



भारत 2023 INDIA

Responses to the 2023 Accountability Report

ANTI-CORRUPTION WORKING GROUP

वसुधैव कुटुम्बकम्

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The present document consists of verbatim country responses received to the 2023 Accountability Report Questionnaire circulated by the Indian Presidency.



ARGENTINA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In the Argentine Republic, international legal cooperation on criminal matters, such as the request and delivery of MLA, extradition, freezing and confiscation of criminal proceeds, are channelled through the Ministry of Foreign Affairs and Worship -International Legal Assistance Directorate (DAJIN, for its acronym in Spanish), which is the Central Authority, designated for most Mutual Legal Assistance Treaties (MLAT), except for requests to or from the United States, based on the bilateral Treaty which are channelled through Ministry of Justice and Human Rights.

Legal assistance is governed by the bilateral and multilateral MLA and extradition agreements to which Argentina is Party and, in the absence of a bilateral or regional treaty or the provisions of a multilateral instrument, the Law on International Cooperation in Criminal Matters (Law 24.767) applies, and mutual legal assistance may be granted subject to the principle of reciprocity. It is available at <http://servicios.infoleg.gob.ar/infolegInternet/anexos/4000044999/41442/norma.htm>.

Multilateral Conventions are accepted as legal basis for Mutual Legal Assistance Requests (MLAR) and extradition requests for the investigation and prosecution of the offences covered by the scope of the treaties. (e.g. United Nations Convention against Corruption, Inter American Convention against Corruption, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, United Nations Convention against Organized Crimes, Budapest Convention on Cybercrime, etc.).



In 2022, the Central Authority published a handbook which indexes treaties in force for MLAR, Extradition proceedings, Asset Recovery and Joint Investigative Teams and includes a brief description of those mechanisms in Argentina. It is available at <https://cancilleria.gob.ar/userfiles/recursos/dajin-compendio-penal.pdf>

To that extent and in order to have more legal tools which can be based on international legal obligations, the Directorate of International Legal Assistance, from its technical competences, participates and promotes the celebration of bilateral, regional international treaties and multilateral, and promotes the updating and modernization of those treaties which are in force and require to be updated by the inclusion, on the one hand of technologies of information and communication, such as videoconferences, obtaining electronic evidence, and on the other one, modern tools of mutual legal assistance mechanisms, joint investigation teams, asset recovery, transferring of criminal proceedings, among others.

To strengthen the legal basis for international cooperation, whether for mutual legal assistance or extradition, several treaties on MLA and extradition treaties have been signed in the past five years (see the details below), and more than 40 bilateral draft treaties are currently being negotiated by the Central Authority. Information regarding treaties which are in force, or in process to be in force can be accessed through the Digital Library of Treaties of the Ministry of Foreign Affairs of Argentina: <https://tratados.cancilleria.gob.ar/>

Treaties have many benefits for investigative judges and prosecutors in foreign bribery cases where MLA is needed. Firstly, treaties oblige the parties to cooperate with one another under international law. Secondly, they allow designating Central Authorities to receive requests for mutual legal assistance and to transmit them to the competent authorities for execution. Treaties also provide investigative judges and prosecutors certainty and clarity to draft MLA requests, which minimize the risks of rejection and delay.

Furthermore, after a request of the judicial authorities, the Argentine Republic through its Central Authority negotiated and signed in agreements to create ad hoc Joint Investigative Teams.

Beyond the dozens of agreements that are currently under negotiation, the Argentine Republic has signed the following treaties since 2018:

- Tratado entre la República Argentina y Ucrania sobre Asistencia Jurídica Penal Mutua. Firma: Buenos Aires, 06 de Agosto de 2018. Norma Aprobatoria: En trámite
- Tratado sobre Asistencia Jurídica Mutua en Asuntos Penales entre la República Argentina y la República de Costa Rica. Firma: Buenos Aires, 21 de Marzo de 2019
- Acuerdo marco para la Disposición de Bienes Decomisados entre la República Argentina y la República Oriental del Uruguay. Firma: Montevideo, 02 de Abril de 2019. Argentina notificó cumplimiento de requisitos internos el 9 de mayo de 2019.
- Tratado Relativo a la Transmisión Electrónica de Solicitudes de Cooperación jurídica Internacional entre Autoridades Centrales. Firma por Argentina: 25 de Julio de 2019. Celebración: Medellín, 25 de Julio de 2019
- Tratado entre la República Argentina y la República de Serbia sobre Asistencia Jurídica Mutua en Materia Penal. Firma: Belgrado, 14 de Octubre de 2019. Norma Aprobatoria: En trámite legislativo por Mensaje de Ley N 22/2022.
- Tratado entre la República Argentina y la República de Cuba sobre Asistencia Jurídica Mutua en materia Penal. Firma: Buenos Aires, 19 de Noviembre de 2021. Norma Aprobatoria: En trámite
- Segundo Protocolo Adicional al Convenio sobre la Ciberdelincuencia sobre cooperación reforzada y divulgación de evidencia electrónica (EST N° 224) Firma por Argentina: 16 de Febrero de 2023. Celebración: Estrasburgo, 12 de Mayo de 2022
- Acuerdo sobre Reconocimiento Mutuo de Medidas de Protección para las Mujeres en Situación de Violencia de Género entre los Estados Partes del MERCOSUR y Estados Asociados. Firma por Arg: 20 de Julio de 2022. Celebración: Asunción, 20 de Julio de 2022. Norma Aprobatoria: En trámite.
- Tratado de Extradición entre la República Argentina y Ucrania. Firma: Buenos Aires, 06 de Agosto de 2018. Norma Aprobatoria: En trámite.
- Tratado de Extradición entre la República Argentina y la República Federativa del Brasil. Firma: Brasilia, 16 de Enero de 2019

Norma Aprobatoria: En trámite en legislativo HCN mediante Mensaje del P.E.N. 105 del 21 de mayo de 2019.

- Tratado de Extradición entre la República Argentina y la República de Costa Rica. Firma: Buenos Aires, 21 de Marzo de 2019. Norma Aprobatoria: En trámite.
- Tratado de Extradición entre la República Argentina y la República de Serbia. Firma: Belgrado, 14 de Octubre de 2019. Norma Aprobatoria: En trámite.
- Tratado de Extradición entre la República Argentina y la República Checa. Firma: Praga, 25 de Noviembre de 2019. Norma Aprobatoria: En trámite legislativo en HCN mediante Mensaje del P.E.N. 05 del 29 de enero de 2021.
- Tratado de Extradición entre la República Argentina y la República de Polonia. Firma: Buenos Aires, 05 de Diciembre de 2019. Norma Aprobatoria: En trámite legislativo en HCN mediante Mensaje del P.E.N. 98/2022.
- Tratado de Asistencia Jurídica Mutua en materia Penal entre la República Argentina y la República Socialista de Viet Nam. Firma: Buenos Aires, 25 de Abril de 2023
- Tratado de Extradición entre la República Argentina y la República Socialista de Vietnam. Firma: Buenos Aires, 25 de Abril de 2023
- Tratado sobre el Traslado de Personas Condenadas entre la República Argentina y la República Socialista de Vietnam. Firma: Buenos Aires., 25 de Abril de 2023

Treaties in force since 2018:

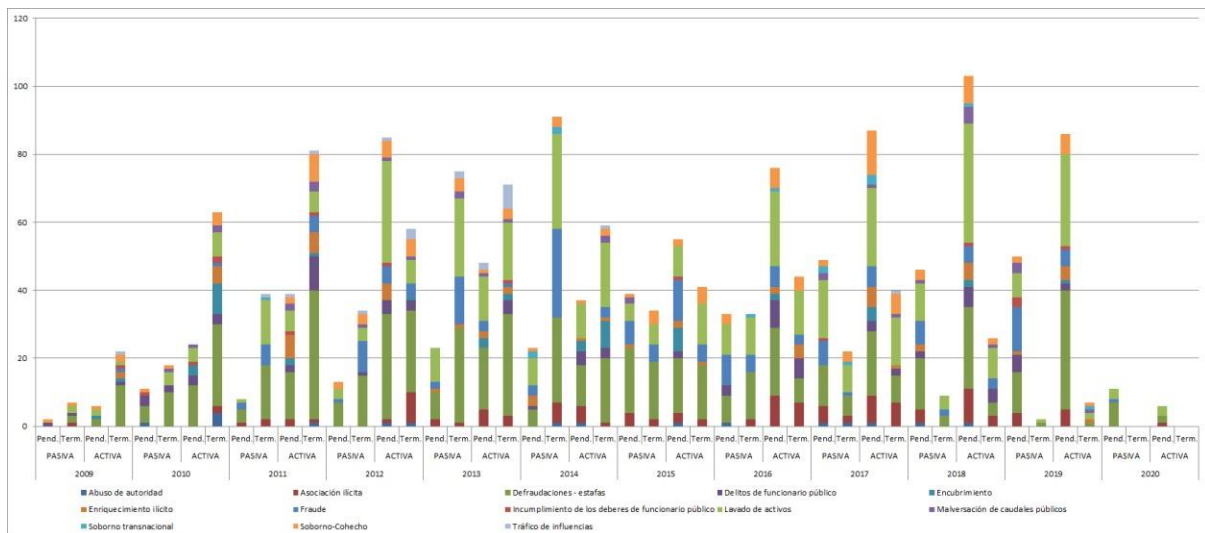
- Acuerdo Marco de Cooperación entre los Estados Partes del Mercosur y Estados Asociados para la Creación de Equipos Conjuntos de Investigación. Entrada en vigor 22 de mayo de 2020
- Acuerdo Marco para la Disposición de Bienes Decomisados de la Delincuencia Organizada Transnacional en el Mercosur. (Decisión Mercosur – 5/2018) La República Argentina fue el primer país en ratificarlo, el 31 de mayo de 2019. Está en vigor con Paraguay desde el 25 de septiembre de 2021.
- Convenio entre la República Argentina y la República Dominicana sobre Traslado de Nacionales Condenados y Cumplimiento de Sentencias Penales. Firma: Santo Domingo, 23 de Febrero de 2004. Vigor: 31 de Enero de 2022
- Tratado entre la República Argentina y la Federación de Rusia sobre Asistencia Legal Recíproca en Materia Penal. Firma: Buenos Aires, 12 de Julio de 2014. Vigor: 06 de Enero de 2018
- Tratado de Extradición entre la República Argentina y la

República Tunecina. Firma: Buenos Aires, 16 de Mayo de 2006.
Vigor: 14 de Mayo de 2018

- Tratado de Extradición entre la República Argentina y la Federación de Rusia. Firma: Buenos Aires, 12 de Julio de 2014.
Vigor: 07 de Marzo de 2018

MLA Initiative towards a Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity and War Crimes. Argentina, Belgium, Mongolia, the Netherlands, Senegal and Slovenia are the countries of the "core group" that promote to establish a modern multilateral procedural treaty on mutual legal assistance and extradition that would facilitate better cooperation between the States that investigate and prosecute these crimes. The investigation and prosecution at the national level of the persons responsible for such crimes are primarily the responsibility of States. To successfully prosecute these crimes in national jurisdictions, effective cooperation between States is essential. On May 26, 2023, the text was adopted at the Diplomatic Conference in Ljubljana, Slovenia.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.



Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.



Mutual legal assistance Requests (MLAR) as well as any communication related thereto are transmitted through the Central Authorities appointed by the States Parties to the applicable convention. Furthermore, in cases in which there is no treaty in force between both countries, can be issued on reciprocity basis through diplomatic channels. In the last scenario, the net of Argentinean Embassies across the world plays a key role in guarantying this assistance or communication regarding any specific case. The fact that the Central Authority of Argentina is within the scope of the Ministry of Foreign Affairs, International Trade and Worship is a benefit.

Argentina tries to comply with requests for mutual legal assistance received from foreign authorities without unjustified delay. To secure the execution of MLA in an effective, efficient, and expeditious way, legal officers of the Central Authority classify the incoming and outgoing MLAR taking into account the urgency and the nature of measures of evidence requested.

With regard to documentation management, the International Legal Assistance Directorate carries out a preliminary classification of incoming documentation and categorization of priority tasks (type of measure, deadline for execution, extraditions, complex crimes, time lapse, condition requested by the foreign authority, precautionary measures, human rights).

The documentation is manually classified into categories: Emergency, Very Urgent, Urgent and Normal. Although, an attempt is made to expedite all the requirements, given the accumulation of incoming and outgoing documentation, it is necessary to make this classification in order to give priority attention to the cases, which, depending on the fact that is being investigated, the sensitivity or the measure that is requested require its completion on the day.

After that classification the experts analyse the documentation and proceeds to its completion. Whenever it is necessary, they contact personally to the requested/requesting authority for clarifications. The Central Authority uses electronic means to transmit requests for mutual legal assistance with certain countries, and in cases of urgency.

Furthermore, article 1 of Law No. 24.767 of International Cooperation in Criminal Matters set an obligation for the intervenient authorities to act with the utmost diligence in the delivery of requests for mutual legal assistance.

After the conclusion of the internal procedures, the incoming MLA request is sent to the competent judicial authority or to the General Directorate for Regional and International Cooperation of the Public Prosecutor's Office. Likewise, in our cover letters we use abbreviations to quickly identify the international legal cooperation tool that is the object of the referral, for example: MLAR, ECI, etc. It is customary that, where it is necessary, an unofficial courtesy translation is transcribed in the cover letter order to specify the purpose of the referral

The execution of incoming international legal assistance requests is ruled by Act 24.767 on International Cooperation in Criminal Matters. By virtue of this, the execution of requests for international legal assistance issued by foreign authorities for compliance by our authorities corresponds to the Federal Justice. In the article 70 of the aforementioned law equates the administrative procedure for assistance requests to the procedure provided for extradition requests and in art. 111 which establishes that the Federal Justice will be competent to hear extradition proceedings. In practice, after a technical analysis carried out by the Directorate of International Legal Assistance, in some specific cases and due to the subject matter of the investigation and in application of the principle of the broadest cooperation and promptness, requests for assistance to specialized Prosecutor's Units.

The files are process through the "Electronic document management system" (GDE, for its acronym in Spanish) that allows the issuance of communications that have a tracking number for users and digital signature. Likewise, it allows the preparation, review, signing and sending of Notes and Memos to other users through the same system and to external recipients through institutional email.

With the implementation of the GDE and in order to maintain the confidential nature of the actions related to the procedure for requests for assistance and extraditions, the International Legal Assistance Directorate promoted resolution RESOL-2018-296-APN-MRE that authorizes to the Directorate of International Legal Assistance to generate the procedures and documents with the attribute of total reserve within the electronic documentation management system. For these reasons, all electronic and paper files related to requests for mutual legal assistance, as well as extraditions, are reserved.

In addition, the Ministry of Foreign Affairs has the "MOVDOC system" that allows secure communication with all Argentine representations abroad when they intervene as diplomatic channels through cable communications and with other internal areas of the MOFA. This internal system provides traceability and accessibility of the cases.

At least, since 2018 legal cooperation in criminal matters has been carried out in almost 90% of cases exclusively through electronic means, mostly by the use of secure email. This speeds up cooperation and case management times.

Both the requests, as well as the management communications, additional information and assistance results are made digitally transmitted through specific secure mailboxes created for this purpose by the Central Authority.

Exemption of Legalizations: The treaties on the subject exempt from any type of legalization of the documentation that is transmitted by virtue of the treaty. In this sense, the Argentine Republic is very flexible with the formalities, accepting digital signature of the documentation and many times, even, scanned documents with holographic signatures.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Central Authority has its own website: www.cooperacion-penal.gov.ar. From here you can access, contact details, news, activities, the text of the treaties on the matter and pro forma forms for requests for legal assistance, preventive detention for purposes of subsequent extradition and extradition.



In 2022, the Third Edition of the Regulatory Compendium of International Legal Cooperation in Criminal Matters was published, which consists of a brief introduction about the mechanisms of international legal cooperation, the most current aspects: use of technologies, recovery of assets, digital evidence and formation of joint investigation teams.

The third edition of a compendium of bilateral and multilateral MLA and extradition agreements to which Argentina is Party was published and distributed for free to prosecutors and judges. This book also included the Law on International Cooperation in Criminal Matters (Law 24.767) and an Introductory Chapter on the main characteristics of the cooperation on criminal matters in Argentina. The pdf version of the book is available at <http://www.cooperacion-penal.gov.ar/userfiles/dajin-compendio-penal.pdf>

As for diffusion activities, the website developed by the Directorate of International Cooperation on Criminal Matters of the Ministry of Foreign Affairs and Worship of Argentina is regularly updated. This website contains information about all the MLA and Extradition treaties (bilateral and regional) and all the multilateral conventions that apply to a specific group of offences, such as MERCOSUR, COUNCIL OF EUROPE, UN and OAS treaties and the OECD Anti-Bribery Convention. It also contains templates of MLA and extradition requests, jurisprudence from the Supreme Court of Justice, a brief and clear explanation on the main subjects related to international cooperation in criminal matters, an update of all the activities that the Central Authority carries out, links of interest, news concerning international cooperation in criminal matters, such as the entry into force of new treaties and the possibility to contact officials from the Directorate in order to ask questions, clarify doubts or send by e-mail a draft of a MLA or extradition request for its previous correction, before sending it by regular mail.



6. Has your country established focal points of contact in central authority² to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

The Central Authority provides support to judges and prosecutors by informal means such as phone calls or emails giving technical advice regarding the MLA requests or by enhancing direct communication with other Central Authorities.

For example, the Argentine Republic has promoted the creation of the Latin American Network of Central Authorities, whose purpose is to establish a permanent consultation space that is managed directly and exclusively by Central Authorities of the region, create a directory of central authorities, according to the agreements in which they have been designated, hold periodic meetings, at the request of the members of the Network, in order to analyze the challenges of international judicial cooperation on different topics, share good practices, promote the development of international instruments on different topics, in tune with Latin American legal traditions, address the study of international judicial cooperation from a gender perspective, promoting its mainstreaming.

With these objectives, the Ministry of Foreign Affairs, International Trade and Worship organized the First Meeting of the Latin American Network of Central Authorities, between September 14 and 15, 2022, in the city of Santa Fe de la Vera Cruz, which was developed successfully, in an environment of the highest respect and cordiality. Central Authorities from the Federative Republic of Brazil, the Republic of Chile, the Republic of El Salvador, Paraguay, the Republic of Peru and the Oriental Republic of Uruguay.

On that occasion, the Letter of Intent for the creation of the Latin American Network of Central Authorities was signed in Santa Fe de la Vera Cruz, September 15, 2022.

² For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.



7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

On-site meetings, teleconferences and videoconferences between Central Authorities: It is common practice to hold videoconferences and/or teleconferences between Central Authorities for the purpose of carrying out consultations and generating consensus on how to proceed with certain cases. During 2022, bilateral technical meetings have been held in situ with Central Authorities in the region, with the aim of removing obstacles on specific cases or generic issues of bilateral processes. In relation to asset recovery, meetings have been held with foreign central authorities and other competent authorities of the Oriental Republic of Uruguay (2022), Swiss Federation (2016), Federative Republic of Brazil (2023), Isle of Man (2022), USA.

Argentine Embassies also have regular consultations with local authorities on the state of affairs of the MLA requests in progress. This kind of collaboration is normally asked additionally to the direct contact between Central Authorities. In this sense, Argentine embassies have established communication channels with local authorities aimed to obtain information on the status of pending MLA requests as well as clarifications on local procedures in view to comply with requirements. These sorts of contacts help to speed up the MLA proceedings where the Argentine Central Authority had no previous experience in judicial cooperation in that jurisdiction or an specific matter.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.



8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Central Authority provides support to judges and prosecutors by informal means such as phone calls or emails giving technical advice regarding the MLA requests or by enhancing direct communication with other Central Authorities.

Informal consultations and assistance are also carried out by the experts of the Central Authority to facilitate international cooperation for investigative judges and prosecutors in corruption cases. This practice could play an important role in ensuring adequacy and clarity of the execution of MLA requests. This previous informal contact could minimize the risk of its refusal, or delay. In some cases, it may consist in assisting in drafting the letters rogatory or in drafting the additional information whenever requested. Counseling regarding the drafting of the requests of mutual legal assistance to judges and prosecutors is part of the daily work of the Central Authority (DAJIN).

DAJIN also promotes the use of channels for informal contact, so as to improve both quality and celerity of the rogatory letters. In addition, contact details of the relevant judge or prosecutor's office are provided to foreign authorities, if so requested. Moreover, several videoconferences between legal authorities and foreign authorities are held as to achieve the effective enforcement of MLA.

It is relevant to highlight that previous contact and informal cooperation, where the crime under investigation concerns financial crimes and involves asset recovery, is vital. In such scenarios, the collaboration of units which undertake informal ways of cooperation, such as law enforcement authorities which share criminal intelligence and financial intelligence is widely valued and highly recommended in the previous steps of the formal legal assistance procedure (MLA) and during the preliminary stage of criminal proceedings.

The different Networks of informal cooperation are widespread among the investigative judges and prosecutors through Training and Disseminations activities which are organized by DAJIN. For instance, the Seventh Seminar on International Cooperation in Criminal Matters (2018) was targeted to legal officers, judges, prosecutors and other practitioners, who daily deal with transnational organized crimes and financial crimes cases. It was focused on the distinction and complementarity between international cooperation through informal channels, such as Interpol and the Egmont Group and requests submitted through Central Authorities.

Legal officers of the Central Authority have attended different meetings of the Working Group on International Cooperation of the United Nations Convention against Transnational Organized Crime (UNTOC), Corruption (UNCAC) and Cybercrime (Council of Europe), among others.

Moreover, legal officers of the Central Authority have participated as participants and speakers in several meetings of the Ibero-American Network of International Legal Cooperation (IberRed). The Members of IberRed are Contact points, Central Authorities, Liaison officers and any other appropriate judicial or administrative authority with responsibilities for judicial cooperation in criminal and civil matters, whose membership -in IberRed- is considered desirable by its members. This platform offers support to improve coordination between authorities with responsibilities for judicial cooperation in criminal matters and aims to obtain greater efficiency in their actions. This Network facilitates the interaction with foreign authorities via informal channels.

In 2022, the director of the Argentine Central Authority participated in the 58th meeting of the European Judicial Network in Bordeaux, France, where she made an introductory presentation on the characteristics of international legal cooperation mechanisms in the Argentine Republic. The European Judicial Network is mainly used to generate contacts from that region, particularly when there is no previous experience with the requested country or the Central Authority or applicable legislation is unknown.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.



9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

The staff of the Directorate of International Legal Assistance participates in periodic training, working groups, forums, programs and workshops to strengthen their capacities, share information, exchange their practical experiences and consolidate their practice with other Central Authorities. This practice has led to the strengthening of the bonds of trust between Central Authorities and has a positive impact on the execution of requests for mutual legal assistance.

The Central Authority participates and organizes regular trainings, working groups, forums, programmes and workshops to strengthen their capacities, share information, exchange their practical experiences and consolidate their practice with other Central Authorities. This practice has led to enhancing bonds of trust among Central Authorities and has a positive impact in the execution of MLA requests.

In connection to workshop activities, personnel from the Directorate on International Legal Assistance of the Ministry of Foreign Affairs and Worship teach international cooperation in the Foreign Service Institute, to provide knowledge for the future members of the diplomatic corps of our country.

For instance, representatives of the Central Authority have participated in activities carried out by the Europe Latin America Assistance Programme against Transnational Organized Crime (EL PAcCTO).

Furthermore, the Central Authority actively participates in the Working Group on Legal Cooperation in Criminal Matters—the hemispheric forum created by the Meeting of Ministers of Justice or other Ministers or Attorneys General of the Americas (REMJA)—. The Working Group is composed of Central Authorities, international legal cooperation authorities, and other governmental experts with responsibilities in this area.

Several training and dissemination activities regarding international cooperation were held in recent years, such as: “Conference on How to Enforce the OECD Anti-Bribery Convention” which took place on 1 March 2018.



The main purpose of these meetings is to exchange common experiences and offer some practical training. Additionally, meetings were held in order to strengthen cooperation between different bodies which take part in the requests and responses of rogatory letters regarding.

Also, the Seminars will be aimed at public servants working in the judiciary, the Attorney General's Office and foreign Embassies and Consulates.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Taking into account the federal justice administration system of the Argentine Republic and the purpose of strengthening communication between the different actors involved in international legal cooperation mechanisms, dissemination and exchange activities are being carried to strengthen the federal link with the National and Federal Judicial Powers of the Provinces of the Argentine Republic. It is important given the territorial extension of our country, the federal distribution of the administration of justice, and that any judicial body, within the framework of its powers, could require the articulation of some international legal cooperation mechanism.

These meetings along the country promote the exchange of practical information between authorities, mainly, the practical aspects of International Cooperation in accordance with the international treaties in force for the Argentine Republic on the matter, institutional strengthening with the provincial and federal judicial authorities, promotion of the work of the Directorate of International Legal Assistance in matters of negotiation of international treaties and their application.

The events developed within the framework of this initiative called "ITINERANTE AND FEDERAL TRAINING ON INTERNATIONAL LEGAL COOPERATION" are detailed below:

- San Carlos de Bariloche, Río Negro, April 20 and 21, 2023. Auditorium of the Bar Association of the city of San Carlos de Bariloche, province of Río Negro. 35 participants/attendants (Lawyers: 18; Defenders: 3; Prosecutors: 1; Provincial Officials: 4; Judges: 4; Judicial Branch Officials: 5).
- Santa Rosa, La Pampa, May 23, 2023. Hall of the judicial training center

of the Province of La Pampa. Onsite/Remote. 42 participants/attendees between face-to-face and virtual (4 judges, 2 prosecutors, 5 defense attorneys, 3 secretaries, 4 pro-secretaries, 14 employees of the judiciary, 9 registered lawyers).

- City of Santiago del Estero, Santiago del Estero, May 31 and June 1, 2023. Judiciary of Santiago del Estero, multipurpose room. Onsite/Remote. 42 participants/attendees.

Press:

<https://www.jussantiago.gov.ar/web/#/novedades?id=8642>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8641>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8653>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8644>

- City of Posadas, Province of Misiones, June 15 and 16, 2023. Exhibition and training hall of the Superior Court of Justice of the Province of Misiones. Assistance/participation Day 1: 62 participants/attendees. It should be noted that those present were from different sectors of the provincial judiciary, including rapporteurs of the Superior, provincial prosecutors, provincial first instance judges, secretaries and an official defender, as well as front desk staff, secretaries, prosecutors and judges from the area federal. Day 2: 70 participants/attendees. It should be noted that those present were from different sectors of the provincial judiciary, including rapporteurs of the Superior, provincial prosecutors, provincial first instance judges, secretaries and an official defender, as well as front desk staff, secretaries, prosecutors and judges from the area federal.

Finally, authorities from the following constituencies stand out: Federal: Oberá, Eldorado and Posadas. Provincial: Posadas, Dos de Mayo, Puerto Rico, Leandro N. Alem, Apóstoles, Eldorado, Oberá, Caa Yarí, Garupá, Jardín América, Aristóbulo del Valle and San Pedro.

Press:

Página del Poder Judicial de la Provincia de Misiones, <https://www.jusmisiones.gov.ar/index.php/joomla-overview/noticias-institucionales/3339-jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional-2>

Portal noticias del 6 <https://noticiasdel6.com/jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Portalnorte misionero <https://nortemisionero.com.ar/actualidad/jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Agencia de noticias Guacurari <https://anguacurari.com.ar/jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Exchange and dissemination activities: the International Legal Assistance Department has organized and participated in the following events.

-March 1, 2018, the Directorate of International Legal Assistance organized the Conference "Implementation of the OECD Convention to Combat Bribery of Foreign Public Officials in Commercial Transactions", Ministry of Foreign Affairs and Worship, Buenos Aires.

-December 15, 2021, the VIII International Legal Cooperation Seminar was held at the Manuel Belgrano Auditorium of this Ministry of Foreign Affairs, International Trade and Worship, which was attended by more than 100 people in person and more than 150 in virtual format, including judges, prosecutors, officials of foreign Representations, officials of Representations abroad, academics, legal advisors and those interested in the topics.

-November 1, 2022, the IX International Legal Cooperation Seminar was held at the Manuel Belgrano Auditorium of this Ministry of Foreign Affairs, International Trade and Worship, which was attended by more than 180 people in person and more than 280 in virtual format, including judges, prosecutors, officials of foreign Representations, officials of Representations abroad, academics, legal advisers and those interested in the topics.

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Likewise, every year, officials from the International Legal Assistance Directorate participate in training sessions for the scholarship holders of the Institute of the Foreign Service of the Nation, which is of special importance, since all the active extraditory procedures involve the participation of the Argentine Representations abroad.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Cases which entail economic and financial elements make informal previous cooperation among financial intelligence units vital to trace the proceeds of crimes and provide details to be included in a future MLA request. Despite that, informal means does not and cannot replace formal cooperation. This type of cooperation is encouraged as a previous step to an MLA with the aim to facilitating and ensuring a successful execution of a request for international cooperation.

MLA requests which contain asset recovery measures required to be as much detailed as possible since they are governed by the requested State's domestic legislation and subject to the dual criminality rule, thus these measures normally require previous advice from the Central Authority. In addition, the so called "fishing operations" are discouraged in MLA proceedings. In such a context, informal cooperation, taking the form of coordination and fluent communication between the Central Authority with intelligence units, law enforcement authorities, prosecutors and judges, is crucial to pursue the successful execution of the measure.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.



12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

The key challenges Argentina face are the lack of lack of statistics system as well as a case managing system so as to easily identify MLA requests and their answer, as well as to easy identify MLA that are pending or that their execution is taking more than expected.

Because of the complexity of the duties of the Central Authority, the lack of human resources and the high turnover of the staff, this also can be a challenge in the process of sending and responding to MLA.

Another topic we could point as a challenge is the extension of the country as well as the existence of both federal and local judges as well as in some cases, prosecutors in charge of investigations. This is why a strong Central Authority it is so important to centralize all entering and outgoing requests, as well as to be able to train all judges and prosecutors in the same manner and with the same tools.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The gap that we can point out is the gap in between the legal systems of the countries. In particular regarding formal and informal cooperation in between countries that have reach a high level of integration and countries that are not part of this regional organization.

It is very relevant to notice that the legal systems and international cooperation is different in these cases and that direct contact through informal channels, especially in federal countries is not always permitted by the domestic law. Taking into account these differences and finding common solutions is it considered a very good practice for effective cooperation.



- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

A key point to improve direct lines of communications between relevant authority regarding MLA requests, is in first place identify the authority that oversees international cooperation in the country, that generally is a unique central authority for international cooperation for all types of crimes.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The Central Authority has its own website: www.cooperacion-penal.gov.ar. From here you can access, contact details, news, activities, the text of the treaties on the matter and pro forma forms for requests for legal assistance, preventive detention for purposes of subsequent extradition and extradition.

Initiatives that Argentina has taken to improve MLA process have been for example:

Taking into account the federal justice administration system of the Argentine Republic and the purpose of strengthening internal coordination and communication between the different actors involved in international legal cooperation mechanisms, dissemination and exchange activities are being carried to strengthen the federal link with the National and Federal Judicial Powers of the Provinces of the Argentine Republic. It is important given the territorial extension of our country, the federal distribution of the administration of justice, and that any judicial body, within the framework of its powers, could require the articulation of some international legal cooperation mechanism.

These meetings along the country promote the exchange of practical information between authorities, mainly, the practical aspects of International Cooperation in accordance with the international treaties in force for the Argentine Republic on the matter, institutional strengthening with the provincial and federal judicial authorities, promotion of the work of the Directorate of International Legal Assistance in matters of negotiation of international treaties and their application.

The events developed within the framework of this initiative called "ITINERANTE AND FEDERAL TRAINING ON INTERNATIONAL LEGAL COOPERATION" are detailed below:

- San Carlos de Bariloche, Río Negro, April 20 and 21, 2023. Auditorium of the Bar Association of the city of San Carlos de Bariloche, province of Río Negro. 35 participants/attendants (Lawyers: 18; Defenders: 3; Prosecutors: 1; Provincial Officials: 4; Judges: 4; Judicial Branch Officials: 5).

