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**Convention against Corruption**

**Executive summary: Papua New Guinea**



## Executive summary

### Papua New Guinea

#### 1. Introduction

##### 1.1. Overview of the legal and institutional framework of Papua New Guinea in the context of implementation of the United Nations Convention against Corruption

Papua New Guinea signed the United Nations Convention against Corruption (UNCAC) on 22 December 2004 and ratified it on 16 July 2007. The legal system of Papua New Guinea is based on the common law system which also incorporates customary law as part of its underlying law. The Constitution clearly states that any treaty to which Papua New Guinea is a State party, would need to be domesticated (article 117(7)) for it to have effect. The primary legal framework to fight corruption is based on the Criminal Code Act, 1974 (CCA) and Proceeds of Crimes Act, 2005 (POCA). To date, there are draft bills on the Independent Commission against Corruption (ICAC) and public conduct disclosure.

Papua New Guinea has a unitary Government structure. ICAC was approved by Cabinet on 25 August 2011, but is yet to be approved by Parliament. This will become the principal anti-corruption institution of Papua New Guinea. To date, this mandate has been spread across Government agencies, varying from the Department of Justice and Attorney-General (DJAG), to the Financial Intelligence Unit (FIU) and Ombudsman Commission.

Papua New Guinea has also adopted the National Anti-Corruption Strategy (2010-2030).

#### 2. Chapter III: Criminalization and Law Enforcement

##### 2.1. Observations on the implementation of the articles under review

###### *Bribery and trading in influence (articles 15, 16, 18, 21)*

Papua New Guinea has both general and specific active and passive bribery offences (i.e. ss.61, 62, 87(1), 97B, 103, 119(2) and 120, CCA). The bribery provisions apply different terminology in reference to a bribe (i.e. property or benefit, gratification), which makes it unclear as to whether the definition of a bribe is affected by, inter alia, its value and the results of having promised, offered or given it. CCA covers a wide range of public officials, but it was unclear whether unpaid persons, performing a public function or providing a public service, were covered.

###### *Money-laundering, concealment (articles 23, 24)*

The anti-money laundering system is currently implemented through POCA, in particular, sections 34 (money laundering) and 35 (possession of property suspected of being proceeds of crime). At the time of the on-site visit, no cases had been investigated and prosecuted under these sections. A threshold approach is applied to predicate offences, namely crimes, pursuant to POCA, that have a penalty from 3 years imprisonment to death. There is also no requirement that there be a conviction that constitutes the predicate for money-laundering. POCA does not include any provisions on the extraterritoriality of the underlying offence. No

provision addresses self-laundering, but the national authorities deemed there to be nothing in law preventing this. FIU, which deals with money-laundering matters, sits under the Police and is not operationally independent.

Concealment is addressed in CCA (specifically, ss.10, 129 and 410).

*Embezzlement, abuse of functions and illicit enrichment (articles 17, 19, 20, 22)*

The embezzlement, misappropriation or other diversion of property by a public official was deemed to, in part, have been covered. Section 383A of CCA generally captures misappropriation of property.

The offence of abuse of functions is partially implemented (s.29, Constitution; s.90 and 92, CCA; s.13 of the Organic Law on the Duties and Responsibilities of Leadership (Leadership Law)).

Illicit enrichment is not criminalized. However, income and asset declarations are required from leaders (including politicians, departmental heads), pursuant to the Leadership Law. These declarations are verified by the Ombudsman Commission, which has the power to investigate any matter before referring it to the Office of the Public Prosecutor. In the event that the Public Prosecutor does not initiate prosecution proceedings within a “reasonable” timeframe, the Commission itself can prosecute the matter.

*Obstruction of justice (article 25)*

A wide range of provisions on the criminalization of obstruction of justice are primarily covered by CCA (ss.123, 126, 128, 136, 144 and 359), but focus areas are included in the Summary Offences Act (ss.60 and 61).

*Liability of legal persons (article 26)*

Although there are no specific provisions providing for the liability of legal persons with respect to corruption-related offences, it was noted that the definition of “person” under the Interpretation Act, 1975 includes legal persons and that can be extended to cover such offences. Legal persons can be prosecuted for money laundering (s.34, POCA); also a civil confiscation under POCA can be applied to them. There are no administrative penalties available for penalizing legal persons for money laundering.

