and his wife from disposing of their funds.

#### **Indonesia, Corruption Eradication Commission (KPK)**

The KPK started to investigate corruption in the procurement of electronic identification card (E-KTP) in 2014. It took several years to investigate this case and it also required assistance from KPK foreign partners, such as country A's authority.

Prior to the successful asset recovery, informal cooperation between the KPK and country A's authority was conducted continuously in this case. The KPK and country A's authority discovered that some of the proceeds of crimes on this case were in country A's jurisdiction. Since 2017, country A's authority has provided assistance to KPK's investigation, including to facilitate the transmission of electronic evidence. Furthermore, country A's authority parallelly opened an investigation of the party related to this case (parallel investigation). Then in 2021, country A's government approved Indonesia's application for a "petition for remission" to repatriate the asset of the related party. As a result, KPK/Indonesia successfully repatriated 5.9 million USD as proceed of crime of this corruption case.

#### **Pakistan, National Accountability Bureau**

A case is under process at the National Accountability Bureau (NAB) on the allegation of corruption/corrupt practices by misuse of an authority, receiving kickbacks and money laundering by a Politically Exposed Person (PEP) and others. The gist of allegations is as follow:

- Suspects, through frontmen, firstly received kickbacks and commission in advance in Pakistan and other foreign countries to facilitate and extend financial benefits to different housing schemes;
- Suspects laundered Proceeds of Crime (POC) to foreign jurisdiction by using Hundi Hawala (informal/non-banking) channels and later, through their frontmen, purchased large assets in the foreign jurisdiction; and
- Suspects also established a company in the foreign jurisdiction.

There were no specific details of assets, bank accounts or companies in the foreign jurisdiction to initiate a formal request for MLA. Therefore, it was decided to use the informal channels to procure the required information/intelligence. The Financial Monitoring Unit (FMU) was approached to obtain information regarding bank accounts of suspects in the foreign jurisdiction but unfortunately it could not be materialized as the FIU of the requested country only extended informal cooperation to Egmont Group member FIUs and FMU Pakistan is not a member.

The focal point of the requested country for the GlobE Network was approached through Threema Work and case details were shared along with the assistance sought. The LEA of the requested country obtained the vital requisite information and shared a detailed report regarding assets purchased, bank accounts and companies held in the name of frontmen in the requested country. Within 15 days, the detailed intelligence report regarding the suspect and his frontmen with the nexus among natural and legal persons was shared through Threema Work. The informal cooperation extended by the requested country was highly appreciated. As of April 2023, the case is under investigation.

*i. Requesting the opening of a foreign case and enquiring about evidentiary requirements for admissibility*

Authorities may not always be able to pursue a case in their own jurisdiction. However, they may be able to provide the case materials to a foreign jurisdiction and give that jurisdiction the opportunity to initiate domestic proceedings. In some cases, the case information can be transmitted relatively informally through FIU to FIU channels or, for example, between tax authorities.

Similarly, practitioners can informally obtain detailed information regarding requirements for admissibility of evidence. In the event of simultaneous prosecution in multiple states, this will clarify from the very start of investigations whether the gathered facts can be used in each jurisdiction. 24 of the 57 respondents declared employing informal cooperation for those two motives.

**United Kingdom, Serious Fraud Office**

In a case of conspiracy to receive corrupt payments, the UK Serious Fraud Office investigated an expert advisor from a multilateral development bank who was paid by contractors to use his position to influence the award of medical contracts. The bidding companies were based in various European countries. The Serious Fraud Office used informal cooperation to identify appropriate agencies for assistance in each of the foreign jurisdictions and to receive guidance on next steps in the cooperation process. Significantly, given that the companies, which made the corrupt payments, were based in those foreign jurisdictions, the Serious Fraud Office also used

informal cooperation to identify appetite and capacity of the foreign jurisdictions to investigate and prosecute those companies (and individuals). At least one jurisdiction responded positively.

#### Netherlands (Kingdom of the), Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)

In a corruption case in country A, there were suspicions that a Dutch company was involved. At a certain point in the investigation, we discovered a link to country B. I contacted a colleague in country B informally and they started a pre criminal investigation. They were able to provide me with the information I was looking for and I was able to provide them with other information. It resulted in the opening of a criminal investigation in country B (still ongoing as of April 2023).

#### *j. Obtaining information already available in a different jurisdiction through coercive measures*

Obtaining information already available through coercive measures is the least frequently suggested reason for using informal cooperation (21 out of the 57 respondents). This refers to situations in which the requested authority already possesses the sought information and obtained it via coercive measures, for instance during a previous investigation. As such, no additional coercive acts of investigation are needed to obtain this information and the later can be informally shared. Such scenarios can occur when two national cases have strong links – one of them containing evidence, which, at some point, turns out to be of use for another authority. To avoid the lengthy process of MLA requests, authorities can informally cooperate.

Such measures include the apprehension of the suspect, electronical surveillance and interception of communications, seizure of assets, etc. However, in the event that a trial takes place, the information obtained is not likely to be regarded as evidence, since many jurisdictions require the receipt of evidence via formal cooperation. As such, it might be necessary to ‘re-obtain’ or confirm the information via official channels<sup>21</sup>.

#### China, Hong Kong Special Administrative Region (HKSAR), Independent Commission Against Corruption (ICAC)

Informal cooperation usually does not involve the use of statutory powers such as search warrants or mutual legal assistance. Terms are clearly defined to ensure that the information or assistance provided is to be used solely for intelligence purpose and not to be tendered as evidence, which must be obtained through official channels.

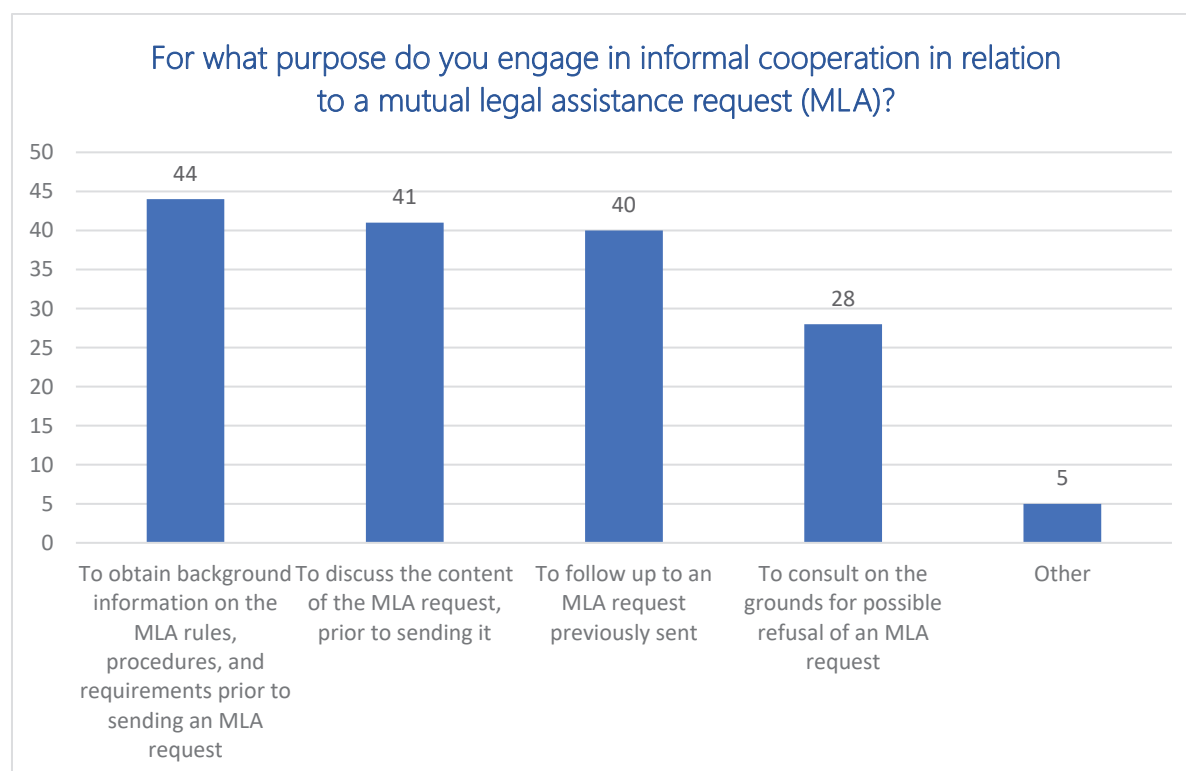
---

<sup>21</sup> Slovakia (Special Prosecutor's Office): response to the questionnaire; Answers from four respondents; Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire; Albania (Ministry of Justice, Anti-Corruption Directorate): response to the questionnaire; Montenegro (Agency for Prevention of Corruption): response to the questionnaire; Romania (National Anticorruption Directorate): response to the questionnaire; Ghana (Economic and Organised Crime Office - EOCO): response to the questionnaire.

