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English only

**Implementation Review Group of the
United Nations Convention against Corruption**

Fifth session

Vienna, 2-6 June 2014

**“Template on International Cooperation in Civil and
Administrative Procedures Relating to Corruption”,
adopted by the G20 Working Group Anti-Corruption
(ACWG) during its last meeting
(Sydney, 26-27 February 2014)**

Conference room paper submitted by Brazil

In order to bring the template to the attention of the Implementation Review Group, the Government of Brazil kindly requested the Secretariat to circulate the referred document during the fifth session of the IRG (Vienna, 2-6 June 2014). The Government of Brazil believes that the template might serve as a possible model for the presentation of information by States Parties on the implementation of resolutions 5/1 and 5/3, which could benefit the compilation of information on international cooperation in civil and administrative procedures relating to corruption.

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Template on International Cooperation in Civil and Administrative Procedures Relating to Corruption¹

Chart I — civil and administrative domestic procedures relating to corruption	
Please describe each procedure in a separate Chart I sheet.	
1. Type of procedure (please name it as it is usually known):	
2. Form of liability:	<input type="checkbox"/> civil or <input type="checkbox"/> administrative
3. Nature of persons that can be held liable through the proceedings:	<input type="checkbox"/> natural persons <input type="checkbox"/> legal persons
4. Corruption practices for which liability exists:	<p>4.1 Please consider the corruption practices indicated below in accordance with their general elements as described in article 15 to 25 of the UNCAC:²</p> <input type="checkbox"/> bribery of foreign public officials <input type="checkbox"/> bribery of officials of public international organizations <input type="checkbox"/> bribery of national public officials <input type="checkbox"/> embezzlement, misappropriation or other diversion of property by a public official <input type="checkbox"/> trading in influence <input type="checkbox"/> abuse of functions <input type="checkbox"/> illicit enrichment <input type="checkbox"/> bribery in the private sector <input type="checkbox"/> embezzlement of property in the private sector <input type="checkbox"/> laundering of proceeds of crime <input type="checkbox"/> concealment <input type="checkbox"/> obstruction of justice <p>4.2 <input type="checkbox"/> other (please specify):</p>

¹ Please mark all answers that apply, unless otherwise indicated.

² The first two items are also described in article 1 of the OECD Anti-Bribery Convention.

5. Possible sanctions:	<input type="checkbox"/> monetary sanctions <input type="checkbox"/> disqualification from holding public office <input type="checkbox"/> disqualification from holding office in an enterprise owned in whole or in part by the State <input type="checkbox"/> annulment or rescission of a contract <input type="checkbox"/> debarment from doing business with the State <input type="checkbox"/> suspension or revocation of political rights <input type="checkbox"/> suspension or revocation of export privileges <input type="checkbox"/> suspension or revocation of a public concession <input type="checkbox"/> disciplinary sanctions <input type="checkbox"/> other (please specify):
6. Possible components of monetary sanctions, if applied:	<input type="checkbox"/> forfeiture of proceeds of a corruption practice <input type="checkbox"/> forfeiture of property, equipment or other instrumentalities used in or destined for use in corruption practices <input type="checkbox"/> disgorgement of profits <input type="checkbox"/> fine or penalty <input type="checkbox"/> compensation <input type="checkbox"/> payment of taxes owed <input type="checkbox"/> other (please specify):
7. Law or regulation applied (please provide an Internet source or a text copy):	
8. Enforcers:	<input type="checkbox"/> prosecutors <input type="checkbox"/> other public attorneys <input type="checkbox"/> regulators <input type="checkbox"/> other government officials (please specify):
9. Agencies involved (please provide their contact information):	
10. Modalities of international cooperation possibly sought:	<input type="checkbox"/> mutual legal assistance <input type="checkbox"/> law enforcement cooperation (pre-MLA request) <input type="checkbox"/> international cooperation for confiscation/forfeiture <input type="checkbox"/> international cooperation for the return and disposal of assets <input type="checkbox"/> other (please specify):

11. Purpose of international cooperation possibly sought (see subtopics below):	
11.1 Please consider the purposes as described in article 46(3), (10) and (18) of the UNCAC:	<input type="checkbox"/> taking evidence or statements from persons <input type="checkbox"/> effecting service of judicial documents <input type="checkbox"/> executing searches and seizures, and freezing <input type="checkbox"/> examining objects and sites <input type="checkbox"/> providing information, evidentiary items and expert evaluations <input type="checkbox"/> providing originals or copies of documents and records, including government, bank, financial, corporate or business records <input type="checkbox"/> identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes <input type="checkbox"/> facilitating the voluntary appearance of persons in the requesting State <input type="checkbox"/> identifying, tracing, freezing and the recovery of illicit assets <input type="checkbox"/> transfer of persons for purposes of identification, testimony or otherwise provide assistance in obtaining evidence <input type="checkbox"/> taking statements from persons by videoconference
11.2 Please consider the purposes as described in article 48(1)“b”, “c” and “f” of the UNCAC:	<input type="checkbox"/> determination of identity, whereabouts and activities of persons suspected of corruption practices <input type="checkbox"/> information on the movement of proceeds of crime or property derived from, used or intended for use in corruption practices <input type="checkbox"/> providing items or quantities of substances for analytical or investigative purposes <input type="checkbox"/> information for early identification of corruption practices
11.3 Please consider the purposes as described in article 54(1) and (2) and article 55 of the UNCAC:	<input type="checkbox"/> giving effect in a requested State to an order of forfeiture issued by a domestic court <input type="checkbox"/> giving effect in a requested State to an order of freezing or seizure issued by a domestic court <input type="checkbox"/> obtaining an order of freezing or seizure in a requested State <input type="checkbox"/> obtaining an order of forfeiture in a requested State
11.4 Giving effect in a requested State to an order issued by a domestic court of:	<input type="checkbox"/> monetary sanctions different from forfeiture <input type="checkbox"/> disqualification from holding public office <input type="checkbox"/> disqualification from holding office in an enterprise owned in whole or in part by the State <input type="checkbox"/> annulment or rescission of a contract <input type="checkbox"/> debarment from doing business with the State <input type="checkbox"/> suspension or revocation of political rights <input type="checkbox"/> suspension or revocation of export privileges <input type="checkbox"/> suspension or revocation of a public concession <input type="checkbox"/> disciplinary sanctions <input type="checkbox"/> other (please specify):