*Participation and attempt (article 27)*

Section 7 of CCA covers principal offenders and the counselling or procuring of another to commit an offence. Section 9 provides for the counselling of an offence; section 10 to accessories after the fact. Sections 4 and 509 of CCA both address attempts to commit offences. Section 510 provides for the punishment of attempts to commit crimes; section 511 stipulates the punishment of attempts to commit misdemeanours. The national authorities confirmed that “preparation” for the commission of a criminal offence is encompassed in that of attempt under section 4 of CCA.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (articles 30, 37)*

Under CCA, the gravity of criminal offences is determined by the class to which it belongs: crimes; misdemeanours; or simple offences. The Criminal Code Act contains corruption-related offences, which tend to fall under simple offences.

Immunities and jurisdictional privileges of public officials are covered by a range of provisions. Section 37 of the Leadership Law provides that “a member of the Ombudsman Commission or other authority or an officer or employee of the Commission is not liable for any act or omission done or made bona fide and without negligence under or for the purposes of this law”. Moreover, section 16 (1) of the Commissions of Inquiry Act provides that “a Commissioner has, in the exercise of his duty as a Commissioner, the same protection and immunity as a Judge”.

Section 42(6) of the Constitution provides that a person can be granted “bail at all time from arrest or detention to acquittal or conviction unless the interests of justice otherwise require”. The Bail Act, 1977 also cites conditions to granting bail. Regarding early release or parole, parole is a prerogative and section 17 of the Parole Act, 1991 provides for such eligibility. The national authorities stated that the Parole Board grants parole, the Minister an early release on license and the Prime Minister, on advice of the National Executive Council (NEC), a pardon.

Section 7(1)(c) of the Correctional Service Act, 1995 expresses that a function of the Correctional Service “to develop and provide meaningful educational training and rehabilitation programmes for the benefit of detainees”.

Section 5 of the Public Prosecutor (Office and Functions) Act, 1977 (PPA) gives the Public Prosecutor the power to grant immunity from prosecution.

Various memoranda of understanding (MOUs) exist between the Police and other law enforcement authorities. In general, informal arrangements are the preferred manner of sharing information and carrying out investigations. The reviewers were also informed of an entrenched sentencing principle in the Courts of Papua New Guinea, whereby an accused person who cooperates with law enforcement authorities will receive part of their sentence reduced.

*Protection of witnesses and reporting persons (articles 32, 33)*

The reviewers were informed of the Corrupt Conduct Disclosure (Protection) Bill, 2011 that was deemed to cover disclosure and whistle-blower protection. Section 30 of POCA offers protection from liability when reporting on the proceeds of crime.

*Freezing, seizing and confiscation; bank secrecy (articles 31, 40)*

POCA contains an entire scheme dealing with confiscation. Proceeds of an offence, including that which has been transformed or converted into other property, intermingled, and income or other benefits derived from the proceeds, contained in section 10 are in line with the Convention. The combination of the definition of “tainted property” in sub-section (3), section 10 (meaning of proceeds) and section 35 (the offence of “property suspected of being proceeds of crime”) provide for the broad confiscation of property, equipment or other instrumentalities. The effect of sections 38 and 39 is that all tainted property belonging to convicted persons or

those charged with offences or those merely suspected of committing serious offences, may be frozen or seized upon application by the Public Prosecutor. The application for such “restraining orders” may be made ex parte (s.40). The identification and tracing of such property is enabled through production orders (s.153). Moreover, section 42 allows the Court to exclude property from a restraining order where a suspect demonstrates that the property is not the proceeds of crime. Sections 77 and 78 protect the interests of bona fide third parties.

The National Fraud and Anti-Corruption Directorate, under the Crimes Division of the Police, informed the reviewers that they currently only freeze, seize and confiscate money (i.e. accounts of suspected persons). Pursuant to sections 161-163 of POCA, FIU can monitor and track property that is allegedly the proceeds of crime. They can further use search warrants, also into bank or other records. Section 169 of POCA enables the Commissioner of Police to administer property frozen or seized under a restraining order, and even to appoint an agent to administer it.

Orders under section 154 of POCA allow for bank secrecy to be waived with respect to the proceeds of crime.

*Statute of limitations; criminal record (articles 29, 41)*

There is no statute of limitations applicable to corruption-related offences unless it falls under an exception (i.e. non-conviction based restraining orders have a limit of 7 years from the date of application).