## 2. Informal cooperation and MLA

Informal cooperation allows practitioners to obtain information needed for the purposes of advancing an investigation and for filing a formal mutual legal assistance request. Using informal cooperation ultimately facilitates the processing of the MLA request and establishes a solid foundation for timely investigations. As highlighted in Figure 2 in the context of MLA requests, informal cooperation can be used for various reasons.

Figure 2



### Answer from a respondent

We engage in informal cooperation to ascertain that clear and detailed MLA requests are sent to increase the chance of timely submission of the right evidence.

### Netherlands (Kingdom of the), National Office for Serious Fraud, Environmental Crime and Asset Confiscation (Functioneel Parket)

Some examples of using informal cooperation for MLA requests include:

- To provide the requested country with a draft of a legal aid request for review so that the final/submitted version is good, e.g., requests that could be regarded as more complex such as information on corresponding bank accounts;

- Direct contact with the prosecutor or investigators regarding the execution of an MLA, e.g., arranging that prosecutors/investigators can look into the material we have collected themselves to assess what is useful for their investigation; and
- Consultation and coordination through Eurojust national desks.

*a. Obtaining background information on the MLA rules, procedures, and requirements prior to sending a request*

Before drafting or submitting a formal MLA request, informal cooperation should take place with counterparts to understand and clarify the legal or technical requirements for the MLA. This might include, for example, a requirement for dual criminality or the necessity that criminal charges exist before formal mutual legal assistance can be provided. In addition, requests might need to be in a specific form. Though engaging in such discussions at the beginning of a case can be time-consuming, this exercise will maximize efficiency and optimize the use of resources in the long term, by avoiding back-and-forth between authorities due to missing information or misunderstandings. As per the findings of the survey, 77% of practitioners (44/57 respondents) employ informal cooperation in the context of MLA request for this reason.



### Box 3: UNODC Directory of Competent National Authorities under the United Nations Convention Against Corruption

This directory lists and provide the contact information of the competent national authorities designated to receive, respond to and process requests for mutual legal assistance and asset recovery, as well as requests for sharing national experience in developing and implementing specific measures for the prevention of corruption.

With a view to facilitate communication and enhance trust and cooperation among competent authorities at the interregional level, the directory contains essential information on:

- Areas of assistance provided by prevention authorities;
- Legal and procedural requirements to be observed in requests;
- Use of the UNCAC as the legal basis for requests;
- Links to national laws and websites;
- Indication of requests that can be made through Interpol; and
- State membership in existing asset recovery networks.

The online directory is available to competent authorities and government agencies with a user account. Interested authorities can request an account here:

[https://www.unodc.org/compauth\\_uncac/en/index.html](https://www.unodc.org/compauth_uncac/en/index.html)



**Brazil, Attorney General's Office**

This concerns non-criminal proceedings related to a bribery of public officials of a state-owned enterprise. Informal cooperation was needed in the pre-MLA phase, especially to discuss with the central authority and prosecutors of the foreign jurisdictions how to cooperate in a non-criminal proceeding.

**Pakistan, National Accountability Bureau**

Informal cooperation plays a very important role in successful execution of formal requests for Mutual Legal Assistance (MLA). For example, assets tracing is only possible through a formal request for MLA but we can approach the LEA of the foreign jurisdiction for tracing/identifying certain properties and assets. After obtaining the necessary information/intelligence from the LEA of the foreign Jurisdiction, we can proceed further and initiate a formal request for MLA.

**Romania, National Anticorruption Directorate:**

Informal cooperation can be used to identify and locate a person in another country with a view to subsequently sending an MLA for a hearing. It can also be used for the verification of the admissibility of certain evidence in a State before a formal request for assistance is sent.

**Answer from a respondent**

The respondent has carried out numerous investigations into corruption offences with international elements. Informal international cooperation is used to facilitate a transfer of information between investigative bodies, such as banking information, movement of funds and location of assets. The information received through informal channels has been used as the basis for the initiation of investigation, to ascertain what is available in the foreign jurisdiction pursuant to formal MLA procedures, to access information leading to seizure of assets and to obtain all relevant information for the drafting of formal MLA requests.

**Answer from a respondent**

The respondent is currently involved in investigating a number of corruption offences. Informal cooperation has been used in these cases to acquire information about the location of assets in foreign jurisdictions, banking data, etc. for the purposes of obtaining accurate information for subsequent MLA requests.

### Answer from a respondent

Whenever possible, the respondent informally engages with foreign counterparts prior to submitting a formal request. The informal discussions are used to find out the competent authority to receive the formal request, the requirements for requests (e.g., forms, deadlines, etc.). Informal cooperation often proceeds based on MOUs between prosecutorial authorities or is based on participation in Eurojust or other bodies. National authorities have stated that this helps to avoid delays in executing requests.



### Box 4: Good practices to improve information sharing

Where practical, improve information sharing by providing the following on a publicly accessible web site, in as many relevant languages as possible:

- MLA laws and relevant statutory provisions, regulations, and tools available in the jurisdiction;
- Explanatory guidelines and sample requests for assistance;
- Types of investigative techniques permitted or not allowed;
- Burden and standard-of-proof requirements;
- Information that can be provided without the need for a formal MLA request; and
- Reasons for rejection of MLA requests.

#### *b. Discussing the content of the MLA request, prior to sending it*

Precious time can be lost due to missing or irrelevant information in an MLA request. Informally communicating with counterparts to discuss the content of the MLA, prior to transmitting it, will ensure the suitability and adequacy of the provided information. 72% of respondents (41/57) engage in such discussions. Those exchanges serve both to obtain more information (for the requesting agency) and to demand that additional information be included in the MLA (for the requested agency).

Important information such as urgency or confidentiality should always be included in a formal MLA request. However, it is good practice to contact counterparts before submitting the formal request to convey that information directly. When reasons for urgency or confidentiality are explained in advance, the requested jurisdiction is more likely to comply in a timely manner.

### Answer from a respondent

An investigation in the respondent's country on an oil trade company for potential misuse by declaring goods for lower customs tax was ongoing. However, the goods were imported from a company in country A, and the missing information about specification of the goods were

provided by a liaison officer from country A. That resulted in investigators knowing the whole picture and presenting it to the prosecutor for getting evidence through Mutual Legal Assistance Treaty (MLAT). On the other hand, the respondent's investigators gave useful information to country A's police about the national company, and they launched their national investigation with the handled information. This was a case of good and fast informal cooperation, with no difficulties in exchanging information.

#### **Slovakia, Special Prosecutor's Office**

The prosecution service in Slovakia, as a judicial body, addresses foreign authorities by requesting formal mutual legal assistance. The informal cooperation rests mainly on the police although some informal activity is welcome in MLA requests execution as well, e.g., enhancing the process, speeding up the time of execution, sending additional information, etc. The police might also use informational cooperation to assist in the preparation of the MLA request, e.g., identification of persons to be heard, bank accounts identification, etc.

#### **Answer from a respondent**

Informal cooperation is used to gain intelligence to ensure that the material requested subsequently through an MLA request is specific, focused and clear to its recipient.

#### **Answer from a respondent**

The respondent opened a criminal case related to the escape of the ex-head of the police department of country A. He was charged with several serious offences. Since there was information about him crossing borders, the Deputy Head of country A's anti-corruption agency (a GlobE National Contact Point), contacted the contact point of the respondent's country and, prior to the MLA, the corresponding information was given.

#### **Ecuador, Attorney General's Office (Fiscalía General del Estado)**

The Attorney General's Office (Fiscalía General del Estado) investigated a number of offences involving corrupt officials abusing their positions in public companies, by favoring natural and legal persons with the award of \$1 million contracts with the State, violating principles of public procurement. As payment for the corrupt acts, the public officials received undue benefits in the form of high-value real estate in foreign countries and money transfers of several million dollars to their bank accounts in foreign countries, from the contractors who had been favoured. Informal cooperation was used to identify banks in the foreign countries where the suspects had accounts, identify the bank account numbers, find the exact location of real estate owned by the suspects and obtain information about any companies or other legal entities related to the suspects, registered in the foreign jurisdiction. The Attorney General's Office (Fiscalía General del Estado) then used this information to make a formal request for assistance, including requests for provisional measures to protect the assets from dissipation or transfer.

### Answer from a respondent

In a case of criminal conspiracy and cheating the national public bank, the suspect fraudulently sent funds to overseas bank accounts, laundering money through bank accounts in country A. Exact amounts routed through accounts in country A were unknown. To obtain details of accounts, balances and beneficial ownership, international cooperation was required. The Egmont channel was used to facilitate a request from the respondent to the FIU in country A. Information was provided very swiftly, informing the respondent about bank accounts, balances on the accounts and beneficial owners of the accounts. In this case, timely freezing and then attachment of the accounts through mutual legal assistance was only possible due to the information provided by country A's authorities through Egmont. This enabled the respondent to successfully attach assets of a certain amount.

