

**I.Experiences and best practices on criminal and civil measures and remedies to enhance international cooperation and asset recovery related to corruption, when it involves vast quantities of assets**

1. Asset recovery has been practiced in Myanmar since 1988 under the Anti-Money Laundering (AML) Law which was revised in 2002. A new AML Law was passed in 2014. Following the revision of AML Law, decisions for confiscations are taken in Courts. Money Laundering cases which have been investigated, prosecuted and convicted under the new AML Law, were mainly related with drugs.
2. The Anti-Corruption Commission has investigated and prosecuted a high-ranking government official with corruption. In this case, asset recovery was also involved. The powers of the Commission under the Anti-Corruption (AC) Law, 2013 are as follows:
  - Section 17(b), AC Law...The Commission has the power to search and seize money and property at relevant banks and financial institutions as exhibit which are related with inquiry by the inspection team; to view and inspect financial records; to copy; to issue order to responsible persons from bank and financial institutions to allow for search and seizure as exhibit if it is necessary.
  - Section 17(c), AC Law...The Commission has the power to issue order to relevant departments, organizations and persons not to change, transfer, conceal, dispose or alter money and property which may be used as exhibit during the period of inspection under this Law.
  - Section 17(h), AC Law...The Commission has the power to pass order to confiscate, after re-scrutinizing the submission of preliminary body, if it is found that money and property of the person in authority is derived by corruption.
3. As regards international cooperation, we follow our Code of Criminal Procedure, 1898; Code of Civil Procedure,1909; the Mutual Assistance in Criminal Matters Law,2004; the Mutual Assistance in Criminal Matters Rules,2004; the Anti-Corruption Law, 2013; the Anti-Money Laundering Law,2014; and Anti-Corruption Rules,2015.
4. We are a State Party to the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters and also to the United Nations Conventions against Transnational Organized Crime which are platforms to execute different forms of international cooperation.

**II. Best practices in the identification of legal and natural persons, involved in the establishment of corporate entities, including shell companies, trusts and other similar arrangements which may be abused to commit or conceal crimes of corruption or to hide, disguise or transfer their proceeds of corruption to countries that provide safety to the corrupt and/or their proceeds**

1. Measures to prevent the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group are as follows:

(i) Section 3(h) of the Anti-Money Laundering (AML) Law, 2014 defines 'shell banks' as.....a bank that has no physical presence in the country in which it is incorporated and licensed or located, and which is not affiliated with a regulated financial group that is subject to effective consolidated supervision.

(ii) AML Law Section 30(a).....No one shall establish or operate shell bank in Myanmar.

(iii) AML Law Section 30(b).....Financial institutions shall not commence or continue business relationship with shell banks or in countries in which shell banks are situated.

(iii) AML Law Section 30(c).....Financial institutions shall not permit shell bank to commence or operate business relationship with correspondent bank and financial institution which permit their accounts to be used.

(v) Central Bank of Myanmar Directive No.21/2015.....Banks and financial institutions shall not enter into or continue a correspondent or business relationship with a shell bank or a correspondent financial institution in a foreign country that allows its accounts to be used by a shell bank.