Section 12 of the Mutual Assistance in Criminal Matters Act, 2005 (MACMA) allows for foreign evidence including criminal records to be requested by the Minister

*Jurisdiction (article 42)*

Section 12 of CCA establishes the ‘territoriality principle’ and as this section also only requires presence in Papua New Guinea, the ‘active personality principle’ would also be fulfilled. Section 3 of POCA defines a foreign indictable offence. The Minister may (but is not required to) refuse the extradition of Papua New Guinean nationals.

*Consequences of acts of corruption; compensation for damage (articles 34, 35)*

No concrete forms of remedial action were cited. However, the Constitution provides an avenue for such actions to be instituted. It is wide in scope and persons can initiate proceedings to seek compensation. The Claims By and Against the State Act, 1996 allows for civil suits to be instituted against the State; common law principle also apply. In some cases, quantum meruit has been applied, even without liability being admitted.

*Specialized authorities and inter-agency coordination (articles 36, 38, 39)*

ICAC is yet to be approved by Parliament. This is to become the principal anti-corruption institution of Papua New Guinea. To date, this mandate has been spread across Government agencies. The Ombudsman Commission is a body that regulates the conduct of leaders, pursuant to the Leadership Law. FIU was set up, pursuant to POCA, and established in 2007 under the Police. It receives, analyses

and where necessary, investigates suspicious transaction reports from financial institutions that are obliged to report such reports within 3 working days. FIU is not a member of EGMONT, but has MOUs with several countries in the region.

The National Fraud and Anti-Corruption Directorate deals with investigations relating to fraud and corruption-related matters. The Office of Public Prosecutor is constitutionally independent in the carrying out of its functions. It has the mandate to prosecute all corruption-related offences.

The National Anti-Corruption Alliance (NACA) consists of all the relevant Government agencies, such as DJAG, Office of the Public Prosecutor, Police, Ombudsman Commission, Prime Minister and NEC, and Solicitor General. It also includes technical people who facilitate the investigation and prosecution of corruption-related offences.

## **2.2. Successes and good practices**

The reviewers noted several good practices. The existing division on the types of corruption allows for an inclusive approach to fighting corruption. There is a general provision but also specific provisions that encapsulate, in particular, susceptible areas to corruption. The establishment of NACA with over 10 government institutions working on cases and its efforts were commended by the team.

## **2.3. Challenges in implementation, where applicable**

The following challenges and recommendations were highlighted by the reviewers:

- Consolidate the anti-corruption laws of Papua New Guinea, preferably in a separate statute that covers all corruption-related offences;
- Use express language to cover a comprehensive definition of public officials in legislation, all forms active bribery of national public officials, and bribery through the use of intermediaries;
- Adopt legislative and other measures as may be necessary to criminalize the active bribery of foreign public officials and officials of public international organizations and consider the same for the passive form of this offence;
- Adopt such legislative and other measures as may be necessary to criminalize embezzlement or other diversion by a public official and in the private sector;
- Consider adopting necessary measures to criminalize trading in influence and bribery in the private sector;
- Consider enacting legislative measures that would more comprehensively criminalize abuse of functions;
- Welcome amending the law to include illicit enrichment and the requirement that public officials above a given level submit their income and asset declarations for verification/share such declarations with other law enforcement agencies;
- Increase the current penalty requirements of corruption-related offences so that the punishment of each offence corresponds to its gravity;

- Consider including predicate offences both within and outside the jurisdiction of Papua New Guinea that are not covered. Alternatively, a list of predicate offences (i.e. FATF list) could be considered;
- Furnish copies of its laws on money-laundering and of any subsequent changes to the Secretary-General of the United Nations;
- Take such measures as may be necessary to further establish or maintain an appropriate balance between immunities or jurisdictional privileges and the possibility of investigating, prosecuting and adjudicating UNCAC-related offences;
- Consider establishing procedures for the removal, suspension or reassignment of an accused, as well as the disqualification of persons convicted of UNCAC-related offences from holding public office and in State-owned enterprise;
- May wish to provide for disciplinary powers by the competent authorities against civil servants;
- Consider implementing section 7(1)(c) of the Correctional Service Act that provides for “meaningful educational training and rehabilitation programmes for the benefit of detainees”;
- Consider amending the Corrupt Conduct Disclosure (Protection) Bill, 2011 to take into consideration the broader scope of UNCAC articles 32 and 33;
- Taking measures to address the consequences of corruption;
- Ensure the operational independence of the institutions dealing with corruption, including appropriate training and resources and actions to avoid conflicts between the institutions’ mandates;
- Take measures to establish jurisdiction over UNCAC-related offences, namely, extend the ‘territoriality principle’ to vessels and aircrafts, establish the ‘passive personality principle’ and ‘protection principle’, and consult with another State if there is an overlap in conducting an investigation, prosecution or judicial proceedings in respect of the same conduct.