### Honduras, Specialized Prosecutorial Unit Against Corruption Networks (Unidad Fiscal Especializada Contra Redes de Corrupción (UFERCO)

In a case involving fraud and embezzlement of public funds by a criminal network, money was stolen from a trust and then payments made from a bank in country A to countries B and C. The money was then sent to a Honduran trading company and used to purchase real estate and provide finance for a political campaign. The criminal network, which directed two foundations, then signed agreements with the Secretary of Agriculture and Livestock of Honduras in relation to provision of assistance to the poorest areas of the country. The funds obtained through the contracts were instead used for political campaigns and acquisition of goods in Honduras and country C. Informal cooperation took place between Honduran authorities and authorities of the foreign jurisdictions, including FIUs and public prosecution offices. The purpose of the informal cooperation was to identify agencies that could assist and to obtain intelligence and other background information for an MLA request. Honduran authorities were able to obtain bank account numbers, bank details and information about specific financial products very quickly. Identifying the proper agencies to deal with the request and including specific, detailed information in the formal request considerably reduced the response time.

#### *c. Following up to an MLA request previously sent*

Although answers received regarding the timing at which practitioners engage in informal cooperation showed that many used it before resorting to formal channels - 30% before the beginning of an investigation – informal cooperation can still be used to resolve any issues that may arise after the submission of a formal request. This might even more be the case for agencies that have not utilized informal cooperation in the first place to obtain intelligence. Processing and responding to MLA requests can take time and while actions are being taken in the requested States, it might not be possible to keep requesting agencies informed via formal channels.

Directly contacting a foreign counterpart after an MLA has been sent can thus be useful in many ways (40/57 respondents).

**Slovakia, Special Prosecutor's Office**

We have two cases of informal cooperation but both of them are based on a follow-up to previously sent MLA requests.

*d. Consulting on the grounds for possible refusal of an MLA request*

28 out of 57 respondents also employ informal cooperation to gain clarity on potential reasons for a counterpart to refuse an MLA request. Doing so before submitting a request, permits foresight, insofar as possible, on any issue that may arise over the course of the cooperation process. Additionally, some jurisdictions offer preliminary approval for draft MLA requests, which avoids delays associated with rejection of formal finalized requests.

**Answer from a respondent**

Counterparts were investigating a possible foreign bribery case while the respondent had a similar ongoing investigation. Before sending an official MLA, counterparts sent a draft request, asked which law enforcement agency would most probably execute it and whether copies of certain documents in the criminal case could be provided. The MLA request was agreed on, the respondent was informed that it was incoming and that their office would execute it. Additionally, copies of the requested documents were prepared and contact details of witnesses were established before officially receiving the request.

As a result of this cooperation, the official MLA request was executed very quickly.

**Answer from a respondent**

The respondent's country has a practice of providing preliminary approval of draft requests from requesting states and has had successful experiences of such cooperation with five countries.

Using informal cooperation after a refusal is also encouraged. In fact, a refusal may constitute a great opportunity to reflect and to improve. Informally exchanging with the requested State on the reasons for the refusal enable the requesting States to review, evaluate, and eventually re-adapt, its own internal process and procedures for drafting and sending MLA requests in the future.

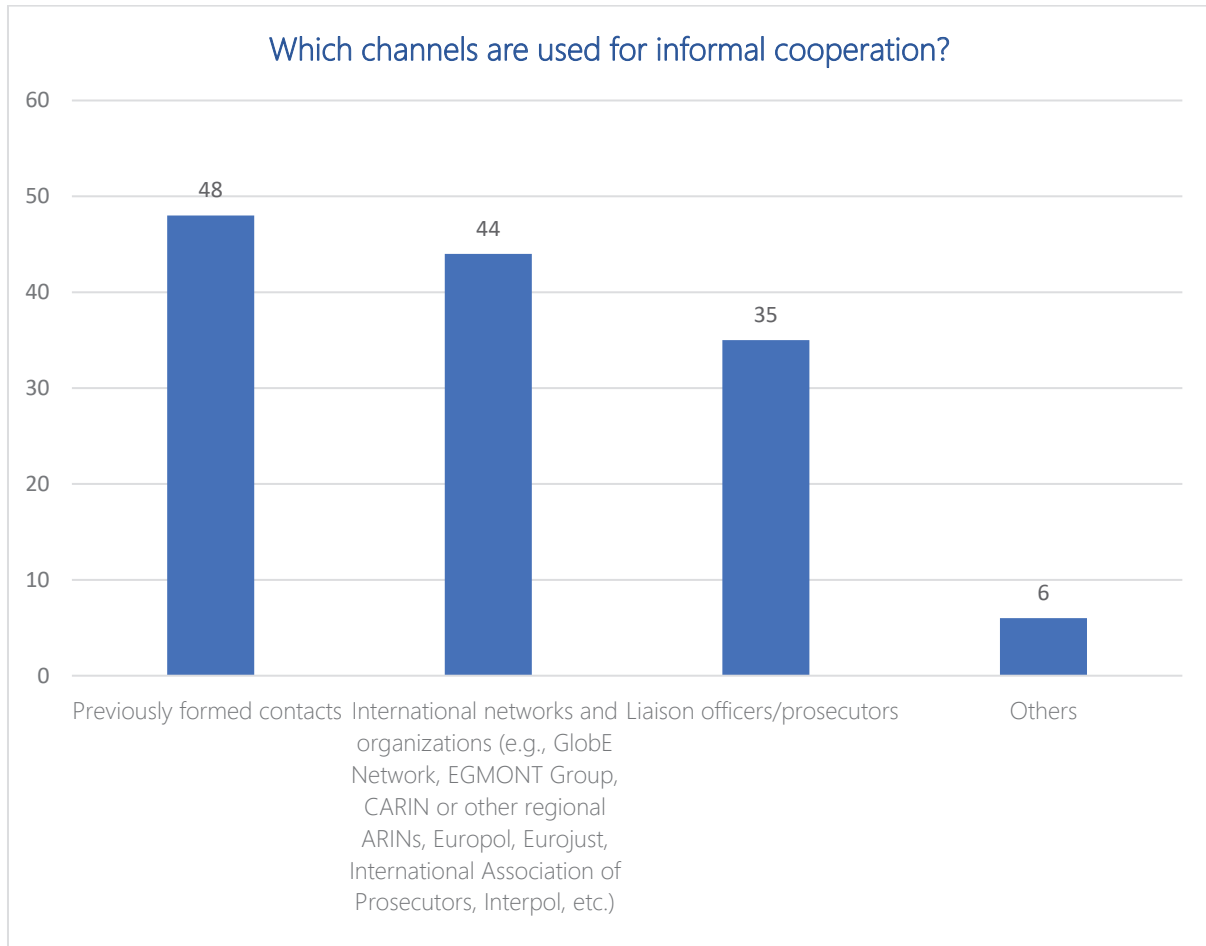
**Answer from a respondent**

One should use refusals as a form of feedback; although the request has not been taken forward, studying this refusal, and enquiring about the reasons that led to this decision, provides clarity on the counterpart's legal system, requirements, functioning, etc. Over time, this can lead to drafting more complete MLA requests. Additionally, international fora are great environments to connect with counterparts and discuss those refusals and the case at stake.

## V. CHANNELS FOR INFORMAL COOPERATION

Another factor that is crucial for the success of informal cooperation and subsequently for an investigation lies in identifying and choosing the most suitable communication channel(s).

Figure 3



### 1. Previously formed contacts

Professional contacts between practitioners of different jurisdictions are often developed through in-person meetings, conferences, or previous joint work experiences. Even if those contacts cannot assist with a particular enquiry, they may be helpful to provide a referral to someone who can. As per the results of the questionnaire, personal acquaintances in the requested jurisdiction are the main channel of communication used for informal cooperation (48/57 respondents).

#### China, Macao Special Administrative Region, Commission Against Corruption

The Commission Against Corruption of Macao makes efforts to maintain smooth communication and cooperation with its counterparts on the Chinese Mainland and Hong Kong Special Administrative Region by organizing periodical in-person meetings with counterparts. In 2021 the

Commissioner Against Corruption, along with the directors and chiefs of the Commission Against Corruption, visited Guangdong Provincial Supervisory Commission and other anti-corruption agencies from a number of Greater Bay Area cities. The Commission Against Corruption has been able to establish and maintain effective channels for communication with these agencies and has achieved positive results. Due to the pandemic, in 2021, travel between Hong Kong and Macao was not possible, so instead the Commission Against Corruption of Macao and the Independent Commission Against Corruption of Hong Kong took part in a video conference where both agencies exchanged views on their cooperation and communication and discussed fundamental aspects of cooperation in mutual legal assistance.

In-person meetings foster a sense of community and help build and reinforce mutual trust between counterparts, which lays the foundation for advancing transnational cases through informal cooperation.



