

International Cooperation in Corruption Cases: Best Practices and Lessons Learned



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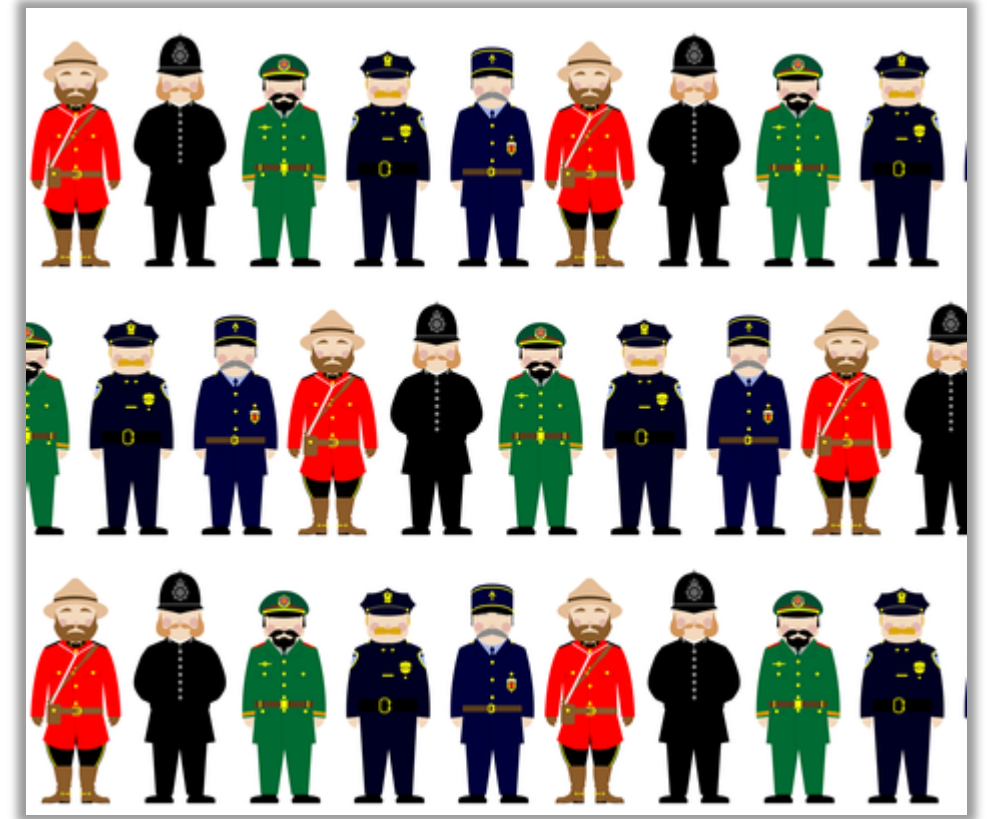
Summary: Corruption Cases

- Partnerships
- Police-to-police cooperation
- Treaty requests under UNCAC and other instruments
- Types of evidence; successes and challenges experienced
- Tips throughout presentation for facilitating cooperation

