

Annex to CU 2023/187/DTA/CEB/CSS

To facilitate the provision of information on good practices and challenges with respect to the use of information and communication technologies for the purpose of international cooperation and asset recovery in the framework of the implementation of the United Nations Convention against Corruption, the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the notes entitled “The use of information and communications technologies for the implementation of the United Nations Convention against Corruption” contained in documents CAC/COSP/WG.4/2016/2 and CAC/COSP/WG.4/2022/2¹ and the conference room paper entitled “Responses received from States with regard to existing software programmes for case management systems in the field of international cooperation contained in document CAC/COSP/EG.1/2017/CRP.1² that could be used as background material for the completion of the questionnaire.³

I. General information on the use of information and communication technologies:

1. Has the Government used information and communication technologies (ICTs) **in the context of international cooperation** for the implementation of the Convention? Yes /No

a. If yes, which ICTs has the Government used in the context of international cooperation? Please choose one or more of the options below:

- Email/messaging technologies
- Videoconference platforms/services
- Word processing technologies (e.g Microsoft Word, Google Docs, Open Office, etc.)
- Publicly available websites
- Artificial intelligence
- Case management systems
- Custom-made software for management and execution of requests
- X Databases (Corporation registries, Register for beneficial ownership)
- Secure data storage platforms/facilities
- Secure information exchange/communication platforms (GlobE Threema, INTERPOL I 24/7, EUROPOL SIENA)
- Translation software
- Other, please specify:

Brief explanation:

¹ CAC /COSP/WG.4/2016/2 (<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2016-August-22-24/V1603242e.pdf>); CAC/COSP/WG.4/2022/2 (https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2022-June-13-17/CAC-COSP-WG.4-2022-2_E.pdf)

² CAC/COSP/EG.1/2017/CRP.1 (<https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/EMInternationalCooperation/6-7November2017/V1707498e.pdf>)

³ Please refer to resolution 6/7 entitled “Promoting the use of information and communications technologies for the implementation of the United Nations Convention against Corruption” (<https://www.unodc.org/unodc/en/corruption/COSP/session6-resolutions.html>)

Since 2005, the Information System "WEB Document" has been implemented in the Prosecutor's Offices, the method of keeping / using of which is approved by order of the General Prosecutor no.236 / 6 of 06.09.2005.

Thus, the Integrated System "WEB Document" is a unique integrated system of automated evidence of petitions and other documents.

The system performs the functions of recording, documenting, circulating and selecting (searching) documents, controlling and analyzing the (non) execution of directives (decisions, activity programs, provisions, etc.).

The system generates and permits optional about 70 statistical and analytical resolving documents, having the date and registration number generator, types of documents, means of transport, performers, correspondents, subdivisions, time periods, etc.

In case of MLA requests, it is indicated the number of the criminal file of the foreign state in which the assistance is requested, the names of the persons accused or defendant, the names of the natural person or legal entity with whom or in respect of whom certain criminal investigative actions (including special investigative techniques) have to be taken.

After the document returns from the prosecutor with managerial position, her/his written resolution contains also the time-limit of execution, in order to keep control over the document and afterwards the prosecutor/assistant to prosecutors to whom the case is assigned.

Once all the information about the execution of the document has been submitted, the date of execution is filled into remove the document from the control, the type of the executed document is selected, the reference number is completed if there is none allocated by the system, and afterwards the means of sending of the executed document are selected (by ground/air post service, email or fax).

The E-case is a dedicated software system of evidence of the criminal files opened/investigated by the national investigative/prosecutorial bodies, which contains scanned/electronic versions of the MLA requests/documents for extradition and other relevant information. The General Prosecutor's Office is examining the possibility of changing the version of the system into a new one, as well as changing the size of the platform which will include new headings, i.e. to keep track of the requests for outgoing MLA issued by the Moldovan prosecuting authorities onto handled criminal cases.

2. Please provide additional details of any ICTs that are particularly useful for international cooperation based on your experience, including any websites, resources or tools that you frequently use and find most useful.

Besides the institutional software platforms described above in the reply to the para 1, the Council of Europe Treaty Office website (<https://www.coe.int/en/web/conventions/full-list>), the Council of Europe's Committee of Experts on the Operation of European Conventions on Co-operation portal (<https://www.coe.int/en/web/transnational-criminal-justice-pcoc>) and the UNODC web-link to the international cooperation (<https://www.unodc.org/unodc/en/corruption/international-cooperation.html>) are merely used in the General Prosecutor's Office activity on MLA and international cooperation tools in criminal matters, bearing in mind its role as the Central Authority in granting MLA in pending criminal cases (before trial), following domestic legal provisions and declarations/reservations made to the main international legal tools on MLA (the Ministry of Justice is another Central Authority in granting MLA with *ratione materiae* competence in cases pending in trial and on convict persons).