### Box 5: UNODC GlobE Network meetings

To encourage and facilitate direct contact and in-person meeting between members, the UNODC GlobE Network holds the plenary meeting, which gathers all contact points of the Network's member authorities, at least once a year. During the meeting, smaller group meetings and discussions are organized, such as thematic workshops, and bilateral or multilateral meetings. Social gatherings are also planned to enhance informal encounters and exchanges between contact points. By building this community of practitioners, the Network aims at developing and increasing trust between members.

If your authority is not yet a member of the UNODC GlobE Network but would like to attend the next plenary session, please email the UNODC GlobE secretariat that will do its best to accommodate you at [globenetwork@un.org](mailto:globenetwork@un.org).

## 2. International cooperation networks

There are many practitioner networks worldwide, which can assist with the process of international cooperation. Some practitioners first and foremost engage in cooperation through these networks and the tools or contacts they provide.

Joining international networks and participating proactively in international fora constitute excellent means to personally meet potential counterparts and develop more professional contacts. In the long term, this builds trust between authorities and facilitate informal communications. This is the second most used channel of communication by GlobE's practitioners, with 44 out of 57 respondents that use such networks.



## Box 6: UNODC GlobE Network membership

Specialized anti-corruption law enforcement authorities, as referred to in Article 36 of the UNCAC from a Member States and/or States Parties, can join the Network by sending a [membership application form](#), via the Permanent Mission of your country to the UN. The membership and services provided by GlobE are free and no fees are required from members.

A maximum of three authorities per country can join the Network as members. For countries that have reached this maximum, additional specialized authorities can still join the Network as Auxiliary Members, by sending the [associated application form](#), also via the Permanent Mission.

For more detailed information, you can refer to the [Charter of The GlobE Network \(unodc.org\)](#). The Charter is available in all United Nations official languages (Arabic, Chinese, French, Russian and Spanish). All the referred documents and more can also be found on the UNODC GlobE Network website here [GlobE: Documents](#) or here, [GlobE Network: Join the Network](#).

### Select examples of practitioner networks and similar fora:

- The Camden Asset Recovery Inter-Agency Network (CARIN): open to EU Member States and to States and jurisdictions which were invited to the CARIN launch congress in 2004.
- Regional asset recovery inter-agency networks (ARINs):
  - ARIN-SA: Eastern and Southern African countries
  - ARIN-WA: West Africa
  - ARIN-EA: East Africa
  - ARIN-AP: Asia Pacific
  - ARIN-CARIB: Caribbean
  - ARIN-WCA: West and Central Asia
- Eurojust and the European Judicial Network (EJN)<sup>22</sup>
- The International Anti-Corruption Coordination Centre (IACCC)<sup>23</sup>
- The Egmont Group<sup>24</sup>
- The OECD Working Group on Bribery and the OECD Global Law Enforcement Network (GLEN)<sup>25</sup>

! This non-exhaustive list only presents networks and fora mentioned by respondents.

For a more comprehensive list of networks relevant to anticorruption law enforcement cooperation, please see the UNODC GlobE Networks Membership Mapping Chart, available on the UNODC GlobE Network website here [Networks Membership Mapping Chart \(unodc.org\)](#).

<sup>22</sup> Slovakia (Special Prosecutor's Office): response to the questionnaire

<sup>23</sup> Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire; Answers from two respondents.

<sup>24</sup> Egypt (Egyptian Money Laundering and Terrorist Financing Combating Unit - EMLCU): response to the questionnaire.

<sup>25</sup> Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire.



### **Chile, Public Prosecutor's Office**

In the Latin American region, the informal exchange of information between law enforcement authorities might include information about ongoing criminal investigations in the other countries, due to multilateral agreements subscribed by public prosecutors' offices, such as the Ibero-American Association of Public Prosecutors' Offices (AIAMP). According to some of these agreements, the exchanged information might be used as evidence in court.

The Chilean Public Prosecutor's Office uses its networks to facilitate effective international cooperation. On 6 September 2018, members of AIAMP signed a cooperation agreement on collaboration on ongoing investigations and spontaneous disclosure of information. The Chilean Public Prosecutor's Office has invoked the agreement to request information in seven corruption-related investigations and has received three requests. Using the agreement, the Chilean Public Prosecutor's Office has exchanged information with counterparts in foreign jurisdictions about ongoing investigations, decisions to initiate cases domestically and about data related to suspects and corporations. They have also received requests to locate and identify assets in Chile. The information received by Chilean authorities led either to sending a formal MLA request or to a decision not to pursue a formal MLA request.

### **Pakistan, National Accountability Bureau**

In a case of security fraud/insider trading the National Accountability Bureau of Pakistan utilized informal cooperation to kickstart the case after being stalled for more than ten years. Informal cooperation took place via the CARIN and ARIN-AP/ARIN-WCA networks. In this case, the National Accountability Bureau of Pakistan and its sister agency in the foreign jurisdiction exchanged information which led to the foreign authorities being able to locate the suspect and serve court documents. The case resulted in confiscation of more than US\$6.45 million in the foreign jurisdiction.

### **Answer from a respondent**

In a case involving proceeds of crime from a Ponzi scheme, the investigation revealed that one of the accused had purchased around six properties in a foreign jurisdiction. To confirm ownership of the properties, a CARIN request was sent by the respondent to the foreign jurisdiction, requesting details of beneficial ownership of the properties. After receiving a swift response from the authorities in the foreign jurisdiction, the respondent issued a Provisional Attachment Order for the assets and filed a formal MLA request.

### Egypt, Egyptian Money Laundering and Terrorist Financing Combating Unit (EMLCU)

As the Egyptian FIU, we rely on informal cooperation channels, such as the Egmont Group, to obtain the information needed, whether spontaneous or requested, for examining and investigating suspicious reports in regard to terrorism financing, money laundering, and related predicate offenses, such as corruption crimes.

## 3. Liaison officers

Some jurisdictions have a person stationed in their diplomatic missions, e.g., embassy or consulate, abroad who can facilitate international cooperation with that foreign jurisdiction. This could be a legal, police or judicial liaison officer/attaché<sup>26</sup>. This person may be able to facilitate contact with counterparts, facilitate informal cooperation and help with drafting or reviewing a formal MLA request. 35 of the 57 respondents use this solution.

### Answer from a respondent

The respondent often works through law enforcement attaches posted in countries to assist in identifying contacts and promoting cooperation. When materials obtained informally are subsequently needed as evidence at trial, we typically follow up with an MLA request.

### India, Central Bureau of Investigation (CBI)

A request was received from an authority seeking assistance from CBI in a case regarding subscriber details of a mobile number from a telecom company located in country A, which was allegedly involved in making spoof calls to demand bribes in favour of senior officers of CBI. A request was made to country A' Police Liaison Officer, located in Delhi. Later, the liaison officer provided certain information in the matter stating that the mobile no. was registered with the company, which had leased the number to another company, and the number was available as a temporary or second number on one of the company's apps.

## 4. Additional channels of communication

Central authorities with power to receive and transmit requests for mutual legal assistance are usually based in the Ministry of Foreign Affairs, Ministry of Justice or the Attorney General's office/Public Prosecutor's Office. The central authorities can provide contacts in jurisdictions abroad and provide information about jurisdictions with which there are bilateral or multilateral mutual legal assistance agreements. They can also provide guidance on how best to proceed in accordance with the legal framework of the requested jurisdiction.

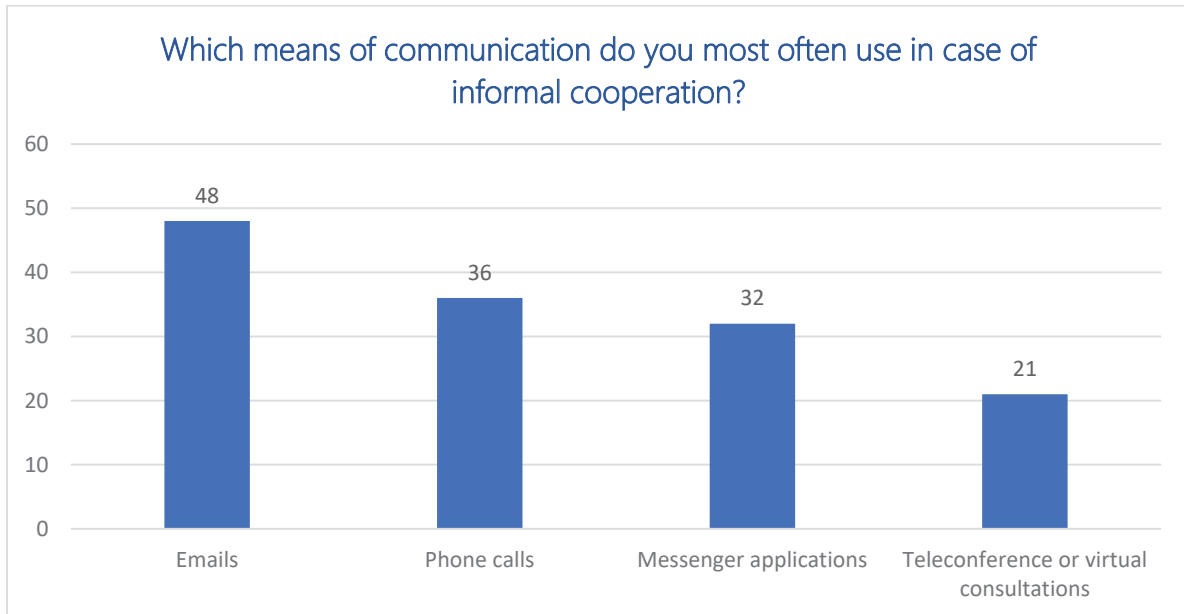
---

<sup>26</sup> Pakistan (National Accountability Bureau): response to the questionnaire.