#### **2.4. Technical assistance needs identified to improve implementation of the Convention**

The National Anti-Corruption Strategy outlines the priority areas of the Government. In addition to these, the review team highlighted the following:

- Greater legislative assistance (i.e. good practices, model legislation) with respect to existing Bills and specifically, inter alia: bribery of foreign public officials; embezzlement, misappropriation or other diversion of property by a public official and also in the private sector; trading in influence; abuse of functions; bribery in the private sector; money-laundering; and liability of legal persons;
- Witness and whistle-blower protection, varying from legislative assistance to capacity-building programmes;

- Capacity-building programmes for specialized anti-corruption bodies, in particular if the Parliament approves ICAC, as well as FIU;
- Overall enhancement for effective cooperation with law enforcement authorities and cooperation between national authorities and the private sector.

### **3. Chapter IV: International cooperation**

#### **3.1. Observations on the implementation of the articles under review**

*Extradition; transfer of sentenced persons; transfer of criminal proceedings (articles 44, 45, 47)*

The procedures regulating extradition to and from Papua New Guinea are contained in the Extradition Act, 2005 (EA), which repealed the pre-independence Extradition Act, 1975. Conduct-based dual criminality is *generally* required with the penalty threshold of capital punishment or imprisonment for a maximum period of not less than 12 months (s.7(1)). However, section 7(2) of the EA allows extradition *in the absence of dual criminality when the conduct that constitutes the offence is required to be treated as an extraditable offence under an extradition treaty between the requesting country and PNG*. Papua New Guinea had some extradition treaties under the repealed Act that currently are not technically in force but had to be attached to the 2005 Act based on the legislative requirements of its domestic law. Papua New Guinea indicated that it is planning to give the full legal force to these treaties again by adopting a corresponding regulation. Currently, the Government is also negotiating an extradition treaty with Indonesia.

The reviewers noted that the dual criminality requirement may pose a problem, as some UNCAC-related offences are not criminalized (e.g. active bribery of foreign officials, embezzlement). Additionally, penalties for some of such offences are too low to satisfy the dual criminality penalty threshold (e.g., the penalty for assaulting a member of the police force (a form of obstruction of justice) is punishable only by a fine or imprisonment of up to 6 months).

Section 2 of the EA contains a negative definition of political offences. Corruption offences cannot be regarded political, as they are mentioned in a multi-lateral treaty to which Papua New Guinea is a party i.e. to UNCAC (s.2(i)).

Papua New Guinea does not make extradition conditional on the existence of a treaty. Section 8 of the Act contains the list of grounds for refusing extradition including political offences, the possibility of prosecution and prejudice at the trial because of race, religion, nationality, political opinions, sex and status, the existence of an extradition offence only under the military but not ordinary criminal law, issuance of the final judgment against the fugitive, immunity due to the lapse of time, amnesty or any other reason and double jeopardy.

Simplified procedures for the execution of extradition are applied to the requests coming from the Pacific Island Forum Member Countries (Part 2, EA).

Papua New Guinea has a mechanism for dealing with urgent requests by issuing a provisional arrest warrant. Such request can also be received via the International Criminal Police Organization (ICPO)-INTERPOL.

The refusal of extradition based on nationality is optional and depends on the discretion of the Minister of Justice (s.51(1) and (2)(a), EA). If the extradition of



such a person is denied, he may be prosecuted and punished (s.51). The reviewers noted a possible obstacle to the implementation of UNCAC article 44(11) in the discretion of the Minister to take the ultimate decision on the prosecution of the person whose extradition is sought (ss.51 (4(a,b))). Temporary surrender of Papua New Guinean nationals for purposes of trial is possible (s.53, EA).

UNCAC article 44(13) has not been implemented.

With regard to the implementation of UNCAC article 44(14), the general guarantees of fair treatment contained in the Constitution were cited (s.37).

The legislation does not contain provisions directly providing for an opportunity of consultation with a requesting State before refusing extradition; however, in practice, such consultations are always conducted with the requesting State.

Papua New Guinea has not entered in any bi-lateral or multi-lateral agreements or arrangements on the transfer of sentenced persons. Moreover, in relation to UNCAC article 47, the transfer of criminal proceedings has not been implemented.