11.5 Obtaining an order in a requested State of:	<input type="checkbox"/> monetary sanctions different from forfeiture <input type="checkbox"/> disqualification from holding public office <input type="checkbox"/> disqualification from holding office in an enterprise owned in whole or in part by the State <input type="checkbox"/> annulment or rescission of a contract <input type="checkbox"/> debarment from doing business with the State <input type="checkbox"/> suspension or revocation of political rights <input type="checkbox"/> suspension or revocation of export privileges <input type="checkbox"/> suspension or revocation of a public concession <input type="checkbox"/> disciplinary sanctions <input type="checkbox"/> other (please specify):
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Chart II International cooperation provided for civil and administrative procedures in a foreign State with similar scope

Considering your authorities receive a request for international cooperation based on a civil or administrative procedure conducted in a foreign State to punish at least one of the corruption practices marked in your answers to the item I.4 in the Chart I sheets, please indicate:

1. Modalities of international cooperation that could be granted:	<input type="checkbox"/> mutual legal assistance <input type="checkbox"/> law enforcement cooperation (pre-MLA request) <input type="checkbox"/> international cooperation for confiscation/forfeiture <input type="checkbox"/> international cooperation for the return and disposal of assets <input type="checkbox"/> other (please specify):
2. Purpose of international cooperation that could be granted (see subtopics below):	
2.1 Please consider the purposes as described in article 46(3), (10) and (18) of the UNCAC:	<input type="checkbox"/> taking evidence or statements from persons <input type="checkbox"/> effecting service of judicial documents <input type="checkbox"/> executing searches and seizures, and freezing <input type="checkbox"/> examining objects and sites <input type="checkbox"/> providing information, evidentiary items and expert evaluations <input type="checkbox"/> providing originals or copies of documents and records, including government, bank, financial, corporate or business records <input type="checkbox"/> identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes <input type="checkbox"/> facilitating the voluntary appearance of persons in the requesting State <input type="checkbox"/> identifying, tracing, freezing and the recovery of illicit assets <input type="checkbox"/> transfer of persons for purposes of identification, testimony or otherwise provide assistance in obtaining evidence <input type="checkbox"/> taking statements from persons by videoconference
2.2 Please consider the purposes as described in article 48(1)“b”, “c” and “f” of the UNCAC:	<input type="checkbox"/> determination of identity, whereabouts and activities of persons suspected of corruption practices <input type="checkbox"/> information on the movement of proceeds of crime or property derived from, used or intended for use in corruption practices

	<input type="checkbox"/> providing items or quantities of substances for analytical or investigative purposes <input type="checkbox"/> information for early identification of corruption practices
2.3 Please consider the purposes as described in article 54(1) and (2) and article 55 of the UNCAC:	<input type="checkbox"/> giving effect to an order of forfeiture issued by a court in the requesting State <input type="checkbox"/> giving effect to an order of freezing or seizure issued by a court in the requesting State <input type="checkbox"/> issuing an order of forfeiture <input type="checkbox"/> issuing an order of freezing or seizure
2.4 Giving effect to an order issued by a court in the requesting State of:	<input type="checkbox"/> monetary sanctions different from forfeiture <input type="checkbox"/> disqualification from holding public office <input type="checkbox"/> disqualification from holding office in an enterprise owned in whole or in part by the State <input type="checkbox"/> annulment or rescission of a contract <input type="checkbox"/> debarment from doing business with the State <input type="checkbox"/> suspension or revocation of political rights <input type="checkbox"/> suspension or revocation of export privileges <input type="checkbox"/> suspension or revocation of a public concession <input type="checkbox"/> disciplinary sanctions <input type="checkbox"/> other (please specify):
2.5 Issuing an order of:	<input type="checkbox"/> monetary sanctions different from forfeiture <input type="checkbox"/> disqualification from holding public office <input type="checkbox"/> disqualification from holding office in an enterprise owned in whole or in part by the State <input type="checkbox"/> annulment or rescission of a contract <input type="checkbox"/> debarment from doing business with the State <input type="checkbox"/> suspension or revocation of political rights <input type="checkbox"/> suspension or revocation of export privileges <input type="checkbox"/> suspension or revocation of a public concession <input type="checkbox"/> disciplinary sanctions <input type="checkbox"/> other (please specify):
3. Agencies involved when providing international cooperation according to the item II.1 above (please provide their contact information):	
4. Please provide any further information, if necessary:	