## VI. INFORMAL COOPERATION MEANS OF COMMUNICATION

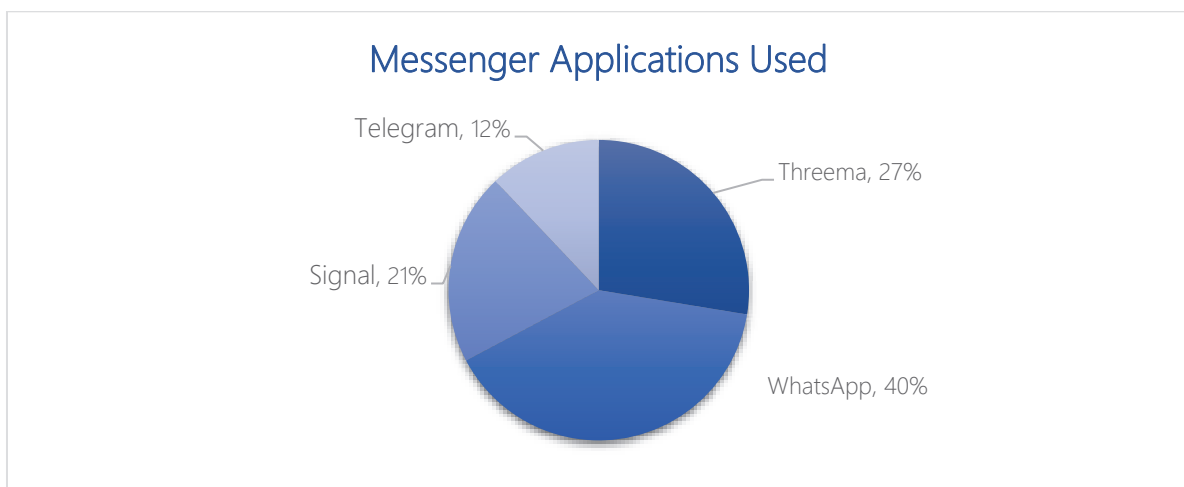
Various means of communication employed for informal cooperation can be emails, phone calls, teleconferences, and messenger applications. In most cases, practitioners resort to multiple means to achieve the maximal efficiency and effectiveness of communication.

Figure 4



From the answers gathered, practitioners mainly use emails to reach out to foreign colleagues (48/57 responses). This was followed by phone calls (36/57 answers). Depending on the technological capacities of each agency, contact via email can sometimes be difficult, for instance, use of non-official emails or to repetitively rejected mails can hinder correspondence reaching the intended party. Using phone calls and/or messenger applications can be a solution (32/57 respondents).

Figure 5



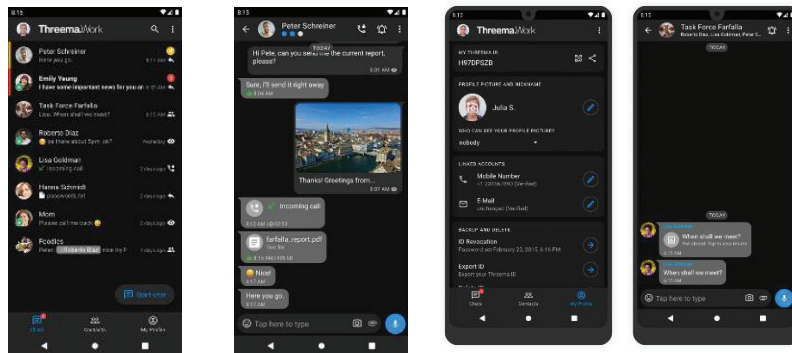
As shown in figure 5, WhatsApp is the most used application among GlobE members (40%) so far, but Threema, which was only made accessible to GlobE members in mid-2022, is the second most used application (27%).



## Box 7: UNODC GlobE Network Threema

The UNODC GlobE Network provides free-of-charge access to its members to a secure communication solution – GlobE Threema. The solution has an emphasis on end-to-end encrypted security and professional use. Only you and the recipient of your message can see the content of your messages. The UNODC GlobE secretariat, which manages the administration cockpit, does not have access to that information. More information can be found on [GlobE website](#). Request for evidence in corruption-related cases may be channeled through the secure communication solution of the UNODC GlobE Network.

Images for illustrative purposes



Teleconferences and virtual consultations<sup>27</sup> are alternative means of informal contact, notably when in-person meetings are not possible. Employing such technologies proved very useful during lockdowns due to the Covid-19 pandemic (21/57 respondents).

### China, Hong Kong Special Administrative Region (HKSAR), Independent Commission Against Corruption (ICAC)

Good communication between parties is essential for effective cooperation, especially during the pandemic in 2021 and 2022. A corruption investigation was ongoing concerning a listed company in Hong Kong and an acquisition of a business venture in country A where three senior executives and the vendor of the venture were charged with conspiracy to defraud and dealing with crime proceeds. Throughout that time, ICAC and relevant anti-corruption law enforcement agencies of two neighboring countries maintained close and effective communication to ensure that the re-trial could proceed as scheduled. Though travel restrictions were imposed by different countries, with the assistance provided by two foreign counterparts, arrangements were made for the

<sup>27</sup> Iraq (Fund for Assets Recovery): response to the questionnaire

witnesses to testify via live television-link. Such cooperation enhanced the overall efficiency of the court proceeding.

In person meetings and direct, face-to-face discussions, are encouraged whenever possible, as they enhance trust and facilitate the swift exchange of information.<sup>28</sup> Agreements achieved through these discussions can later be confirmed and put on record via email, at the convenience of the involved practitioners.

#### **Answer from a respondent**

In addition to emails, the respondent holds in-person meetings and writes letters to liaison officers of various countries who are based in India as a means of communication for informal cooperation.

---

<sup>28</sup> Netherlands (Kingdom of the) (National Office for Serious Fraud, Environmental Crime and Asset Confiscation - Functioneel Parket): response to the questionnaire; India (Central Bureau of Investigation): response to the questionnaire; Indonesia (Corruption Eradication Commission - KPK): response to the questionnaire.

## VII. CHALLENGES TO INFORMAL COOPERATION AND HOW TO OVERCOME THEM

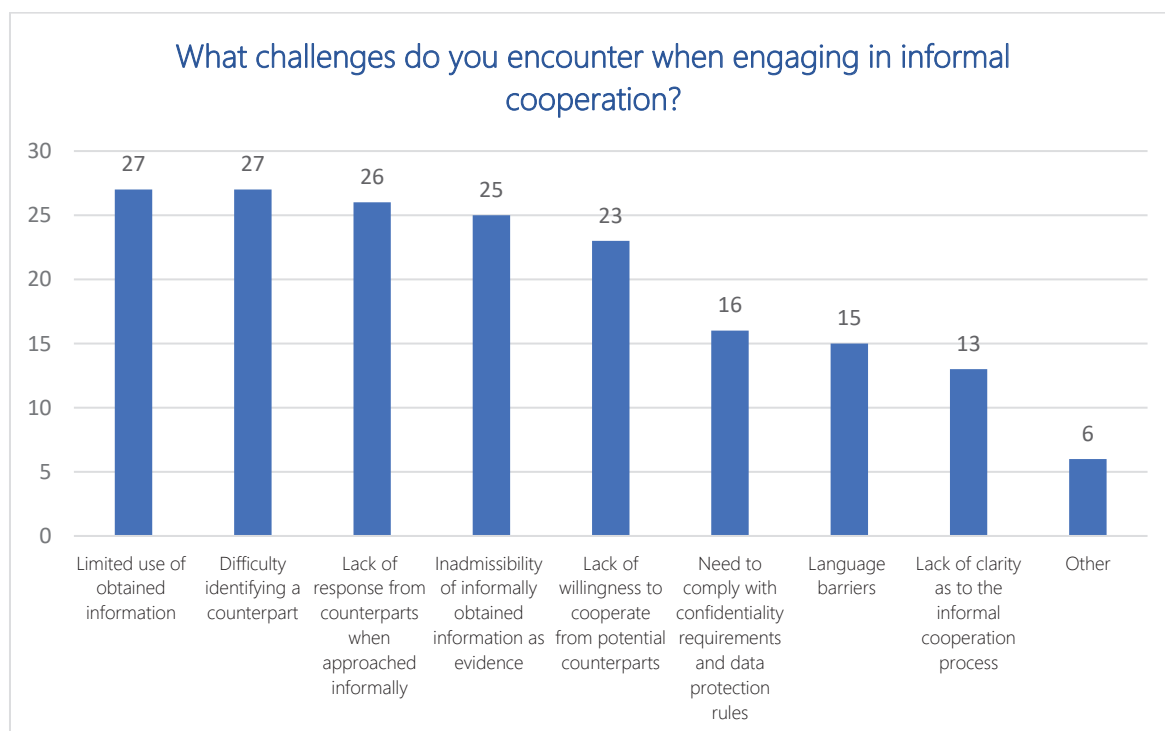
Despite the important role of informal cooperation, various challenges prevent anti-corruption law enforcement practitioners from benefiting from it to the maximum extent. Such challenges include the urgency of a situation, unequal technical capacity and access to technological tools - whether it be to communicate or to conduct investigations), time differences, disparate human resources, etc.