- Santa Rosa, La Pampa, May 23, 2023. Hall of the judicial training center of the Province of La Pampa. Onsite/Remote. 42 participants/attendees between face-to-face and virtual (4 judges, 2 prosecutors, 5 defense attorneys, 3 secretaries, 4 pro-secretaries, 14 employees of the judiciary, 9 registered lawyers).

- City of Santiago del Estero, Santiago del Estero, May 31 and June 1, 2023. Judiciary of Santiago del Estero, multipurpose room. Onsite/Remote. 42 participants/attendees.

Press:

<https://www.jussantiago.gov.ar/web/#/novedades?id=8642>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8641>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8653>

<https://www.jussantiago.gov.ar/web/#/novedades?id=8644>

-City of Posadas, Province of Misiones, June 15 and 16, 2023. Exhibition and training hall of the Superior Court of Justice of the Province of Misiones. Assistance/participation Day 1: 62 participants/attendees. It should be noted that those present were from different sectors of the provincial judiciary, including rapporteurs of the Superior, provincial prosecutors, provincial first instance judges, secretaries and an official defender, as well as front desk staff, secretaries, prosecutors and judges from the area federal. Day 2: 70 participants/attendees. It should be noted that those present were from different sectors of the provincial judiciary, including rapporteurs of the Superior, provincial prosecutors, provincial first instance judges, secretaries and an official defender, as well as front desk staff, secretaries, prosecutors and judges from the area federal.

Finally, authorities from the following constituencies stand out: Federal: Oberá, Eldorado and Posadas. Provincial: Posadas, Dos de Mayo, Puerto Rico, Leandro N. Alem, Apóstoles, Eldorado, Oberá, Caa Yará, Garupá, Jardín América, Aristóbulo del Valle and San Pedro.



Press:

Página del Poder Judicial de la Provincia de Misiones, <https://www.jusmisiones.gov.ar/index.php/joomla-overview/noticias-institucionales/3339-jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional-2>

Portal noticias del 6 <https://noticiasdel6.com/jornadas-decapacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Portal norte misionero <https://nortemisionero.com.ar/actualidad/jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Agenciade noticiasGuacurarí <https://anguacurari.com.ar/jornadas-de-capacitaciones-itinerantes-y-federales-en-materia-de-cooperacion-juridica-internacional/>

Exchange and dissemination activities: the International Legal Assistance Department has organized and participated in the following events.

- March 1, 2018, the Directorate of International Legal Assistance organized the Conference "Implementation of the OECD Convention to Combat Bribery of Foreign Public Officials in Commercial Transactions", Ministry of Foreign Affairs and Worship, Buenos Aires.

- December 15, 2021, the VIII International Legal Cooperation Seminar was held at the Manuel Belgrano Auditorium of this Ministry of Foreign Affairs, International Trade and Worship, which was attended by more than 100 people in person and more than 150 in virtual format, including judges, prosecutors, officials of foreign Representations, officials of Representations abroad, academics, legal advisors and those interested in the topics.

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16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

As to reduce time in the response of MLA request, an important factor is the quick identification of the MLA request by the authority who received the request.

For example: In a same case or investigation Argentina sends 5 different MLA requests to another country in a lapse on one year. As time passes 2 requests are fulfilled by the requested country and sent to Argentina. 3 MLA requests remain pending. Usually when Argentina asks for information regarding the execution of the pending MLA it is a common mistake that the requested country informs that the MLAS have been executed and sent back. It takes several emails, phone calls or videoconference meeting so as to identify what has effectively been completed and what part or what MLA it is still pending.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Challenges that Argentina have faced in MLA requests that have been sent to other country regarding corruption investigations relate principally with the initiation of local investigations in the requested country, with information obtained in the MLA request, with out prior authorization of the requesting country. This occurs generally when there are assets that can be subject to confiscation.

Another challenge that Argentina notices is the direct transmission of information or evidence regarding an ongoing investigation that can be in between judges or prosecutors, with out prior coordination in between them or with the central authority, and without making an agreement on the investigation or concerting coordinate measures.

Also, Argentina can point out that translations are still a challenge with distance countries.

Finally, and in relation with the previous point, Argentina faces challenges with countries with very different legal system and that we do not have an MLA treaty in force. In order to overcome these difficulties, Argentina has identify these situations, set up priorities and initiate treaty negotiations with this countries.

Beyond the dozens of agreements that are currently under negotiation, the Argentine Republic has signed the following treaties since 2018:

-Tratado entre la República Argentina y Ucrania sobre Asistencia Jurídica Penal Mutua. Firma: Buenos Aires, 06 de Agosto de 2018. Norma Aprobatoria: En trámite

-Tratado sobre Asistencia Jurídica Mutua en Asuntos Penales entre la República Argentina y la República de Costa Rica. Firma: Buenos Aires, 21 de Marzo de 2019

-Acuerdo marco para la Disposición de Bienes Decomisados entre la República Argentina y la República Oriental del Uruguay. Firma: Montevideo, 02 de Abril de 2019. Argentina notificó cumplimiento de requisitos internos el 9 de mayo de 2019.

-Tratado Relativo a la Transmisión Electrónica de Solicitudes de Cooperación jurídica Internacional entre Autoridades Centrales. Firma por Argentina: 25 de Julio de 2019. Celebración: Medellín, 25 de Julio de 2019

-Tratado entre la República Argentina y la República de Serbia sobre Asistencia Jurídica Mutua en Materia Penal. Firma: Belgrado, 14 de Octubre de 2019. Norma Aprobatoria: En trámite legislativo por Mensaje de Ley N 22/2022.

-Tratado entre la República Argentina y la República de Cuba sobre Asistencia Jurídica Mutua en materia Penal. Firma: Buenos Aires, 19 de Noviembre de 2021. Norma Aprobatoria: En trámite

-Segundo Protocolo Adicional al Convenio sobre la Ciberdelincuencia sobre cooperación reforzada y divulgación de evidencia electrónica (EST N° 224) Firma por Argentina: 16 de Febrero de 2023. Celebración: Estrasburgo, 12 de Mayo de 2022

-Acuerdo sobre Reconocimiento Mutuo de Medidas de Protección para las Mujeres en Situación de Violencia de Género entre los Estados Partes del MERCOSUR y Estados Asociados. Firma por Arg: 20 de Julio de 2022. Celebración: Asunción, 20 de Julio de 2022. Norma Aprobatoria: En trámite.

-Tratado de Extradición entre la República Argentina y Ucrania. Firma: Buenos Aires, 06 de Agosto de 2018. Norma Aprobatoria: En trámite.

-Tratado de Extradición entre la República Argentina y la República Federativa del Brasil. Firma: Brasilia, 16 de Enero de 2019 Norma Aprobatoria: En trámite en legislativo HCN mediante Mensaje del P.E.N. 105 del 21 de mayo de 2019.

-Tratado de Extradición entre la República Argentina y la República de Costa Rica. Firma: Buenos Aires, 21 de Marzo de 2019. Norma Aprobatoria: En trámite.

-Tratado de Extradición entre la República Argentina y la República de Serbia. Firma: Belgrado, 14 de Octubre de 2019. Norma Aprobatoria: En trámite.

-Tratado de Extradición entre la República Argentina y la República Checa. Firma: Praga, 25 de Noviembre de 2019. Norma Aprobatoria: En trámite legislativo en HCN mediante Mensaje del P.E.N. 05 del 29 de enero de 2021.

-Tratado de Extradición entre la República Argentina y la República de Polonia. Firma: Buenos Aires, 05 de Diciembre de 2019. Norma Aprobatoria: En trámite legislativo en HCN mediante Mensaje del P.E.N. 98/2022.

-Tratado de Asistencia Jurídica Mutua en materia Penal entre la República Argentina y la República Socialista de Viet Nam. Firma: Buenos Aires, 25 de Abril de 2023.

-Tratado de Extradición entre la República Argentina y la República Socialista de Vietnam. Firma: Buenos Aires, 25 de Abril de 2023

-Tratado sobre el Traslado de Personas Condenadas entre la República Argentina y la República Socialista de Vietnam. Firma: Buenos Aires., 25 de Abril de 2023

Treaties in force since 2018:

-Acuerdo Marco de Cooperación entre los Estados Partes del Mercosur y Estados Asociados para la Creación de Equipos Conjuntos de Investigación. Entrada en vigor 22 de mayo de 2020

-Acuerdo Marco para la Disposición de Bienes Decomisados de la Delincuencia Organizada Transnacional en el Mercosur. (Decisión Mercosur – 5/2018) La República Argentina fue el primer país en ratificarlo, el 31 de mayo de 2019. Está en vigor con Paraguay desde el 25 de septiembre de 2021.

-Convenio entre la República Argentina y la República Dominicana sobre Traslado de Nacionales Condenados y Cumplimiento de Sentencias Penales. Firma: Santo Domingo, 23 de Febrero de 2004. Vigor: 31 de Enero de 2022

-Tratado entre la República Argentina y la Federación de Rusia sobre Asistencia Legal Recíproca en Materia Penal. Firma: Buenos Aires, 12 de Julio de 2014. Vigor: 06 de Enero de 2018

-Tratado de Extradición entre la República Argentina y la República Tunecina. Firma: Buenos Aires, 16 de Mayo de 2006. Vigor: 14 de Mayo de 2018

-Tratado de Extradición entre la República Argentina y la Federación de Rusia. Firma: Buenos Aires, 12 de Julio de 2014. Vigor: 07 de Marzo de 2018.

Note: *This can include both MLA requests sent or received.*

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AUSTRALIA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Australia can consider a request from any foreign state to gather evidence in a criminal matter or to identify, restrain and forfeit the proceeds of crime whether or not a bilateral or multilateral treaty relationship with that foreign state exists. Australian law does not distinguish between government-to-government requests, whether made on a treaty or non-treaty basis, and 'letters rogatory.'

Requests made under a treaty

Australia is party to over 25 bilateral mutual assistance treaties. Requests made under a bilateral or multilateral treaty/convention are executed under and in accordance with Australia's *Mutual Assistance in Criminal Matters Act* (the MACMA), subject to the provisions of the relevant treaty/convention. Australian authorities can execute search warrants, take evidence from a witness in Australia (including by video link), arrange for the production of documents or other articles, arrange for prisoner witnesses to travel, with their consent, to a foreign country to give evidence, and take action to register and enforce foreign orders seeking the restraint and forfeiture of proceeds of crime. Australia can also provide other assistance such as voluntary witness statements or service of documents.

Requests made in the Absence of a Treaty/Convention

Australia can consider a request for assistance from any foreign state in the absence of a treaty/convention under the principle of reciprocity and on a case-by-case basis.

Dual criminality requirements

Dual criminality is a discretionary ground for refusal of assistance under Australia's bilateral treaties and under the MACMA Act. In the absence of dual criminality, it would be open to the Attorney-General or their delegate, as decision maker, to consider Australia's obligations under a multilateral convention (such as the UNCAC) in deciding on whether or not to grant assistance.

Further information on MLA in Australia, including flowcharts can be found at the below link:

- <https://www.ag.gov.au/international-relations/publications/mutual-assistance-overview>.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

[Australia's Comment: Australia is unable to provide this data as we do not collect information on whether a matter is related to 'corruption'. Our case reporting is associated with offence type.]

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and

appropriate. Countries may wish to furnish reasons for not being able to provide responses.

[Australia's Comment: Australia is unable to provide this data as we do not collect information on whether a matter is related to 'corruption'. Our case reporting is associated with offence type.]

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

In general, when a country seeks mutual legal assistance from Australia, the steps outlined below should be followed:

Step 1: Consider whether the information or evidence could be obtained via direct or non-MLA channels

Law enforcement authorities should consider seeking direct (agency-to-agency, or police- to-police) assistance before making a formal mutual legal assistance request, as information can be provided more quickly. Australian authorities may be able to provide the following types of assistance on an agency-to-agency basis: taking voluntary witness statements, conducting voluntary witness interviews, taking voluntary witness testimony via an audio-visual link (AVL) video link facility, hosting foreign police who are conducting inquiries in Australia, sharing intelligence, conducting optical surveillance, obtaining criminal records, and obtaining publicly available material.

Step 2: Consult with the Central Authority

The Australian International Crime Cooperation Central Authority (ICCCA) encourages foreign Central Authorities to make contact before making a formal MLA request, particularly in urgent cases, to ensure the assistance sought is available under Australian law, and that the request will meet Australia's requirements. ICCCA is able to discuss Australia's requirements by telephone or email, and can also review draft requests.

Step 3: Prepare the request

Law enforcement or prosecution agency completes a mutual legal assistance request questionnaire and sends it to ICCCA.

Typically the request should:

- Identify the basis on which the request is made and the authority conducting the investigation and prosecution, including whether it is made on the basis of a bilateral or multilateral treaty (such as the UNCAC).
 - If there is no relevant treaty/convention the request should state whether reciprocity would be afforded to an Australian request made in comparable circumstances.
- Identify the relevant investigating and/or prosecuting authority and provide a reference number for the request.
- Summarise the case, including the criminal matter and relevant factors.
 - The summary of facts should clearly establish the connection between the foreign investigation or proceeding and the assistance sought.
 - This information should identify the suspect(s), include sufficient information to assess dual criminality requirements and provide information about why the investigating and/or prosecuting authorities believe relevant evidence is located in Australia.
- Set out the applicable legal provisions, including the full text of all relevant offence and penalty provisions related to the investigation and/or prosecution, including applicable penalties.
- Specify the assistance sought
 - The request should outline exactly what assistance is sought from Australia, and any particular procedural requirements that must be met, for example, where there are any specific certification/authentication requirements for the evidence provided in response to the request
- Highlight any specific confidentiality requirements
 - In Australia, the existence and contents of foreign requests are treated confidentially except to the extent necessary to execute the request. If the matter is particularly sensitive, the request should expressly set out the need and reasons for confidentiality (for example, if the suspect has no knowledge of the investigation relating to the request).

Step 4: ICCCA receives the requests

ICCCA receives the request from the foreign country and considers the request. The request must be in writing and satisfy section 11 of the MACMA. If the request is missing information, ICCCA may liaise with the foreign country to request further information before the request can be progressed.

Step 5: Attorney-General or delegate approves or refuses the request

The Attorney-General or their delegate will make a decision to approve or refuse the request, taking into account the mandatory grounds for refusal under the MACMA. There are also discretionary grounds to refuse the request, such as dual criminality.

Step 6: Australia executes the request

The process for executing requests varies depending on the type of assistance. For example, if the assistance requested is search and seizure, the Australian Federal Police (AFP) would apply for and execute a search warrant. Australia takes account of the foreign country's procedural requirements where possible.

Step 7: The Australian Central Authority transfers the material to the foreign country

A flowchart on the MLA process can be found at the links below:

Making requests to foreign countries:

<https://www.ag.gov.au/international-relations/publications/flowchart-making-mutual-assistance-request-foreign-country>

Making requests to Australia:

<https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance/foreign-requests-australia>

- 5.** Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Australia Attorney-General's Department's website has a dedicated section on MLA (see <https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance>). This section includes an overview of MLA, specific information, factsheets, and flowcharts in relation to foreign requests to Australia and Australian requests to foreign countries.

The Guide on Requesting Mutual Legal Assistance in Criminal Matters from G20 Countries also outlines the procedural requirements for preparing and sending MLA requests to Australia, including relevant contact details.

Making requests to Australia:

<https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance/foreign-requests-australia>

6. Has your country established focal points of contact in central authority¹ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

The Australian International Crime Cooperation Central Authority (ICCCA), within the Australian Attorney-General's Department is the designated central authority in Australia for facilitating mutual legal assistance. ICCCA is responsible for all incoming and outgoing mutual legal assistance requests, and can receive requests directly from foreign Central Authorities in hard copy or electronic form.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

ICCCA will approach counterpart central authorities to discuss matters of significant importance or urgency on a case by case basis, as the need arises, and depending on the nature of Australia's bilateral mutual assistance relationship with the relevant foreign country. Some barriers to this form of approach can include a requirement on behalf of foreign counterparts that all contact is made via formal diplomatic channels, and contact between central authorities is either not encouraged, or cannot be practically entertained.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL,

¹ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

Australia participates in a range of direct communication mechanisms, including, but not limited to, the following law enforcement practitioner networks which facilitate multi-jurisdictional cooperation:

INTERPOL

INTERPOL's role is to ensure and promote the widest possible mutual assistance between all criminal police authorities and to contribute to the prevention and detection of crimes, including corruption. INTERPOL facilitates cross-border police co-operation, and supports and assists organisations, authorities and services whose mission is to prevent or combat international crime. Australia's INTERPOL contact point is known as the National Central Bureau and is hosted by the Australian Federal Police.

CARIN and ARIN-AP

Camden Asset Recovery Inter-agency Network (CARIN) is a network of law enforcement and judicial practitioners in the field of asset tracing, freezing, seizure and confiscation. Australia is part of CARIN and its regional network Asset Recovery Inter-agency Network - Asia-Pacific (ARIN-AP). The networks serve as a cooperative group in all aspects of tackling the proceeds of crime.

ARIN-AP is made up of national contact points designated by member and those contact points are inter-connected through the Secretariat. Through promoting direct communication among contact points for efficient asset recovery prior to or during formal mutual legal assistance, ARIN-AP establishes itself as a center of information and expertise, and promotes the exchange of information and best practices. ARIN-AP works for the mutual benefit of countries in the region as well as for inter-regional cooperation with other regional Asset Recovery Interagency Networks.

International Anti-Corruption Coordination Centre

The IACCC was established in July 2017 and aims to provide coordinated support for law enforcement agencies investigating Grand Corruption offences such as bribery of public officials, embezzlement, abuse of function and laundering of the proceeds of crime. The IACCC brings together a range of law enforcement partners to assist investigating agencies by collating and disseminating real time intelligence, with a focus on the identification of assets, accounts and money flows suspected to be connected to allegations of

Grand Corruption. Australia's AFP is attached the IACCC, along with Interpol and law enforcement agencies from the US, UK, Canada, New Zealand and Singapore.

OECD Working Group on Bribery Network of Law Enforcement Officials

The Network of Law Enforcement Officials under the OECD Working Group on Bribery (WGB) meets twice a year and brings together law enforcement officials from the 44 countries of the WGB (all 37 OECD countries and 7 non-OECD countries). The forum provides law enforcement officials an opportunity to discuss best practices, foreign bribery enforcement topics and the enforcement of specific cases; and establish professional networks. Law enforcement officials also contribute via these meetings to the thematic work of the WGB to whom its Chair reports back orally.

The Global Law Enforcement Network against Transnational Bribery (GLEN)

The OECD initiated the GLEN in 2015 to strengthen global enforcement actions against cross-border complex corruption crimes. The GLEN serves as a platform to promote international cooperation among law-enforcement practitioners from OECD and key non-member countries in the investigation and prosecution of complex cross-border corruption crimes, as well as to establish professional contacts and provide a framework for developing technical capacities through peer learning, exchange of experience and good practices. The GLEN is modelled after OECD WGB Network of Law Enforcement Officials. The GLEN meetings take place biennially at the OECD headquarters, back-to-back with WGB LEOs Meetings, which allows law-enforcement practitioners from all key countries around the world, including all G20 countries, to meet together.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

As the Australian Central Authority, ICCCA regularly engages with domestic law enforcement and prosecutions agencies to conduct training and share information regarding mutual assistance processes and policies, to ensure these agencies have a detailed understanding of requirements for making and executing requests for assistance.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Australia has been committed to supporting other jurisdictions in our region for many years. This includes engaging with our partners in the Pacific region to support law and justice agencies in the region to develop and implement laws that respond to law and justice priorities.

In particular, Australia is a key member of the Pacific Islands Law Officers' Network (PILON) - a regional network of senior Pacific law and justice officials promoting justice and the rule of law, where states share expertise and experiences and strengthening regional cooperation on key law and justice issues.

Australia is also a member of the PILON Cybercrime Working Group, which promotes the development and implementation of best practice legislation, evidence-gathering powers and international cooperation mechanisms for police, prosecutors and law-makers by delivering capacity-building activities in collaboration with international and regional partners.

One of the key successes of the PILON Cybercrime Working Group was the development of the *PILON Mutual Legal Assistance Handbook on Cybercrime & Electronic Evidence*, which was developed to assist criminal justice practitioners in the Pacific to obtain, and provide, material through mutual assistance that critical for criminal investigations and prosecutions.

- <https://pilonsec.org/digital-library/mutual-legal-assistance-handbook/>

Australia is also a member of the PILON Corruption Working Group, which works with regional and international partners, including the UN Pacific Regional Anti-Corruption (UN-PRAC) Project and the Asia/Pacific Group on Anti Money Laundering to deliver activities including regional workshops, training and development of practical resources to combat corruption.

- <https://pilonsec.org/our-work/working-groups/corruption/>

Australia has also provided support to other partners in our broader region to share knowledge and experience regarding mutual assistance.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

The Australian Transaction Reports and Analysis Centre (AUSTRAC) is an Australian government financial intelligence agency responsible for monitoring financial transactions to identify money laundering, organised crime, tax evasion, welfare fraud and terrorism financing. AUSTRAC participates in a range of initiatives with international counterparts to strengthen the resilience of the global financial system and to protect our region.

The Egmont Group

AUSTRAC is a founding member of the Egmont Group of FIUs, an international organisation comprising FIUs from more than 165 jurisdictions and observers. FIUs around the world are obliged by international AML/CTF standards to exchange information and engage in international cooperation. As an international FIU forum, Egmont Group both facilitates and promotes sharing of financial intelligence amongst its member FIUs to combat money laundering, terrorist financing, and associated predicate crimes.

Australia adopts a leadership role in a wide range of Egmont Group work to drive AUSTRAC and the Australian Government's international priorities. Through Egmont, we exchange operational information and collaborate with counterpart FIUs and other members of the global AML/CTF community of practice to strengthen operational best practice globally - noting that operationally strong FIUs significantly contribute to global efforts to fight financial crime.

Financial Intelligence Consultative Group

The Financial Intelligence Consultative Group (FICG) is a regional body of FIUs from Southeast Asia, New Zealand and Australia. AUSTRAC is a permanent co-chair alongside another FICG FIU, which rotate on an annual basis. The FICG aims to promote, enhance and strengthen collaboration on anti-money laundering and counter-terrorism financing. It does this through prioritising and addressing regional risks, intelligence sharing and building FIU tradecraft and capability.

Pacific Financial Intelligence Community

The Pacific Financial Intelligence Community (PFIC) brings together all 15 Pacific FIUs. The PFIC promotes greater collaboration among its members, covering operational engagement, research activities, capacity building and technology enhancement. It meets virtually every two months and in person annually.

The PFIC operates through four working groups each led by a different country and each collaborating on different areas of mutual priority; i) operations, ii) research, iii) technology and iv) capacity building. AUSTRAC and the Papua New Guinea FIU, FASU are co-chairs of PFIC with AUSTRAC also providing the Secretariat function for the group.

The Joint Chiefs of Global Tax Enforcement (J5)

The Australian Tax Office works internationally with the J5 to gather information, share intelligence and conduct joint operations in relation to cybercrime, cryptocurrency fraud and enablers and facilitators of offshore tax crime. The J5 was formed on 1 July 2018 in response to a call to action from the OECD for countries to do more to tackle the enablers of tax crime. The group brings together the leading tax, offshore tax evasion, cryptocurrency and cyber experts from Australia, the United Kingdom, the United States, Canada and the Netherlands. These countries share intelligence at speed, build capability and ultimately carry out operational activities.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

One challenge regularly faced by Australia is the issue of ensuring that material sought via formal mutual assistance channels is supplied in a form that is admissible in Australian criminal proceedings. Australian evidentiary requirements for the purpose of criminal matters are complex, and can impose a significant burden on partner countries, particularly those countries that do not share a similar legal system.

Australia also faces some challenges in managing the expectations of foreign partners when seeking to respond to requests for assistance. This may arise in circumstances where requests contain insufficient information to enable Australia to provide the assistance sought, or to confirm that evidential material is located in Australia, or where the specific type of assistance sought cannot be provided as it is beyond the scope of the mutual assistance framework. This is an issue that we continue to actively address with our counterparts.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

Australia has no comments to make in this area. We continue to pro-actively work collaboratively with our counterparts to improve mutual legal assistance frameworks wherever possible.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests (200 words)

Direct cooperation channels, such as police to police or agency to agency assistance, can be an alternative method for law enforcement agencies to obtain information and evidence from foreign countries without needing to use formal MLA channels, or prior to making a formal MLA request.

These channels are most useful when utilized at the early investigation stage to determine whether evidence of an offence is located in a foreign country, or to obtain evidence that does not require the use of coercive powers. For example, if a witness statement is required for legal proceedings, police-to-police cooperation can be used to request a foreign counterpart to obtain a voluntary witness statement without needing to make a formal mutual legal assistance request for a witness statement for use in court in 'admissible form'.

Direct communication channels and existing law enforcement practitioner networks are an important means of achieving effective international cooperation. Raising awareness of these cooperation channels within domestic law enforcement and prosecutorial agencies can support prompt and efficient cross-border investigation and prosecution outcomes.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

Nil.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Australia would encourage foreign partners to conduct outreach prior to making formal requests for assistance. This outreach could assist in confirming that the requested country is able to provide the specific assistance being sought, discuss any changes in processes or legislation that may impact on the provision of assistance, and to ensure that the requesting country is aware of minimum requirements for requests being made to certain countries. Likewise Australia welcomes regular outreach from foreign countries regarding their own requirements.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Australia's longstanding policy is not to disclose details regarding mutual assistance requests made to foreign countries. This is because we are legislatively barred from disclosing details of foreign requests for mutual assistance made to Australia, in accordance with section 43C of the *Mutual Assistance in Criminal Matters Act 1987* (Commonwealth of Australia).

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

One overarching challenge faced by Australia when seeking material via formal mutual assistance channels is ensuring that the material supplied is in a form that is admissible in Australia's courts. This is because Australia's evidentiary requirements can be complex, and may impose a burden on requesting countries, particularly those countries that do not share a similar legal system or face resourcing constraints. Similarly, Australia can face some challenges in managing the expectations of foreign partners when seeking to respond to requests for assistance. This may arise in circumstances where requests contain insufficient information to enable Australia to provide the assistance sought, or to confirm that evidential material is located in Australia.

Our experience confirms that when foreign partners reach out to ICCCA prior to making a formal request for assistance, Australia's consideration of a request is more prompt and efficient. This is because Australian authorities are able to

confirm that the specific assistance sought can be provided and can provide information on procedures or legislative requirements that may impact on the provision of assistance prior to receiving a request. This avoids the need for protracted efforts between central authorities to amend or update a formal request which can ultimately delay the provision of assistance. This is particularly important in time-sensitive matters. Australia endeavours to do the same when making a MLA request to a counterpart and our central authority will conduct regular outreach to foreign countries regarding their own requirements which assist to expedite domestic processes in our agencies.

Note: *This can include both MLA requests sent or received.*

BRAZIL

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Brazil's Ministry of Justice and Public Security, through its Department of Asset Recovery and International Legal Cooperation (DRCI), exercises the attributions of central authority in the processing of requests that have as legal basis the United Nations Convention Against Corruption.

Requests for international legal cooperation that are sent to Brazil (DRCI) based on the UNCAC must be sent by electronic means to the following address: repatriacao.drci@mj.gov.br.

The requests will be assessed first by the DRCI team. Subsequently, if it is confirmed that all the requirements have been met, and if there is formal and legal suitability, the request will be forwarded to the competent Brazilian authority for its execution.

Depending on the case, in the event that the request consists of an execution in Brazil of a foreign judicial determination, and there is a need to carry out a deliberation judgment, the request will be sent, before being executed by a competent Brazilian authority, to the Superior Court of Justice.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	156
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	29
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

In Brazil, the competent authorities for submitting requests for international legal cooperation in criminal matters based on the UNCAC are those that, according to national legislation, have powers to investigate and prosecute criminal actions, as well as those that will judge them. In summary, the competent authorities are: the judicial police, the Public Prosecutor's Office and the Judiciary.

Administrative authorities, such as the Office of the Comptroller General (CGU), may also submit MLA requests based on the UNCAC related to liability proceedings against legal persons or disciplinary proceedings against federal public officials.

There are central units organized by each of these authorities that assist their members in producing a request for international legal cooperation.

In addition to this support, the DRCI (central authority) also provides this assistance. This assistance may occur, in this case, before or after the request is submitted to the central authority.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Brazilian Central Authority (DRCI) maintains a guided tour as well as information and templates regarding international legal cooperation on its official website: <https://www.gov.br/mj/pt-br/assuntos/sua-protecao/lavagem-de-dinheiro/drci>.

6. Has your country established focal points of contact in central authority² to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

There is a dedicated unit in the central authority dedicated to working with requests for international legal cooperation in criminal matters – the General Coordination of International Legal Cooperation in Criminal Matters.

It can be contacted through two e-mail addresses: repatriacao.drci@mj.gov.br or cooperacaopenal@mj.gov.br.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Brazilian authorities have systematically established relationships with foreign counterparts to facilitate MLA and coordinate on multijurisdictional cases, while respecting the due process of law and the Central Authorities' competence and prerogatives in seeking international cooperation.

The Brazilian Federal Prosecution Service, for instance, encourages direct contacts between competent authorities to discuss the most appropriate jurisdiction for the criminal prosecution of facts subject to investigation by authorities of more than one country, as well to exchange views on how to proceed with formal MLA requests.

²For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

More recently, Brazil has been very successful in coordinating several multijurisdictional non-trial resolution agreements involving legal persons. In those cases, Brazil structured the agreements in a way that the amounts of the same nature paid by the company were considered in both agreements, avoiding double sanctioning for the same facts.

The major challenge in this type of direct cooperation is the timing of each negotiation and the different legal regimes involved, which can impact the viability to sign a non-trial resolution agreement in a coordinated matter.

Note: *‘proactive pursuit of cases’ includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.*

8. Please provide a brief overview of your country’s experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

Brazil has been an active member of several international and regional law enforcement networks, most notably:

- 1) Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE);
- 2) Global Law Enforcement Network against Transnational Bribery (GLEN);
- 3) Network of Law Enforcement Officials under the OECD Working Group on Bribery (LEO);
- 4) Latin America & Caribbean Anti-Corruption Law Enforcement Network (LAC LEN), which is also co-chaired by Brazil.
- 5) Ibero-American Association of Public Prosecutors (AIAMP)
- 6) GAFILAT Asset Recovery Network (RRAG)
- 7) INTERPOL

Within GlobE, Brazil has been invited to participate in taskforces dedicated to proposing improvements in operational aspects of international cooperation; developing capacity-building for members of the network; and developing a digital application for the exchange of information.

AIAMP is a permanent network of prosecutors against corruption set up in 2017, under the coordination of the Brazilian Federal Prosecution Service, that brings

together counterparts from Portugal and Spain, as well as Latin American countries. In 2018 Public Prosecutors of AIAMP signed an Inter-institutional Cooperation Agreement allowing for the direct exchange of information between its members, via the institutions' focal points, in the context of criminal investigations, helping in the investigation of crimes when there is information located in foreign states.

The LAC-LEN Network has strengthened the relationship between anticorruption officials in the Latin American region. The network developed a list of authorities that act as a local contact point in each nation to facilitate the sharing of information, evidence, and coordination among members.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

The Brazilian Central Authority (DRCI) holds regular training events for professionals engaged in international legal cooperation. The training, when necessary, is carried out remotely. But preferably, it is held in person in the capitals of each of the member-states of the federation.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Bilateral meetings are held frequently to discuss best practices in the conduct of international legal cooperation requests. These meetings are also a good opportunity to coordinate the simplification of the flow of requests and speed up cases. In addition, DRCI is planning to organize an international symposium to discuss relevant points of international legal cooperation.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Brazil's financial intelligence unit – Council for Financial Activity Control (COAF) – is responsible for coordinating Brazil's participation in the Financial Action Task Force (FAFT) and its regional Latin American network (GAFILAT). COAF is also a member of the Egmont Group, which comprises more than 160 FIU's from around the world.