#### *Mutual legal assistance (article 46)*

The procedures regulating mutual legal assistance (MLA) are contained in MACMA. Certain provisions of POCA also apply with regard to identifying, tracing and freezing of proceeds of crime.

MACMA specifically provides that MLA is not to be limited (s.5). Papua New Guinea would be willing to provide the widest assistance with regard to UNCAC-related offences upon the request of Member States.

For general types of assistance, dual criminality may be a discretionary ground for refusal to render assistance; the ultimate decision will depend on the opinion of the Minister (s.10, MACMA). The reviewers encouraged the authorities to consider giving special considerations to MLA requests based on UNCAC and coming from other Member States.

Papua New Guinea did not cite any cases of the prosecution of legal persons in the context of MLA. The reviewers noted that since there are no specific provisions in the current legislation on the liability of legal persons for corruption-related offences, the double criminality requirement may be used to refuse the execution of requests involving legal persons implicated in the commission of such offences.

Papua New Guinea can afford all types of assistance listed in UNCAC article 46(3)(a-i) (ss.3, 5, Parts 3,4,5, MACMA; ss.160 and 161, POCA). The assistance on identifying, and tracing proceeds of crime can be provided based on sections 47 and 49 of MACMA. The assistance on freezing of proceeds of crime can be afforded based on sections 47, 48 of MACMA and sections 134-138 of POCA. Dual criminality is necessary for these types of assistance to be provided. Sections 41-46 of MACMA introduce the legal basis for enforcement of foreign conviction and non-conviction-based confiscation orders. The reviewers also noted that the current legislation of Papua New Guinea does not contain provisions on the recovery of assets in accordance with UNCAC Chapter V (article 46(3)(k)).

Although DJAG emphasized that it will be willing to spontaneously share information with other States parties to the Convention, actual examples of such were not provided.

The authorities explained that there were no obstacles posed by bank secrecy to providing legal assistance. The reviewers, however, recommended that Papua New Guinea consider introducing explicit provisions to that effect.

Papua New Guinea can transfer detained persons for purposes of investigations, prosecutions or judicial proceedings in line with UNCAC article 46(10-12) (ss.24, 25, 26, 32, 33, 34, MACMA).

The central authority for the purposes of UNCAC article 46(13) has not been clearly designated. The authority responsible for sending and receiving MLA requests in Papua New Guinea is the Minister for Justice and Attorney-General (ss.6 and 7, MACMA). The actual work on processing ingoing and outgoing MLA requests is performed by DJAG.

Based on section 16(3) of MACMA, the examination of a person giving evidence may be conducted through a video link in line with UNCAC article 46(18).

Sections 63 and 64 of MACMA contain confidentiality requirements applicable to the use of information requested in the context of MLA. However, there are no exceptions stipulated with regard to the disclosure of details exculpatory to an accused person.

Sections 9 and 10 of MACMA contain mandatory (s.9) and optional (depending on the opinion of the Minister: s.10) grounds for refusal of an assistance request. The reviewers noted that overall the conditions can be considered reasonable and in line with the requirements of UNCAC article 46(21); however, additional clarifications may be helpful with regard to some such grounds (e.g. s.10(h), MACMA).

MACMA does not require the Minister to indicate to a foreign country reasons for the refusal of an assistance request; although the authorities clarified that they will share the reasons with a requesting country.

*Law enforcement cooperation; joint investigations; special investigative techniques (articles 48, 49, 50)*

FIU has concluded MoUs that facilitate the sharing of information with FIUs of the Solomon Islands, Vanuatu and Fiji. Papua New Guinea also has an MoU with the Australian Federal Police on information sharing. The Government participates in the South Pacific Leaders Forum. The Convention is not considered as the basis for mutual law enforcement.

Several successful cases of cooperation and coordination with other regional countries were cited; notably, with the Australian Federal Police.

Papua New Guinea currently does not have any agreements with other States regarding the establishment of joint investigative bodies. There is no legislation in place providing for the use of special investigative techniques except the use of listening devices.

### **3.2. Successes and good practices**

The reviewers noted several good practices:

- Active use of electronic communication channels by DJAG;

- Acceptance of urgent requests for extradition and assistance via ICPO-INTERPOL.