### Examples of additional challenges provided by a respondent

1. Counterpart 'leaks' request made to their media
2. Counterpart uses request made for political gain
3. Counterpart's record of human rights and standards of detention mean that compliance with national human rights policies is not possible
4. Counterpart's authorization system is corrupted
5. Counterpart expects something in return for servicing request
6. Counterpart's legal system is incompatible in some way - for example the country A duty to locate and disclose certain material to a defendant is rarely understood by other countries.
7. Counterpart lacks similar offences
8. Delays in response mean the request becomes obsolete
9. Geopolitical events, e.g., being at war, render working with partners inconceivable

The UNODC GlobE secretariat identified some of the predominant challenges, which were echoed by respondents, as highlighted in Figure 6. In their replies, they also proposed possible solutions.

Figure 6



## 1. Limited use of obtained information

Many countries describe limitations on the use of information received informally as a major challenge. Those restrictions can impact both the initial disclosure of information by the requested state and its later admissibility as evidence in the requesting jurisdiction.<sup>29</sup>

### *a. Inadmissibility of informally obtained evidence*

In many jurisdictions, according to their legal frameworks, it is not possible to use informally obtained information as evidence in court, even if there are no restrictions on use by the jurisdiction that provided the information.

Additionally, some jurisdictions might circumscribe the use of the provided information to a specific domain, depending on whether the case at hand falls into civil or criminal matters.<sup>30</sup> In any case, the requesting State can always use the information obtained informally as a starting point for gathering evidence.<sup>31</sup>

#### **Austria, Federal Ministry of the Interior, Federal Bureau of Anti-Corruption**

The usage of informal cooperation can be restricted to the nature of the proceedings, some countries being reluctant to informally communicate if the information falls under criminal proceedings.

#### **Answer from a respondent**

In a case of passive corruption by public officials and money laundering, the FIU in country A provided information to the FIU in the respondent's country regarding transfers of money from a company based in country A to the suspect. Given that the information obtained from the FIU could not serve as evidence in court, only limited use could be made of the information.

#### **Ghana, Economic and Organised Crime Office (EOCO)**

In a case of defrauding by false pretense (Investment Scams and romantic scams), Ghana used informal cooperation due to the urgency of the information that was to be shared/gathered. The case could not progress due to the delay in getting evidence through formal means. Unfortunately, the evidence gathered was not admissible.

---

<sup>29</sup> United Kingdom/England and Wales (Serious Fraud Office): response to the questionnaire; Answers from two respondents; Honduras (Specialized Prosecutorial Unit Against Corruption Networks - Fiscal Jefe de la Unidad Fiscal Especializada Contra Redes de Corrupción - UFERCO): response to the questionnaire; Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire.

<sup>30</sup> Answer from a respondent.

<sup>31</sup> Indonesia (Corruption Eradication Commission - KPK): response to the questionnaire.

### Answer from a respondent

The respondent investigated a case allegedly involving bribes of approximately USD 1 million, paid by a foreign company to citizens, including public officials, to obtain confidential information regarding a contract it was later awarded. Because the investigation had been disclosed to the public, information needed to be obtained rapidly to preserve evidence and proceeds of crime. The respondent engaged directly with foreign law enforcement agencies, through previously established networks. The informal cooperation enabled intelligence and information to be gathered on suspected foreign offenders, particularly regarding movement of funds, communication between protagonists and identification of assets acquired. This information had a significant impact on the investigative strategy by national authorities. Most significantly, however, officers from the respondent travelled to the foreign jurisdiction where they were able to examine documents and information and single out documents that were relevant for their case. They were then able to identify those documents specifically in the formal MLA that was submitted, which sped up the process significantly and allowed use of those documents as evidence.

### India, Central Bureau of Investigations

Channels of informal cooperation are used for limited purposes and the information obtained is generally not admissible as evidence in courts. Police Liaison Officers have been helpful in obtaining information. Regular Bilateral meetings and workshops are also useful for building trust with counterparts.

#### *b. Need to comply with confidentiality requirements and data protection rules*

Information might have initially been shared for the sole purpose of facilitating investigations. It might be intended as support material to facilitate the discovery of additional elements. Therefore, confidentiality requirements and data protection rules might apply and limit further usage of the information obtained informally.

### Good practices 1: Overcoming the limited use of information obtained informally

Ways to overcome this challenge may include:

- Requesting consent from the originating agency to disclose the information (or parts of the information) contained in the reports;
- Using the information to make a formal mutual legal assistance request more precise and submit the request for the purpose of obtaining evidence admissible in court;
- Obtaining other pieces of evidence to prove the specific offence and use the original report as a basis for the investigation;



- Requesting the same information obtained via informal cooperation through an MLA request;<sup>32</sup>and/or
- Holding initial meetings with counterparts to establish a strategy and identify the types of information useful for conducting successful international cooperation.<sup>33</sup>

To avoid any misunderstandings, the requested agency can clearly stipulate its intentions and understandings in its reply to ensure that the information or assistance provided is to be used solely for intelligence purpose and not to be tendered as evidence.<sup>34</sup>

## 2. Difficulty identifying a counterpart

Informal consultations are most effective when there is already a trusting relationship between the parties. However, some practitioners encounter problems with identifying and establishing contact with foreign counterparts and therefore lack opportunities to build trust. Establishing connections may be difficult for an array of different reasons, e.g., lack of resources allowing practitioners to attend international/regional meetings that help develop networks and informal contacts. Language differences can also be an issue.

### Brazil, Attorney General's Office

Brazilian authorities from the Attorney General's Office have acknowledged difficulties establishing contacts in the foreign jurisdictions, due to the limited knowledge about practitioners/institutions in foreign countries that could assist Brazilian authorities with informal cooperation. The central authority has limited use because their contacts are normally with other central authorities and not with the judicial authorities executing the requests, who could provide information to foreign counterparts.

### Good practices 2: Identifying a foreign counterpart

- Use the UNODC GlobE Network Directory of Member Authorities;<sup>35</sup>
- Resort to UNODC tools and resources:
  - The Directory of Competent National Authorities (CAN)<sup>36</sup>
  - The UNCAC Sherlock Directory;<sup>37</sup>
- Make contact via previously established contacts in the targeted jurisdiction: they are better placed to both identify the right person and to enquire for progress in their own jurisdiction if not forthcoming;<sup>38</sup>

<sup>32</sup> Answer from a respondent

<sup>33</sup> Honduras (Specialized Prosecutorial Unit Against Corruption Networks - Unidad Fiscal Especializada Contra Redes de Corrupción (UFERCO)): response to the questionnaire

<sup>34</sup> China, Honk Kong SAR (Independent Commission Against Corruption, ICAC): response to the questionnaire

<sup>35</sup> Answer from a respondent

<sup>36</sup> Answer from a respondent

<sup>37</sup> Romania (National Anticorruption Directorate): response to the questionnaire.

<sup>38</sup> United Kingdom (Serious Fraud Office): response to the questionnaire.

- Inquire through your national embassy in the requested country and liaison officers, or with the requested country's embassy in your country;<sup>39</sup>
- Research online on open sources the appropriate counterpart/authority;<sup>40</sup>
- Seek a contact person through international forums/organizations;<sup>41</sup> and
- Share a list of the main contact points for informal cooperation within the central authority or other relevant competent authorities.

### Saudi Arabia, Oversight and Anti-Corruption Authority (Nazaha)

Sometimes, researching online through open sources can solve the issue of identifying the right counterpart. However, there may be an overlap between two commissions or multiple specialized in multiple anti-corruption functions. It is very useful to resort to informal cooperation for the purpose of identifying which commission/authority is responsible for international cooperation, receiving MLA requests and responding to informal requests on fighting corruption.

## 3. Lack of response from counterparts when approached informally

Like the difficulty of identifying the relevant counterpart, a lack of response can prevent the case from moving forward and creates delays in the investigations. The absence of follow-ups to informal request can have various reasons, for instance:

- a counterpart might have to discuss the demand with other colleagues or with management to ensure the requested information can be shared informally;
- the requested practitioner might need some time to gather the relevant information; and/or
- the demand might not have reached the intended counterpart, for instance due to default in the email address or mailbox, due to a change of position, etc.