The Federal Revenue Service (RFB) actively participates in relevant international forums and organizations, negotiates bilateral and multilateral international agreements and conventions in tax and customs matters, and develops technical cooperation activities and international exchange of information and good practices with foreign counterparts.

<https://www.gov.br/receitafederal/pt-br/aceso-a-informacao/institucional/relacoes-internacionais>

Brazil is a founding member of the International Organization of Securities Commissions (IOSCO) and serves in various committees and capacities within the Organization, including the IOSCO Board and the Growth and Emerging Markets Committee.

IOSCO is the global standard setter for securities markets regulation and is comprised of securities commissions from over 100 countries. In 2002, members signed the Multilateral Memorandum of Understanding to facilitate mutual assistance in enforcement investigation between securities commissions. Brazil became a signatory in 2009.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Operational challenges include: a) producing a good quality translation into a significant number of languages; b) identifying the current email address of the central authority of the requested country; c) receiving acknowledgments of receipt of the request from the central authority of the requested country; d) internal management of pending requests for international legal cooperation; and e) maintaining contact by videoconference with some central authorities for the purposes of alignment and clarification of doubts about ongoing cases.

12. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

From Brazil's perspective, the main gap in this area is regarding non-criminal international cooperation. Many States still fail to provide each other with the widest possible assistance in civil and administrative proceedings, including through mutual legal assistance, in accordance with their commitments set forth in the UNCAC (article 43.1) and the UNGASS Political Declaration. International cooperation is excessively focused on criminal approaches despite its generally known limitations.

We highlight the critical importance of effective international cooperation in efforts to combat corruption and recover assets, especially in non-criminal matters.

Brazil believes that States should have at their disposal various measures and tools, including criminal, civil, and administrative proceedings, necessary for the effective prosecution and sanctioning of corruption. This means that countries can choose different avenues to pursue on a case against natural or legal persons, reducing the chances of impunity and increasing the odds for success.

When cooperating internationally, States should take into consideration this comprehensive and multidisciplinary approach by recognizing as reciprocal the fact that a requesting country may hold legal persons liable through civil and administrative proceedings – and not necessarily through criminal proceedings.

- 13.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 could develop an electronic network (platform) to facilitate this direct communication line between relevant authorities.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

DRCI developed a guided tour of its website, through which the user is directed to the appropriate page that is the object of their interest.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Improving electronic application processing channels by creating secure and effective means for transmitting evidence produced, especially if it is in large files.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Note: This can include both MLA requests sent or received.

CANADA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

The Canadian Central Authority for Mutual Legal Assistance in Criminal Matters is the International Assistance Group (IAG) of the Department of Justice Canada. The IAG is responsible for assessing whether a request to Canada can be executed. The IAG receives requests for assistance, reviews them to ensure treaty compliance as well as compliance with our domestic enabling legislation, the Mutual Legal Assistance in Criminal Matters Act (MLA Act).

Where a request is not in compliance with the MLA Act or the Treaty, or does not otherwise satisfy Canada's legal requirements, the members of the IAG work with the Requesting State to address any issues in their request, providing advice and guidance.

The types of court-ordered assistance available to Canada's mutual legal assistance partners under the MLA Act include:

- search and seizure;
- gathering physical or documentary materials, such as bank or internet service provider records;
- compelling witnesses to give statements or testimony, including by video or audio link,
- transferring sentenced persons to the requesting country, with their consent, to give evidence or to assist in an investigation;
- lending court exhibits;
- examining a place or site in Canada;
- enforcing foreign restraint, seizure and forfeiture orders; and
- enforcing criminal fines.

With these types of requests, once IAG has reviewed the request and sought any additional information required, the requests are sent to the competent Canadian authorities, e.g. a local prosecutor's office, to appear before a Canadian judge in order to obtain the required court orders. The Canadian judge will conduct an *ex parte* hearing to determine whether reasonable grounds exist to believe that an offence has been committed; and that evidence of the commission of the offence or information that may reveal the whereabouts of a person who is suspected of having committed the offence

will be found in Canada. If the judge is satisfied, the judge will issue the required court order.

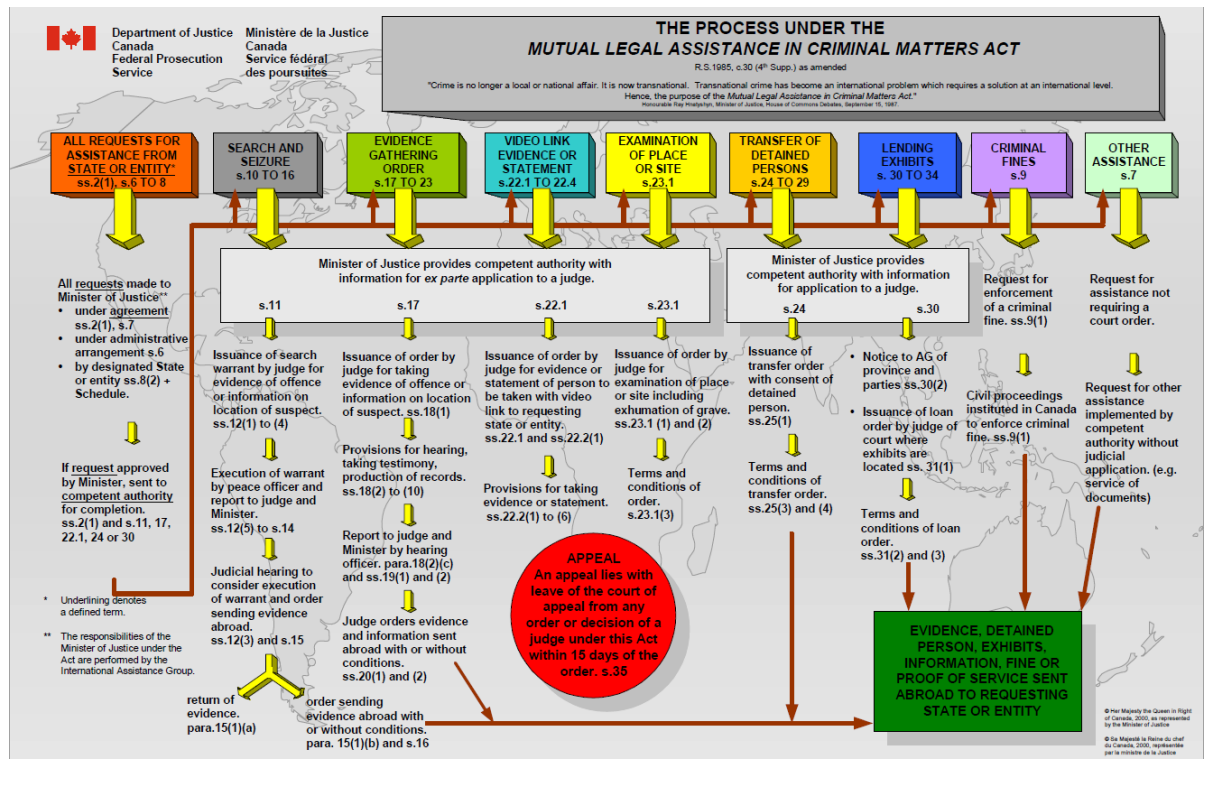
This order is then served on the company required to produce the records, and they will be provided with a period of time to produce the records. The suspect is not notified of this process.

In the case of a search warrant, the owner of the place to be searched is provided with the order at the time of the search.

Once the records have been produced, a report with respect to the production of the evidence is filed with the judge who issued the court order. A sending order will then be obtained in order to provide the evidence gathered to the Requesting state.

Once the judge has issued an order directing the sending of the records, the evidence is provided by the local prosecutor to the IAG, who then transmits the evidence to the Requesting State.

A flow chart describing the mutual legal assistance process in Canada is below.



2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	18
No. of MLA requests resolved	9
No. of MLA requests pending	9
No. of MLA requests refused	0

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	107
No. of MLA requests resolved	69
No. of MLA requests pending	38
No. of MLA requests refused	0

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

For requests for mutual legal assistance emanating from Canadian authorities to foreign jurisdictions:

Canadian police and prosecutors can contact the IAG through a general email inbox, or contact individual members of the IAG directly, to obtain advice and precedential materials to begin the preparation of a request for assistance to a foreign partner.

Once the request has been drafted by a Canadian police officer, it is reviewed by a Canadian provincial or federal prosecutor. Upon completion of this review, the request is referred to the IAG, who assigns the request to a lawyer who is tasked with reviewing the request to ensure that all of the information required has been provided. The request is then sent by the IAG to the authority in the Requested State for execution.

The IAG is responsible for following up upon the progress of the request once it is with the foreign authorities. Once the request has been executed in the foreign jurisdiction, the evidence is provided to the IAG, and IAG staff are responsible for providing the evidence to the domestic requesting authorities.

For requests for mutual legal assistance emanating from foreign jurisdictions to Canada:

Foreign authorities can contact IAG through a general email inbox to obtain advice and precedential materials to prepare a request for assistance to Canada.

Once the request has been drafted, it is transmitted to the IAG. It is preferred that MLA requests be forwarded directly to the IAG via the general email inbox, however, the IAG will also accept transmission vis other means, such as through Interpol or via diplomatic channels, if this is the preference of the requesting authority.

IAG counsel are responsible for reviewing the request to ensure that any treaty obligations have been met, and that the request can be executed under Canadian law. Where additional information is required to execute the request, the IAG will communicate directly with the Requesting State.

Once the request has been deemed complete, the request is approved by the IAG and referred to the appropriate Canadian authorities for execution. Once the request has been executed, the evidence is channelled through the IAG for onward transmission to the foreign requesting authorities.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing

and sending MLA requests (e.g. through MLA Guides or other government websites).

The [government of Canada website](#) provides a basic step-by-step guide to mutual legal assistance, in addition to a sample mutual legal assistance request. The website also provides contact details for the IAG. Foreign and domestic authorities regularly contact the IAG through this email address to obtain advice and precedential materials to assist in making requests for mutual legal assistance.

[Requesting Mutual Legal Assistance from Canada \(justice.gc.ca\)](#)

6. Has your country established focal points of contact in central authority³ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

All of the counsel within the International Assistance Group (IAG) of the Department of Justice Canada are able to provide assistance to foreign and domestic authorities in the proper drafting of requests for Mutual legal assistance.

The IAG regularly liaises with central authority counterparts to educate foreign officials with respect to Canadian mutual legal assistance processes and communicates directly with foreign central authorities with a view to successfully dealing with requests for assistance.

Additionally, the IAG maintains a website that provides guidance to foreign officials on making requests to Canada and to Canadian officials on making requests to foreign jurisdictions.

Members of the IAG will regularly attend international conferences and fora to assist foreign authorities in drafting requests to Canada and provide insights into how to satisfy Canada's legal requirements.

Canada has established focal points for corruption cases as well as for asset recovery cases. In those matters, countries may contact the focal point directly for information with respect to making MLA requests to Canada as well as on case specific information and updates. The name and contact

³ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

information for the focal point on corruption has been identified in the list of "Governmental Experts for the UNCAC Review Mechanism" for Canada.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

The IAG regularly liaises with the central authorities from other countries to educate foreign officials with respect to the Canadian legal requirements for obtaining effective assistance in criminal matters. The IAG works closely with foreign officials to provide assistance in drafting requests for legal assistance, which allows them to make more effective requests to Canada in the fight against corruption. The IAG regularly hosts and attends consultations with foreign authorities to discuss ways to improve the efficiency and effectiveness of the mutual legal assistance process.

One barrier that we have encountered in this peer-to-peer approach is the need by some states to transmit information through diplomatic channels, rather than between central authorities. This can frustrate a frank discussion about the details of a particular request or investigation.

Canada encourages the use of virtual meetings between central authorities in order to have a free and frank exchange of information. This permits a greater understanding of the request made and what is sought and often provides greater context for an investigation to allow for an expedited response.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

Canada is a founding member of the Financial Action Task Force and participates regularly in meetings and policy development through that body to address financial crime and develop solutions to operational challenges. Canada holds observer status in both CARIN and ARIN-CARIB and regularly shares information through those channels, with the RCMP as the point of contact for both those bodies. In general, outgoing requests to those ARINs usually result in positive responses for the requesting agency. Although there are no specific challenges with the function of the group, in order to share information informally, the RCMP must adhere to the 2017 Ministerial Directive on Avoiding Complicity in Mistreatment by Foreign Entities, which can cause some delays when analysing the request and requesting country. As well considerations to operational security and language barriers can sometimes impact RCMP information sharing efforts.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

N/A

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

The IAG regularly liaises with the central authorities from other countries to educate foreign officials with respect to the Canadian legal requirements to obtain effective assistance in criminal matters. The IAG works closely with foreign officials to provide assistance in drafting requests for legal assistance, which allows them to make more effective requests to Canada in the fight against corruption.

The IAG regularly hosts and attends consultations with foreign authorities to discuss ways to improve the efficiency and effectiveness of the mutual legal

assistance process. Most recently, the IAG participated in a meeting of Central Authorities in Abu Dhabi, UAE, geared toward improving asset recovery efforts.

Moreover, the IAG provides advice and training to Canadian prosecutors and law enforcement and foreign officials regarding assistance that can be provided to foreign law enforcement and prosecution authorities without the requirement of a formal request.

In terms of outgoing Canadian requests for assistance, the IAG also provides advice and training to Canadian prosecutors and law enforcement officials on the legal requirements for seeking assistance from other countries. The IAG maintains a website that provides guidance to foreign officials on making requests to Canada and to Canadian officials on making requests to foreign jurisdictions.

Canada also participates in capacity building exercises hosted by the international organizations such as the Commonwealth Secretariat and the International Institute for Justice and the Rule of Law. These initiatives are geared towards assisting countries in developing their own international cooperation regimes. Canada provides information on the Canadian legal system, including Canada's approach to dealing with mutual legal assistance in criminal matters. Canada will also provide input and insights on hypothetical problems so that the developing nations can gain some experience in addressing the real world problems that we face in the area of international cooperation.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

In December 2018, Canada's *Mutual Legal Assistance in Criminal Matters Act (MLACMA)*, *Income Tax Act*, *Excise Act* and *Excise Tax Act* were amended to enhance Canada's capacity to share tax/excise information with Canada's bilateral MLA treaty partners for certain serious crimes pursuant to a request made under the MLA treaty. The MLACMA was also amended to include tax information exchange agreements with the definition of "agreement" to which the Act applies.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and

appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

One of the key challenges in responding to MLA requests related to bribery and corruption is the quality of incoming requests from foreign jurisdictions. Under Canadian law, it is necessary to obtain a court order for banking documents. To obtain a court order, a Canadian judge must be presented with reasonable grounds to believe that an offence has been committed, and that evidence of the offence will be found in Canada.

The grounds must include a summary of the specifics of the investigation, and must include sourcing for each fact presented. There must also be a relevant link from the foreign offence to the evidence sought in Canada.

In many MLA requests, this information is lacking, which causes delay and an inability for Canada to fully execute the request.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

At present, there are no annual meetings of Central Authorities and the G20 ACWG may play a role in facilitating such a venture. This would give central authorities the opportunity to meet with others on a regular or semi-regular basis in order to learn from one another and discuss best practices to improving the drafting and execution of MLA requests.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 ACWG could promote the use of direct channels of communication between central authorities with States that commonly communication via diplomatic channels. Canada would welcome such an initiative.

Additionally, use of information police-to-police channels should be encouraged in cases that do not require compulsory measures.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The Canadian Central Authority has a designated team of legal professionals (lawyers, paralegals and assistants) who are devoted to the review and execution of MLA requests. This dedicated legal team provides advice and guidance to foreign authorities on Canada's legal requirements. Additionally, this team reviews draft requests to ensure compliance with Canada legislation.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

As mentioned above, delay in the processing of MLA requests from foreign partners is often caused by deficiencies in MLA requests. When additional information is sought from a foreign partner, this usually causes delay. It would be efficient for foreign authorities to contact the IAG in advance of making a request to discuss Canada's requirements in order to understand the threshold required to obtain evidence in Canada.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

In one case, a request was made for bank records. Additional information was required from the Requesting state to satisfy the Canadian evidentiary standard. The IAG contacted the central authority of the Requesting State for additional details and they responded promptly and provided fulsome information, which allowed for the efficient and effective execution of the request.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

We have received a series of requests, which appear to be fishing expeditions. The requests indicate that acts of corruption have occurred in the Requesting State, and because the suspects were believed to be Canadian citizens, Canada was asked to restrain “any and all bank accounts” located in Canada in the names of the suspects and their family members.

This type of request is likely to be refused for a number of reasons:

- The property in Canada was not identified;
- There was no connection between the offence and any property in Canada.
- There was no link made between the family members of the suspect and any illicit activities.

In order to proceed with this type of request, the illicit activities of the suspect must be clearly indicated and sourced; the property to be restrained must be identified, located in Canada, and must be connected to the offence alleged. If property is in the names of other individuals, then it must be clearly tied to the allegations of corruption. Moreover, for restraint, the suspect must be charged in the foreign state with the offence, and an order for the restraint of the property must be provided.

Note: This can include both MLA requests sent or received.

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CHINA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In China, mutual legal assistance is proposed through two channels: 1.If there is a bilateral MLA treaty, it shall be proposed in accordance with the provisions of the treaty. The designated central authorities are generally the Ministry of Justice (MOJ), the Supreme People's Procuratorate (SPP) and the Supreme People's Court (SPC). 2.If no bilateral treaty, It shall be proposed through diplomatic channel.

China has a specific law for MLA cooperation, namely, the Law on International Mutual Legal Assistance in Criminal Matters of the PRC.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	23
No. of MLA requests resolved	5
No. of MLA requests pending	17
No. of MLA requests refused	1

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	73
No. of MLA requests resolved	46

No. of MLA requests pending	27
No. of MLA requests refused	0

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Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

In terms of corruption cases, the standard procedure for the preparation of MLA requests is as follows. The local supervision commission which is in charge of corruption case investigation needs to submit their drafted MLA requests to the upper-level supervision authority for check and approval and finally to National Commission of Supervision (NCS). The International Cooperation Department of NCS is in charge of reviewing, modifying and approving the MLA requests to be sent to other jurisdictions.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The procedural requirements for preparing and sending MLA requests are mainly stipulated in the Law on International Mutual Legal Assistance in Criminal Matters of the PRC.

6. Has your country established focal points of contact in central authority⁴ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

⁴ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

Yes, the NCS, the SPP and the MOJ of China have all established focal points of contact to help in proper drafting of MLA requests.

The catalogue of the focal points of contact on the website of the UNODC is a channel for the focal points in China to communicate with their counterparts in other countries. Since the Global Operational Network of Anti-Corruption Law Enforcement Authorities (the UNODC GlobE Network) was established, it has also become an important channel. Foreign counterparts are also able to get the information of contacts from the name-list of UNODC and GLOBE and reach us via bilateral channels.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes, after sending the MLA requests, the focal points of contact in China adopt peer-to-peer outreach with their counterparts in other countries through e-mails, phone calls or video meetings to follow the progress in the MLA requests.

From our practice of MLA cooperation, we find that the major constraint for this approach is that 1) there is still lack of willingness for peer-to-peer contacts in some countries; 2) there is no standard stipulation in other jurisdiction as to what role such peer-to-peer outreach can play, such as what information can be provided, and etc. As a result, the counterpart of other jurisdictions often require official contact/notification before providing any substantial assistance.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

China has been actively participated in the UNODC GlobE Network and the INTERPOL to strengthen multi-jurisdictional cooperation with other countries on corruption case investigation and information sharing.

One major constraint is that some countries are still not members of the UNODC GlobE Network, so it's not possible conduct such cooperation through this channel. We quite often are informed that only official requests through bilateral channels work, but the result is that such requests sent through bilateral channels either provide no response or are refused with obscure reasons.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes, the MOJ of China conducts training programs for central authorities as well as other domestic agencies to enhance the quality of MLA requests.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Yes, China provides training programs to the anti-corruption practitioners of other developing countries every year. One of the topics in these programs is the requirements and procedures of seeking MLA assistance from China.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

China has a variety of cooperation mechanisms for international exchange of information such as FIU to FIU cooperation, police cooperation through INTERPOL, and direct cooperation through the UNODC GlobE Network.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

1. Low efficiency
2. Poor translation of the MLA requests
3. No response from some countries after we send MLA requests

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

1. Low efficiency
2. Lack of willingness to cooperate in some occasions
3. MLA cooperation is susceptible to the influence of other factors such as political factor.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

1. It will be helpful if all the G20 members could join the UNODC GlobE Network.
2. Direct communication between focal points is very important.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

N/A

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

1. To further reach consensus and make commitments bilaterally and multilaterally on making the best use of MLA to enhance law enforcement against corruption.
2. To communicate well before sending the MLA requests.
3. To have direct peer-to-peer contacts to follow up the progress in MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences.(min.300 words)

In a case where a public official committed the crime of embezzlement and bribery and fled to a country in southeastern Asia, China has successful MLA cooperation with that country, as the latter provided information as requested in a timely manner and thus facilitated to the largest extent the whole investigation process.

Key learning: shared commitment to bring corrupt persons back to justice; frank and candid pre-MLA communication and constant interaction during the MLA processing.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

In many cases, after MLA requests are sent to some developed countries, China either get no reply at all or only get a reply of receiving of those requests without any substantial information and assistance followed even after several years. As a result, the whole investigation has to be suspended. Key learning: commitment shall be implemented in an unbiased manner; consensus shall be reached to avoid such delayed response to MLA requests.

Note: *This can include both MLA requests sent or received.*

FRANCE

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Mutual legal assistance in criminal matters in France is provided under article 694 *et seq.* of the Code of Criminal Procedure, in the absence of an international convention with another or other countries stipulating otherwise. The Office for mutual legal assistance in criminal matters within the Ministry of Justice is the competent authority in France to receive and send MLA requests to competent judicial authorities or through diplomatic channel, unless provided otherwise in the applicable Convention. This office also provides legal assistance to judicial authorities for the preparation or the execution of these requests, or when a legal issue arises from a specific situation in mutual legal assistance.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Data provided below pertains to mutual legal assistance between France and States outside of the European Union.

Total no. of MLA requests sent	125
No. of MLA requests resolved	46
No. of MLA requests pending	79
No. of MLA requests refused	-

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Data provided below pertains to mutual legal assistance between France and States outside of the European Union.

Total no. of MLA request received	136
No. of MLA requests resolved	71
No. of MLA requests pending	65
No. of MLA requests refused	-

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

French judicial authorities can exchange with the Office for mutual legal assistance in criminal matters preparing MLA requests and obtain feedback on draft requests, to maximize chances to get prompt responses. They can also address reminders to this Office to get updated information about the progress or eventual fulfilment of a sent request.

Advanced copies can be sent by mail in urgent cases by these judicial authorities or by the Central Authority in order to accelerate the processing of a MLA request.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Office for mutual legal assistance in criminal matters grants resources and guides to the French judicial authorities on specific pages on the Central Authority's online platform that is only available to competent authorities. These information may be about the particulars of mutual legal assistance in specific countries, or about a specific thematic (seizure and forfeiture for example).

6. Has your country established focal points of contact in central authority⁵ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

The contact information of legal officers and chiefs in the Office is available on the above-mentioned platform for French judicial authorities, to help in the proper drafting and preparation of mutual legal assistance requests.

These focal points communicate with their foreign counterparts by e-mail or by mail.

The Office has not encountered specific constraints or barriers in the establishment of these focal points.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

The French judicial authorities and the Central Authority can be regularly in contact regarding the follow-up of a MLA request. Some virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country, with the presence of the Central Authority, can occur if needed in some specific cases.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

⁵ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Office for mutual legal assistance in criminal matters of the French central authority is in regular contact with EUROJUST, UNODC and INTERPOL in order to improve mutual legal assistance in criminal matters and to coordinate such assistance when needed. It is also part of the EJM regarding cooperation between EU Member States.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

No specific program has been undertaken for Central Authority or other domestic agencies to enhance the quality of Mutual Legal Assistance requests.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

No such specific trainings or mentorship programmes exist in France.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

The French FIU, Tracfin, makes extensive use of international cooperation with its foreign counterparts to exchange relevant financial intelligence and related information when necessary for analysis purposes. These exchanges take place in compliance with the principles of confidentiality (i.e., without the FIU mentioning the source of the information), mainly through the Egmont Secure Web (ESW) for FIUs that are members of the Egmont Group, and FIU.net platforms (for European FIUs). FIU.net is a decentralised computer network that connects all 27 EU FIUs, to exchange financial information reported to them, in a timely way and, in line with data protection requirements.

Exchanges with FIUs that are neither part of the EU network of FIUs nor member of the Egmont Group are made via secure networks and after verification of compliance with confidentiality conditions.

In addition, the French FIU, participates in various cooperation networks that provide a basis for comparing its actions and importing any good information exchange practices observed in other countries or entities.

Tracfin also shares its analyses and best practices in the framework of other multilateral forums on subjects within its remit. This is the case, for example, with the FATF, the OECD, the United Nations and the G20. For example, as part of its participation in the OECD Working Group on Bribery, Tracfin shares developments in the service's practices following France's phase 4 evaluation under the OECD Anti-Bribery Convention.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

It is essential to abide by the agreed terms of applicable conventions or agreement for Mutual legal assistance in criminal matters with the requesting/requested country. In this regard, to the execution of sensitive or urgent requests within deadlines or under the specific ways of execution indicated in such requests, as to the specific procedures and delays that can be addressed in Conventions or Agreements.

In the absence of such conventions, the sending or responding to MLA requests can be subjected to specific provisions on mutual legal assistance of the the legislation of the requesting/requested country.

In some specific cases, and per the legislation of the requesting/requested country, if it appears that the death penalty or the penalty of imprisonment with work is a sentence available against the suspected or accused person in a case for which the mutual legal assistance is requested, or that the elements forwarded by the French judicial authorities in the context of mutual legal assistance could lead to the execution of these sentences, the French Central Authority can ask for guarantees from the requesting country in order to ensure that such a sentence would not be pronounced, in view of the French law, the French Constitution and international commitments of France.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

G20 ACWG is characterized by a diversity of legal systems of the represented countries, either from Common Law or Civil Law traditions. G20 ACWG is therefore be an ideal forum to exchange on good practices and specificities of each system in the area of mutual legal assistance in criminal matters, especially on corruption cases and potential seizures.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 ACWG can provide opportunities to exchange contacts and addresses between competent authorities, which could improve direct lines of communications and ease cooperation where needed.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The Central Authority of France is working on a project of a new software for the administration of MLA requests sent and received by the Office of mutual legal assistance in criminal matters.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Transmissions of advanced copies of MLA requests and communications by email between the competent authorities is a useful and effective way to reduce response time in the execution of MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Among the most recent requests for international mutual assistance in criminal matters relating to bribery of foreign public officials executed by the National Financial Prosecutor's Office are the following:

- A European investigation decision concerning aggravated active bribery received on January 2023 and returned with execution documents on May 2023;
- A request for mutual assistance concerning bribery of foreign public officials, received on January 2023 and returned with execution documents on May 2023;
- A request for mutual assistance concerning money laundering, corruption and fraud through abuse of position, received on August 2022, with an initial partial return of the execution documents on December 2022, followed by a complete return of the execution documents and exhibits on January 2023.

These three requests were executed within 4 to 5 months, which testifies to the deep involvement and efficiency of the National Financial Prosecutor's Office in processing them.

Travel authorizations of the judicial authority who delivered the request can help facilitate the processing of MLA requests in corruption cases in a timely and effective manner. Seizure of assets resulting from corruption has also represented in some cases an effective way to implement mutual legal assistance in criminal matters, when requested.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Mechanisms for asset seizure could be developed further and improved, as well as the formulation and precise drafting of requests asking for such seizures, in cases where a link of causality between the crime and the relevant asset needs to be established. These necessary clarifications can delay the execution of a request in a corruption case, for instance. A clear and complete formulation or translation of these requests can greatly accelerate cooperation in these matters.

Note: This can include both MLA requests sent or received.

GERMANY

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Germany can provide mutual legal assistance either based on a treaty/convention or on a non-treaty basis under the Act on International Cooperation in Criminal Matters (IRG).

Provided the essential principles of German law are not violated, the national law of the Federal Republic of Germany allows for execution of incoming requests for legal assistance without bilateral or multilateral agreements having been made under international law. This applies to mutual legal assistance (requests for the examining of witnesses, requests for the seizure and surrender of documents, requests for information, requests for the provision of files, and requests for the seizure and surrender of money, etc) as well as extradition requests, requests for transit and requests for taking over the enforcement of sentences. Extradition requests may only be executed on the basis of reciprocity.

Requests from foreign authorities are subject to the same procedural requirements as those that apply to a German criminal investigation. This means that, for example, there is no distinction under procedural law whether the hearing of a witness is conducted on the basis of a foreign request or in the context of a national criminal investigation.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	no data available
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	no data available
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

Procedures for incoming requests:

As soon as a request for legal assistance is received from a foreign authority through a prescribed channel, it is prioritised and dealt with quickly and effectively to the extent that is legally permissible. Numbers 16 et seqq. of the Guidelines on Relations with Foreign Countries in Criminal Matters (RiVAST) govern the handling of incoming requests. Number 19 (1) of the Guidelines stipulates that incoming requests are to be handled without delay.

The requested authority initially records incoming requests for legal assistance electronically. The status of proceedings is recorded in an online system, so that it can be checked at any time by the competent public prosecution offices by entering either the file number or personal data.

Cases which require special secrecy are recorded under "full protection", so that they can be viewed and researched only by persons who are specifically authorised to do so.

If an authority that is not competent receives a request, it forwards the request to the competent authority and informs the requesting authority accordingly (see also no 17 (2) of the Guidelines on Relations with Foreign Countries in Criminal Matters (RiVAST)).

Procedures for outgoing requests:

If a request for legal assistance is made, the request is sent in the original to the foreign authority which is competent to provide the requested legal assistance. Each request describes the requested action precisely and provides sufficient information about the relevant proceedings. Rules on outgoing requests are contained in sections 68 et seqq. of the Act on International Cooperation in Criminal Matters (IRG), as supplemented by nos 25 et seqq. and 114 et seqq. of the Guidelines on Relations with Foreign Countries in Criminal Matters (RiVAST)).

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Guidelines on Relations with Foreign Countries in Criminal Matters (RiVAST) are national guidelines for dealing with incoming and outgoing requests for legal assistance and are intended to facilitate and standardise work. The Guidelines contain a country section with country-specific information. They are available online on the Federal Ministry of Justice (BMJ's) website.

6. Has your country established focal points of contact in central authority⁶ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

⁶ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

Notwithstanding the role of the Federal Foreign Office (AA; for diplomatic channels) and the judicial authorities of the Länder (direct channels), international mutual legal assistance falls within the responsibility of the Federal Office of Justice (BfJ), which acts as the central contact point.

Certain country-specific competences have been assigned within the Federal Office of Justice. In serious cases, it is advisable to contact the Federal Office of Justice before submitting a request for legal assistance. The request will then be forwarded to the member of staff competent for the country in question in order to examine the possibility of providing the requested assistance. However, this examination is not carried out by a contact point set up specifically for preliminary examinations.

Depending on the type of cooperation the BfJ is explicitly named as the competent authority, e.g. in the document "directory of competent national authorities" by the UNODC. Similar lists exist in the framework of certain international networks, which are accessible for the member states. Responsible for the respective list always is a central authority, e.g. the network secretariat.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

There is no specific follow-up to a request for mutual legal assistance in proactive pursuit of cases. However, communication between central authorities and focal points is generally well-established, which makes informal follow-up questions possible.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Federal Office of Justice (BfJ) and the Federal Criminal Police Office (BKA) are active in several networks, such as the EU network of Asset Recovery Offices (ARO) network, the global Camden Asset Recovery Inter-Agency Network (CARIN) and the JITs network; in addition, the Federal Criminal Police Office also cooperates within the Interpol framework.