### 3.3. Challenges in implementation, where applicable

The following challenges and recommendations were highlighted by the reviewers:

- Criminalize all UNCAC-related mandatory offences and establish corresponding minimum penalties in order to satisfy the dual criminality requirements of EA, as well as corresponding dual criminality requirements of MACMA and POCA, to ensure that extradition can be executed and MLA can be provided with regard to corruption-related offences;
- Ensure that the bilateral extradition treaties that Papua New Guinea may conclude with other Member States in the future will contain direct references to UNCAC-related offences as extraditable;
- Consider simplifying and streamlining procedures of dealing with extradition and MLA requests relating to corruption offences, inter alia, by adopting internal guidelines and/or manual for DJAG; which also will need to include special provisions on the assistance relevant to UNCAC-related offences;
- Consider streamlining the procedures of information exchange with other competent bodies by, inter alia, uploading relevant information on DJAG and other agencies responsible for international legal cooperation, as well contact information of relevant focal points;
- Notify the Secretary-General of the United Nations of the central authority designated for receiving and executing MLA requests and also the acceptable language for executing such request;
- Consider clearly stipulating the role of DJAG in executing extradition and MLA requests;
- Introduce corresponding amendments to EA in order to ensure mandatory prosecution on the person whose extradition is refused solely on the ground of his Papua New Guinean nationality;
- Consider introducing corresponding amendments to EA to consider the enforcement of a sentence imposed under the domestic law of the requesting State, when extradition is refused because of the Papua New Guinean nationality of the person sought;
- Directly stipulate in EA that Papua New Guinean authorities shall, where appropriate, consult with the requesting State before the decision to refuse extradition is taken;
- Seek to conclude bi-lateral and multi-lateral agreements or arrangements with other States = to carry out or to enhance the effectiveness of extradition;
- Consider entering into bilateral or multilateral agreements with other States on the transfer of sentenced persons;
- Introduce necessary legislative amendments in order to ensure the liability of legal persons for the commission of corruption-related offences and the

possibility of providing MLA assistance in relation to the offences for which a legal person may be held liable;

- Introduce necessary amendments to MACMA and POCA in order to fully comply with requirements of UNCAC Chapter V on asset recovery;
- Consider introducing clear provisions in MACMA and POCA stipulating that legal assistance cannot be declined on the ground of bank secrecy;
- Introduce to MACMA the provisions providing for a possibility of disclosing information or evidence furnished by the requested or transmitting State that is exculpatory to an accused person and notify the requested or transmitting State prior to such a disclosure;
- Introduce to MACMA the provisions providing for a prompt notification of the requesting or transmitting State when the confidential information relating to the request may be disclosed;
- Introduce to MACMA the provisions requiring Papua New Guinea to indicate to the requesting State the reasons for refusal of its request;
- Introduce to MACMA the requirement that the Minister or other authorized body shall consult with the requesting State before refusing the request and discuss a possibility of providing assistance subject to such terms and conditions as deemed to be necessary;
- Introduce amendments to relevant legislation stipulating the procedures for sharing publicly available information with a requesting State;
- Consider concluding bi-lateral or multi-lateral agreements or arrangements that would serve the purposes or give practical effect, or enhance the provisions the Convention on MLA;
- Consider introducing necessary amendments to MACMA to enable the possibility of transferring criminal proceedings to other States;
- Consider continuing to establish effective channels of communication with other competent authorities, also through informal arrangements;
- Consider introducing legislative amendments explicitly allowing for information sharing with other States' competent authorities, particularly with regard to the proceeds of corruption crimes and movement of property, equipment or other instrumentalities used or intended for use in the commission of corruption-related offences;
- Consider concluding bi-lateral or multi-lateral agreements or arrangements with other States regarding joint investigations;
- Consider amending relevant legislation in order to introduce special investigative techniques and providing corresponding training to law enforcement personnel.

### **3.4. Technical assistance needs identified to improve implementation of the Convention**

The following technical assistance needs were identified:

- Capacity-building to magistrates and prosecutors involved in extradition cases and other authorities responsible for cooperation in criminal matters (including ICAC, Police and Ombudsman Office);
- Capacity-building for the Police in the use of special investigative techniques;
- Establishment of the central authority for MLA;
- Legal advice with regard to the drafting of necessary regulations to give more effect to MACMA and EA, and legislative amendments introducing the transfer of criminal proceedings;
- Model extradition treaties for concluding arrangements with treaty-based States and to develop a treaties database;
- Model treaties on MLA with a particular focus on Pacific Forum countries;
- Case management system for identifying, tracing and freezing of proceeds of crime;
- Assistance in recovering and managing assets and proceeds of crime;
- Summary of good practices on extradition, MLA, joint investigations and special investigative techniques;
- International secondments of MLA experts with a focus on the South Pacific region.