A lack of response can also originate from the lack of willingness to cooperate from the counterpart, as will be explained hereunder in section 5.

### Pakistan, National Accountability Bureau

Recently in two cases, we successfully managed to overcome challenges by involving the contact points of the requested states for the GlobE Network. Personal contacts/relationships of contact points of the GlobE Network's members can play an important role in effective informal cooperation.

<sup>39</sup> Indonesia (Corruption Eradication Commission - KPK): response to the questionnaire; Pakistan (National Accountability Bureau): response to the questionnaire; India (Central Bureau of Investigation): response to the questionnaire.

<sup>40</sup> Saudi Arabia (Oversight and Anti-Corruption Authority - Nazaha): response to the questionnaire.

<sup>41</sup> Indonesia (Corruption Eradication Commission - KPK): response to the questionnaire.

#### Answer from a respondent

Awareness of political, cultural and other sensitive issues in the jurisdiction from which information is to be sought will permit to avoid making inappropriate requests.

### Good practices 3: Getting responses from counterparts when approached informally

- Send additional emails to remind the colleagues about your request and if possible, calling them or sending them a text.<sup>42</sup>
- Build trust and foster collaboration by joining international networks, conferences or trainings and meeting in-person representatives of various authorities.<sup>43</sup> GlobE plenary sessions facilitate informal encounters inter alia by the organization of small group discussions and networking events.
- Use existing networks by contacting previously formed contacts in the requested jurisdiction.<sup>44</sup>
- To reduce delays, ask the contact person to gather the information while formally requesting it so that the response is more expeditious.<sup>45</sup>
- Sign bilateral agreements or MOUs to enhance agency to agency collaboration for information sharing.<sup>46</sup>

## 4. Lack of willingness to cooperate

Another challenge faced by authorities when engaging in informal cooperation is the lack of willingness to cooperate on the part of foreign authorities. This is exacerbated by low levels of efficiency. For example, one country stated that it usually takes three months to receive a response to FIU requests.

#### Answer from a respondent

Informal cooperation is greatly hindered due to trust issues among counterparts and the fear that information supplied may end up being abused for other purposes than the intended purpose. Trust may or can be earned if counterparts first interact physically and exchange contacts.

<sup>42</sup> Answer from a respondent; Pakistan (National Accountability Bureau): response to the questionnaire.

<sup>43</sup> Saudi Arabia (Oversight and Anti-Corruption Authority - Nazaha): response to the questionnaire; Answer from a respondent.

<sup>44</sup> Brazil (Attorney General's Office): response to the questionnaire.

<sup>45</sup> Honduras (Specialized Prosecutorial Unit Against Corruption Networks - Unidad Fiscal Especializada Contra Redes de Corrupción (UFERCO)): response to the questionnaire.

<sup>46</sup> China (National Commission of Supervision): response to the questionnaire; Answers from two respondents.

### Brazil, Attorney General's Office

Although it is fair to say that some jurisdictions do not cooperate or take too long to cooperate, it seems that we often overlook what can be done by the requesting country to enhance the enforcement of its MLA request in the foreign jurisdiction.

Recently, the Attorney General's Office for Brazil has been internally discussing practical measures, such as: having good translations of its main laws used in internal procedures; whenever possible, discussing with the Attorneys who work directly on the cases how to instruct judges, prosecutors and others on how to deal with cases that involves MLA; developing presentations and providing information about our legal system (especially when concerning non-criminal cases) and so on.

### Good practices 4: Overcoming the lack of willingness to cooperate

- Designate one anti-corruption agency to play the leading role in internal coordination among domestic agencies.<sup>47</sup>
- Send additional requests and information through diplomatic channels.<sup>48</sup>
- Provide assistance to foreign counterparts whenever possible to build trust
- Encourage a culture of reciprocity

## 5. Language barriers

When authorities deal with foreign counterparts who do not speak the same language, despite their willingness to cooperate informally, language differences can be a barrier to the process.<sup>49</sup> This often means that third parties, such as translators, need to be involved. Faced with the issue, a member of GlobE took advantage of the broader UNODC connections available through the Network to find a translator for a rare language.

### Good practices 5: Overcoming languages barriers

- Engage a good translator
- Translate relevant legislations and make them publicly available to counterparts, for instance on the website of your authority
- Ensure the translation of your own laws internally: as you are the one that knows best your activity, mandates, and national procedures, you are best placed to ensure that the terms and spirit of your laws are correctly translated.<sup>50</sup>

<sup>47</sup> China (National Commission of Supervision): response to the questionnaire; Answer from a respondent.

<sup>48</sup> Russia (General Prosecutor's Office): response to the questionnaire.

<sup>49</sup> Answer from a respondent; Honduras (Specialized Prosecutorial Unit Against Corruption Networks - Unidad Fiscal Especializada Contra Redes de Corrupción (UFERCO)): response to the questionnaire; Netherlands (Kingdom of the) (Fiscal intelligence and investigation service (FIOD) / Anti-Corruption Centre (ACC)): response to the questionnaire.

<sup>50</sup> Answer from a respondent.

- Indicate and specify the various languages you can work in.

## 6. Lack of clarity as to the informal cooperation process

Unlike formal international cooperation, which is regulated by laws as well as detailed guidelines published by an array of organizations, informal cooperation is far less regulated. This can lead to misunderstandings, breaches of foreign jurisdictions' protocols and a lack of clarity regarding the handling of any information obtained. Such uncertainties pose challenges to both requesting states and requested states.

Before engaging in informal cooperation with foreign counterparts, it should be established whether a legal basis for the cooperation is required. Pursuant to the UNCAC, the legal frameworks of State parties should authorize direct contact between domestic authorities including law enforcement agencies, FIUs and prosecutorial agencies.<sup>51</sup> It is a good practice to check with a domestic central authority or other competent authorities whether there are any protocols of the foreign jurisdiction that must be adhered to before approaching the foreign counterpart.

In cases where a legal basis is required by the jurisdiction, such basis may be detailed in the following instruments:

1. Memorandum of Understanding;
2. Bilateral or multilateral treaty; and/or
3. Domestic legislation.<sup>52</sup>

Some jurisdictions do not *require* a legal basis for informal international cooperation but nevertheless use bilateral and multilateral agreements with competent agencies or the legal infrastructure of networks whenever possible.<sup>53</sup> Amongst other things, this ensures that parameters of informal cooperation are complied with. Where a legal basis is not required, informal cooperation often takes place as a matter of practice within the relevant country, coupled with reciprocity of the foreign jurisdiction. Membership of practitioners' networks, e.g., the UNODC GlobE Network, can also help to facilitate the informal cooperation.

Carefully considering what the goal your agency wants to achieve and exploring the different legal mechanisms available in this regard are important. Criminal remedies are one tool, but civil and administrative sanctions should also be examined and discussed between counterparts.

### Brazil, Attorney General's Office

The Attorney General's Office of Brazil engages regularly in informal cooperation on corruption cases. According to the Brazilian legal framework, Article 48 of the UNCAC can be used as the legal basis for the informal cooperation. However, for the purposes of legal certainty, informal cooperation should also be included explicitly in bilateral treaties.

<sup>51</sup> Article 48, UNCAC.

<sup>52</sup> Turkey (Court of Cassation): response to the questionnaire.

<sup>53</sup> Chile (Public Prosecutor's Office): response to the questionnaire.

### **Indonesia, Corruption Eradication Commission (KPK)**

In Indonesia, informal cooperation between the Corruption Eradication Commission and foreign anti-corruption agencies requires a legal basis, such as a bilateral MoU between the relevant agencies, a regional memorandum of understanding such as the ASEAN-PAC or mutual ratification of international treaties such as the UNCAC. Given that UNCAC currently has 189 state parties, this would cover most countries that Indonesia cooperates with. Joint membership in networks such as the APEC Network on Anti-Corruption Authorities and Law Enforcement Agencies (APEC ACT NET) or the GlobE Network provides additional grounds for cooperation. In addition to regulating the procedure for transmitting sensitive information, the legal basis for informal cooperation should specify the liaison unit so that if the person conducting the cooperation changes roles, the unit remains responsible and can appoint a replacement.

### **Answer from a respondent**

The respondent has a MoU with the International Centre for Asset Recovery and as such, utilizes their networks to obtain information from other jurisdictions informally.

Clarifying the informal cooperation process does not solely apply to the procedural and legal aspects; it also concerns the communication tools that will be used, the case details that are needed, the goals each party wishes to reach and the purposes of these exchanges, etc.

### **China, National Commission of Supervision**

The existence of a MOU or a similar instrument is a plus, but not a must. However, reciprocity is expected. A clear statement of the core facts of the case and the relevance of the requested assistance to the case is strongly recommended.

