

Annex 1 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/1¹, in which the Conference:

Encourage[d] States parties to further explore and enhance their knowledge of the links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

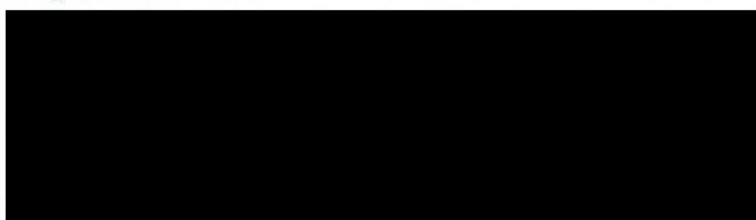
Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country: Yemen

Government Agency: Supreme National Authority for Combating Corruption (SNACC).

Department:



¹ In July 2022, the secretariat sent out note verbale CU 2022/264(A)/DTA/CEB/CSS inviting States parties to provide information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery, in line with paragraphs 22 and 23 of resolution 9/1 entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. As at 11 October 2022, the secretariat had received responses from 23 States parties, which were analysed in a note prepared by the secretariat, entitled “Best practices and challenges concerning international cooperation in combating corruption during times of emergencies and crisis response and recovery, and efforts to further explore and enhance knowledge of the links between corruption and other forms of crime” [CAC/COSP/EG.1/2022/CRP.1]. Responses were received from the following States parties: Australia, Bahrain, Belarus, Brazil, Bulgaria, Chad, Chile, Egypt, El Salvador, European Union, France, Georgia, Italy, Mexico, Republic of Moldova, Myanmar, Panama, Portugal, Republic of Moldova, Romania, Saudi Arabia, Spain, Türkiye and the United States of America.

Questionnaire

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.

I. Understanding the links between corruption and other forms of crime

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa? **YES/NO.**

Yes

- a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.

The National Risk Assessment on Money Laundering and Financing of Terrorism was prepared.

.The National Risk Assessment on Anti-corruption was prepared. In addition to the issuance of legislation to prevent corruption, such as

Penal Code, and others, and stipulating the principle of criminal prosecution of the corrupt.

2. Please list the main typologies of other crime that have interlinkages with corruption in your country.

- Drug trafficking
- Money-laundering
- Human trafficking
- Migrant smuggling
- Firearms trafficking
- Crimes that affect the environment
- Trafficking in cultural property
- Cybercrime
- Terrorism
- Other forms of economic crime, organized crime or other crime with links to corruption (**please list**)

Embezzlement of state funds - Seizure of public money - Seizure of state lands -
Causing harm to state interests - Bribery of a public employee - Fraud in collecting fees
- Customs and Tax evasion and refusal to pay Zakat - Violation of the Tender and
Auctions Law.

3. Please provide examples of corruption linked to these other crimes.

Examples of corruption and money laundering:

- A government employee seized state funds.
- A contractor seized state funds through fraud during implementation of the contract.
- Some individuals seized vast areas of state land.
- Those who pay taxes, customs, and zakat evaded what they have to pay.

These above-mentioned crimes result in other crimes, which are:

Money laundering and terrorist financing.

II. Measures aimed at responding to corruption linked with other forms of crime

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at **preventing** corruption linked with other forms of crime? YES/NO.

Yes

a. If **YES**, please elaborate. *Measures may include:*

safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)

Anti-Corruption Law - Tenders and Auctions Law - Financial Disclosure Law

development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime

Anti-Corruption Strategy and Anti-Money Laundering Strategy.

Agreements of understanding to prevent corruption in State institutions.

establishment of dedicated institutional frameworks.

The establishment of the Yemeni General Authority for Tenders to monitor government procurement.

specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption

Codes of conduct for: Members of the judiciary - Civil servants - Members of the General Authority for Tenders.

systems for the disclosure of assets and private interests

Establishing the Financial Information Unit (FIU) at the Central Bank of Yemen to check balances and accounts.

control mechanisms, such as internal approval systems to avoid having one-to-one meetings

There are: Union Committees - Compliance Units - Oversight and Inspection Committees.

controls on issuances of visas, work permits, firearms licenses

Through: Immigration, Passport and Naturalization Authority - Ministry of Labor - Ministry of the Interior.

the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes

There exists a strict regulatory system by the Central Authority for Control and Accounting.

awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime

other

9. Has your government adopted or utilized any measures aimed at **detecting, investigating and prosecuting** corruption linked with other forms of crime? YES/NO.

Yes

a. If **YES**, please elaborate. *Measures may include:*

legislation criminalizing all forms of corruption related to other types of crime

Anti-Corruption Law – Anti-Money Laundering Law - Financial Disclosure Law.

legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime

Money-Exchange Business Law

measures to identify beneficial owners of legal persons

General Authority for Tenders

specialized investigative techniques

strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime

General Authority for Tenders- Anti-Money Laundering Committee –
the Financial Information Unit (FIU) at the Central Bank of Yemen.

capacity-building, including targeted training and peer-learning for relevant authorities

Internal and external training courses.

measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes

-Investigation of corruption crimes

-Identification through the Financial Information Unit (FIU) at the Central Bank of Yemen.

- Measures such as: precautionary attachment and execution.

- mechanisms to address the role of professional gatekeepers (*i.e.* financial, legal, accounting or other relevant professionals) in the transfer of proceeds of corruption and other crime

The Gateway's system in the Financial Information Unit (FIU) (financial intelligence)

- measures aimed at encouraging the protection or participation of actors outside the public sector, including:

- reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes

The protection of witnesses - Exemption from punishment-
Easing the punitive measures.

- measures to protect victims, witnesses, and cooperating offenders

Protection of witnesses and victims by concealing their residence addresses.

- measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes

There are: Penal Code - Press and Publications Law

- other

10. Has your government adopted or utilized any measures aimed at facilitating **international cooperation** and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **YES/NO**.

Yes

Anti-Money Laundering and Terrorist Financing Law No. 1 of 2010
Amended by Law No. 17 of 2013.

a. If **YES**, please elaborate. *Measures may include:*

the implementation of mutual legal assistance through digital means
The Financial Information Unit (FIU) at the Central Bank of Yemen –
Ministry of Foreign Affairs - the working team.

measures aimed at enhancing the efficiency of extradition mechanisms
Through: International conventions - Bilateral agreements.

the use of electronic communication channels or networks

Through: the information systems of the Supreme National Authority
for Combating Corruption

the use of joint or parallel investigations or the bilateral sharing of capacity and
expertise on investigating and prosecuting corruption offences linked with
other forms of crime

Upon request from counterparts in the State.

cooperation with other countries or multilateral, international or regional bodies to
address corruption linked with other forms of crime

Through: the Anti-Corruption Law and Anti-Money Laundering Law.

accession to bilateral, regional or multilateral treaties and agreements.

Anti-Corruption Convention
Extradition Convention
Arab Extradition Convention

other