The ARO network and the JITs network provide an opportunity to explore the current legal developments at the European level while at the same time discussing national perspectives and problems.

The CARIN network serves primarily as a communication forum that offers the possibility of an informal exchange, especially on legal issues. The creation of relevant contact points at the Federal Office of Justice and the Federal Criminal Police Office ensures a fast, effective and regular exchange of information.

Regular exchanges also take place on legal issues in the context of ongoing cooperation and annual network meetings; during these exchanges, best practices can be identified and then incorporated into national case management.

The CARIN and ARO networks in particular help to promote effectiveness in the area of asset tracing. The exchange of information then generally takes place at police level – as far as this is legally possible.

The exchange within the framework of these networks is fruitful and productive, we do not encounter any barriers or constraints.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Every two years, legal assistance experts from the Federation and the Länder exchange views on questions of mutual legal assistance in criminal matters during an intensive three-day conference. At these conferences, they discuss general issues and best practices. The participants at the conference include representatives from the Federal Ministry of Justice (BMJ), Länder justice ministries, the Federal Foreign Office (AA), the Federal Office of Justice (BfJ) and the Federal Prosecutor General (GBA), the German member of Eurojust and the German liaison officer in Paris. Ad hoc meetings are also held between

the Federation and the Länder to discuss issues relating to mutual legal assistance.

The Federal Prosecutor General (GBA) meets with the public prosecutor generals of the Länder twice each year for working sessions to exchange views on specific issues concerning prosecution, including mutual legal assistance in criminal matters, and to develop uniform best practices throughout Germany. Representatives from the highest public prosecution offices in neighbouring EU member states and Switzerland also regularly attend these meetings. Issues relating to money laundering and terrorist financing are regularly on the agenda.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Germany's technical assistance in the field of mutual legal assistance is multifaceted. The GIZ Global Program “**Combating Illicit Financial Flows**” (**GP IFF**), financed by the Ministry for Economic Cooperation and Development (BMZ) and co-financed by the Norwegian Ministry of Foreign Affairs, is working on many activities directly related to mutual legal assistance.

These include among others:

- GP IFF supported the strengthening of capacities in money laundering and asset recovery of the Office of International Judicial Cooperation and Extraditions of the Prosecutor Office of **Peru**.
- In **Senegal**, the program implemented a training for the asset recovery office, judges, clerks and police officers, FIU analysts and customs on the new system of seizure and confiscation including the systemized use of international mutual assistance in criminal investigations.
- In the **Western Balkans**, GP IFF facilitated the exchange of information about regional cases under investigation for the FIU directors of the six Western Balkan countries. The program also promoted the drafting of the training curricula for the Judicial Academies in the Western Balkan, which included mutual legal assistance matters and is now also used for cascade trainings of judges and prosecutors.
- The program, in cooperation with **MENAFATF** and **UNODC**, held a regional workshop on “International Cooperation, MLA and Asset Recovery”, hosted by the Kingdom of Bahrain in Manama, from 4 to 6 December 2022.
- GP IFF is also working with its partner **Asset Recovery Inter-agency networks (ARINs)**, namely RRAG, ARIN-WA and ARIN-EA to strengthen their capacities and to overcome challenges in mutual legal assistance. To promote global

exchange on the topic, GP IFF in 2021 started organizing “ARINs’ Talks” where ARINs, but also other stakeholders, come together to share best practices.

Besides the activities of GIZ the IRZ (Deutsche Stiftung für internationalrechtlicheZusammenarbeit) initiated different projects and workshops as the following:

Ukraine, Moldova Georgia: Study tour on fight against (international) corruption/ money laundering/asset recovery for a delegation of Ukraine, the Republic of Moldova and Georgia (2023). Participants from: Ministry of Justice of Ukraine, National Anticorruption Bureau of Ukraine (NABU), Specialised Anti-Corruption Prosecutor’s Office of Ukraine (SAPO) and Legal Committee of the Parliament of the Republic of Moldova, Ministry of Justice of Moldova, National Anticorruption Centre of Moldova, Anti-Corruption Prosecutor’s Office of Moldova.

Study Visit of a Delegation of the General Prosecutor’s Office and the Ministry of Justice of Ukraine on International Criminal Law and Investigation of War Crimes, Berlin (Federal Ministry of Justice, in cooperation with Federal Prosecutor’s Office), with the topic (among others) International Cooperation in International Criminal war in the investigation of war crimes (2023). Workshops during the 1. German-Georgian Legal Forum in Tiflis (Georgia) on legal assistance in criminal matters (2023)

Jordan and Albania: Exchange of experiences on international legal assistance in criminal matters in cooperation with the Jordanian Ministry of Justice in Jordan (2020) and with the Albanian Supreme Court in Albania (2022)

Uzbekistan, Vietnam: Regular exchange with the Prosecutor General’s Office of the Republic of Uzbekistan and the Supreme People’s Procuracy of S.R Vietnam on international legal assistance in criminal matters

Kosovo: Legal commentaries on bilateral mutual legal assistance treaties in cooperation with the Ministry of Justice of the Republic of Kosovo. Since 2019, assisting the Ministry of Justice of the Republic of Kosovo with legal commentary, translation and printing of bilateral mutual legal assistance treaties in criminal matters, involving, among others, Germany, Albania, Croatia, Hungary, Italy, Macedonia, Turkey, and Switzerland.

Bosnia and Herzegovina: Conference on the role of notaries in preventing (international) money laundering and in combating the financing of terrorism, and the relevant cooperation with other relevant stakeholders”, jointly organised by the Chamber of Notaries of the Federation of Bosnia and Herzegovina, the German Federal Chamber of Notaries (BNotK) and the IRZ

under participation of the President of the International Union of Notaries (UINL), Lionel Gallie (2023)

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Financial investigations (such as the retrieval of account information) are a regular and major subject of information sharing. Eurojust, the European Judicial Network (EJN) contact point and other regional networks regularly facilitate this process. In coordination meetings, the police investigators regularly also take part to ensure ongoing personal contacts which are important for a close cooperation between judicial and police authorities.

Pursuant to Article 7 of the EU Convention on Mutual Assistance in Criminal Matters, section 61a of the Act on International Cooperation in Criminal Matters (IRG) expressly permits transmissions of data without a previous request (called "spontaneous exchanges of information") for mutual legal assistance on a non-treaty basis. According to this provision, public prosecution offices and courts may in specific circumstances also transmit personal data from criminal proceedings to public authorities of other states and to interstate and supranational authorities without a prior request by the latter in order to facilitate criminal prosecutions in the receiving states or to avert threats. Spontaneous exchanges of information with EU member states and Schengen-associated states are governed by section 92c of the Act on International Cooperation in Criminal Matters (IRG), which lays down simpler requirements than those stipulated in section 61a of the Act on International Cooperation in Criminal Matters (IRG) and also permits spontaneous information exchanges by police authorities.

In cross-border cases, German public prosecution offices and courts make particular use of the support provided by international agencies and organisations such as Interpol, Europol, Eurojust and the EJN. The latter two of these institutions, namely Eurojust and the EJN, are especially important for German law enforcement authorities. The German desk at Eurojust is the operational unit that has been in greatest demand from both German law enforcement authorities and authorities from other EU member states in recent years.

The Federal Criminal Police Office (BKA) coordinates international exchanges of information in its capacity as a central agency. In addition to this

conventional channel of communication via the BKA, Germany has been using the Secure Information Exchange Network Application (SIENA) since 2016. SIENA enables the Federal Police (BPOL) and the Land Criminal Police Offices (LKAs) to exchange police information directly with EU member states, Europol and non-EU countries which are connected to SIENA, and this expedites operations considerably.

Europol provides important information processing services, including operational analysis projects (APs) and the Europol Information System (EIS). Germany participates in APs. Their aim is to collect, store, process and assess information in order to support criminal investigations and their evaluation. Information can be transmitted in a structured manner via SIENA. EIS is a pan-European database providing immediate access to police information on persons or cases under investigation within Europol's jurisdiction. Germany transmits information to EIS automatically from national source files.

The FIU regularly receives incoming requests from its foreign partner authorities. The relevant unit performs an initial assessment of the requests, and prioritises them on the basis of an applied, risk-based approach, on the same day. The urgency with which they are processed may depend, for example, on whether they mention criminal procedural measures pending abroad and any related urgent measures to be carried out in Germany, or the involvement of a high-risk country, underlying predicate offences or large transactions. If the requesting authority labels a request as particularly urgent, it is given priority.

The FIU's process for analysing incoming requests begins by checking the completeness of the data resulting from the incoming request to ensure that the available information and intelligence can be stored in the FIU's goAML IT system in a fully structured and therefore searchable manner. goAML is a software solution which was developed by United Nations Office on Drugs and Crime (UNODC) specifically for use by FIUs and has been customised to meet the German FIU's requirements.

Loading the transmitted information into the goAML database pools this information with the information which the FIU already had. This enables the FIU to compare all available information (of both national and international origin), including any information from suspicious transaction reports, from domestic and international incoming and outgoing requests, and from any other international exchanges of information.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

In the case of particularly urgent MLA requests, the communication channels to be used and the means of transmission (still largely by post) may make it impossible to transmit the request in time.

In addition, the very high level of data protection within the European Union's legal regime may lead to conflicts with the level of data protection in third countries.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

A Facilitation of international cooperation in mutual legal assistance would be the establishment of a common minimum standard regarding data privacy in the process of information transmission.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

no comments

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

no comments

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Time-consuming queries can be avoided through, for example, higher quality in the translation of requests for legal assistance. In the case of particularly urgent requests for legal assistance, advance transmission via secure channels would be conceivable.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

no comment

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

no comment

Note: This can include both MLA requests sent or received.

INDIA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

India provides Mutual Legal Assistance in criminal matters on the basis of Bilateral Treaties/Agreements, Multilateral Treaties/Agreements or International Conventions, as applicable or on the basis of Assurance of Reciprocity. India has signed Mutual Legal Assistance Treaties/Agreements with 45 countries, out of which 40 have been ratified and are in force.

Ministry of Home Affairs (MHA) is the designated Central Authority of India for International Cooperation through Mutual Legal Assistance in criminal matters. MHA has issued comprehensive guidelines dated 4th December, 2019 in respect of procedures to be followed for Mutual Legal Assistance. The Central Authority of India has in December, 2022 launched a portal for digital management of incoming and outgoing MLA requests and to streamline the process. The web link for the said portal is an detailed below:-
<https://mlat.mha.gov.in/>
MHA guidelines is also available on this portal.

The Central Authority (MHA) transmits and receives all requests for assistance either directly or through diplomatic channels. A formal request for mutual legal assistance is received by the Central Authority i.e. MHA which examines whether the request is complete and fit to be executed in India. In case the request is found to be fit, the Central Authority sends it for execution through Assistant Director (International Police Cooperation Cell), Central Bureau of Investigation to the Liaison Officers of States/UTs or the Law Enforcement Agency concerned.

The Criminal Procedure Code, 1973 (Cr.P.C.), the Prevention of Money Laundering Act, 2002 and the Fugitive Economic Offenders Act, 2018 provide the legal basis for Mutual Legal Assistance. The relevant provision of Cr.P.C. include section 105 (Reciprocal arrangements regarding processes) and section 166A&166B. Further, Chapter – VIIA of the Cr.P.C. containing sections 105A to 105L is a self-contained code for providing a wide range of assistance.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	253
No. of MLA requests resolved	24
No. of MLA requests pending	226
No. of MLA requests refused	03

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	28
No. of MLA requests resolved	27
No. of MLA requests pending	00
No. of MLA requests refused	01

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

The **Outgoing MLA requests** are prepared by the investigation agency and forwarded to Central Authority of India for concurrence before getting it issued from the Judicial authorities, if required. The Central Authority i.e. MHA has launched an online portal for this purpose. Each law enforcement agencies have appointed Liaison Officers; Controlling Officers and as many as required Initiating Officer (IOs) and they have been given access to online MLAT portal for processing MLA request. IO prepares the draft and submits the same to Controlling Officer for approval. The draft is examined internally and

subsequently forwarded to the Central Authority through concerned Liaison Officer on online MLAT portal. The Central Authority examines the same and takes further suitable action in form of concurrence/comments, etc.

The request is submitted before competent judicial authorities after receipt of concurrence if Law Enforcement Authorities intend to send Letters Rogatory (LR). Once, a LR is issued, it is sent to foreign authorities through diplomatic channels by International Police Cooperation Cell (IPCC) of Central Bureau of Investigation (CBI). All other MLA based requests are sent directly by MHA to the central authority of country concerned.

Law Enforcement Agencies like CBI have issued Standard Operation Procedure for guidance of officials for preparation of requests.

Following is the flow chart for preparing the MLA requests in India:

With regard to **Incoming MLA Requests**, the Requests made to India are required to be sent to the Central Authority i.e. Ministry of Home Affairs either directly or through diplomatic channels.

The Central Authority examines whether the request is complete and fit to be executed. The Central Authority may take the assistance of Ministry of External Affairs and relevant authorities of other Law Enforcement Agencies for the purpose of examination of an Incoming MLA Request.

In case the request is found to be fit for execution, the Central Authority sends it for execution through Assistant Director, International Police Cooperation Cell (IPCC), CBI to the Liaison Officers of State/UTs or the law enforcement agency concerned. MHA has also launched online MLAT portal for this purpose. Whenever, the Central Authority of India decides that the request should be refused or postponed or need further clarification for the execution, it promptly intimates the same to the Requesting Country.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

A comprehensive guideline has been issued by Central Authority of India on procedures to be followed on mutual legal assistance in criminal matters including on how to handle the incoming requests received from foreign countries which is available in the public domain.

The Central Authority of India has in December, 2022 launched a portal for digital management of incoming and outgoing MLA requests and to streamline the process (link below):-

<https://mlat.mha.gov.in/>

MHA guideline is also available on this portal.

6. Has your country established focal points of contact in central authority⁷ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Yes. The Central Authority of India for Mutual Legal Assistance in criminal matters is the Ministry of Home Affairs which is designated as the 'Central Point of Contact'. In this regard, comprehensive guidelines has been issued by MHA, which provide step by step process for processing the MLA requests in India. Contact details of Central Authority has also been provided in these guidelines. Central Authority of India has been coordinating with their counterparts in foreign jurisdiction by way of organizing video conference and in person visits. As such, there has been no barrier in establishing focal point of contact for MLA requests.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes. Concerned Indian Embassies/High Commissions regularly pursue the Indian MLA Requests on behalf of Central Authority of India for its timely execution. Besides, MHA and CBI from time to time and as per the request of Law Enforcement Agency concerned organizes video conference with the Central Authority of foreign counterpart. In-person visits for bilateral consultations have also been done for expediting the execution of pending MLA requests.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODCGlobE Network, INTERPOL,

⁷For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

India is one of the oldest member of INTERPOL. The channel of INTERPOL is quite useful in exchange of information securely. The various tools of INTERPOL such as Notices system helps in locating fugitive criminals, collection of information, dissemination of modus operandi and warning. There is direct connectivity with Law Enforcement Agencies of other member countries through secure communication channel.

UNODC GlobE Network is a newly formed network of anti-corruption authorities for cooperation. There are avenues for significant cooperation in tracing and uncovering of corruption cases through this network.

India is one of the members of ARIN/CARIN which is an inter-agency network for exchange of information. CARIN facilitates informal exchange of information in the field of asset tracing, freezing, seizure and confiscation to deprive criminal of their illicit assets. ARIN is used for exchange of intelligence/information on individuals, companies and assets at the international level for facilitating recovery of proceeds of crime.

Besides, different agencies cooperate with their foreign counterparts through agency specific networks.

Some of the constrains in using these networks are complex International police cooperation mechanisms; differing legal systems (including definition of crimes and rule for evidence), different languages, different privacy laws, separation of tasks between law enforcement and judicial services, etc.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes. The Central Authority in collaboration with CBI conducts regular training programs for various Law Enforcement Agencies to enhance the quality of Mutual Legal Assistance Requests.

India has various police training institutions located in different parts of the country covering entire geographical jurisdiction of India. Some of the premier institutions are Sardar Vallabhbhai Patel National Police Academy, CBI Academy, Central Academy for Police Training and Bureau of Police Research and Development which organize regular training programmes on topic of International Police Cooperation for the law enforcement officers.

Besides, foreign counterparts have also been invited to arrange training programmes for Indian Law Enforcement Officers, such as USDOJ, UNODC who have conducted workshops in India on these issues for the Central Authorities and the Indian Law Enforcement Authorities.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

CBI Academy is one of the premier police training institutions of India. Besides providing training on specialized topics to Indian Law Enforcement Officers, it also caters to the needs of Law Enforcement Agencies of foreign countries including SAARC, ASEAN, South East Asia, West Asia and African Countries. The CBI Academy offers about 186 specialized courses and has trained 1068 international law enforcement personnel from 36 countries between 2012-2019.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

India is a member of the Egmont Group since 2007 and is exchanging information with foreign FIUs on the Egmont Secure Web.

India has a wide variety of tax treaties viz. Double Taxation Avoidance Agreements (DTAAs), Tax Information Exchange Agreements (TIEAs), Multilateral Convention on Mutual Administrative Assistance in Tax Matter (MAAC) etc for providing exchange of information with foreign jurisdictions.

India is a member of the IOSCO Board (International Organization of Securities Commission) which comprises of 34 securities regulators.

The Customs Mutual Assistance Agreements (CMAAs) enable exchange of domestically available information with foreign counterparts for intelligence and investigative purposes.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

The evolution of processes and capacity building have led to better understanding and execution of MLA request. However few challenges are being faced:

- i. Incomplete information about Central Authorities or Contact details of the officers of Executing Agency.
- ii. Providing of incomplete details of bank accounts, accused persons/witnesses etc resulting in non-execution of requests.
- iii. The format of MLA requests differs from country to country
- iv. Different Legal System with varying interpretation.
- v. The different evidentiary standards recognized by different jurisdiction.
- vi. Lack of pre-MLA consultation prior to a formal request.
- vii. Lack of direct communication between the Executing Agency and the Requesting Agency.
- viii. Multiple channels in processing of a Request results in loss of information.
- ix. The preservation of volatile data.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20ACWG can address these issues?

There is scope for improvement in police to police cooperation prior to making MLA requests seeking international cooperation. Entities such as UNODC has recognized the importance of informal cooperation. MLA requests needs to be supported with sufficient information that evidence is located in the requested jurisdiction. This require prior police to police cooperation to collect relevant information beforehand for drafting a meaningful MLA request. G20ACWG has also recognized this and approved High Level Principle on Strengthening Law Enforcement related International Cooperation and Information Sharing for Combating Corruption. The G20ACWG can address the issue to encourage Mutual Legal Assistance Treaties among countries for mutual cooperation for exchange of information in case of transnational crimes.

G20 can promote acceptance of evidence provided through digital/electronic means.

G20 platform can promote execution of Requests made for restraining of assets. It can also encourage execution of requests related to provisional attachment and confiscation of assets by putting a system in place for time bound execution.

- 14.** Please provide your views on how the G20ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

There are already various networks which can be utilized for informal cooperation. Some of these are GlobE Network, INTERPOL, CARIN, regional ARINs and the Egmont Group.

G20ACWG can take steps to build trust amongst the relevant authorities of different jurisdiction by way of regular interactions and capacity building programmes. These programmes can be organized by presidency of G20 as appropriate.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

A MLAT portal has been launched by MHA for speedy processing of LR/MLA Requests. Through this portal all police authorities are connected/linked. We are trying to connect the foreign authorities with this portal to ensure real time transfer of data and information. It will be certainly helpful in ascertaining requisite assistance in time bound manner.

CBI has developed a Standard Operating Procedure for Execution of Incoming request as well as for drafting Outgoing Requests. Such codified guidelines mandating reasonably standard procedure for drafting of Outgoing/execution of Incoming Requests make the efforts focused and precise.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

- i. Regular mutual consultation amongst the Central Authorities.
- ii. Direct communication between the Investigation Agency and Executing Agency (Agency to Agency cooperation).
- iii. Pre MLA consultation before formal request.
- iv. Mechanism for prioritization of MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences (min.300 words).

In the year 2010-2011, allegations surfaced against M/s AA, that they have bribed the officials of a country to get favour from the Govt. of that Country. With the change of management, audit of accounts of M/s AA was conducted by a Law Firm which revealed that the company had bribed Indian Officials too. The Police indicted M/s AA on the aforesaid allegations in 2014-2015.

Media reports in this regard revealed that M/s AA had paid 01 million USD in the year 2007 to Mr. XX, an Indian Public Servant in the Ministry of Chemicals and Fertilizers and Nominee Director of a leading India fertilizer producing Cooperative Society in which Government of India has equity holding, to ensure favour for entering into a Joint Venture and set up its unit in India. The Bribe money was received in accounts of offshore entity and thereafter routed to India.

On the basis of these reports, a case was registered in CBI in 2015. During investigation, LR was issued to the foreign counter part for scrutiny of Bank Accounts of M/s AA. The execution report revealed that the bribe money was routed through M/s BB and finally reached in the account of M/s CC at Delhi.

In order to ascertain the proprietorship of M/s BB, LR was issued to foreign counter part. The execution report revealed that M/s BB was controlled by a Trust, registered with a country in Carribean Island. Accordingly, LR was issued to foreign counterpart and it was revealed that a Trust was formed by family members including wife of Mr. XX (Indian Officer) being beneficiaries. The residential address shown by the beneficiaries in the form submitted for creation of Trust was of official residential address of Mr. XX, an Indian Public Servant.

Information revealed that Mr. XX had communicated with officials of M/s AA for the aforesaid bribe payment through his Europe based e-mail ID.

LR was issued to a European Country and its execution revealed that the Indian Cooperative Society through Mr. XX and M/s AA entered into discussion to form Joint Venture in India. The Official notes and deliberations shared by Mr. XX with M/s AA through email were obtained. It also revealed that Hotel was arranged by Mr. XX for the officials of M/s AA for having official meetings with Mr. XX in Delhi.

In this case LRs were timely and effectively executed which resulted in charge sheet against the accused Public Servant Mr. XX.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

In a criminal case of Indian Law Enforcement Agency CBI, a Request for Mutual Legal Assistance (Letters Rogatory) was made to the foreign counterpart on 27.07.2015 requesting to provide the whereabouts including other details of a suspect. The Request was returned on 31.03.2016 after lapse of a period of 06 months without any action seeking clarifications such as requirement of original copy of application in English, translated copy in country's language duly sealed by the Central Authority of India, additional copy of translation and definition of related laws pertaining to the case.

Accordingly, a fresh Request was made on 07.06.2017 after attending to the requirements. However, the Request was again returned on 25.09.2017 without any action due to minor technical requirements such as lack of seal and sign of competent authorities on the English copy of the Request.

The requirements were again attended and a fresh Request was made on 13.05.2019 but the Request was once again returned on 28.11.2019 without any action and more clarifications were sought.

In this matter, it is evident that despite all the requirements of the Requested Country were attended to, the Request made by India was time and again returned without any action. The undue delay is affecting the case adversely.

Note: This can include both MLA requests sent or received.

INDONESIA

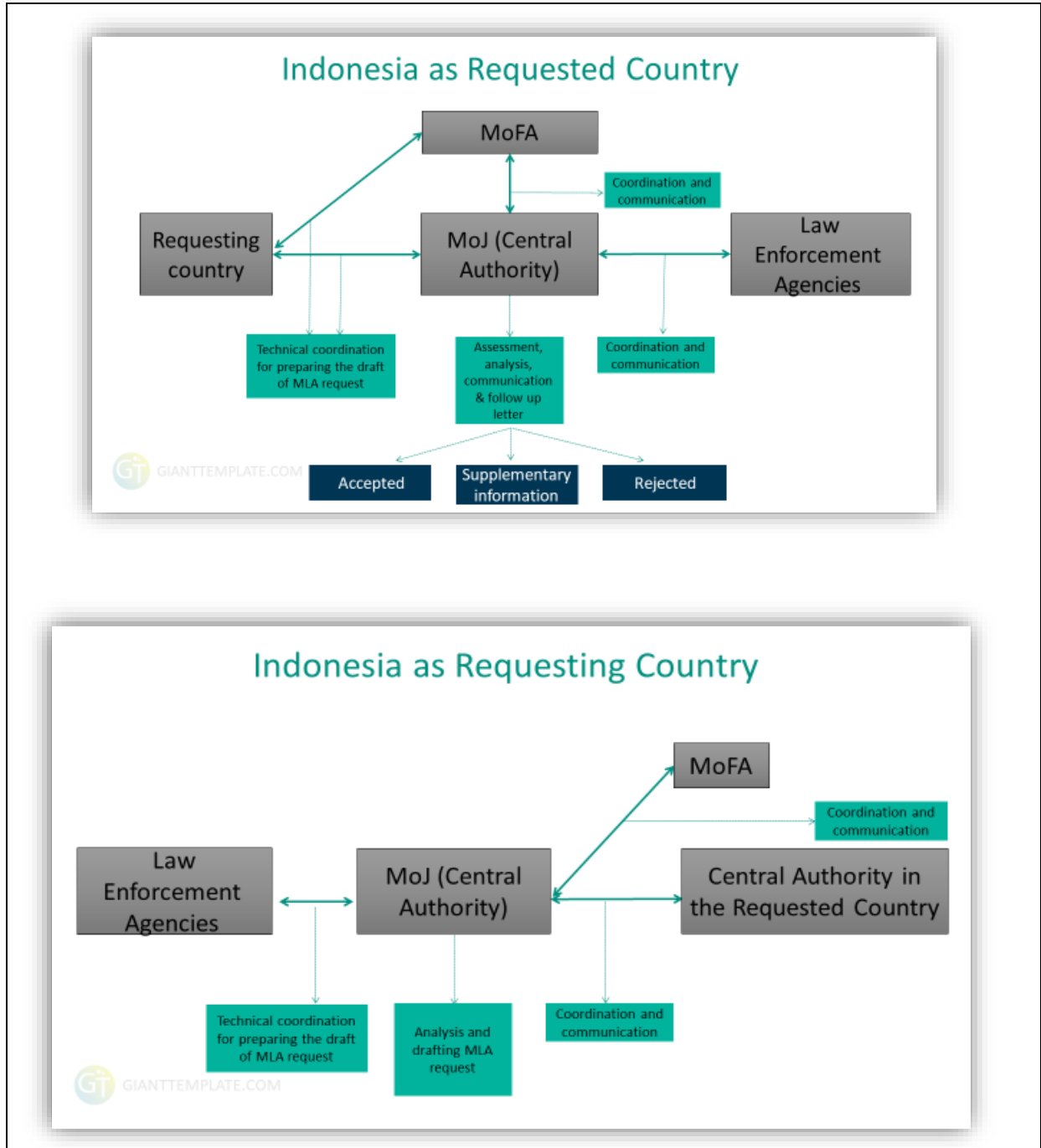
1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Minister of Law and Human Rights of the Republic of Indonesia is mandated by Law No.1 Year 2006 on Mutual Legal Assistance in Criminal Matters as the Central Authority for cooperation on MLA of the Republic of Indonesia. This cooperation provides assistance for law enforcement agencies to their legal process involving multi-jurisdiction.

Directorate of Central Authority and International Law under the Directorate General of Legal Administrative Affairs is managed to execute the MLA requests in the technical level by coordinating with the competent authorities.

The legal basis for MLA cooperation in Indonesia:

1. Indonesian Criminal Code
2. Law No. 8 Year 1981 on the Law of Criminal Procedure
3. Law No. 1 Year 2006 on Mutual Legal Assistance in Criminal Matters
4. Law No. 8 Year 2010 on Countermeasure and Eradication of Money Laundering
5. Law No. 19 Year 2019 on Amendment to Law No.31 Year 1999 and No. 20 Year 2001 on Corruption Eradication
6. Law No. 35 Year 2009 on Narcotics
7. Law No. 5 Year 2018 on Amendment to Law No.15 Year 2003 on Eradication of the Criminal Act of Terrorism
8. Law No.11 Year 2008 on Electronic Information and Transactions
9. Minister of Law and Human Rights Regulation regarding Guidelines on MLA Handling
10. Supreme Court Regulation no 1 year 2013 regarding guidelines on handling asset in money laundering and other crime
11. Bank of Indonesia Regulation no 2/19/PBI/2000 on requirements and guidelines on order to open bank secrecy
12. United Nations Convention Against Transnational Organized Crime
13. United Nation Convention Against Corruption
14. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances



2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	12
No. of MLA requests resolved	3

No. of MLA requests pending	9
No. of MLA requests refused	0

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

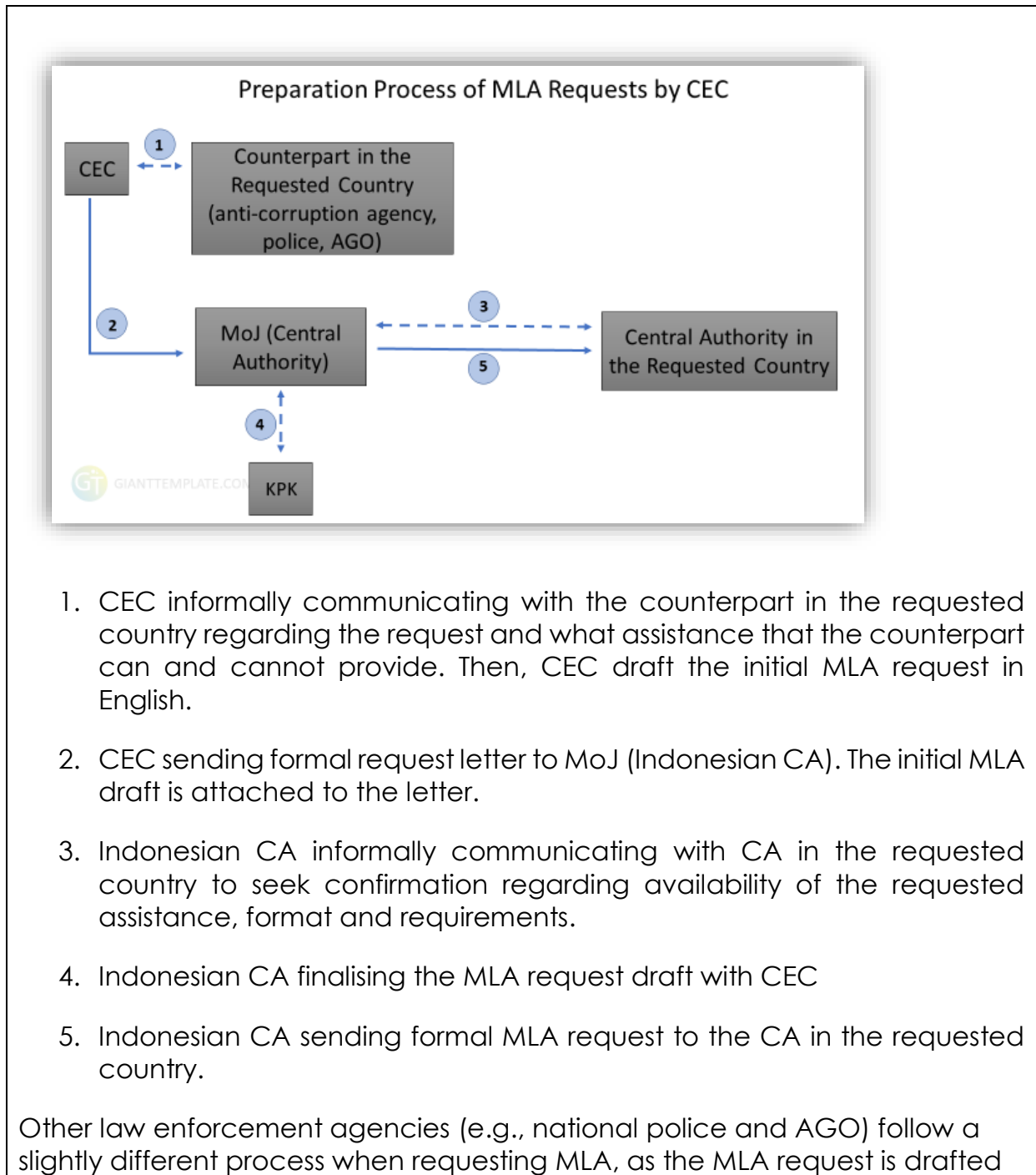
3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	8
No. of MLA requests resolved	3
No. of MLA requests pending	5
No. of MLA requests refused	0

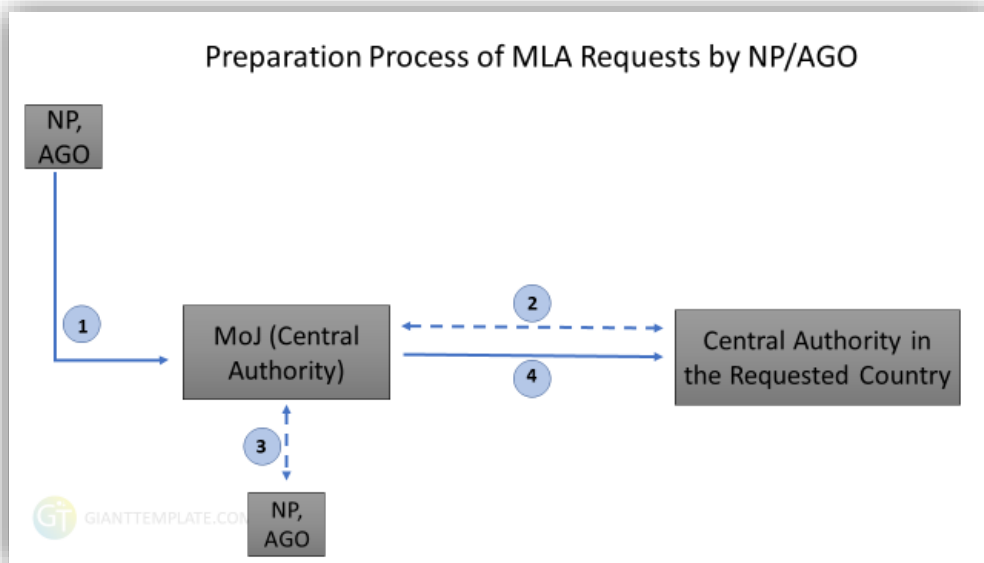
Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

The preparation of the MLA request involves two main types of communication. That is formal communication (formal letter between agencies/CAs) and informal communication (emails, phonecalls, meetings, etc).



by the CA.



