

**Resumed 8th Session of Implementation Review
Group (7th COSP UNCAC)
8 Nov 2017, Vienna**

**A Facilitative Approach to International
Cooperation under UNCAC – from Singapore's
perspective**

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OVERVIEW OF PRESENTATION

A. OVERVIEW OF SINGAPORE'S LEGAL FRAMEWORK ON MUTUAL LEGAL ASSISTANCE

A. A FACILITATIVE APPROACH TO INTERNATIONAL COOPERATION

(I) ONLINE RESOURCES

(II) PARTICIPATION OF AD-HOC PROJECTS/ UNODOC INITIATIVES

B. SINGAPORE'S MLA LAWS ARE RESPONSIVE TO CHANGES IN THE INTERNATIONAL COOPERATION LANDSCAPE

A. OUR ORGANISATIONAL STRUCTURE

I. ATTORNEY-GENERAL'S CHAMBERS

- Central Authority for MLA and Extradition
- International Affairs Division, International Legal Cooperation Team
- Email: AGC_CentralAuthority@agc.gov.sg

II. MINISTRY OF LAW

III. AUTHORIZED OFFICERS

- Commercial Affairs Officers of the Commercial Affairs Department
- Special Investigators of the Corrupt Practices Investigation Bureau
- Officers of the Central Narcotics Bureau
- Police Officers of the Singapore Police Force
- Any officer appointed by the Minister

A. OVERVIEW OF SINGAPORE'S LEGAL FRAMEWORK ON MLA

1. Mutual Assistance in Criminal Matters Act

- General legal requirements
 - Government to Government request
 - Mandatory assurances and undertakings
 - No treaty needed, but require undertaking of reciprocity
 - Dual Criminality: “Conduct” test
- Requests entailing coercive measures involve our courts
- Central Authority for MLA – Attorney-General’s Chambers

AGC_CentralAuthority@agc.gov.sg

2. Assistance outside of MACMA

B. EFFORTS TO FACILITATE INTERNATIONAL COOPERATION

Sharing of Technical Knowledge on its Practices and Experiences in Various Aspects of International Cooperation

1. **Online Resources** (<http://www.agc.gov.sg/our-roles/international-law-advisor/mutual-Legal-assistance>)
 - MLA Request Template
 - Request for production order: ([http://www.agc.gov.sg/docs/default-source/our-roles-documents/international-law-advisor/\(1\)-template-request-form-for-section-22-macma---6-sep-2016-\(2\).doc?sfvrsn=0](http://www.agc.gov.sg/docs/default-source/our-roles-documents/international-law-advisor/(1)-template-request-form-for-section-22-macma---6-sep-2016-(2).doc?sfvrsn=0))
 - Checklists and Certificates
 - ([http://www.agc.gov.sg/docs/default-source/our-roles-documents/international-law-advisor/checklist-for-section-22-\(production-order\)---15-aug-2016-\(1\).docx?sfvrsn=2](http://www.agc.gov.sg/docs/default-source/our-roles-documents/international-law-advisor/checklist-for-section-22-(production-order)---15-aug-2016-(1).docx?sfvrsn=2))
 - Practitioners' Guide to Asset Recovery in Singapore

B. EFFORTS TO FACILITATE INTERNATIONAL COOPERATION

Sharing of Technical Knowledge on its Practices and Experiences in Various Aspects of International Cooperation

2. **Sharing of experiences and practices and our legal framework for MLA (in bilateral, regional or multilateral setting)**
 - Explain the legal requirements under our MLA regime
 - Share practical drafting pointers to facilitate the processing of incoming MLA requests
 - Electronic tools for managing incoming and outgoing MLA requests (ELMS)

B. EFFORTS TO FACILITATE INTERNATIONAL COOPERATION

Participation in UNODC Technical Assistance Initiatives

- Country-specific training sessions to build capacity in laws/procedures on MLA to effectively engage in international cooperation
 - Mongolia: Stolen Asset Recovery (sTAR) Initiative in 2014
 - Sri Lanka: sTAR initiative in 2017

B. EFFORTS TO FACILITATE INTERNATIONAL COOPERATION

Ad-hoc Bilateral Presentations

- Presentation to National Anti-Corruption Bureau of Ukraine (July 2017)
- Southeast Asia Seminar for Cooperation to Combat Transnational Crime (June 2017, Thailand)

C. SINGAPORE'S LAWS ARE RESPONSIVE TO INTERNATIONAL COOPERATION LANDSCAPE

Recent Amendments to Mutual Assistance in Criminal Matters Act (MACMA) to keep up with developments

- 1) 2006 Amendments – No requirement of Treaty; Need Reciprocity
- 2) 2014 Amendments – Relaxing the Dual Criminality Requirement
 - Removed the dual criminality requirement for non-coercive types of assistance which neither attract penal consequences for non-compliance nor adversely affect the property rights of individuals.
 - For instance, we will be able to arrange for a person to give evidence or provide assistance for a foreign criminal matter if he consents to do so, even if it concerns a foreign offence that would not have constituted an offence in Singapore.
 - (See Fact Sheet on Mutual Assistance in Criminal Matters (Amendment) Bill: <https://www.mlaw.gov.sg/content/dam/minlaw/corp/News/MACMA%202014%20Fact%20Sheet.pdf>)

THE END

END OF PRESENTATION

THANK YOU