3. If you are using software or have developed or use custom-made software in the context of international cooperation (e.g. case management for incoming and outgoing requests), please provide information on the main features of such software and how it could be useful. Additionally, would you consider making your custom-made software available to other States parties to the Convention?

Please see the explanations to para 1 above.

II. Evaluation and good practices

4. Have you evaluated the effectiveness of using ICTs for international cooperation in the fight against corruption? **Yes** /**No**

- a. If yes, what indicators did you use for your evaluation? What was the outcome of the evaluation?

Both quantitative and qualitative indicators are taken into account.

- b. If the outcome of the evaluation was positive, how did the use of ICT facilitate international cooperation? Has the use of ICTs improved the quality of incoming and outgoing requests or their timely follow-up and reporting on international cooperation?

The aforementioned dedicated software is aimed at keeping track-record of the incoming/outgoing MLA requests and it generates the statistics on figures of MLA granted/afforded.

5. Please provide information (policies, measures, examples, case studies) of good practices in connection with your country's use of ICTs for international cooperation and asset recovery.

One request that was successfully executed was in the context of an Italian proceeding concerning extortion and swindling committed by an Italian citizen who had several criminal records. He had been constantly involved in illicit activities. Investigations of the Italian law enforcement showed a clear link of the suspect to the Moldova. In particular, the individual, from June to July 2015, had received over 2 million euro on his Moldovan bank account, allegedly the result of ML activities. The Italian competent authorities requested by rogatory letter the seizure and confiscation of criminal assets, located in the „Y” Moldovan bank account. As a result, the seizure of the financial means in the amount of €2,000,200 was applied to the Italian citizen's account „X”, opened at the „Y” Commercial Bank of the Moldova. On 20 April 2016, the Moldovan Ministry of Justice requested additional information from the Italian authorities concerning the disposal of the seized funds. It aimed to initiate urgently the confiscation procedure or any other legal proceedings under Italian legislation or following a confiscation decision of the NAC. No response was provided. Subsequently, in September 2016, the Italian authorities requested the repatriation of the seized criminal assets, but not the confiscation thereof. The assets remain seized in the Moldova until the Italian authorities file a correct request for confiscation.

III. Challenges

6. Have you experienced any challenges or limitations in using ICTs in the context of international cooperation related to anti-corruption efforts? **Yes** /**No**

If yes, please indicate which of the following options are applicable:

- Lack of capacity or training
- Lack of resources
- Legal obstacles to the use of ICTs for the international cooperation
- Reluctance from foreign counterparts to use ICTs
- Security and confidentiality of sensitive information (personal data protection)
- Technical obstacles (connectivity, access to stable internet connection, use of outdated technologies, etc.)
- Other, please specify:

7. Please elaborate on the responses provided to question 6. If possible, please provide examples of the obstacles mentioned and describe the measures taken to overcome them.
- a. What kind of ICTs would help improve your ability to cooperate with other States on the fight against corruption?

A joint ICTs system on exchange of data (figures/statistics) on MLA requests, extradition, transfer of proceedings, transfer of convicts and recognition of foreign conviction judgements to be set-up and operational between General Prosecutor Office and Ministry of Justice of the Republic of Moldova as two main central authorities in granting MLA in criminal matters would improve the inter-institutional cooperation and will keep the track-record thereof.

IV. Online one-stop hub of the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network)

8. Are any law enforcement anti-corruption authorities from your country members of the GlobE Network?⁴ **Yes** / **No**
- a. What online ICT services or functionality would be the most useful to your practitioners on the GlobE one stop hub, as a resource for international cooperation?
- b. Has(ve) your GlobE member authority(ies) registered as GlobE Threema⁵ user(s)? **Yes** / **No**
- If yes, does the GlobE Threema address their needs for a secure communication platform? **Yes** / **No**
 - What GlobE Threema functionality do they find the most useful for international cooperation?
 - Are there other features that your member authority(ies) require from a secure communication platform?

Please elaborate as necessary.

V. Other

9. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective use of ICTs in the international cooperation system that was not highlighted in the questions above.

An interconnectivity between prosecutorial E-case management electronic system and the ongoing Judicial Information System (a dedicated software for courts of justice which will include *inter alia* the PIGD – cases' random allocation software) as it is foreseen in the Government decision no 794 of August 1st, 2018 will enhance the inter-institutional cooperation and will foster the operational framework in granting/executing MLA.

⁴ The list of GlobE Members and Observers can be found in the following website:
<https://globenetwork.unodc.org/globenetwork/en/membership.html>

⁵ Information brochure on GlobE Threema:
[https://globenetwork.unodc.org/globenetwork/uploads/documents/GlobE Threema Brochure - A4 version.pdf](https://globenetwork.unodc.org/globenetwork/uploads/documents/GlobE%20Threema%20Brochure%20-%20A4%20version.pdf)