- (1). NP/AGO sending formal request letter to MoJ (Indonesian CA).
- (2). Indonesian CA drafting the MLA request while informally communicating with CA in the requested country to seek confirmation regarding availability of the requested assistance, format and requirements.
- (3). Indonesian CA finalising the MLA draft with CEC with NP/AGO
- (4). Indonesian CA sending the formal MLA request to CA in the requested country

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

<https://centralauthority.kemenkumham.go.id/mutual-legal-assistance-in-criminal-matters>

The website contains information regarding the procedure for MLA requests to and from Indonesia, including guidelines, a flowchart, and specific requirements. Additionally, a template/model form of the Mutual Legal Assistance Request Letter is provided as a downloadable file.

A printed guidelines book for requesting MLA is also available, but it is only provided in Indonesian language since it was designed for domestic use.

6. Has your country established focal points of contact in central authority⁸ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Yes. Indonesia has successfully established focal points of contact (POC) within its central authority. These POCs actively engage in casework meetings and maintain informal communication with their counterparts in other countries.

The establishment of these focal points encountered no constraints or barriers, ensuring smooth collaboration and effective communication channels.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes, the Indonesian CA initiates casework meetings with the CA in the requested country following the submission of the MLA request. These meetings involve relevant authorities, including the CAs of both countries, the originating agency in Indonesia, and the competent authority in the requested country.

Challenges:

1. Scheduling the meeting poses a challenge as it involves officials from multiple agencies.

2. The domestic administrative process can be time-consuming when the casework meeting is held abroad.

3. Language barrier:

⁸ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

- The discussions in casework meetings are technical and detailed, requiring investigators from the originating agency and competent authority to have a certain level of proficiency in understanding and speaking English. However, some individuals may lack this proficiency.
- Additionally, when the requested country requires translation of certain documents into their native language (non-English), it further prolongs the communication process.

Note: *‘proactive pursuit of cases’ includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.*

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of C you have encountered (if any) in the use of these networks. (200 words)

In facilitating or seeking facilitation for multi-jurisdictional cooperation in corruption case investigations, Indonesian Law Enforcement Agencies and the Central Authority utilize various networks and platforms. These include the INTERPOL network, which supports extradition, arrest, and repatriation of fugitives, with its 24/7 platform featuring the red notice functionality. The International Anti-Corruption Coordination Centre (IACCC) is used for seeking information related to corruption cases. The Egmont Group enables Financial Intelligence Units (FIUs) to exchange crucial financial intelligence information. The SE Asia Justice Network (SEAJust) serves as a platform for the Central Authority to maintain communication and networking with counterparts from other countries, ensuring updated contact points. Additionally, the Criminal Justice Forum for Asia Pacific (CrimAP) and other networks also play a crucial role in networking and information exchange.

These networks greatly assist the Central Authority and law enforcement agencies in Indonesia in maintaining effective communication and obtaining updated contact information from their counterparts. Establishing reliable points of contact is of utmost importance in facilitating the preparation of MLA requests. It is worth noting that there are no constraints or barriers encountered in utilizing these networks.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

CEC Indonesia has actively organized multiple capacity building programs and in-house training sessions for its officers and other law enforcement agencies. The Indonesian Central Authority (CA) conducts annual capacity building programs at the sub-national level, inviting participants from academia and local law enforcement officers. These programs include a dedicated focus on MLA and incorporate MLA-related topics into their curriculum.

Furthermore, personnel within the CA who possess experience in handling MLA requests frequently serve as resource persons for various training sessions on MLA in law enforcement agencies. This collaborative approach ensures knowledge sharing and enhances the expertise of officers involved in MLA processes.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Providing Capacity Building:

- In 2019, the Ministry of Law and Human Rights, as the CA of Indonesia, organized a Joint Capacity Building and Training program between the Republic of Indonesia and Lao People's Democratic Republic. The program took place in Indonesia and involved participants from relevant institutions of both countries.

Seeking Capacity Building:

- The UNODC conducted a capacity building program on MLA in Jakarta, featuring a resource person from the Singapore AGC. The participants included representatives from the Indonesian CA and National Police Officers.

- The Australian CA arranged a capacity building program on MLA in Australia, with resource persons from the Australian CA and law enforcement agencies. The program was attended by Indonesian CA officers.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

The international exchange of information is facilitated through informal intelligence sharing among government agencies, anti-corruption agencies, or police-to-police collaborations.

The cooperation is typically established through MoU or based on the commitment between leaders. Such informal channels play a crucial role in enhancing information sharing and coordination among agencies, enabling effective collaboration in combating corruption.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Key challenges encountered in the process of sending or responding to MLA requests include:

- Differences in the legal frameworks between countries, which can complicate the coordination and alignment of legal procedures.
- Lengthy bureaucratic and administrative processes, compared to requests made through interagency or police-to-police coordination.
- Inadequate responsiveness from counterparts, resulting in prolonged coordination and communication.

- The capabilities of law enforcement officials who submit MLA requests can vary in terms of their expertise and available resources throughout the entire process, from preparation to follow-up.
- The process of acquiring requested information, especially banking-related information. In Indonesia, the Banking Law stipulates that banks are not obliged to provide information unless domestic law enforcement agencies initiate investigations within the country. However, MLA requests typically involve cases being investigated abroad rather than ongoing investigations within Indonesia.
- The high volume of requests compared to the limited number of personnel within the Central Authority, which can pose difficulties in effectively managing and processing the requests.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The gaps in the area of international cooperation in MLA is political will.

The G20 ACWG can address these issues by encouraging the highest-level leaders to prioritize the handling of MLA related to corruption crimes.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 ACWG has the potential to enhance direct communication channels between relevant authorities to foster informal cooperation even before the submission of MLA requests by actively encouraging countries to adopt this practice and facilitating the sharing of practical experiences during dedicated ACWG sessions, the discussions on MLA within the ACWG can prioritize learning and provide valuable tips to expedite the process and improve efficiency.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The innovative measures undertaken related to processing of MLA requests in Indonesia is the creation of a web-based system called SIMJA OP. It is a central authority's work management information system, which serves as a database for mutual legal assistance (MLA) requests accessible by the case officers of the central authority, the law enforcement agency which initiating/requesting the MLA, as well as MoFA.

This system was developed in 2020. Law enforcement and MoFA can monitor the progress of handling MLA requests through this system. The Indonesian CA (Central Authority) provides each institution with a unique username and password to access SIMJA OP at <https://simjaop.ahu.go.id/auth/login>.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Suggestions on ways to reduce the response time in the execution of MLA requests:

Joint casework meeting that is conducted involving the respective CAs of both countries, the requesting agency, and the executing agency in the requested country. This meeting is held virtually at a technical level. Its purpose is to facilitate seamless communication and ensure comprehensive understanding between the officers handling the MLA process.

While the primary mode of communication for MLA requests is through official letters exchanged between the CAs and written communication via email, there is often a need for back-and-forth email exchanges to address incomplete information or clarify ambiguous details in the official correspondence. Therefore, to complement these written discussions, it is highly recommended to also conduct verbal discussions.

Virtual casework meetings are preferred for their efficiency, cost-effectiveness, and ability to expedite the process, as they often yield results that are equally effective as in-person meetings. Moreover, such meetings may need to be held multiple times to ensure effective collaboration and resolution.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

Indonesia has demonstrated successful processing of MLA requests in corruption cases within timeframe of 8 months, starting from the moment the request is submitted by the requesting country until Indonesia provides the required assistance and submits the necessary documents. The executing agency in this MLA request is Indonesian Corruption Eradication Commission (CEC).

The assistance provided by Indonesia included:

1. Conducting interviews with Indonesian citizens involved in an investment project carried out in Indonesia by the state-owned enterprise of the requesting country.
2. Conducting interviews with Indonesian government officials who possess expertise in issuing and renewing business permits in Indonesia, such as location permits, land use rights, environmental impact assessments, and other relevant permits. As well as interviews with private entities who was involved in the project.
3. Requesting evidence that can be obtained from witnesses affiliated with relevant government agencies responsible for permit issuance. Also evidence/documents from private entities which maintaining transaction records related to projects that are the subject of MLA requests.

Key success factors:

- Communication between anti-corruption agencies in both countries is established prior to submitting the MLA request. The originating agency (anti-corruption agency in requesting country) has contacted and sent the request to CEC Indonesia prior to submitting the MLA request.
- Throughout this interagency communication process, CEC Indonesia starts to gather information, identifies and analyzes requirements, engages potential witnesses for interviews, and requests them to prepare necessary documents.
- Once the CEC Indonesia confirmed that the request can be facilitated, the MLA request is sent through the Central Authority (CA).
- Subsequently, a four-party meeting is conducted involving the CA and the anti-corruption agencies of both countries.
- The prior processing of technical and substantive matters during the pre-MLA stages enables expeditious execution of legal assistance activities during the MLA process. Then, the results (written statements

& documents) are promptly shared by the Indonesian CA with the CA in the requesting country.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min.300 words)

There are 3 case studies that Indonesia will share regarding the challenges Indonesia has faced when requesting MLA.

1. This occurs when Indonesia submits an MLA request to the foreign country but later discovers errors in the Indonesian court ruling. Subsequently, a review process takes place in the Indonesian judiciary, resulting in a revised court decision. However, the initial court decision serves as the foundation for the MLA request. Therefore, Indonesia has to withdraw the initial request and submit new request.

A key learning from this experience is the necessity to raise awareness and enhance the capabilities of all personnel involved in handling cases with foreign jurisdictions, not only investigators and prosecutors, but also judges.

It is crucial for investigators to be vigilant and able to detect aspects of foreign jurisdictions, such as proceed of crime laundered in other country. When such situations arise, investigators should respond by submitting an MLA request to the relevant country to freeze the assets while awaiting seizure through the execution of the court decision via MLA. Then, prosecutors should aim to craft comprehensive indictments that incorporate the assets being frozen.

Most importantly, Judges should support the maximization of recovering proceeds of crime that have been laundered in foreign jurisdictions and clearly state the particular frozen assets in their judgments, and that they are to be recovered through MLA. This enables the seamless execution of the court decisions through MLA requests. This is crucial as corruption court decisions in Indonesia can range up to hundreds of pages.

2. An MLA request to the requested country which later shows lack of goodwill to fulfill the request. Despite the escalation of the matter to the ministerial level and the commitments made during that high-level meetings, the goodwill have not been reflected in the actual fulfillment

of the MLA request. To date, Indonesia has not received the requested assistance in accordance with the MLA request sent to that country.

There is a case study regarding the challenges Indonesia has faced when fulfilling requests by foreign countries:

1. There are various examples of MLA requests received by Indonesia that requesting bank statements or other protected banking information under the Indonesian Banking Law. If such requests of bank documents are received but there is no parallel investigation on that case within the jurisdiction of Indonesia by the Indonesian law enforcement agency, the request cannot be fulfilled.

On several occasions, the Indonesian law enforcement agency has attempted to initiate domestic investigations based on the information contained in the MLA request. However, these efforts often take a long time, requiring the requesting country to wait until the case-building process is completed within Indonesia and a formal investigation is conducted. Only then, a letter for the seizure of banking documents can be issued, bypassing bank secrecy laws. Once these documents are obtained, they are then submitted to the Indonesian Central Authority (CA) for transmission to the requesting country's CA. This process can take several years to complete.

Note: This can include both MLA requests sent or received.

ITALY

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Introduction on judicial assistance in Italy

Beside formal mutual legal assistance (MLA), Italian law enforcement authorities consider also informal information exchanges where lawfully allowed.

Effective international cooperation between countries is crucial for the successful investigation, prosecution and sanction of international corruption offences.

When the MLA and extradition system works efficiently, prosecutors and investigators have a greater chance of finding suspects, tracing and seizing proceeds, and bringing to justice those who participated in the crime. Delays are significant impediments.

Article 46 of the UN Convention Against Corruption requires Parties to render to one another the “widest measure” of mutual legal assistance.

Article 9 of the Anti-Bribery Convention establishes that Parties should use all tools available to provide “prompt and effective legal assistance” to other Parties.

Italian authorities may provide judicial assistance (including mutual legal assistance and extradition) both based on bilateral or multilateral conventions. In the absence of conventions, judicial assistance can be provided based on international courtesy and reciprocity. In Italy’s legal system, as a rule, international conventions as well as international law provisions mainly dictate international assistance. In case of absence of said provisions, or if they establish otherwise, a specific rule provided for by the Italian code of criminal procedure shall apply.

International judicial cooperation, at European level, is ensured through two supervisory authorities, EUROJUST and the *European Public Prosecutor Office* (E.P.P.O.).

Concerning international police cooperation (at investigative level) the two possible types of cooperation - according to their legal nature and from which different levels of usability of the information acquired in the respective national offices result - are:

- the conventional/legal police network, based on the International Criminal Police Organisation (INTERPOL) network, and the one laid down

by E.U. regulations and conventions ratified by Italy, focusing on the Europol cooperation platforms; S.I.Re.N.E. (Supplementary Information Request at the National Entries), A.R.O. (Asset Recovery Office) and Police and Customs Cooperation Centres (C.C.P.D.).

- informal, based on spontaneous bilateral exchange of information, in the absence of specific instruments of international law.

In addition to several bilateral agreements concluded by the Italian law enforcement authorities with 3d countries' law enforcement agencies and the interchange with the 3d countries' legal attachés appointed at Embassies in Rome, the network of experts of the Guardia di Finanza (financial police) and other law enforcement officials located at the main Italian diplomatic missions abroad is of the outmost importance.

The existing domestic laws encourage and facilitate international cooperation and the following guidelines are provided for a better and quicker cooperation with the requesting countries:

(i) Requests Made Under a Treaty/Convention

Requests of international judicial assistance, both outgoing and incoming, are ruled by Articles 723-729 quater of the code of criminal procedure. Italy has ratified several multilateral conventions adopted by the Council of Europe, United Nations and European Union.

In the framework of the Council of Europe, the main multilateral Convention in the matter of judicial assistance is the European Convention on Judicial Assistance in Criminal Matters, signed in Strasbourg on 20 April 1959; the additional Protocols adopted in Strasbourg on 17 March 1978 and on 8 November 2001 and the Convention on laundering, search, seizure and confiscation of the proceeds from crime, adopted in Strasbourg on 8 November 1990. At the EU level, the main international law source ratified by Italy is the Schengen Agreement.

Italy has also ratified multilateral conventions regarding specific offenses adopted at the Council of Europe and the United Nations, including the 1988 Vienna Convention against illicit traffic in drugs, the 2000 UN Convention against Transnational Organised Crime (UNTOC) with its additional Protocols, and the 2003 UN Convention against Corruption (UNCAC).

Italy also participates to the OECD Global Network of Law Enforcement Practitioners against Transnational Bribery (GLEN), which is a technical network for peer learning and exchanging experiences and good practices among law enforcement practitioners who focus primarily on fighting transnational bribery. GLEN's focus on transnational bribery cases and participation limited to law enforcement practitioners ensure candid and practice-oriented discussion. In this way, GLEN complements other important networks, such as the informal meeting of law enforcement officials (LEOs) of the OECD Working Group on Bribery in International Business Transactions (Working Group on

Bribery).

Italy is also evaluating to join other global anti-corruption law enforcement networks, such as the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE).

Finally, in the matter of judicial assistance, Italy signed and ratified several bilateral conventions (i.e. with Algeria, Lebanon, Morocco and Tunisia).

At the EU level, important legislative and regulatory instruments are the European Union Directive No. 2014/41/EU on the European Investigation Order in criminal matters, implemented by legislative decree 108/2017, Regulation 2018/1805 by the European Parliament and Council of 14 November 2018 on mutual recognition of freezing and confiscation orders, and the Convention on mutual assistance in criminal matters between the member States of the European Union, signed in Brussels on 29 May 2000, implemented by legislative decree 52/2017.

More generally, as mentioned before, the mutual recognition instruments are not the only instruments for cooperation. They are part of a number of options that are available to fight transnational crime .

Whereas the mutual recognition instruments can be regarded as the successors of international mutual legal assistance arrangements, other modalities of cooperation entirely dispense from those arrangements and are gaining relevance.

Among these instruments are joint investigation teams and enforcement networks.

Joint teams are established for specific investigations. Networks, on the other hand, have a permanent character. The added value of these structures lies in the sharing of information and the 'pooling' of powers by authorities from different countries for common operational purposes. Within joint teams, authorities cooperate on a direct basis, sharing information and gathering evidence without the traditional time consuming MLA procedures. The materials that they gather can be shared within the team and be introduced as evidence in another jurisdiction.

Formal or informal networks of enforcement authorities work on a similar, yet more structured basis. Through close coordination and cooperation within those networks, it is not always necessary to issue time-consuming, formal requests for mutual legal assistance or administrative assistance. Emblematic of this informal law enforcement international cooperation are the networks created and nurtured by the EU technical assistance programs such as EL PAcCTO (fight against transnational crime) and COPOLAD (cooperation program on drug policies) of with Latin American countries

The networks divide the tasks between participants and then mutually share the results without many formalities.

(ii) **Letters Rogatory Requests (Court-Issued Non-Treaty Requests)**

See (iii)

(iii) Non-Treaty Letters of Requests

As stated above, the general rule in the Italian legal system is that international assistance is mainly governed by international conventions ratified by Italy, as well as by general international law. In case of absence of the said provisions or if they stipulate otherwise, a specific law provision set in articles 696, 723 et seq. of the code of criminal procedure shall apply.

In general, the code of criminal procedure provides that the Minister of Justice, once the letter of request is received, will order it to be executed, unless he believes that:

- a. the documents requested may jeopardize the sovereignty, safety or other essential interests of the State
- b. the acts requested are expressly forbidden by the law or are contrary to the fundamental principles of the Italian legal system, and
- c. the criminal proceedings may be compromised by discriminations.

The Minister of Justice, if he believes that the letter of request is enforceable, shall forward it to the Court of Appeal, which has jurisdiction over the acts, requested. Unless the Court of Appeal believes that the reasons set out in b. or c. recur, or if the fact is not regarded as an offense under Italian law, shall execute it.

(iv) Dual Criminality is Generally Not Required

Dual criminality only applies if the multilateral or bilateral convention so specifies.

Steps to follow when seeking mutual legal assistance from Italy

In general, when seeking mutual legal assistance from Italy, the steps outlined below should be followed:

Step1: CONSULT WITH THE CENTRAL AUTHORITY BEFORE SUBMITTING THE REQUEST

It is recommended that the requesting authority in your country contact the Italian central authority (see below for contacts) in advance of making a request for mutual legal assistance, particularly in the most serious cases, to ensure the assistance you seek is available under Italian law and the request will meet the legal requirements of the Italian legislation. In addition, the following steps should be followed in every case.

Step2: INDICATE THE MECHANISM USED TO SEEK ASSISTANCE

In drafting your request, begin by clearly identifying the treaty, convention or other avenue of cooperation being referred to in seeking the assistance from Italy.

Step3: IDENTIFY THE AUTHORITY CONDUCTING THE INVESTIGATION/

PROSECUTION

Clearly indicate which authority in your country is conducting the investigation and/or prosecution.

Step4: SUMMARIZE THE CASE

Provide a detailed outline of the case under investigation or prosecution, including a summary of the evidence that supports the investigation/prosecution. This outline should also include the necessary link between the requested activity and the ongoing investigation.

Step5: SET OUT THE APPLICABLE LEGAL PROVISIONS

Identify and set out the verbatim text of all relevant legal provisions under investigation and/or prosecution, including applicable penalties.

Step6: IDENTIFY THE ASSISTANCE BEING SOUGHT

Outline, in specific terms, exactly what are you seeking to obtain from Italy, and any particular requirements that must be met (for example, certification/authentication needs).

In addition, considering the nature of the assistance sought, the following information must be included:

- a. **If witness statement/testimony** is being sought, include:
 - o details and location (if known) of the person
 - o procedural rules provided for the in legal system of the requesting State, which can be taken into account by the Italian authorities in carrying out the requested activities, and
 - o the specific information sought from the witness, including, if possible, a list of questions.
- b. If **documentary evidence** is needed:
 - o A clear indication of the documents to acquire, and
 - o A clear indication as to the place where the assets can be found or the location of person or entity who detains them.
- c. If the **execution of a search warrant** is sought:
 - o Give precise indications of the places to be searched
 - o Specify detailed rules to follow in executing the search (notices to be served, time schedules to observe and so on)
 - o Provide accurate indications on the assets or documents to be searched, and
 - o Specify the guarantees that can be offered to the bona-fide third party.
- d. If **seizure/confiscation of criminal proceeds** is requested:
 - o Provide a copy of the order issued by the domestic judicial authority (seizure or confiscation order)
 - o Provide precise indications of the assets to be seized/confiscated

- o indicate any specific rules to be followed in executing the search(notices to be served, time schedule to be observed etc),and
- o provide any information available on the possible rights of bona-fide third parties with regard to the assets.

Step7: HIGHLIGHT ANY SPECIFIC CONFIDENTIALITY REQUIREMENTS

In Italy, the existence and nature of requests for assistance are subject to confidentiality. However, as some disclosure may be necessary, particularly where compulsory measures are required to provide the assistance, if your case is particularly sensitive, the need and reasons for confidentiality should be expressly set out in the request.

Step8: IDENTIFY ANY URGENCY IN THE EXECUTION OF THE REQUEST

Identify any time limit within which compliance with the request is desired and the reason for the time constraints (for example, pending court proceeding/time-sensitive investigation). If you face limitation periods, set out the precise dates.

Step9: PROVIDE A LIST OF RELEVANT CONTACT POINTS IN YOUR COUNTRY

Include a list of the names and contact numbers for key law enforcement/prosecution authorities familiar with the case. You should include the name and, where applicable, the contact information of your central authority, in the event Italy's central authority wishes to contact it for the purpose of clarification or obtaining additional information.

Step10: TRANSLATE THE REQUEST

Italy requires incoming requests for mutual legal assistance to be provided, in writing, in Italian.

Step11: LIMITATIONS ON USE OF EVIDENCE PROVIDED

Note that any evidence which Italy provides in response to a mutual legal assistance request may only be used for the specific purpose stated in the request. If further use of the evidence is required, your country must first seek Italy's consent for the other use.

Other useful references

Requesting countries are encouraged to refer for more detailed information on Italy's mutual legal assistance process to the G8 Handbook on judicial cooperation in the fight against terrorism (2007) and the UN Office on Drugs and Crime's MLA writer tool (<http://www.unodc.org/mla/index.html>).

International Police cooperation

Cooperation channels are active in Italy to ensure total effectiveness

of international police cooperation instruments. It is of fundamental importance to take care of communication flows with foreign counterparts and with international bodies, mainly INTERPOL and EUROPOL, through the Italian International Police Cooperation Service. The clarity and completeness of the information to be included in the body of the instances are key to let the central authorities (i.e. head quarters of Guardia di Finanza, Carabinieri and Polizia di Stato) know the context in which the cooperation initiative is being carried out. Consequently, any exchange information, including from the technical point of view of usability of the data transmitted, has to be lead exhaustively.

It is therefore necessary that, as a general rule, the instances is:

- written in a concise but comprehensive manner consisting of:
 - the relevant investigative scope, taking care to specify exactly the crimes for which the suspects/defendants are being prosecuted within the investigation;
 - the "territorial connection," that is, the clear explication of the link between the natural or legal person who is the subject of the request and the foreign State (or States) to which it is to be addressed;
 - the set of information elements to be requested, in a specific manner, from each foreign State, because of the highlighted territorial connection;
 - the possible character of urgency with respect to imminent and peremptory investigative and/or procedural deadlines;
 - any useful element - should the activities require it and on the basis of concrete investigative evidence - in order to assess the advisability of organizing an operational information meeting with the foreign counterpart concerned;
 - indicate the specific cooperation network to be activated.

Where not indicated, the law enforcements central authorities will carry out, in consultation with the requesting Department, on a case-by-case basis, the selection of the most appropriate information channels with respect to the investigative needs requested and the subsequent activation of the relevant network.

Any limitation on the usability of the transmitted information by the foreign counterpart, through the indication of handling codes (codes of handling), should be specified, especially when the request for cooperation originates from investigation activities related to criminal proceedings.

As a matter of fact, each network has its own peculiarities and, in some cases, it is also required to submit specific forms, although there are no dedicated formats, for the activation of INTERPOL. The use of the INTERPOL channel is, as a rule, necessary where the request for assistance is addressed to a foreign non-EU counterpart, but, more generally, it is still preferable if:

- the request for cooperation, although directed to an E.U. Member State, concerns a precise request, that is, a single piece of information useful

to complete, find or better define the investigated context (e.g., the criminal record, the holder of a foreign telephone number or license plate, ascertainment of residence or document authenticity, etc.);

- the ongoing investigation is essentially internal in scope, i.e., despite the presence of an unlawful phenomenon of a transnational nature, it focuses essentially on the national dimension, which does not require the full involvement of the foreign counterpart in the investigation, but the timely response to the request for information.

Requests for cooperation to be channelled through EUROPOL, via the Service for International Police Cooperation - National Unit EUROPOL, must also be supplemented with further indications, to better circumscribe the scope of the requests and the transmitted police information, by filling in the specific EUROPOL information sheet

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	2018: 23 2019: 18 2020: 17 2021: 10 2022: 11
No. of MLA requests resolved	Data not available
No. of MLA requests pending	Data not available
No. of MLA requests refused	Data not available

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	2018: 42 2019: 44 2020: 35 2021: 33 2022: 20
No. of MLA requests resolved	Data not available

No. of MLA requests pending	Data not available
No. of MLA requests refused	Data not available

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

The flow and preparation of MLA from the initiating officers of law enforcement authorities to the central authority and vice versa is set up according the following main guidelines:

The request for judicial assistance for communications, service or evidence-gathering activities is transmitted by the competent judicial authority to the Ministry of Justice, which forwards it to the foreign authority within 30 days of receipt

When the Conventions in force between the Member States of the European Union provide for the intervention of the Minister of Justice, the latter may order the request not to be forwarded to the foreign authority (for reasons specified under **1. iii** page 8 of this questionnaire). In relations with Countries outside the European Union, this power may be exercised if provided for by bilateral Conventions or in the event of danger to the sovereignty, security or other essential interests of the State

The judicial authority may provide for direct forwarding to the foreign judicial authority, informing the Minister, in cases of urgency, if provided for by international conventions or if the Minister has not forwarded the request and has not exercised the blocking power.

Acts of execution of the rogatory are transmitted by the foreign authority to the Ministry of Justice, which forwards them to the requesting Italian judicial authority.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The Central Authority for international judicial assistance in criminal matters is located at the Italian Ministry of Justice. The international cooperation office of the Ministry of Justice offers constant support to judicial authorities in drafting requests for judicial assistance, including by providing forms and contacts details.

The contact information is:

Ufficio II - Directorate General of Criminal Justice Department of Justice Affairs

via Arenula 70 - 00186 ROMA

Telephone: +390668852180

Facsimile: +390668897528

The Italian Ministry of Justice seconded liaison magistrates to the United Kingdom, Spain, France and Romania, and hosts their relevant counterparts.

The Central Authority for international assistance in criminal matters among national polices is the Ministry of the Interior. The contact information is:

- Central Directorate of Criminal Police

Service for International Police Cooperation (S.C.I.P.)

Telephone : +39 06 4654 2182 (24/7)

mail: scipsalasiswa@dcpc.interno.it

6. Has your country established focal points of contact in central authority⁹ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

See. Point. 5

No focal points are to be appointed. The office for judicial cooperation at the Ministry of Justice provides support where necessary.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in

⁹ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

No peer-to-peer outreach approach has been adopted. If problems arise in the execution of the request for assistance, contacts are established to clarify difficulties and overcome them.

For example, a problem arose with the execution of a request for judicial assistance from Korea concerning the interrogation of defendants and the acquisition of documentary evidence in criminal proceedings for the crime of fraud. The request appeared to have been made by an administrative and not a judicial authority (the International Criminal Affairs Division of the Ministry of Justice) and the investigations were being conducted by the Seoul Police headquarters. When acceding to the European Convention on Mutual Legal Assistance, Korea had not made any reservation stating that police authorities would be entitled to make requests for judicial assistance directly in the international context.

Italy asked the Korean authorities to specify whether the request for assistance was made by the judicial authority or by the Seoul Central District Prosecutors' Office.

A member of the International Criminal Affairs Division of the Korean Ministry of Justice replied by email in the following terms:

- 1) he noted that the request for international judicial assistance was made by the competent office of the Ministry of Justice and pointed out that, according to Article 24 of the Strasbourg Convention, each State Party may define its own "judicial authority", without, however, the Convention itself expressly excluding the Ministry of Justice for this purpose. Unlike Italy, which has made a reservation, limiting the concept of "judicial authority" in Article 24 of the Convention to judicial authorities and prosecutor's offices, Korea had not made any reservation. Consequently, according to Korean legislation (in particular the Act on International Judicial Mutual Assistance in Criminal Matters), judicial authority is also the competent office within the Ministry of Justice. It noted, moreover, not only that no other State party to the Convention had raised such an issue in the execution of a rogatory; but also that Italy itself had never raised the issue in relation to the execution of previous passive rogatory letters from Korea.

Finally, it specified how the competent office at the Ministry of Justice is headed by magistrates of considerable seniority;

- 2) Regarding the fact that the investigation was conducted by the Police, he pointed out that it is however the Public Prosecutor, to whom the Police applies, who forwards the request to the competent office at the Ministry of Justice. An exchange of e-mails followed:

- Italy pointed out that, in the absence of a declaration or reservation by Korea in relation to Article 24 of the Strasbourg Convention, this is interpreted strictly as referred to the concept of "judicial authority". The Ministry of Justice cannot be considered as such, at least from the perspective of the Council of Europe Member States;
- the Korean Office invited Italy to carefully reconsider the issue.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Italian judicial authorities do not yet use the above-mentioned networks for the purposes indicated. However, the Ministry may ask Interpol for the urgent transmission of assistance requests.