### **Answer from a respondent**

The informal sharing of information that is required in corruption investigations nevertheless requires a degree of formalized structure both locally and internationally in order to be effective.

### **Brazil, Attorney General's Office**

Brazilian authorities from the Attorney General's Office identified that a lack of clear and informed material regulating the practice of informal cooperation - such as guidelines, UNCAC resolutions or studies - has raised difficult questions before the courts in Brazil about the legality of informal international cooperation taking place outside the formal channels of the central authority.

This difficulty was overcome through meetings and discussions showing the legal basis that allowed informal cooperation.

### Good practices 6: Clarifying the informal cooperation process

- Conduct trainings/briefings internally to ensure that all concerned personnel are aware of the requirements/legal basis for informal cooperation.
- Make national rules concerning informal cooperation readily accessible, e.g., translating them and publishing them on your agency's website.
- Contact your counterpart and set up a meeting to have a presentation about their procedure; assume your interlocutor knows nothing about your system and explain as much in detail as possible.<sup>54</sup>
- Have in-person or virtual casework meetings.<sup>55</sup>
- Establish a communication strategy as soon as possible.<sup>56</sup>
- Anticipate 'frequently-asked' questions before the first contact with counterparts<sup>57</sup>
- Prepare documents with an overview of the legal framework of your jurisdiction to provide to counterparts<sup>58</sup>
- Incorporate policies that facilitate personal contacts between competent authorities at every stage of the international cooperation process.

---

<sup>54</sup> Answer from a respondent

<sup>55</sup> Indonesia (Corruption Eradication Commission - KPK): response to the questionnaire.

<sup>56</sup> Jordan (Integrity and Anti-Corruption Commission): response to the questionnaire.

<sup>57</sup> Brazil, Attorney General's Office: response to the questionnaire.

<sup>58</sup> Brazil, Attorney General's Office: response to the questionnaire

## VIII. CONCLUSION

Informal cooperation plays a critical part in investigating and prosecuting transnational corruption cases. Through collaborative efforts and the exchange of information outside formal channels, practitioners have demonstrated their ability to tackle corruption effectively. In line with the UNODC GlobE Network' mandate to facilitate informal interagency cooperation among anti-corruption law enforcement authorities, this publication focuses on the crucial role of informal cooperation and practitioners' networks in combating corruption.

The submissions of the contributions of informal cooperation to cases investigated and prosecuted by members of the UNODC GlobE Network serve as real success-stories for informal cross-border cooperation. Since forming personal connections with counterparts in foreign jurisdictions is the hallmark of successful international cooperation, a phone call, an email, a videoconference or an in-person meeting often moves a case forward. Nonetheless, it is equally important to acknowledge the limitations and challenges associated with informal channels, such as the inadmissibility of the obtained information, the difficulty identifying a counterpart or the lack of responses. Yet, solutions exist and the good practices presented throughout this publication are intended to support authorities in overcoming these challenges.

Moving forward, it is imperative for anti-corruption practitioners to embrace a multidimensional approach that encompasses both formal and informal avenues of cooperation. Continued efforts in strengthening and combining multiple mechanisms and channels can lead to more comprehensive and successful anti-corruption strategies. The exchange of best practices should be fostered. By establishing stronger connections between practitioners and promoting a culture of collaboration, authorities can enhance their ability to detect, investigate, and prosecute corrupt practices more efficiently. Practitioners should be encouraged to engage in knowledge-sharing, capacity-building, and joint operations with their peers to combat corruption effectively. Building trust, fostering relationships, and collectively making networks such as GlobE stronger are vital in unlocking the potential of informal cooperation.

While 2023 will mark the UNCAC 20<sup>th</sup> anniversary, it remains crucial to continue enhancing cross-border collaboration to tackle corruption. By harnessing the power of informal cooperation, the UNODC GlobE Network participates in creating a global community of practitioners dedicated to curbing corruption and promoting integrity, transparency, and accountability.



## ANNEX I: QUESTIONNAIRE

On the exchange of information through informal cooperation in the investigation and prosecution of corruption cases

### A. General information

Contact name and email:	
Authority:	
Country/Jurisdiction:	

### B. Informal cooperation in the investigation and prosecution of corruption cases

1. What is your understanding of informal cooperation? Please provide examples.
2. How often do you resort to informal cooperation in your work?
  - Daily
  - Weekly
  - Monthly
  - Quarterly
  - Other, please indicate how often

--

3. At what stage of the case do you usually engage in informal cooperation?
  - Before the beginning of an investigation
  - After the beginning of the investigation but before an indictment is prepared
  - During trial phase
  - After the court decision comes into force – for the purposes of enforcing it.
  - Other – please specify

--

4. For what purpose would you engage in informal cooperation?
  - To identify relevant counterparts and obtain contact details
  - To request information which can be obtained via open sources

- To obtain information already available in a different jurisdiction through coercive measures
- To discuss cooperation plans with counterparts
- To urgently exchange information
- To preserve or request evidence
- To spontaneously disclose information
- To request the opening of a foreign case
- To locate or identify a suspect
- To trace movements of assets or other instrumentalities used or intended for use in the commission of corruption offences
- To enquire about evidentiary requirements for admissibility
- Other – please specify

5. For what purpose do you engage in informal cooperation in relation to a mutual legal assistance request (MLA)?

- To obtain background information on the MLA rules, procedures, and requirements prior to sending an MLA request
- To discuss the content of the MLA request, prior to sending it
- To follow up to an MLA request previously sent
- To consult on the grounds for possible refusal of an MLA request
- Other – please specify

6. Which channels are used for informal cooperation?

- Previously formed contacts
- Liaison officers/prosecutors
- International networks and organizations (e.g., GlobE Network, EGDMONT Group, CARIN or other regional ARINs, Europol, Eurojust, International Association of Prosecutors, Interpol etc.)
- Other – please specify

7. Which means of communication do you most often use in case of informal cooperation?

- Emails
- Phone calls
- Teleconference or virtual consultations

- Messenger application:
  - Threema
  - WhatsApp
  - Signal
  - Telegram
- Other - please specify

8. What challenges do you encounter when engaging in informal cooperation?
- Difficulty identifying a counterpart
  - Lack of response from counterparts when approached informally
  - Language barriers
  - Lack of willingness to cooperate from potential counterparts
  - Lack of clarity as to the informal cooperation process
  - Limited use of obtained information
  - Inadmissibility of informally obtained information as evidence
  - Need to comply with confidentiality requirements and data protection rules
  - Other - please specify

9. How have you overcome the challenges mentioned above? Please give examples.

**C. Case example(s)**

1. Case examples will be used to illustrate the findings of the questionnaire. Please provide examples of your engagement(s) in informal cooperation, including:
  - Description of the criminal act/facts of the case
  - Why international cooperation, particularly informal cooperation, was required
  - Outcome of the case
2. In terms of informal cooperation, is there anything you would have done differently in this case?
3. Please indicate whether you wish that UNODC anonymizes the case' information in the Compendium.
  - Yes

- o No

Please write your cases here

#### D. Additional comments

1. Please feel free to provide any additional information or remarks regarding your practices with informal cooperation and/or regarding this questionnaire.

### Thank you

The UNODC Globe secretariat expresses its gratitude for your participation and inputs and looks forward to meeting you at the next Plenary session on 11-13 July 2023.

## ANNEX II: REFERENCES

Brun, J.P., Sotiropoulou, A., Gray, L., Scott, C., & Stephenson, K.M. (2020). Asset Recovery Handbook: A guide for practitioners, Second Edition, StAR Initiative, World Bank.

Commission Against Corruption of Macao (2021). Annual Report. Retrieved from <https://www.ccac.org.mo/reports/en/report2021.pdf>.

Council Framework Decision 2003/577/JHA, 22 July 2003; Council Framework Decision 2006/783/JHA, 6 October 2006.

OECD. Convention on Mutual Administrative Assistance in Tax Matters (last updated September 2020). Retrieved from <https://www.oecd.org/ctp/exchange-of-tax-information/convention-on-mutual-administrative-assistance-in-tax-matters.htm>.

OECD (2017). Anti-Corruption Network for Eastern Europe and Central Asia, International Cooperation in Corruption Cases. Retrieved from <https://www.oecd.org/corruption/acn/OECD-International-Cooperation-in-Corruption-Cases-2017.pdf>.

OECD & Global Forum on Transparency and Exchange of Information for Tax Purposes. The Automatic Exchange Portal. Retrieved from <https://www.oecd.org/tax/automatic-exchange/>.

Stephenson, K.M., Gray, L., Power, R., Brun, J-P., Dunker, G., & Panjer, M. (2011) Barriers to Asset Recovery, An Analysis of Key Barriers and Recommendations for Action, StAR Initiative, World Bank.

Switzerland (March 2019). International Mutual Assistance in Criminal Matters, Swiss Criminal Code.

United Nations Convention against Corruption.

<https://www.carin.network>

<https://star.worldbank.org/focus-area/international-cooperation>