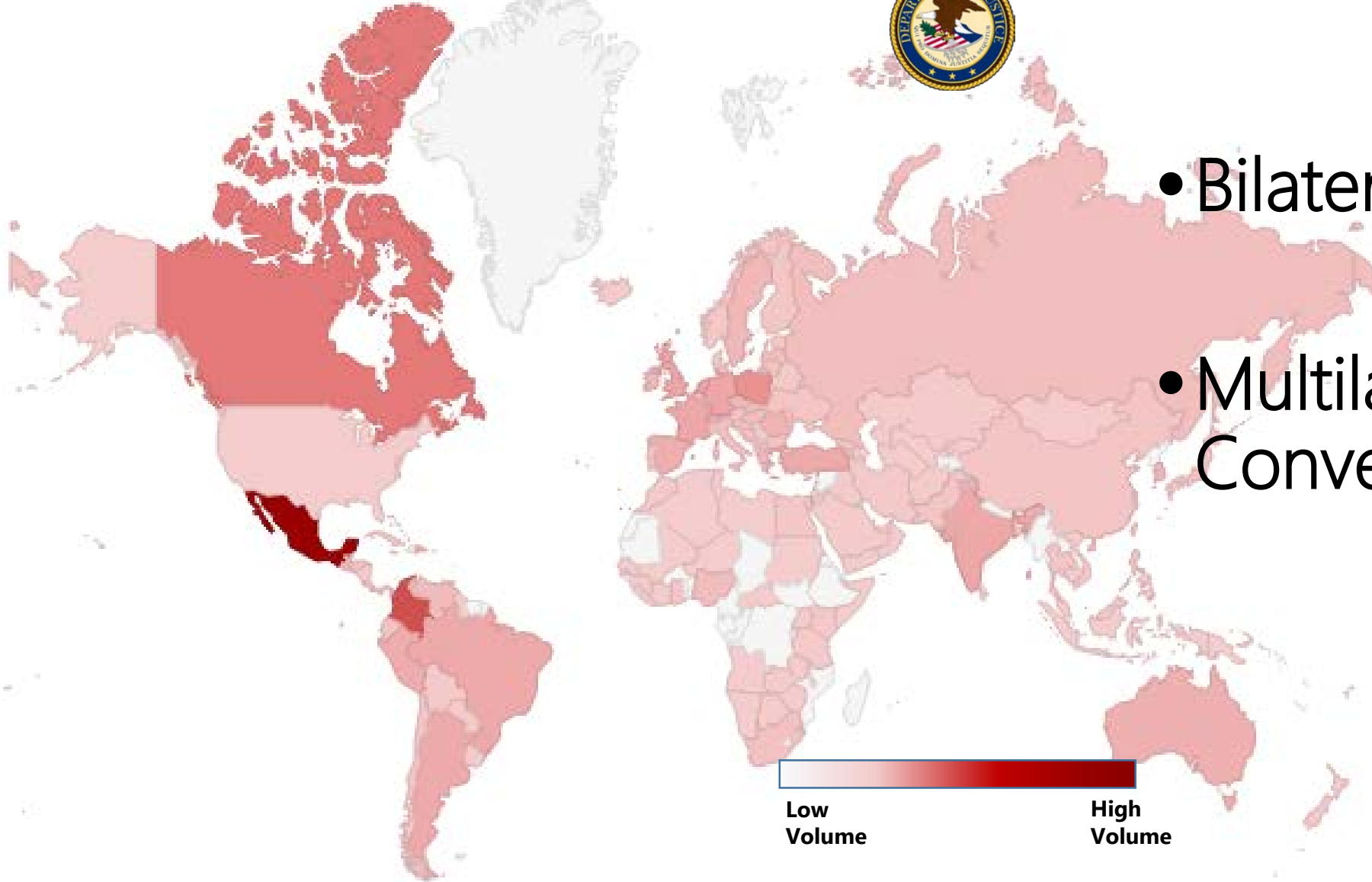
Partnerships are Key



Police-to-Police Cooperation



Tools At OIA's Disposal



- Bilateral Treaties

- Multilateral Conventions



Mutual Legal Assistance Obligations under UNCAC

- Articles 43 and 46
 - Assistance in criminal matters is mandatory and broad
 - MLA or treaty assistance is available for non-conviction-based forfeiture, which is related to criminal matters
 - Assistance in civil matters is discretionary, but we aim to do it via a non-MLA process administered by the Civil Division of DOJ
- TIPS

Types of Evidence: Challenges and Lessons Learned

Official Records

- Law enforcement
- Real estate
- Corporate

Business Records

- Bank
- Phone/ ISP
- ISP/ Subscriber
- ISP Content
 - Email
 - Server logs
 - Location of Servers

Witnesses

- Locate
- Identify
- Contact
- Interview

Types of Evidence: Challenges and Lessons Learned

Seizing and Recovering Assets

- ID crime and evidence
- Locate the assets
 - police-to-police cooperation
- Demonstrate the link between assets and crime
- Seize/freeze assets
- Confiscate assets
- Repatriate assets



<https://www.state.gov/documents/organization/276387.pdf>

Evidence Sought in Corruption Cases



- Business or bank records



- Real estate or yachts



- Proceeds of crime



TIP: Information to Include in Request to US



- Introduction
- Facts
- Persons and entities involved
- Laws – offenses and penalties
- Assistance requested
- Need for assistance
- Procedures to be followed
- Confidentiality
- Translation

Submit directly to: OIA.MLA@usdoj.gov

MLAT Request

To: US OIA

From: Foreign Central Authority

Re: Investigation or
Prosecution of Jane and
Joe Smith

Date: June 2018

Text of Request

TIP: Learning from FATF Mutual Evaluations

- UNCAC, Article 14 Para 4 - "...States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against money-laundering."
- FATF MERs
 - Show the tenets of a sound financial system: fighting money laundering and terrorist financing
 - Published

OIA's Goal is to Provide Efficient and Effective Assistance to Foreign Partners:



We aim to

- Meet treaty obligations
- Provide results as complete as possible

We suggest you

- Go through your Central Authority to make inquiries to OIA about specific issues
- See our website:
<https://www.justice.gov/criminal-oia>