As regards police cooperation, Italy has set up, since 2000, a single point of contact for matters concerning international police cooperation, in a dedicated service that encompasses all the international police cooperation channels Italy is part of (i.e. INTERPOL, EUROPOL, Schengen area, formal and informal asset recovery networks, namely the EU ARO network and CARIN). This enables Italy to concentrate in a single office the management of the information exchange flow. The International Police Cooperation Service (IPCS-contacts under point 5) is under the umbrella of the Ministry of Interior – Department of Public Security and reflects the multi-faceted composition of the Italian law enforcement panorama, where the four existing police forces operating in our country are working together. They provide to the national and foreign field units all the needed added value in terms of information related to criminal investigations, covering all possible field of interest, with a particular view on providing support to the judicial authority in the pre-MLA cooperation requests, whose responsibility lies in the hand of the public prosecutors leading the investigations. The only existing obstacle lies in the possible differences between national and foreign legal frameworks that could hamper the mutual assistance in investigative matters.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes, capacity building is fundamental to improve effectiveness of the Italian law enforcement authorities. The main Italian Police Forces (namely Carabinieri, Polizia di Stato and Guardia di Finanza) organize every year centralized, local and on-line courses (e-learning courses) addressed to their officers and agents operating in all investigative units, with a specific focus on the existing special investigative units dealing with serious and transnational crimes, to keep them trained and updated about the current legal framework situation related to the correct use of MLA requests; those are in the responsibility of the judicial authority, but the police forces, whose investigations are led by the public prosecutors, according to the Italian criminal procedural code, have to be fully aware of the legal and procedural issues connected to the use of a MLA which, in most cases, is the only way to operate abroad when conducting an international investigation

Some educational programs on MLA are delivered in cooperation with European and International Agencies such as OECD, EPPO, etc.

The School of the Judiciary provides specific training to judges and prosecutors.

Requests for judicial assistance can only be formulated by the competent judicial authorities. As mentioned above, the International Cooperation Office of the Ministry of Justice offers constant support in the drafting of requests.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Italy is strongly committed in providing technical assistance programmes in the fight against transnational organised crime, corruption and money laundering. The Italian programme "Falcone-Borsellino", among others, is an emblematic initiative of the Italian Government's efforts to aid the Latin American and Caribbean Countries on building up expertise on mutual legal assistance through training and mentorship activities.

The "Falcone and Borsellino" is a program financed by the Ministry of Foreign Affairs and International Cooperation (MAECI) – General Directorate for Globalization and Global Issues (DGMO). It is implemented by the Italian-Latin American Institute (IILA). It is a multidimensional initiative that applies the Italian methodology of technical assistance in the field of justice and security. It is based on coordinated expertise transmission by various Italian institutions such as: Ministry of Foreign Affairs, of the Ministry of the Interior - Department of Public Security, the Ministry of Justice, the National Anti-Mafia and Anti-Terrorism Directorate (DNA), the National Anti-Corruption Authority (ANAC), the Financial Intelligence Unit for Italy (UIF) and the Concessionaire for Public Information Services (CONSIP).

It's also worth mentioning, the judicial and law enforcement international cooperation programs with a MLA component, financed by the EU and

developed by Italy and other EU countries, such as EL PAcCTO to fight transnational crime in Latin America, as well as the exchange programs organised by the European Judicial Training Network and the TAIEX (Technical Assistance and Information Exchange instrument) programs.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

In accordance with FATF and Egmont principles on international cooperation and information sharing, the Italian Legislative Decree 231/2007 (The Italian Anti Money Laundering/ Combating Financing of Terrorism AML/CFT Law), lays down that the Italian FIU (UIF – Unità di Informazione Finanziaria) is empowered to exchange information and cooperate with similar authorities of other States. To this end, the UIF provides the widest range of international cooperation, without the need of signing a prior MoU, and can respond to any request for information coming from other foreign FIUs by accessing all available databases and information sources when performing a domestic financial analysis, including information kept by all the AML obliged entities.

The exchanges of information take place through dedicated channels used by FIUs for their cooperation (namely, the Egmont Secure Web at a global level and the regional FIU.net platform at the European Union level).

Cooperation with foreign FIUs is fundamental for the analysis of Suspicious Transaction Reports STRs aimed at identifying cross-border financial crimes and money laundering and for supplementing the information provided by the FIU to law enforcement and judicial authorities in support of criminal investigations and proceedings, also in order to detect assets that could be proceeds of illicit activities and to prepare a formal mutual legal assistance

The information exchange not related to investigative cases (i.e. connected with ongoing crimes) does not occur via the international, multilateral or bilateral police cooperation channels. Italy facilitates this kind of information exchange through specific and dedicated bilateral memoranda of understanding, based on reciprocity, on specific issues. In particular, the Italian Guardia di Finanza (Financial police) counts on a wide network of liaison officers (namely the “Guardia di Finanza’s Economic and Financial Experts”) located in the main Italian Embassies abroad. The national legal framework about those experts dates back to 2001 (Legislative Decree 68/2001). Article 12 of Legislative Decree 78/2009 enables the Experts to gather and exchange information to tackle international tax avoidance and evasion. Those information may be used by the Guardia di Finanza’s Special Investigative Units

or by the Income Agency to start a fiscal assessment or, in cases the collected information may corroborate the suspect of ongoing criminal activity related to tax avoidance or evasion, to report the case to the competent national judicial authority to begin a criminal investigation.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

In the case of outgoing requests for assistance, especially in the case of direct transmission, the key challenges are:

- the identification of the correct executing authority;
- formalities required by the receiving authority;
- timing of execution.

In the case of incoming requests for assistance, the key challenges are:

- poor quality of translation;
- incompleteness of the data provided by the foreign authority for the execution of the request.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

As stated above, the identification of the correct executing authority, formalities required by the receiving authority, timing of execution.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The sharing of best practices and emerging challenges could be a useful way to further improve lines of communications between relevant authorities.

As regards FIU-to-FIU cooperation, G20 Countries could strengthen their commitment to further reinforce available tools and instruments for a more effective AML/CFT strategy, by enhancing cooperation and exchange of information between G20 competent authorities. To this end, analyses could

be conducted in order to deepen understanding of existing mechanisms for bilateral and multilateral information exchanges amongst G20 FIUs with other FIUs, and within relevant domestic authorities, with a specific focus on activities and functions put in place at the preventive level, to prepare and make more effective MLA requests and any possible related asset recovery effects.

As an example, at European level, the FIU-Italy (Unità di Informazione Finanziaria per l'Italia-UIF) in 2016 coordinated a “mapping exercise” aimed at exploring problems in the organization and activities of the European FIUs, in order to improve their cooperation and exchange of information. The exercise was one of the bases for the European Commission to adopt in 2021 a broad Action Plan for a better implementation of the EU's AML/CFT framework. This led to the adoption of a European AML/CFT legislative package, currently under discussion for an update. In this context, the establishment of a new European Anti Money Laundering Authority is envisaged, to conduct a centralised AML/CFT supervision and to host a Mechanism for Coordination and Support of the European National FIUs, aimed at facilitating cooperation and exchange of information among EU FIUs. The Authority would be charged also to make powers and features of FIUs more uniform and manage possible joint financial analyses of cases of a cross-border nature.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

Italy has solid and well-established mechanisms in place

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

There is no one-size-fits-all idea for all countries (with different legal systems) but to ensure a rapid response, teams should be set up by the executing authorities, dedicated exclusively or as a priority, to judicial cooperation, so that requests for assistance are not postponed with respect to current judicial activity.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also

indicate the key learnings that can be derived from these experiences.(min. 300 words)

The competent Peruvian authorities issued a request for judicial assistance for the acquisition of documents in the context a proceeding for corruption.

The request was forwarded by the Ministry of Justice to the Public Prosecutor's Office in Rome and the documents in execution of the rogatory were promptly transmitted to the foreign authority.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

A request for assistance was made by the public prosecutor's office of Milan to the authorities of the Principality of Monaco in February 2018 in the context of criminal proceedings for the international bribery of foreign public officials by executives of a major company.

A computer search was requested against the person under investigation and, to this end, Milan's public prosecutor office, prior to the computer search, had sent a list of keywords to carry out the selection of documents relevant to the investigation.

In June 2018, the competent Monegasque authority informed that the request for assistance had been executed. At the same time, it forwarded a letter from the defence counsel of the person under investigation, who complained about the violation of the principle of proportionality in the execution of the seizure.

On 6 June 2019, the competent Monegasque judicial authority declared all the acts of execution carried out null and void because the list of keywords did not appear in the records of the proceedings or in the records of the investigating judge or the judicial police delegated to execute the request for assistance.

It was noted that the reason for the decision was a consequence of a malfunctioning of the Monegasque judicial organisation, in breach of the 1959 European Convention on Mutual Assistance and the existing bilateral treaty

Moreover, there was documentary proof of the receipt of the keywords by the investigating judge.

The Monegasque authorities were therefore asked to provide the requested assistance in a timely manner.

The time elapsed since the request seems excessively long and such as to frustrate the investigative needs.

JAPAN

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In the event of receiving a request for Mutual Legal Assistance from a foreign country, Japan provides evidence available in Japan to the requesting country in accordance with the "Act on International Assistance in Investigation and Other Related Matters".

If the requested assistance is based on a treaty or an agreement, it is directly communicated between the central authorities (in Japan, the Ministry of Justice), and if not, it is done through diplomatic channels.

Similarly, when sending a request from Japan to a foreign country, we ask them to provide us with evidence available in the country. If the requesting assistance is based on a treaty or an agreement, it is directly communicated between the central authorities (in Japan, the Ministry of Justice and National Police Agency), and if not, it is done through diplomatic channels.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests resolved	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests pending	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests refused	The number of cases per type of crime cannot be published for confidentiality reasons.

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests resolved	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests pending	The number of cases per type of crime cannot be published for confidentiality reasons.
No. of MLA requests refused	The number of cases per type of crime cannot be published for confidentiality reasons.

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

With regard to Mutual Legal Assistance requests pursuant to the MLAT/MLAA, the United Nations Convention against Transnational Organized Crime (TOC) and the Convention on Cybercrime, the Japanese Central Authority for sending requests is the National Police Agency and the Ministry of Justice. For example, when prefectural police send a request to another country, the prefectural police request the National Police Agency to send the request to a relevant foreign law enforcement authority. Then, the National Police Agency sends the request to the receiving country's Central Authority.

Meanwhile, the Japanese Central Authority, in terms of receiving requests from foreign law enforcement authorities, is the Ministry of Justice. When receiving a request from another country, the Ministry of Justice, as the Central Authority, receives a request and forwards it to a relevant law enforcement authority according to domestic laws, requesting to execute the request depending on its content. The relevant law enforcement authority sends the response to the Ministry of Justice. Then, the Ministry of Justice sends the response to the requesting country.

With regard to Mutual Legal Assistance requests through diplomatic channels, the Ministry of Foreign Affairs serves as the point of contact for both sending and receiving requests. When sending a request to another country, the request is sent to the receiving country's diplomatic authority. When receiving a request from another country, the request is forwarded to the Ministry of Justice.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

A guidance for sending a MLA request to Japan is published and available on the website of the Ministry of Justice. Additionally, on the website of the National Police Agency (NPA), it is described that the NPA sends requests through diplomatic channels or directly pursuant to the MLAT/MLAA or the United Nations Convention against Transnational Organized Crime (TOC). The website also says that the Japanese Authority has provided assistance pursuant to the MLAT/MLAA to contracting countries.

6. Has your country established focal points of contact in central authority¹⁰ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

UNODC's "Directory of Competent National Authorities" provides a primary contact point for Japan.

Consultation is also available through diplomatic channels for countries not signatories to the Convention.

¹⁰ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

Depending on the counterpart country, Japan also makes necessary arrangements with the counterpart country's central authority through the police/legal attaché of its diplomatic establishments abroad.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Adequate agencies conduct bilateral consultations with their counterpart(s) as necessary to facilitate MLAT/MLAA process and receive prompt responses.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

If necessary, information sharing and requests for investigative cooperation can be made through networks such as INTERPOL.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Japan works to improve the capacity of public prosecutors on MLAs by organizing conferences and training programs for public prosecutors in charge of international cases.

For example, the Japanese government has been providing international training programs for criminal justice practitioners through UNAFEI for over 60 years. Many of these programs deal with mutual legal assistance, and Japanese practitioners from central authorities and domestic agencies also participate in these programs with overseas participants.

At the police organization, programs to enhance the quality of Mutual Legal Assistance requests have been provided to international investigators, but they are not dedicated programs focused on anti-corruption cases.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

The Japanese government provides technical assistance to developing countries through UNAFEI, which regularly holds training programs for criminal justice practitioners since 1962. Many of its training programs dealt with mutual legal assistance.

As a program for foreign law enforcement agencies by the Japan International Cooperation Agency (JICA), which is an implementing agency of Japanese official development aid, they provide general lectures about the type of mutual legal assistance provided by Japan, the legal basis and the channels through which assistance is provided.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

JAFIC (Japan Financial Intelligence Unit) shares intelligence on money laundering and terrorist finance with foreign FIUs. Information sharing can also be made through networks such as INTERPOL if necessary.

Regarding the exchange of tax information, Japan exchanges information with tax treaty partners and also contributes to developing countries' capacity building through international forums, such as the Global Forum on Transparency and Exchange of Information for Tax Purposes.

With regard to the framework for multilateral information exchange among securities authorities, the FSA has been a signatory to the IOSCO MMoU since February 2008, to which 129 authorities around the world have signed. The FSA, as a supervisor, has a wide range of channels to exchange information with foreign counterparts concerning AML/CFT supervising matters and financial regulations, including supervisor colleges, MMoU (IOSCO, IAIS), and bilateral MoU (Memorandum of Understanding)/ MoC (Memorandum of Cooperation)/EOL (Exchange of Letters).

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

N/A

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The degree of specialty and experience in the area of international cooperation vary among G20 countries.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

N/A

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

N/A

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

N/A

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

N/A

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

N/A

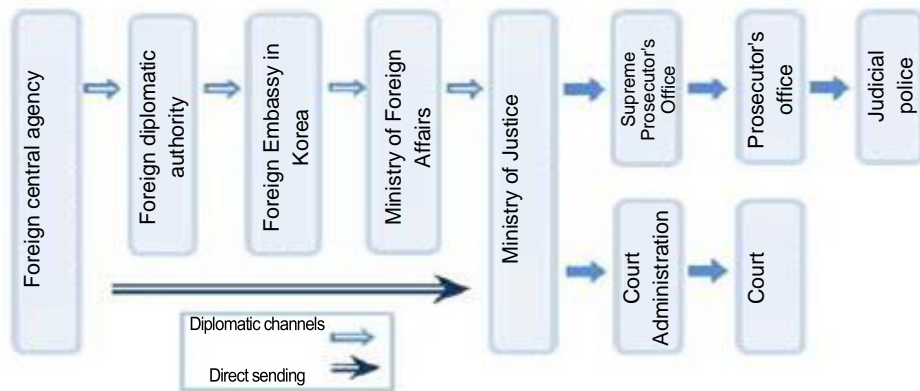
Note: This can include both MLA requests sent or received.

REPUBLIC OF KOREA

- Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

1. Receipt of request of foreign country for MLA (by Ministry of Justice)

- In principle, requests for MLA from foreign countries should be received through diplomatic channels.
(Article 11 of the International Criminal Legal Assistance Act)
- In the case of an agreement between the central agencies of the two countries, such as the United States, Canada, Australia, Japan, Hong Kong, Singapore, Thailand, Vietnam, Russia, Poland, etc., such request for MLA is sent directly from the foreign central agency (proviso of Article 11 of the Act).
- International mail such as EMS is mainly used as a direct sending method, but it is being sent via e-mail from some countries such as the United States.



[Figure] Process of request for MLA by a foreign country

2. Review of request for MLA (Ministry of Justice)

- The Ministry of Justice, which received the request for MLA, as the central agency for mutual assistance in criminal justice, reviews whether the criminal facts of the request for mutual assistance are criminal and whether the details of the request for cooperation are fulfilled (Articles 15 and 23 of the Act).

- If matters necessary for the implementation of MLA or attached documents are missing, or if the purpose of the request for MLA is unclear, the supplement is requested to the country requesting MLA.

3. Order for Executing MLA (Ministry of Justice)

- The requests for MLA in investigations are made to be carried out by local prosecutors' offices (including branch offices) that are deemed appropriate for MLA (Article 15 of the Act).
- A request for MLA in a trial is requested to the National Court Administration (Article 23 of the Act).

4-1. Transmitting implementation results (Prosecutor's Office)

- After fulfilling the request for MLA, the prosecutor sends the data on MLA to the Supreme Prosecutor's Office, and the Supreme Prosecutor's Office sends the data along with an official document to the Ministry of Justice (Articles 21(1) and 37 of the Act).

4-2. Sending execution result (court)

- The court that has executed the request for MLA sends the documents for execution of MLA to the National Court Administration, which sends the documents along with an official document to the Ministry of Justice (Article 27 of the Act).

5. Sending the result of the implementation of the request for MLA to foreign countries (Ministry of Justice and Ministry of Foreign Affairs)

- The Ministry of Justice reviews the results of executing the requests for MLA from a foreign country sent by the prosecutor's office and the court, and sends it to the requesting country if there is no need for additional implementation or supplementation.
- In principle, the results of the implementation of the request for MLA from a foreign country should be sent through diplomatic channels (Article 11 of the Act).
 - In the case of an agreement between the central agencies of the two countries, such as the United States, Canada, Australia, Japan, Hong Kong, Singapore, Thailand, Vietnam, Russia, Poland, etc., the requests for MLA are sent directly to the foreign central agency (proviso of Article 11 of the Act).
 - International mail such as EMS is mainly used as a direct sending method, but it is sent via e-mail to some countries such as the United States.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. Number of issued requests for international mutual assistance in criminal matters (hereinafter limited to bribery)	11
Number of requests for international mutual assistance in criminal matters that have been resolved	6 (including 1 withdrawn case)
Number of pending requests for international mutual assistance in criminal matters	5
Number of rejected requests for international mutual assistance in criminal matters	N/A

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Number of received requests for international mutual assistance in criminal matters (hereinafter limited to bribery)	7
Number of requests for international mutual assistance in criminal matters that have been resolved	6
Number of pending requests for international mutual assistance in criminal matters	1
Number of rejected requests for international mutual assistance in criminal matters	N/A

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and

appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

(Request from the Republic of Korea)

- ① Any investigative agency (such as prosecutors, police, and special judicial police) can request mutual legal assistance (MLA) to the central agency (Ministry of Justice) in accordance with Article 29 of the International Act on Mutual Legal Assistance in Criminal Matters.
- ② In accordance with Article 30 of the same Act, the central agency of the Republic of Korea (Ministry of Justice) reviews whether or not the request for mutual assistance is being processed.
 - If necessary, the central agency requests any supplementation of evidence, etc. to the requesting agency.
- ③ A request for mutual assistance is sent to the requested country in accordance with Article 31 of the same Act (in principle, via the Ministry of Foreign Affairs).
 - If necessary, the requested country requests supplementation of evidence, etc. to the Republic of Korea.
- ④ A reply is received from the requested country.
- ⑤ The reply data is sent to the requesting agency.

(Request from a foreign country)

- ① A receipt of request for MLA pursuant to Article 11 of the International Act on Mutual Legal Assistance in Criminal Matters is received (in principle, received by the Ministry of Foreign Affairs).
- ② In accordance with Article 14 of the same Act, the Minister of Foreign Affairs sends a request for mutual assistance to the Minister of Justice, a central agency.
- ③ Pursuant to Article 15 of the same Act, the Minister of Justice orders the public prosecutor's office (or Corruption Investigation Office for High-ranking Officials) to implement mutual assistance.
 - The chief prosecutor (or the head of Corruption Investigation Office for High-ranking Officials) who received the performance order assigns it to a prosecutor.
- ④ The prosecutor sends the result of the performance to the Minister of Justice

after fact-finding, search and seizure, interrogation of witnesses, command of judicial police officers, etc.

- ⑤ The Minister of Justice sends the result of the performance to the Minister of Foreign Affairs.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

○ In order to promptly process requests for mutual assistance, a book (“Criminal Legal Assistance Treaty”) and a work manual (“Criminal Legal Assistance Practices and Cases”) were self-manufactured by the International Criminal Division of the Ministry of Justice, which were distributed to law enforcement agencies such as the Prosecutor's Office for their reference.

6. Has your country established focal points of contact in central authority¹¹ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

○ The point of contact for mutual legal assistance in criminal matters in the Republic of Korea is the International Criminal Division of the Ministry of Justice, which communicates with other countries directly or through various methods by contacting the Ministry of Foreign Affairs and Korean embassies in each country.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

¹¹ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

- A peer-to-peer outreach approach is occasionally conducted when necessary according to the characteristics of individual cases, and the International Criminal Division of the Ministry of Justice, a central agency for legal assistance, actively participates in the process and coordinates it.

Note: ‘proactive pursuit of cases’ includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country’s experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

- GlobE and ARIN networks, which are direct networks for mutual legal assistance between law enforcement agencies, are actively used to track/discover major corruption cases and share information.
- Although they are able to share information more quickly under mitigated conditions compared to the formal MLA procedure, the networks have disadvantages, such as the different scope of cooperation by country, the limited range of data that can be replied, and the use of formal evidence in court. Depending on the case, it is necessary to parallelize the criminal justice procedure.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

- Every year, a public officer from the International Criminal Division of the Ministry of Justice conducts training programs on the criminal justice system and practical work for law enforcement agencies, such as front-line prosecutors and investigators at the Institute of Justice.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

- The Ministry of Justice supports the “Establishment of a cooperation network to respond to corruption and serious crimes in Southeast Asia and strengthening investigative capacity (Korea Project)” by the UNODC, with a contribution of KRW 6 billion for 3 years from 2020 to 2023.
 - August 29 ~ 31, 2022. The Ministry of Justice of Korea, the UNODC, and the National Anti-Corruption Commission of Thailand jointly held the “Anti-Corruption Conference” in Bangkok, Thailand for “Cooperation and Capacity Building of Anti-Corruption Law Enforcement Agencies in Southeast Asia.” etc. The conference was attended by anti-corruption enforcement agencies and central agencies for MLA from eleven major Southeast Asian countries to strengthen the international cooperation system for anti-corruption.
 - March 2020. This cooperation supported the operation of the “South East Asia Justice Network (SEAJust),” a newly established Southeast Asian region-centered mutual legal aid cooperation network, and the joint plenary meeting of SEAJust was held in Seoul with the UNODC (‘April 2023) to strengthen the MLA system and capacity in criminal matters with 15 Southeast Asian member states and guest states, such as the United States, China, and Japan
 - During the period from 2023 to 2025, the Republic of Korea will additionally contribute KRW 2 billion annually to the UNODC (2nd Phase Korea Project) to carry out a project to strengthen transnational crime response capabilities and international cooperation in Southeast Asia, and is under the project of strengthening MLA-related capabilities and supporting the amendment of laws related to MLA in criminal matters.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Korea FIU (KoFIU) is exchanging information quickly with FIUs around the world through the Egmont Group.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

- There is some difficulty in confirming double criminality with the requested country, which is one of the requirements for MLA.
- Among the requests for MLA, minor issues (e.g., small property damage cases, etc.) must be carried out through formal mutual assistance procedures, but compared to other cases, it is somewhat difficult in terms of “selection and concentration”.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

- For the progress of MLA in criminal matters, mutual assistance progress varies greatly due to differences in the ability and burden of duties of central mutual aid agencies in each country.
- In addition, there is a large gap in the investigative capabilities of each country (especially in the field of digital forensics, virtual currency investigation, drugs, DNA, etc.)
- This can be resolved by strengthening the capacities, such as continuous MLA in criminal justice between countries and transfer of investigative technique know-how.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

- If there is an important issue requested by the requesting country for priority processing, it is necessary to mutually complete the fast track system in which the requested country handles the case with priority, and proceed quickly.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences.(min. 300 words)

- Request from a foreign country
 - 1) A request was received to provide data stored in the cloud regarding the case of giving bribes to former and current public officers of the judiciary of the requesting country in the process of customs litigation in the requesting country.
 - May 27, 2022. Request for MLA received, October 12, 2022. Reply data sent
 - Prompt processing (Reply data sent within 4 months and 15 days after receipt)
 - 2) A request was received to provide stored data on mobile phone accounts related to a case of illegally discharging factory wastewater into a river and bribing public officers in the requesting country.
 - September 3, 2021. Request for MLA received, January 3, 2022. Reply data sent
 - Prompt processing (Reply data sent within 4 months after receipt)
 - 3) During the period from 2018 to 2022, the Republic of Korea replied to each requesting country for 6 out of a total of 7 requests for cooperation in corruption cases requested by foreign countries, and all year round for 5 out of 6 completed cases, except for 1 case.
 - ※Average processing period of the 5 cases: 6.2 months
 - ※The other case took 18 months due to an additional request in the middle of processing.
 - 4) Upon sending a request for MLA to the requested country, it is usually sent via the Ministry of Foreign Affairs or by airmail in the Republic of Korea. However, for the United States, the request for MLA is scanned and sent via e-mail and even the

reply data is received via e-mail, which makes this method more efficiently and promptly. Therefore, it is necessary to actively consider the aforementioned method.

- 5) The Republic of Korea regularly holds face-to-face meetings with central agencies for MLA from countries with many cases of MLA, such as the United States, China, and Japan. As this method quickly resolves MLA cases, it is necessary to activate face-to-face working meetings like this.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

○ Request from the Republic of Korea

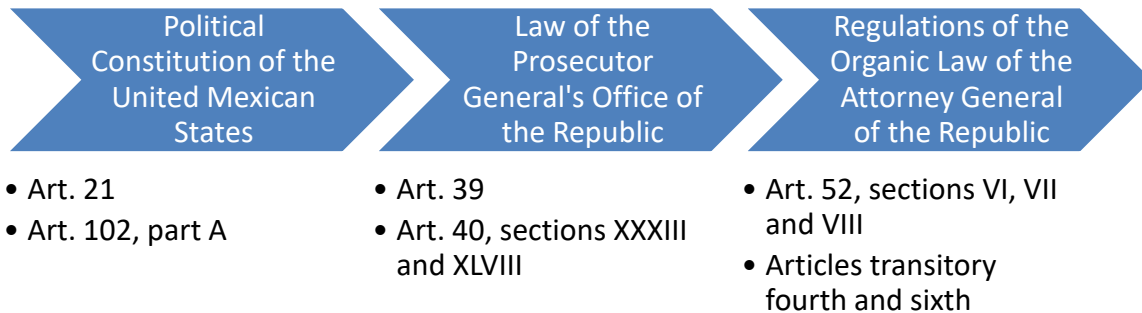
- 1) In relation to the case in which the suspect, a Korean soldier, received a bribe from a national defence company from the requested country, viewing the contents of the suspect's sent and received emails was requested.
- May 2020. Due to supplementation requests 5 times by the requesting country after the request for mutual assistance was sent, it was not processed until January 2023, and the Republic of Korea requested to cancel the MLA to the requested country in January 2023 (Cancellation of MLA request in 2 years and 8 months after the requests for MLA).
- 2) During the period from 2018 to 2022, the Republic of Korea requested a total of 11 requests for MLA (bribery cases) to foreign countries, but only 5 cases were answered, and 6 cases did not receive a reply (One of the cases was cancelled as seen above).
- Due to the very different reply times and implementation levels from country to country, it is difficult to handle cases quickly and uniformly.

Note: This can include both MLA requests sent or received.

MEXICO

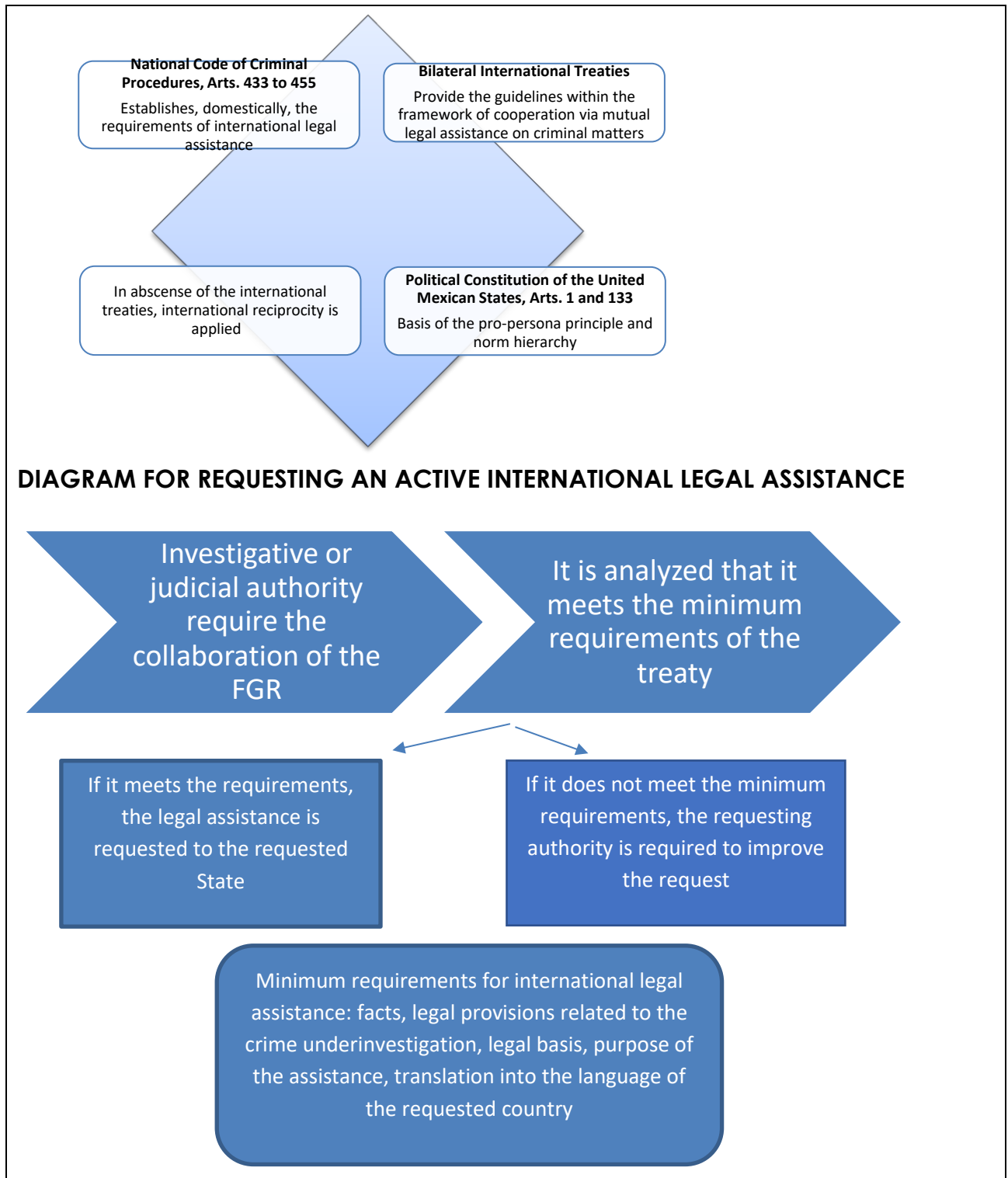
1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Below is a flowchart that contains a general description of the legal framework that regulates international cooperation via legal assistance in Mexico, as well as the provisions that empower the Prosecutor General's Office of the Republic as Central Authority (through the General Directorate of International Procedures) to receive and process active and passive requests for international legal assistance:



OPERATIONAL FOUNDATION DIAGRAM OF INTERNATIONAL LEGAL ASSISTANCE

NOTE: On June 19, 2023, the Organic Statute of the Prosecutor General's Office of the Republic was published in the Official Gazette of the Federation, by virtue of which an update was obtained to the powers of action of the still General Directorate of International Procedures that serves as the Central Authority for the reception and processing of requests for international legal assistance (active and passive), which is currently in transition, in accordance with Article Five Transitory of the aforementioned Organic Statute, until the new regulatory provisions and the corresponding Organization Manuals are issued.



2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	18
No. of MLA requests resolved	15
No. of MLA requests pending	03
No. of MLA requests refused	00

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	18
No. of MLA requests resolved	15
No. of MLA requests pending	03
No. of MLA requests refused	00

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

In order to quicken the responses to requests for international legal assistance made by Mexico (active), the Office of the Prosecutor General of the Republic, in its capacity as Central Authority in the matter, has established direct communication channels with its counterparts, in order to generate greater confidence; with the purpose of obtaining a fast and effective cooperation,

paving the way for the obtaining of valid evidence to be contributed to the Mexican investigations and criminal proceedings.

In the case of requests made by other States to the Mexican Prosecutor General's Office (passive), rapprochement with the Mexican authorities that assist the Central Authority in the processing of requests has been fostered, raising awareness about the importance of providing to requesting foreign authorities timely and agile responses.

- 5.** Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

Currently, the Office of the Prosecutor General of the Republic (FGR) does not have a specific section on its website that contains the requirements to prepare, send and execute requests for international legal assistance. However, the Central Authority provides advice to the requesting authorities (domestic and foreign) by telephone and by email to guarantee that the requests comply with the essential elements for their attention.

- 6.** Has your country established focal points of contact in central authority¹² to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Regarding international cooperation, Mexico has designated Contact Points in the Directory of Central Authorities of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, for the purpose of responding to requests for international legal assistance that are required by foreign authorities or States.

- 7.** Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

¹² For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

In daily practice, the Prosecutor General's Office of the Republic has sought to maintain a proactive approach in following up on requests for legal assistance related to investigations related to crimes of corruption and foreign bribery.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Asset Recovery Network of GAFILAT (RRAG, by its acronym in Spanish) was created at 2009 and, since 2010, has an electronic platform that ensures the protection and security of requests and responses from the points of contact of each country. At the beginning, the RRAG was made up of the member countries of the then GAFISUD, which included Mexico, and from that date, other countries from the region have joined the RRAG.

Among the objectives of this network, there is the exchange of information of individuals and legal entities to facilitate the identification, location and recovery of assets; serve as a center of expertise to prosecute criminal proceeds; facilitate MLA; share best practices, knowledge and experiences, and; raise awareness of the importance of developing all aspects of the prosecution of the proceeds of crime.

The RRAG can interact and cooperate with 7 other ARINs and the exchange of information is carried out through the Secretariats of the respective networks, after a process of validation by the contact points of each member country.

For the case of Mexico, the 2 contact points for this network are located in the Attorney General's Office (FGR) and the Financial Intelligence Unit (FIU).

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Currently, the Office of the Prosecutor General of the Republic (FGR) is in a transition process, so no training programs have recently been generated for such purposes. However, the General Directorate of International Procedures (Central Authority) periodically provides advice to Mexican and foreign authorities, with the purpose of anticipating the essential requirements that a request for legal assistance must contain so that its attention is viable.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

The Central Authority personnel have received training courses on the US legal system from the Department of Justice of the United States of America, in order to effectively formulate the requests for mutual legal assistance required by Mexico.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Mexico joined the Egmont Group of Financial Intelligence Units as a full member in 1998, by complying with the standards established by this international organization. Among the main objectives of this Group are to promote the creation of FIUs in countries that do not have them; to ensure that existing FIUs comply with the minimum requirements; to promote international coordination to exchange financial intelligence information under basic principles and common best practices, and; to share knowledge and experience through training, capacity building and projects.

Additionally, the Egmont Group provides a secure communication channel through its Egmont Secure Web (ESW), which is an electronic communication system that allows members to share encrypted e-mails and financial intelligence information, as well as other information of interest to members and to the Egmont Group's operation between FIUs from different countries. The purpose of the ESW is to:

- a) Provide a secure and reliable channel of communication for Egmont Group's members.
- b) To operate in accordance with the mandate of the Heads of FIUs
- c) Adhere to the standards of security, reliability, efficiency and effectiveness specified by the Heads of FIUs

Through said network, FIU-Mexico sends and receives information requests from various jurisdictions, which are answered in due time and form.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

- 12.** What are the key challenges faced by your country in the process of sending or responding to MLA requests?

The legal systems of other countries have domestic law requirements that are different from those provided in the Mexican legal system, which means that the requests for legal assistance have to be adapted according to the requirements of the foreign State.

On the other hand, language has been one of the challenges in the processing of requests for mutual legal assistance, since the requests are received with their translation into Spanish, however, they do not use a specialized technical language, which makes it difficult to analyze and execute.

- 13.** What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

It is suggested to promote a forum or dialogue between the member countries of the ACWG to exchange information regarding the different legal systems, in order to facilitate the execution of requests for international legal assistance.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

It is suggested that within the framework of the ACWG, a Directory of Central Authorities be created for purposes of facilitating international cooperation via legal assistance; in which each one of the member countries indicates the following information: full names of the Contact Points, addresses to which the requests must be sent, emails, telephone numbers, the names of the Administrative Units in charge of receiving and processing the requests and the requirements of their domestic law that must be met according to the type of proceeding.

Said information could be extracted from the MLA Step by Step Guide which is being updated, but presented in a simplified manner. It would be also useful that the Directory be updated by each Presidency, as a permanent commitment, and then submitted to the member countries to guarantee the validity of the document throughout time.

Likewise, it would be convenient for the countries to indicate in this document the languages in which it would be advisable to formulate each request for mutual legal assistance and thus avoid delays, Mexico has faced difficulties regarding this issue especially with Asian countries.

Based on the foregoing, it is intended that at the time of receiving the collaboration requests, they meet the minimum requirements for their attention and therefore, their processing and execution will be expedited.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The Prosecutor General's Office of the Republic, in its capacity as Central Authority in matters of International Legal Assistance, is analyzing the possibility of publishing the following documents on its official website: copy of the International Treaties on the matter and of the collaboration agreements between the Prosecutor General's Office and the various Mexican state and federal authorities, including the internal guidelines on which the sphere of competence of the General Directorate of International Procedures (Central Authority) in matters of international legal assistance is based, in order to give greater dissemination and visibility to the relevance of the use of this legal figure to obtain means of proof that are abroad.

Likewise, it is being considered the possibility of adding to the official website of this Institution: the minimum requirements that a request for international legal assistance must contain, graphic examples of how requests could be adapted to be processed through the Central Authority, examples of "special" situations that require a study and the procedure for their attention based on

the Mexican legal system, and a glossary with the legal terms used within Mexican legislation.

Finally, it would be periodically updated the contact point data (email, telephone number, as well as official address) of the General Directorate of International Procedures (Central Authority) in charge of receiving and processing requests for international legal assistance.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

As mentioned in previous paragraphs, it is considered that the Directory of Central Authorities would help to reduce the response time to the requests for international legal assistance.

- 17.** Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Note: This can include both MLA requests sent or received.

- 18.** If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

EXAMPLE: In a case of bribery of public officials, multiple subpoenas had to be made to the same witnesses, due to the changes made by the requesting authority, who had requested to be present during the interrogations.

The lesson learned was that, in those cases that request the testimony of several people, before making the summons, the requesting authority should be consulted so that they indicate the order in which they want the interviews to

be carried out, as well as consult it about the purpose of the requested procedures.

In the same way, regarding the requests for mutual legal assistance that have been dealt with, related to this type of crime, the Central Authority requests the requesting authorities to provide a report of the facts, where it is possible to observe the relationship of the natural and/or legal persons of interest with the bank accounts requested and/or with the facts that gave rise to the investigation that is carried out in those countries (that is, the way in which the crime was committed). The foregoing considering that under the Mexican law any act of nuisance must be duly founded and motivated, in order not to transgress the constitutional principles of legal certainty and due process, established in the Political Constitution of the United Mexican States and in the Mexican criminal law.

Note: *This can include both MLA requests sent or received.*

RUSSIA

In order to ensure a unified approach to the work related to the repatriation of proceeds of corruption-related offences, interagency guidance on tracking, detection (search), seizure and return of assets (including those transferred into nominal possession of third parties) in the investigation of criminal offences was adopted by the heads of the Prosecutor General's Office of the Russian Federation, Ministry of Internal Affairs of the Russian Federation, Federal Security Service of the Russian Federation, Federal Service for Financial Monitoring, Federal Service of Court Bailiffs of the Russian Federation, and the State Corporation "Deposit Insurance Agency" in 2022.

Additionally, in 2023, the Instruction on the procedure for organising work on the return from abroad of assets obtained as a result of crimes and other offences was adopted. This guiding document provides for a unified mechanism of interaction between 13 competent Russian authorities, agencies and organisations, namely the Prosecutor General's Office, Investigative Committee, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice, Federal Customs Service, Federal Security Service, Federal Service for Financial Monitoring, Federal Taxation Service, Federal Service of Court Bailiffs, Federal Agency for State Property Management, Bank of Russia, State Corporation "Deposit Insurance Agency", at all stages of the work to identify, seize, confiscate and return assets from abroad.

The main indicators of cooperation with foreign competent authorities in the field of legal assistance in criminal cases of corruption for 2018-2022 are reflected in the table below.

Requests for legal assistance from the competent authorities of the Russian Federation	2018	2019	2020	2021	2022

(for execution in the territory of foreign countries)					
1. Sent	38	26	17	6	6
2. Resolved	13	20	14	7	5
Requests for legal assistance from the competent authorities of the foreign countries (for execution in the territory of the Russian Federation)	2018	2019	2020	2021	2022
1. Received	46	37	46	30	16
2. Resolved	38	23	36	24, 5 refused	38, 3 refused

In order to enhance cooperation with the competent authorities of foreign States, promptly send requests and obtain information on the progress and results of their execution, Interpol channels such as I-24/7 communications system are used to transmit information in accordance with the Instruction of October 2006 of the Russian Ministry of Internal Affairs, Ministry of Justice, Federal Security Service, Federal Protective Service, Federal Drug Control Service, and Federal Customs Service. Additionally, three Russian competent bodies are members of the Global Operational Network of Anti-Corruption Law Enforcement Authorities

with their representatives being actively engaged in setting up its working mechanisms.

Cooperation through telecommunication channels (e-mail) has been established with the competent authorities of a number of foreign countries, including the United States, Mexico and Canada. Furthermore, the Interagency Electronic Interaction System is actively used to send and receive correspondence.

It should be noted at the same time that Russian competent authorities receive no response to their requests of legal assistance, including in criminal cases of corruption, from a number of foreign competent authorities. There are also examples of refusals to execute requests of legal assistance also on political grounds. In particular, the Swiss Federal Department of Justice and Police notified the Russian side with reference to the decisions of the Swiss Federal Criminal Court of May 2022 to refuse to provide legal assistance to Russia with regard to all Russian requests of legal assistance.

Below is provided a recent case study where Russian competent authorities have encountered challenges in MLA.

In July 2019, the Investigation Division of the Federal Security Service of Russia in the Novosibirsk Region sent a request of legal assistance to the US competent authorities concerning the criminal case against deputy director P. of a medical centre on the fact of embezzlement of at least 1,350,000,000 rubles from the federal budget, and giving a legitimate form to the possession, use and disposal of funds in the amount of at least 820,000,000 rubles.

Based on the decision of the Central District Court of the city of Novosibirsk of April 2019, the investigative body requested the seizure of property belonging to P. in the skyscraper "One Hanson Place" in New York with a value of USD 1,320,000. In a letter dated April 2020 the U.S. Department of Justice refused to execute the request.

Further, the Prosecutor's Office of the Novosibirsk Region submitted a statement of claim to the Sovetsky District Court of the city of Novosibirsk on the forfeiture of the above real estate into the income of the Russian Federation. By the decision of the Sovetsky District Court of Novosibirsk dated March 2021 and by the appellate ruling of the Judicial Board for Civil Cases of the Novosibirsk Regional Court dated July 2021, real estate – 2 apartments located in New York, including the property mentioned above, were converted to the income of the Russian Federation.

In May 2022, the Ministry of Justice of the Russian Federation, based on the UN Convention against Corruption, sent via diplomatic channels a request to the competent authorities of the United States to ensure the recognition of the above-mentioned court decisions in the US territory, in particular the forfeiture of the apartment in the skyscraper "One Hanson Place". However, no information on the results of the consideration of this request has been received up to date.

The following case can be considered as a successful example of asset return to the Russian Federation.

In June 2015, the Kalininsky District Court of Cheboksary convicted M. for embezzlement of property of a private limited liability company. The court ruled to recover 273,000,000 rubles from M. as compensation for the damage caused by the offence in favour of the civil plaintiff.

Throughout the judicial review of the criminal case, a request of legal assistance was sent to the competent authorities of the Swiss Confederation, in fulfilment of which a seizure was made of M.'s funds in the amount of USD 4,700,000 in the JP Morgan (Suisse) SA bank. Subsequently, a request of legal assistance was sent to the Federal Department of Justice and Police of the Swiss Confederation to enforce the court decisions that had taken place with regard to the return to the Russian side of the seized assets of the convicted person.

As a result of cooperation with the Federal Department of Justice and Police of the Swiss Confederation and the Public Prosecutor's Office of the Canton of Geneva, in February 2022 the funds in the amount of USD 3,622,852,57 were returned to the Russian Federation (transferred to the account of the legal successor of the civil plaintiff).

KINGDOM OF SAUDI ARABIA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

The Kingdom of Saudi Arabia has established the Standing Committee for Legal Assistance Requests for sending and implementing received requests legal assistance. The Committee comprises members representing various bodies, including the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Finance, Board of Grievances, Public Prosecution, General Intelligence Presidency, Presidency of State Security, Oversight and Anti-Corruption Authority, the Communications and Information Technology Commission, and Saudi Central Bank.

The Committee has issued the Procedures Manual on Legal Assistance and the Recovery of Assets of the Kingdom of Saudi Arabia, which states:

In Article 1: Provision of legal assistance in the Kingdom of Saudi Arabia in all criminal matters including recovery of assets shall be in accordance with international conventions and treaties and on the basis of reciprocity, and pursuant to a written request addressed to the Kingdom by the competent authorities of the state applying for legal assistance.

In Article 2: The Committee shall, in coordination with competent authorities, attend to legal assistance requests received by the Kingdom from foreign countries or issued by the Kingdom to other states regarding all crimes, in an effort to promote international cooperation in combating crimes, tracking and seizing crime proceeds and facilitating and expediting procedures. This Committee shall operate in accordance with its own adopted procedures and review provision of legal assistance according to laws applicable in the Kingdom and relevant international agreements. The Committee shall exchange information with other states and provide opinion and advice on applying for legal assistance.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	11
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No. of MLA requests resolved	9
No. of MLA requests pending	2
No. of MLA requests refused	0

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	9
No. of MLA requests resolved	7
No. of MLA requests pending	2
No. of MLA requests refused	0

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

To ensure timely and efficient transmission of MLA requests, Saudi Arabia maintains open and direct lines of communication between central authority and the competent authorities, encouraging informal cooperation with their counterparts prior to the submission of formal MLA requests to facilitate the prompt execution of the request and enhance international cooperation in the fight against the crime.

Upon receiving request from a foreign jurisdiction for legal assistance, the Standing Committee for Legal Assistance Requests coordinates with the competent authorities within the Kingdom of Saudi Arabia for processing. For sending a request, the competent authority will prepare the MLA request, and send the request to the Committee for transmission to the foreign counterpart.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

In Saudi Arabia, the guiding document for processing MLA requests is the "Procedures Manual for Legal Assistance and Recovery of Assets in The Kingdom of Saudi Arabia", which can be found on the Standing Committee for Legal Assistance Requests' official website.

https://www.moi.gov.sa/wps/portal/Home/sectors/moidiwan/sclar!/ut/p/z1/pVJNU8lwEL3zK-rBYyeb9Cs9BtAGZGRKLdBcnNJUqdlUsIL66w2oM-oMVMYcNpvMe9n3doNEyzBaLTTVm06-hx8HJFS6Ke7TuqhUukBTIAj3FuMu5SSAQdCNACJoRPz2BSY2x2iyB3QCxm1vAEAHgQM9xuORH1oWMAUjv_DhwGLQxB8jgUSm6mU9R0IZFYystqk6h106r8rcyCpV56rWN4t0H4zIuspy-bzOn3bcZVZIIpGOZJ60qCkB26YtpWfSFGNzJincEekSj-SfWo-IEcet9JvM6G4XD6uVYNrSTvZLjaYne4pypZWKDzE9W79rk6thN3SAuWOS9Yc3EIT4NwAYvQTGrDHnXkiG9A+twbLJNfhPdL--gX99Fk02Rb1GsqnWp_1p04jh4YwXnnxWWZRyX1Ho1xcx-HPG39rUZdBJ29g5Wtk_A/dz/d5/L2dBISEvZ0FBIS9nQSEh/

6. Has your country established focal points of contact in central authority¹³ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Yes, Saudi Arabia has a network of focal points of contact within its competent authorities. These focal points serve as an additional resource for swift guidance and direction, and can be engaged for a wide variety of crime investigations and inquiries, providing support and expertise to assist in

¹³ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

the prompt execution of mutual legal assistance requests. Communication between the counterpart focal points is done through informal channels, such as the GlobE Network, CARIN, INTERPOL, and the Egmont Group.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes, focal points within the relevant competent authorities reach out to their counterparts through informal channels to inquire on the status of the sent requests, once time is of the essence for responding to the request.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

Saudi Arabia's experience in utilizing existing networks has been effective. It is a case-by-case decision to choose which network would yield best results and it depends on what kind of assistance is needed. For example, the Oversight and Anti-Corruption Authority has utilized the GlobE Network, INTERPOL, and the Egmont Group (through the FIU) to gather intelligence and information on corrupt individuals, companies, and transactions, as well as to trace the movement of assets, coordinate investigations, and develop joint strategies to combat corruption.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes, the Oversight and Anti-Corruption Authority (Nazaha) has conducted a series of workshops which incorporate building the capacity on the process of mutual legal assistance. These workshops have covered a range of topics, including how to request mutual legal assistance, the purpose of such requests, and the process of drafting them.

Through these workshops, we have sought to provide participants with a comprehensive understanding of how mutual legal assistance can be utilized to support legal proceedings across borders. The workshops have covered the key steps involved in making a request for mutual legal assistance, including the documentation and information required, as well as the legal and procedural frameworks that govern the process. The workshops have also explored the various reasons why a request might be made, including the pursuit of criminal investigations, the recovery of assets, and the enforcement of judgments.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Yes, Saudi Arabia finds it beneficial to have experts to participate in workshops organized by other jurisdictions to benefit from the exposure of different legal systems, practices, and perspectives. This exposure can broaden their understanding of MLA and enhance their ability to navigate the complexities of cross-border investigations and prosecutions. Recently, experts participated in a workshop organized by MENAFATF, in cooperation with the German Agency for International Cooperation (GIZ) and UNODC on "International Cooperation and Asset Recovery", hosted in the Kingdom of Bahrain.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

1. Exchange of tax information: Saudi Arabia follows the mechanism stated in the Exchange of Information Provisions for Tax Purposes, which is published by OECD, which includes the exchange of information upon request and the automatic exchange of information.

2. For Financial Intelligence Units (FIU): The designated authority in Saudi Arabia exchanges information through the Egmont Group.
3. The Saudi Central Bank (SAMA) cooperates and exchanges information with counterpart authorities directly, either through agreements and memoranda of understanding signed by the Kingdom or based on the principle of reciprocity. SAMA also receives requests through the Permanent Committee for Legal Assistance Requests, which includes a delegate from SAMA.
SAMA cooperates with foreign supervisors when considering requests from foreign financial institutions to establish operations in Saudi Arabia, and requests due diligence reports from foreign supervisors when considering authorization for the appointment of senior management personnel who have previously worked in foreign jurisdictions.
4. In terms of AML/CFT matters, SAMA cooperates with foreign supervisors, as well as other aspects of prudential and conduct of business supervision. SAMA and other financial regulators have signed several memorandums of understanding (MoUs) to strengthen cooperation in the supervision of the financial services sector. For example, in 2022, SAMA and the Central Bank of the United Arab Emirates (CBUAE) signed an MoU to strengthen cooperation in the supervision of the insurance sector in both countries. The MoU included exchanging information related to suspicious activities, fraud in the insurance sector, money laundering, and terrorist financing. A few years before that, SAMA and Dubai Financial Services Authority (DFSA) signed an MoU to strengthen cooperation in the supervision of banking and insurance activities. The MoU has facilitated the exchange of information between the two regulators and allows them to share experiences and best practices.
5. SAMA shares information with Standard Setting Bodies (e.g., BIS, FSB, and IOSCO) to stay up-to-date on the latest trends and risks, coordinate our efforts, and help to develop and promote international standards.

These examples of cooperation and information sharing between SAMA and other financial regulators demonstrate the Kingdom's commitment to ensuring the integrity of its financial system and combating financial crime.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Challenges faced have been:

- Countries sometime do not have published guidelines of the requirements for MLA requests; and
- A lengthy duration of time countries may take in responding to requests.
- Some jurisdictions do not have the legal framework for non-conviction based confiscation, which could serve as a barrier to retrieving stolen assets, and allow criminals a safe haven to benefit from their crimes.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

One effective way for countries to facilitate the exchange of information and assistance is to develop a model agreement that sets out clear procedures and timelines for cooperation. The aim of the agreement would be to facilitate the exchange of information and evidence between jurisdictions while also prioritizing urgent cases within timelines. It should establish clear procedures for making requests for MLA, including the information and documentation required and the channels for communication. This agreement would provide a framework for the exchange of information and assistance in various areas, such as law enforcement, judicial cooperation, and financial investigations. The agreement should also specify the types of assistance that can be provided, such as the search and seizure of evidence, the freezing and forfeiture of assets, and the provision of witness testimony. The model agreement should also address other important issues, such as data protection, confidentiality, and the use of information and evidence obtained through cooperation.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 ACWG should encourage the remaining G20 countries to join the UNODC's GlobeE Network for them to utilize its features to directly communicate with counterparts, including on the drafting of MLA requests prior to their submission via diplomatic channels.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

Please refer to answer 5.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Saudi Arabia recognizes that notable delay in the execution of MLA requests is in part caused by delay in consideration of the request by the receiving central authority and referring of the request to the appropriate competent authority that handles execution of the request. Countries should take appropriate measures to ensure that requests are examined and prioritized by central authorities swiftly upon receipt and referral to competent authorities expeditiously. Appropriate coordination arrangements should be in place to further enhance domestic cooperation.

- 17.** Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

In a case involving allegations of bribery against public officials by a foreign company, successful cooperation with the competent counterpart in the country where the accused had allegedly deposited funds was crucial for obtaining crucial information through mutual legal assistance (MLA). With the support of the counterpart, the MLA request was efficiently drafted with all necessary information and sent via diplomatic channels.

Thanks to the effective communication and coordination between the two countries, the response to the MLA request was prompt and comprehensive. The counterpart was able to confirm the existence of bank accounts held by the accused, containing a sum of money equivalent to the amount of suspected bribes. This confirmation provided critical evidence for the investigation and prosecution of the case.

The successful outcome of this case highlights the importance of cooperation between countries in the fight against transnational crime. Through mutual legal assistance, countries can work together to gather evidence and prosecute offenders. Effective communication and collaboration between counterparts are essential for ensuring that MLA requests are efficiently processed and that the necessary information is obtained in a timely manner.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Saudi Arabia has not encountered any challenges in processing of MLA requests which led to refusal.

Note: This can include both MLA requests sent or received.

SOUTH AFRICA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

South Africa has the following legislation governing international cooperation in criminal matters:

- o The International Co-Operation in Criminal Matters Act 75 of 1996 (ICCMA);
- o The Extradition Act 67 of 1962; and
- o The Cybercrimes Act 19 of 2020

The Director-General for the Department of Justice and Constitutional Development (DoJCD) is the designated Central Authority (CA) for MLA and extradition requests.

Criminal investigations are conducted by the police and the prosecutors are engaged early on in serious commercial matters where Prosecutor Guided Investigation (PGI) method is employed. The National Prosecuting Authority (NPA) is responsible for preparing requests for MLA and extradition and once these have been approved by the National Director of Public Prosecutions (NDPP), they are submitted to the CA for authentication and onward transmission to requested States. Incoming requests are transmitted by requesting States to the Central Authority. The Department of International Relations and Cooperation (DIRCO) facilitate the diplomatic channel in the transmittal of requests.

The competent authorities for the execution of the formal incoming requests for international cooperation are the NPA, the SAPS (Interpol and detective service) and the magistracy.

The Cybercrimes Act makes provision for incoming requests for preservation of data to be transmitted to the designated point of contact within the South African Police Service. Such requests have to be considered by the NDPP before the Minister's approval could be obtained. A designated judge of the High Court makes determinations regarding the execution of these requests.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

The SAPS members engage the NPA in cases where a potential request for MLA is identified. The prosecutor prepares the request with the supervision of a Deputy Director of Public Prosecutions (DDPP) as the checking officer. A completed request with the necessary annexes is presented to the Director of Public

Prosecutions (DPP) for approval/deposition. Then the request is taken to a judge or magistrate in chambers for issuance in terms of section 2(2) of the ICCMA.

Once issued, the request is submitted to the NDPP for approval before it is transmitted to the CA. After the CA and DIRCO authentications have been made, the request is transmitted to the requested State. Not all requests for MLA have to be transmitted through diplomatic channel. Communication regarding the status updates are done through the CA or directly with the executing authorities in the requested States where possible. Regular follow ups are made to get feedback regarding the execution of requests. Contact details of the relevant prosecutor and investigators are included in the request so that the executing officials in the requested State may directly engage with them on any issues that may need to be clarified during the execution. This is to ensure that timeous responses can be made possible as following diplomatic communication at this stage could be self-defeating.

Incoming formal requests are to be approved by the Minister of Justice in terms of section 7 of the ICCMA before the CA can refer them for to the NPA, Interpol and magistrates for execution.

- 5.** Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

Requests for MLA should be directed to the Director-General, Department of Justice and Constitutional Development, Private Bag X81, Pretoria, 0001 and should be marked for the attention of the Chief Directorate: International Legal Relations. The current acting Director is MR Edgar Richard Botes. His contact details are ebotes@justice.gov.za / +27315 4661.

Information regarding procedural requirements can be obtained from Mr Botes as well as from the DoJCD website: www.justice.gov.za

- 6.** Has your country established focal points of contact in central authority¹⁴ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

¹⁴ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

The focal points for assistance with the proper drafting of MLA requests are:

Mr ER Botes at the central authority (ebotes@justice.gov.za) and Adv LucksonMgiba (LMgiba@npa.gov.za) at the NPA.

The focal points have mainly communicated with their counterparts in other countries through email and this has been helpful. The colleagues in other countries are encouraged to contact the aforesaid officials before they finalize and submit requests in cases where they are not certain of the requirements (A guide can be obtained from Mr Botes). Colleagues are also encouraged to submit their draft requests for comments and assistance before finalization in cases on uncertainty.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes, a number of meetings and other engagements with counterparts have been happening. Although in most cases this has been a success, there has been occasions where lack of response from other countries has presented challenges.

We transmitted requests for MLA and extradition to some countries in relation to serious corruption and we did not receive responses from some of the requested States. Bilateral engagements with the countries concern were facilitated where we met our counterparts in their countries, through virtual meeting and we arranged meetings on the margins of UN meetings. In some cases the Director-General traveled to the requested States to engage with his counterparts on the undue delays or lack of cooperation. In exceptional cases the matters are escalated to the Minister where political commitment is needed.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

South Africa participates in the existing networks such as the UNODC, GlobE, INTERPOL, ARINSA, SARPCCO, ESAAMLG and the EGMONT Group to name a few.

We find the existing networks very helpful in facilitating multi-jurisdictional cooperation, uncovering corruption cases, information-sharing and tracing the proceeds of crime.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Yes. South Africa has been assisting with capacity building in other countries. For instance, Exchange programmes for prosecutors and asset recovery experts have been and are still ongoing within the NPA's Asset Forfeiture Unit. A neighbouring country has recently approached South Africa for assistance in setting up their asset forfeiture unit.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

The Financial Intelligence Centre exchanges information with other FIUs in terms of section 40 of the Financial Intelligence Centre Act and in addition is an EGMONT. The Financial Sector Regulators can enter into MOUs in terms of section 251 (3) of the Financial Sector Regulation Act) to exchange information with their foreign counterparts.

Exchange of information between tax administrations is made possible by different legal instruments. See [International Treaties & Agreements | South African Revenue Service \(sars.gov.za\)](#) for a full list of instruments available to the SARS.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Some countries have rigorous processes and informal engagements are precluded. This makes it difficult to facilitate speedy execution of requests. Lack of responses to submitted requests and undue delays in executing, especially in the absence of communication from the requested States, are key challenges.

Another challenge is managing the translation of requests to the official languages of the requested States.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The issues to be addressed should be:

- Speedy responses to submitted requests;
- Encouraging informal engagements to facilitated transmittal and execution of requests;
- Encourage central authority-to-central authority transmission of requests to ensure speedy execution as the diplomatic channels seems to cause unnecessary delays;
- Encourage electronic transmission of MLA requests and direct communication between relevant officials.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

Making the names and contact details of relevant officials available where possible would be of assistance as officials could engage directly with their counterparts on matters relating to the processing of requests.

It is not ideal to always follow the official channels especially after the request has already been transmitted. In these instances, communication relates to what is necessary or could assist with the speedy processing of submitted requests. Therefore, it should be made easier for practitioners to communicate directly on technical issues relating to requests.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

SA has undertaken to develop an integral case management system for MLA and extradition matters within the central authority as a way to better coordinate the handling of both the outgoing and incoming requests. This was the result of a realization that entities that play a role in the execution and generation of requests were working independent of one another and this made it difficult to coordinate and respond expeditiously to incoming requests. A single, electronical system for all role-players would improve the response times and also assist with clear roles.

The Integrated Justice System (IJS) is currently working on the implementation of the case management system.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

Immediate screening of incoming matter and the allocation of case officers will help in reducing response time. The setting up of realistic timelines from the time of receipt, allocation and the sending of acknowledgement with details of the relevant official handling the matter can be of assistance as the officials on the other side would know who to contact for enquiries.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

SA received a request from a requesting State for information relating to the investigation on *inter alia* corruption. The requested was executed in the Johannesburg jurisdiction within a period three months whilst most requests take longer to finalize. Most delays in executing MLA requests are occasioned by not having investigating officers appointed expeditiously. In this case, INTERPOL NCB: Pretoria acted expeditiously by engaging the relevant branch of the detective services timeously and a prosecutor and the magistrate were identified shortly after the Minister's approval to execute the request was obtained.

The lesson learned is that things can work efficiently if national coordination is effective. In this case the central authority and the executing entities put all processes in place and identify the necessary role-players immediately. So, communication was amongst people relevant to the processing of the request.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

In 2018, SA sent a request for MLA involving widespread corruption to the requested State. The requested State returned the request because one page in the package (the central authority's authentication document) was only in the English language. The matter was discussed during a bilateral meeting arranged on the margins of the UNCAC CosP8.

If the MLA request was re-submitted through the diplomatic channel in December 2019. SA did not get any feedback from the requested State which prompted requests for updates and meetings with the ambassador of the requested State in SA. This led to the ambassador handing some documents which happened to be bank statements to the SA central authority in April 2020. The documents were not accompanied by depositions by a bank official who made them available, and this did not held much as such documents could not be formally handed in as evidence in court. A communication was sent to the requested State explaining the position and requesting that the necessary depositions be made available so that SA evidentiary requirements could be met as it was stated in the MLA request. There has not been any response from the requested State. Again, in October 2021, the ambassador handed another pack after numerous requests for assistance. The second pack was also documents without any depositions as to the origins of the documents. Another request was sent regarding the matter, but our request was

ignored. What makes the situation worse is that the requested State does not make room for officials to engage informally.
This had an adverse effect on the prosecution of the case.

Note: *This can include both MLA requests sent or received.*

TÜRKIYE

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

Under Art.90, para.5 of **the Turkish Constitution**, international agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. In the context of the international legal cooperation, it means that a party to an international treaty on mutual assistance in criminal matters should apply the provisions of the treaty even if its domestic legislation does not provide for the same procedures or rules, unless reservations have been made to the respective treaty's provisions.

The Turkish Criminal Procedural Code (CPC) does not contain specific provisions on MLA in criminal matters, except for some issues, such as hearings of accused persons and service of judicial documents. It should be emphasised that, even without specific MLA provisions, the CPC is national instrument of key importance for carrying out MLA because it sets up procedural rules that are applied where executing different letters rogatory. The importance of the domestic procedural law in respect of the mutual legal assistance stems from the principle that the requested Party has to execute the letters rogatory "in the manner provided for by its law".

The Law No. 6706 on International Judicial Cooperation in Criminal Matters (hereafter, the Law No. 6706) entered into force on 5 May 2016. The Law No. 6706 regulates the procedures and principles of international judicial cooperation in criminal matters, including mutual legal assistance, extradition, transfer of criminal proceedings, execution of foreign sentences and transfer of sentenced persons, in the light of the direct applicability of the international treaties on mutual assistance in criminal matters. The Law No. 6706 could be considered as a national instrument that complements the international conventions and treaties ratified by Turkey with regard to domestic procedural and technical issues. In addition, the Law No. 6706 should provide rules based on international standards for affording MLA on the basis of reciprocity in a case where there is no treaty in force.

Under Art.3 of the Law No.6706 **the Ministry of Justice, in its quality of Central Authority** under the Law (as provided by Art.2 (1) (b) of the law), is empowered to

decide on: (a) accepting the foreign requests for cooperation and on the suitability of the requests for cooperation of the Turkish judicial authorities made on the basis of the international treaties or the principle of reciprocity; (b) the form or method of the cooperation; and (c) the use of the information and documents requested within the judicial cooperation (para.1). When there is no applicable treaty or established reciprocity, the Ministry of Justice has competence concerning the guarantees given by the requesting state to execute the requests of the Turkish authorities in similar cases (para.2). It is also entitled to set conditions or demand guarantees concerning the execution of foreign requests for judicial cooperation (para.3). The Ministry of Justice may accept the conditions set out by the foreign authorities or grant the guarantees requested by the foreign authorities and the Turkish judicial authorities are bound by these conditions and guarantees (para.4). In case where a compensation has to be paid due to the execution of the requests for judicial cooperation, the Ministry of Justice may request that compensation from the requesting State (para.5).

The Circular No. 69/2 on the Matters to be Considered by Turkish Judicial Authorities in International Letters Rogatory Proceedings (hereafter, the Circular No. 69/2 on Letters Rogatory) was issued in 2011. The Circular No. 69/2 on Letters Rogatory includes following 8 annexes. The annexes are updated by the General Directorate of International Law and Foreign Relations and should be accessible in internet.

The Circular No. 69/3 on International Judicial Notifications in Criminal Matters deals with the service of judicial documents abroad. The Circular No. 69/3 on Notifications includes following 5 annexes. The annexes are updated by the General Directorate of International Law and Foreign Relations and should be accessible in internet.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

According to the Article 7 of the Law No. 6706, Turkish judicial authorities may request legal assistance for issues deemed necessary in order to conclude an investigation or prosecution or to execute a conviction judgement. In the implementation of this provision, judicial authority is defined in the article 2 of the Law No. 6706 as follows: Judicial authority means court, offices of judges and prosecutors and other authorities which are by law exceptionally granted the power of conducting criminal investigation, as well as the authorities defined by the States under the declarations to the international agreements by the States. In accordance with these regulations, the Republic of Türkiye declares in line with Article 6 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters that courts and chief public prosecutor's offices in Türkiye shall be designated as judicial authorities.

Within this legal framework, the relevant judicial authority must first determine that a given investigation or prosecution requires requesting MLA. Depending on the stage of the criminal proceedings, the office of the prosecutor or the office of the

judge, or both, may request MLA. *During the investigation phase*, as a rule, the office of the prosecutor is entitled to issue a request for MLA. *During the prosecution phase*, only the court is authorised to issue a request for MLA.

The current system is based on a *prepare-translate-approve-submit* workflow.

Having identified the need for issuing an outgoing request for MLA, the judicial authorities start with the preparation of MLA documents in accordance with the related law. Taking one of the Templates provided in Annex 1 of the Circular No. 69/2 into consideration, the judicial authority will *prepare* a standalone outgoing request for MLA addressing the requested foreign jurisdiction.

The requesting judicial authority, after having prepared the outgoing request for MLA and its accompanying documents (where applicable), must *translate* the request for MLA and its annexes into an official language of the requested jurisdiction.

After the receipt of the translated documents, the requesting judicial authority shall make sure that the translation of the request has the signature of the translator and the annexes of the request have been authenticated by the clerk staff. Then, the requesting judicial authority will *approve* both the original and translated version of the letter of request by affixing the designation, wet signature and seal.

After the approval, the judicial authority will *submit* the letter of request and its annexes along with a cover letter and the control list, both prepared in Turkish, to the central authority for the central authority of Türkiye to verify the suitability of the outgoing request for MLA under the principle of reciprocity.

The central authority of Türkiye (Directorate General for Foreign Relations and EU Affairs, on behalf of Ministry of Justice) will review the outgoing requests for MLA upon submission by the requesting judicial authority. The central authority of Türkiye will either submit the request to its counterpart in the requested jurisdiction(s) or return the request for MLA to origin in case it is deemed not suitable by the central authority of Türkiye, or if any formal deficiencies are identified. In the latter case, the judicial authority may resend the request to the central authority after having corrected the deficiencies.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

Whose contents are given above, The Circular No. 69/2 and 69/2 that contains the issues that Turkish judicial authorities should pay attention to when preparing an MLA request, can be accessed from the official website of our Ministry via <https://diabgm.adalet.gov.tr/Home/BilgiDetay/3>

6. Has your country established focal points of contact in central authority¹⁵ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Several formal/informal mechanisms are put in place for the purpose of quality control, namely preliminary exchanges between judicial authorities and the central authority and contacts with a network of liaison officers.

To mention some important channels; Türkiye participates in Eurojust and the European Judicial Network in Criminal Matters (EJN) through 5 contact points in the Ministry of Justice. Türkiye appointed five judges working at the Directorate General for Foreign Relations and European Union Affairs of the Ministry of Justice and the justice counsellor of the Turkish Embassy in the Hague as contact persons for Eurojust and the EJN.

In SELEC/SEEPAG, Türkiye has appointed a contact person determined at the Ministry of Interior exchanges information with third countries when necessary.

Under the framework of Budapest Convention on Cybercrime, Türkiye has designated a 24/7 contact point which is located in the Department of Cybercrime, in the Turkish National Police under the Ministry of Interior.

The point of contact for the Egmont Group in Türkiye is the MASAK which is the financial intelligence unit of Türkiye.

Türkiye is a member of the CARIN (Camden Asset Recovery Inter-Agency Network) and the point of contact for CARIN is the Directorate of Anti-Smuggling and Organised Crime (KOM).

Last but not least, Türkiye is member of Interpol since 1956. The National Central Bureau unit in Türkiye is represented by Directorate of INTERPOL-EUROPOL at General Directorate of Police in Ankara. Information requests from national authorities

¹⁵ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

including police departments, prosecutors or judges should be directed to this authority.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

Yes. Directorate General for Foreign Relations and EU Affairs (DIABGM), acting as a Central Authority on behalf of Ministry of Justice, has duties in the area of international judicial cooperation including relations with other countries in technical level. In order to resolve the problems that may occur in exchanged judicial cooperation requests, DIABGM officials regularly host foreign technical delegations or visit foreign countries to conduct bilateral technical meetings. Besides than those, there are also 17 justice counsellors serving in certain countries and international organizations to assist in the effective, healthy and rapid execution of judicial cooperation requests with the state of duty.

Geographical distance, having different legal systems and multi-layered structure in terms of international judicial cooperation are the main barriers that hinder the efforts of establishing bilateral relations with such countries.

Note: 'proactive pursuit of cases' includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Yes. To ensure that the legislative and institutional framework for international judicial cooperation in criminal matters in Türkiye provides for effective international cooperation; and to enable the Turkish judicial authorities effectively cooperate with other jurisdictions in criminal matters relying on international standards and agreements and utilising networks for exchange of information, the project on “Improving International Judicial Cooperation in Criminal Matters in Türkiye” is currently being carried out. It is co-funded by the European Union and the Council of Europe, and implemented by the Council of Europe and DIABGM starting from 10 December 2020.

Estimated results in 36 months are as follows:

- Legislative and institutional framework for international cooperation, in particular mutual legal assistance is enhanced.
- A mechanism for collecting and processing incoming & outgoing MLA requests (Central Monitoring System (CMS)), is introduced.
- Capacities of the MoJ's Central Authority and judicial authorities on international cooperation in criminal matters are increased.
- Cooperation and coordination capacities with international organisations and European Union member states are strengthened.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

One of the duties of the Turkish Justice Academy (TAA) is to cooperate with the competent institutions of foreign countries in the field of judge and prosecutor training or legal education, to develop and conduct training programmes. Within this scope, TAA have been providing online and face-to-face training programmes for judges, prosecutors and experts of many foreign countries, especially in Africa and the Middle East, in order to increase judicial cooperation with foreign countries and relations between judicial institutions.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among

financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

As explained in the answers to the question 6, Türkiye has been a member of EGMONT Group and the point of contact for the Egmont Group in Türkiye is the MASAK, which is the financial intelligence unit of Türkiye. The Egmont Group is a united body of 167 financial intelligence units that provides a platform for the secure exchange of expertise and financial intelligence to combat money laundering and the financing of terrorism.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Inadequate translations and inability to duly fulfil the requested assistance request due to having different legal systems are the biggest challenges both for the incoming and outgoing requests.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

Although nearly all respective countries have ratified the United Nations Conventions related to combating transnational organized crime such as human trafficking, corruption, money laundering; for some states, more efforts need to be made to review and align national legislation with existing international conventions. Therefore, capacity building activities and providing technical assistance are essential for discussing legislative gaps to harmonise relevant legislation of demanding states with international standards. In this sense, G20 ACWG may support this kind of activities and donors to provide assistance to the undeveloped countries, in order to enhance their capacity to combat corruption and related crimes.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

G20 ACWG could establish a Eurojust-like communication network for corruption offences, through which the central authorities responsible for mutual legal assistance in G20 member states could directly communicate. Besides that, the directory of competent national authorities on mutual legal assistance would allow an easy access to the contact information of competent national authorities. In this sense, the establishment of such a directory that contains the contact information of authorities authorized to receive, respond to and process request for mutual legal assistance would be beneficial to facilitate communication, enhance trust and cooperation among competent authorities of G20 member states.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

As mentioned before, one of the expected results of the project on “Improving International Judicial Cooperation in Criminal Matters in Türkiye” is to introduce a mechanism for collecting and processing incoming & outgoing MLA requests (Central Monitoring System (CMS)). It is expected to be able to utilize such a system within a year.

In view of the large number of requests for international cooperation that are processed by the Central Authority of Türkiye for MLA, it is crucial importance that a CMS is introduced. Such a system would allow for the tracking of requests that are received and sent out by Central Authority of Türkiye for MLA as well as those that have been returned for revision to the bodies that have submitted to the Central Authority of Türkiye for MLA.

With this system, the Central Authority of Türkiye will have the following capabilities (not limited to): to draft, edit, comment, return requests for revision and request provision of additional information, assign prior level to requests, finalise and approve these requests. This system will also have functionalities that allow to extract information, filter, analyse, provide statistical data in different categories such as subject, status, level of prioritizing of a request etc.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

As mentioned in answers to the question 14, easily accessible, secure and direct communication channels between the central authorities would accelerate the execution of MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

In a request submitted by one of the EU member states, it was alleged that a Turkish corporate undertook to supply construction materials as a result of a tender organised in that country. Although the materials delivered by this company did not meet the requirements specified in the tender documents, the tender authority accepted those materials and contract price was unjustly paid to the company. In addition, it is also alleged that the officials of the public institution that carried out the tender were found to have issued false documents stating that materials that were never actually received had in fact been received. For these reasons, it was stated that an investigation had been initiated against the public officials involved in the tender in question with regard to allegations of misconduct in their duties, and it was requested from the Turkish authorities that the financial records of the Turkish company in question be provided, the officials be heard and the documents relating to the delivery of the goods be summoned.

As the MLA request does not contain any deficiencies, it was quickly forwarded to the competent authority and the requested proceedings were fulfilled, then sent to the relevant country within a short period of time.

This case study implies that explaining *the modus operandi* in a way that leaves no room for doubt, clearly stating the names of demanded documents, sending a list of questions to be directed to the suspects and witnesses and a good quality translation shorten the time to process and fulfil the MLA request.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

MLA requests directed to Türkiye for search and seizure should be touched upon in this sense. Türkiye has made a declaration under Art.5 of the European Convention on Mutual Assistance in Criminal Matters that the execution of letters rogatory for search or seizure of property are dependent on all 3 conditions stipulated in Art.5, para.1, letters (a), (b) and (c) of the Convention, i.e., dual criminality, extraditable offence and consistency of the execution of the request with the national law. Article 8 (1) of the Law No:6706 is in conformity with this declaration. The Central Authority of Türkiye also seeks a guarantee that in case where a compensation has to be paid due to the execution of the requests for search and seizure, the requesting state will pay that compensation. Such requests submitted by states that are not sufficiently aware about the declaration of Türkiye and the national legislation summarized above, lead to additional correspondence and delayed fulfillment period.

On the other hand, in some MLA requests submitted by foreign countries, in the context of complicated corruption allegations, the summary of the facts is not well-explained and the actions of the suspects that give rise to the alleged offence are not explicitly clarified. In some requests, it is not clear that the assets sought to be seized were obtained with the proceeds of crime. In addition to all these, inadequately translated MLA documents are not understood by the competent authorities of Türkiye, either leading to delays or rejection of requests.

Note: This can include both MLA requests sent or received.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

The UK is able to provide Mutual Legal Assistance (MLA) to any country or territory in the world, irrespective of whether that country is able to assist the UK, and whether that country or territory is party to a bilateral or multilateral agreement with the UK. The UK is party to a number of multilateral frameworks which place specific conditions or procedures applying to MLA cooperation between the UK and other states. Examples of these multilateral agreements in this context are the Council of Europe's European Convention on Mutual Assistance in Criminal Matters 1959, supplemented by its two additional protocols and the United Nations Conventions against Corruption. The UK also has around 50 bilateral agreements which include MLA provisions.

Requests for MLA made to the UK must be sent to the relevant central authority (the UK Central Authority, His Majesty's Revenue and Customs and the Crown Office and Procurator Fiscal Service). The specific responsibilities and jurisdiction of each central authority is available on GOV.UK alongside published guidance on what assistance is available through MLA. Requests which do not comply with the requirements set out in published guidance and treaties may be returned to the requesting authority for further information and may not be executed.

When the requirements are met and the request is acceded to, MLA requests are directed to the relevant executing authority (local police forces, the Crown Prosecution Service or other agencies which hold relevant data) and the requested evidence is collected. Once the evidence is obtained, it will be passed to the requesting state in line with applicable data protection and treaty requirements.

Requesting states may make use of law enforcement to law enforcement channels to gather information from the UK for an investigation. This can sometimes be an easier and quicker way to obtain intelligence and, where applicable, evidence, as it does not require a mutual legal assistance request.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	-
No. of MLA requests resolved	-
No. of MLA requests pending	-
No. of MLA requests refused	-

The UK has not provided a response to this question. The data held by UK Central Authorities does not include requests from the UK to EU member states as requests from the UK are transmitted directly to EU central authorities in line with provisions of the Trade and Cooperation Agreement. Therefore, it is not possible to provide a representative data set.

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	c.450 cases received by UKCA for bribery or corruption
No. of MLA requests resolved	c.350 cases closed
No. of MLA requests pending	c.100 cases open at time of writing
No. of MLA requests refused	-

The UK has a number of central authorities which can receive MLA requests. The figures included are from the UK Central Authority which is responsible for MLA requests in England, Wales and Northern Ireland, excluding investigations relating solely to tax and fiscal customs matters. These figures reflect requests from bribery and corruption as request numbers are combined in local management information.

All figures are from local management information and have not been quality assured to the level of published National Statistics. As such they should be treated as provisional and therefore subject to change.

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

Regarding incoming MLA requests, requests made to the UK for MLA should be sent to the appropriate Central Authority within the UK. There are three Central Authorities in the UK: the UKCA for requests for England and Wales and Northern Ireland excluding tax and fiscal matters, HMRC for requests for England and Wales and Northern Ireland relating to tax and fiscal matters, and Crown Office for all requests for Scotland.

Requests are logged and considered to assess if the request can and should be acceded to as a matter of law and policy. If further information is sought this will be requested from the Requesting State. To assist Requesting States with understanding the requirements for certain measures the UK publishes guidelines which are available on GOV.UK and translated into Polish, French, Spanish, Turkish, Portuguese and Standard Arabic. In addition the UKCA is developing digital options for submission to help guide states.

Once acceded to, the request will be referred to the appropriate executing authority to obtain the evidence sought. Executing authorities are defined as the authority which has the legal power to obtain the evidence sought and will vary depending on the request (e.g. Local police force, Serious Fraud Office). Most authorities will have dedicated contact points for international requests. Obtaining the evidence may require a UK court order for more coercive measures such as search and seizure.

The UKCA has points of contact to help engage with requesting states and executing authorities and can actively chase requests.

Once the evidence has been obtained it may be shared directly where appropriate with the requesting state by the executing authority. However, usually it will be transmitted by the central authority. The UKCA uses a secured file sharing platform to enable secure sharing of evidence including in large volumes.

Regarding outgoing requests, the UKCA transmits requests made by the UK except where there is an agreement providing for direct transmission. Where agreements allow for direct transmission, requests are sent directly from the relevant prosecutor (e.g. the Crown Prosecution Service) to the central authority of the requested state.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The UK produces MLA Guidelines for Foreign Authorities which are available in several languages on GOV.UK (link below).

- [MLA guidelines for foreign authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

The UK also provides guidance specific to asset recovery requests (link below)

- [Asset Recovery Guide United Kingdom - update 2022 | Stolen Asset Recovery Initiative \(StAR\) \(worldbank.org\)](https://www.worldbank.org)

The UKCA uses a secure platform (Egress) to enable transmission of electronic documents which cannot be emailed. Guidance on the use of Egress is available online (link below)

- [Egress instruction guide \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

6. Has your country established focal points of contact in central authority¹⁶ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

The UK has points of contact for certain countries to assist with communication on requests. These points of contact are communicated where there is a relevant counterpart to communicate with. The UK will endeavor to update where the contact changes. Additionally, the UKCA have a dedicated inbox for the receipt of requests and queries from all states which is regularly monitored.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in

¹⁶ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

The UKCA has points of contact with executing authorities to follow up on requests once referred. The UKCA utilises internal stakeholder contact points to follow up on requests referred for execution.

The UKCA has points of contact for certain countries to assist with communication on requests.

The UKCA utilises appropriate networks such as IACCC, Eurojust, the European Judicial Network, National Crime Agency International Liaison Officers and Crown Prosecution Service (CPS) Liaison Prosecutor Network to follow up on requests.

In addition to maintaining a Liaison Prosecutor and presence at Eurojust, the UK has a number of CPS Liaison Prosecutors based in countries around the world who work on behalf of UK investigators and prosecutors as representatives of the UK criminal justice system in the country or countries of their posting. They advise and assist on mutual legal assistance in relation to the investigation and prosecution of transnational and cross-border crime and assist in communicating information relevant to specific requests.

Note: 'proactive pursuit of cases' includes, *inter alia*, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

INTERPOL and other tools are used as precursors for MLA; the UK is a frequent user of INTERPOL to share information and to request information as required. We would encourage increased use of INTERPOL tools for data sharing purposes; both the Notices and Diffusions system, and the INTERPOL databases which allow for free sharing of other information to aid co-operation across a multitude of crime types (e.g. drugs, crimes against children, counter terrorism, and stolen passports). The UK seeks to utilize these tools fully, whilst remaining in full compliance with our international obligations and domestic data laws.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

UKCA are working with the newly formed Joint International Crime Centre (JICC) which consolidates and enhances the UK's capabilities around international law enforcement co-operation and co-ordination in one organisation, to develop domestic liaison networks. UKCA have set up dedicated contact points within the authority who liaise with domestic agencies including Serious Fraud Office, SO15, His Majesty's Revenue and Customs, Driver and Vehicle Licensing Agency, and UK local police forces.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Knowledge Sharing: The UKCA has delivered training to exchange knowledge and help upskill competent authorities in the effective use of MLA to tackle serious and organised crime and corruption. The UKCA delivered this training in conjunction with other organisations such as the International Anti-Corruption Coordination Centre, National Crime Agency, Joint International Crime Centre, His Majesty's Revenue and Customs and the Crown Prosecution Service.

UKCA Digital: Over the last two years the UKCA's Strategy team has undertaken an outreach programme, working with several partners both within and outside the EU, as well as international networks such as the G7 CLASG, Eurojust, and the Council of Europe, to share knowledge and updates on our digital work. Moving government services online within the UK is in the process of being extended to MLA and Extradition request submissions and evidence sharing, and we are actively seeking opportunities to engage and present on our work. This is expected to go live in November 2023, and we are keen to identify where we can support other countries in building their own comparable digital solutions.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among

financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

The UK's preference for exchange of information is the Egress Secure Workspace. This encrypted file sharing platform is used for domestic sharing of larger or more sensitive information, and internationally with UK agencies overseas (NCA/CPS/SFO/HMRC) and requesting states. Information and/or evidence sharing via email or hard copy routes carries a very high level of risk, especially in this current climate of heightened cyber threats.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Sending MLA requests:

- Receiving acknowledgements of receipt from foreign authorities varies considerably, with several countries/regions never sending an acknowledgement of receipt.

Responding to requests:

- Currently 30% of MLA requests sent to the UKCA are missing information (equates to ~3,000 requests per annum). This information ranges from subject details, link to the UK, measure-specific information (interview questions, banking information) and other details which the UKCA are unable to obtain themselves.
- This causes delays due to needing to go back to requester and seeking the information from them (and their own response rates vary).
- Lack of law enforcement engagement/informal assistance activities completed prior to submission of a formal MLA request. This often results in requests lacking information necessary to identify what is required meaning that it cannot be progressed without further information.

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The UK can provide MLA to any country or territory in the world, irrespective of whether that country is able to assist the UK, and whether there is a bilateral or multilateral agreement. The UK is working in the Council of Europe to update existing multilateral frameworks and will continue to press for updates which will enable faster and more efficient MLA cooperation. The UK is supportive of efforts to expand the signatories of these conventions which allow for more efficient and effective cooperation. The G20 ACWG acts as an important mechanism to ensure collaborative working practices are in place between states.

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The G20 ACWG can highlight the international law enforcement networks available to states (for example Interpol/Europol) and raise awareness of network leads (for example the UK's National Crime Agencies ILO network).

Also, the G20 ACWG can provide more guidance and training to law enforcement in-country so that they are also aware of the information required in an MLA request.

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

The UKCA are nearing the final stages of their Digital Transformation Programme, which has focused on improving all three phases of the MLA request timeline (transmission of request, management of the request and transmission of evidence).

The UKCA is currently nearing completion (with the current planned "Go Live" date of November 2023), on a new online submission form, for requesting authorities to submit their MLA requests online via Gov.uk. This advancement in submission method will aim to ensure:

- All required information is provided at the point of submission, which will reduce delays due to incomplete requests and in turn reduce the number of chasers sent and resultant reconsiderations required,

- Provide international partners with the assurance that they are submitting directly into Home Office-owned IT systems, using a trusted Gov.uk front end,
- Feed all information automatically into the UKCA case management system, significantly reducing the initial triage/case creation processing times.

To ensure that cases are efficiently managed, the UKCA are now building a replacement domestic case management system. This tool will be for internal use only however the anticipated benefits include a more intuitive system which captures more accurate data, as well as improving response times, quality of referrals, and a comprehensive system for UKCA staff.

To improve the process for transmitting evidence, the Egress Workspace was launched in October 2021 to allow evidence gathered in the UK in relation to MLA requests to be transmitted instantly and securely using this end-to-end encrypted file sharing platform. Since its launch, the UKCA's Egress platform has been used to transmit evidence in over 7,000 MLA requests, and has over 2,000 international users, in over 85 countries globally. This new transmission method has dramatically improved the data security and data handling of evidence in MLA requests, and significantly reduced the transmission time to international partners.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

The most frequent cause of delay to MLA requests is missing information in the original request. This missing information causes delays due to needing to go back to requester and seeking the information from them. Greater utilisation of law enforcement to law enforcement channels often help to ensure that MLA requests retain required information, and the UK would encourage greater use of these channels by requesting states. This would help to reduce the number of MLA requests sent prematurely.

The UK would also encourage states to adopt more digital ways of working, including using the new UKCA online submission form (which launches autumn 2023). Any other digital methods of communication and data transmission should also be encouraged where possible, to improve efficiency and data security. Since the UK embarked on digitisation, across all government services but especially in relation to judicial cooperation, we have seen notable benefits, including faster transmission times reduced data handling and a reduction in data breaches, and resource savings within the unit.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

The UK has successfully assisted three countries to execute over 15 MLA requests for the same corruption investigation and has assisted in freezing over £1 billion of assets for that investigation. The case has seen a number of charges in the three countries. The case has shown the importance of using pre-MLA checks with the relevant networks to provide information on assets. The case also showed the importance of coordination and dialogue between countries.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

The UK has received a number of requests for corruption cases seeking to restrain assets where assets in the UK have not been properly identified. This means that the request has to be returned with a suggestion to complete those checks before the request can be accepted. Sometime the request has been delayed so that any opportunity to freeze assets may have gone.

Note: This can include both MLA requests sent or received.

UNITED STATES OF AMERICA

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

See attached document on frequently asked questions regarding legal assistance in criminal matters, which can also be found on the webpage for the U.S. Department of Justice (DOJ), Office of International Affairs (OIA), at this link: <https://www.justice.gov/criminal-oia/file/1498811/download>.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

U.S. prosecutors and investigators who need information and evidence from another country consult with DOJ/OIA, the U.S. Central Authority in MLA matters, regarding the preparation of an MLA request. OIA and the requesting authority prepare the request jointly and, once OIA approves it, OIA signs and transmits it to the Central or Competent Authority of the Requested Country, in accordance with the requirements of any applicable treaty, convention and/or requirements of the Requested Country.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

As mentioned above, Resources for Foreign Authorities are available on the DOJ/OIA website. The Resources for Foreign Authorities page contains guidance explaining U.S. legal standards that must be met to produce certain types of assistance. These resources appear in Arabic, English, French, Portuguese and Spanish. Additionally, OIA is in regular contact with its counterpart Central and Competent Authorities, with which OIA discusses substantive and procedural requirements frequently as set forth in MLA treaties (MLATs) and multilateral conventions. OIA also engages in frequent training encounters with foreign Central Authorities and requestors.

6. Has your country established focal points of contact in central authority¹⁷ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

¹⁷ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

DOJ/OIA, as the U.S. Central Authority under bilateral MLA treaties and multilateral conventions, has been in existence since 1978 and has long maintained regionally focused teams responsible for establishing and maintaining relationships with foreign, counterpart Central Authorities. These regional teams develop expertise regarding the legal requirements and practice of the foreign countries assigned to their regions. They then use their expertise to prepare and send U.S. MLA requests to foreign countries. In addition, DOJ/OIA has two teams dedicated to reviewing and executing MLA requests from foreign authorities, or transmitting such requests to other, competent authorities for execution. One team handles MLA requests seeking information and evidence from communication service providers (CSPs) and the other team handles all other MLA requests not involving CSPs, such as conducting witness interviews and obtaining bank, business, and official records. Each team has attorneys and support staff assigned to each foreign country who are available to provide guidance regarding the preparation of an MLA request.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

As the U.S. Central Authority, DOJ/OIA is legally obligated under many MLATs to communicate directly with foreign, counterpart Central Authorities regarding issues that arise in connection with the execution of MLA requests. DOJ/OIA engages frequently, almost daily in some cases, with its foreign counterparts. Some challenges encountered include dealing with foreign Central Authorities who merely serve as a mailbox and lack the necessary personnel or expertise to engage on cases. This creates frustration for U.S. requestors when U.S. inquiries or attempts to engage on U.S. requests are met with silence. Even with regard to foreign requests submitted to the United States, some foreign Central Authorities are not engaged beyond transmitting the foreign request to DOJ/OIA. Thereafter, it is difficult, if not impossible, to get them to engage in order to expedite the resolution of questions or issues arising in connection with their MLA requests. In many cases, MLA requests provide the name and contact information for the prosecutor or investigator making the request. In those cases, when questions arise, DOJ/OIA communicates directly with the prosecutor or investigator of the Requesting Country, with or without the involvement of the Central Authority of the Requesting Country.

Note: *‘proactive pursuit of cases’ includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.*

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The United States also engages and takes leadership roles in certain topic-specific fora that provide for global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering. One such example is our membership in the Camden Asset Recovery Interagency Network (CARIN), an informal network of law enforcement and judicial practitioners, specialist in the field of asset tracing, freezing, seizure and confiscation. Each member state is represented by a law enforcement officer and a judicial expert (prosecutor, investigating judge, etc., depending on the legal system). Another example is the United States' active participation in the G20's Anti-Corruption Working Group (ACWG), a leading mechanism for cooperation in raising the standards of transparency and accountability across the G20 and contributing to the global fight against corruption.

In addition, the U.S. Financial Intelligence Unit, FinCEN, continues its work in the Egmont Group to promote effective information sharing and networking. The United States also played an important role in supporting Egmont's role in facilitating the secure exchange of information between FIUs. On behalf of the Egmont Group, FinCEN maintains the Egmont Secure Web (ESW), which permits members to communicate with one another via secure e-mail, requesting and sharing case information, as well as posting and assessing information on typologies, analytical tools, and technological developments.

The United States is also a member and supporter of the Global Focal Points Network on Asset Recovery. Through U.S. support, the Focal Points Network has grown to 136 countries with 236 registered focal points. The Network represents a valuable platform through which asset recovery practitioners can exchange information and collaborate on actual cases. Finally, the United States has also joined the newly developed GlobE Network and serves as a member of its steering committee. Though this network is currently under development, we anticipate that it will offer law enforcement practitioners an additional tool through which to advance domestic enforcement efforts.

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Regarding challenges experienced, the United States observes that the effectiveness of any network in which it participates necessarily depends on the identification and engagement of practitioners and related law enforcement representatives with a specific expertise in subject matters relevant to the network, e.g., law enforcement (investigative and practitioner personnel) located within asset recovery offices with experience in asset recovery, etc. Clear identification of expert points of contacts in other jurisdictions can occasionally be a challenge and the United States would encourage members to endeavor to identify relevant and consistent focal points.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

DOJ/OIA periodically provides one-hour training sessions on topics relevant to the work of a Central Authority as well as multi-day, comprehensive in-service trainings covering the range of OIA's work with MLA and extradition requests. Past training topics have included the use of cryptocurrency in criminal cases, the role of the U.S. Egmont financial intelligence unit—the Financial Crimes Enforcement Network (FinCEN)—and how their work intersects with OIA's, as well as best practices for developing and drafting requests for extradition and provisional arrest from the United States to foreign countries.

Additionally, new attorneys and support staff are given training for a week and a half when entering one of OIA's Teams dedicated to the handling of foreign MLA requests to the United States.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

With funding from the U.S. Department of State, the U.S. Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) provides assistance to and develops expertise in jurisdictions around the world to investigate and prosecute transnational organized crime, corruption, cybercrime, and terrorism, and to strengthen cross-border cooperation and information sharing.

In coordination with OIA, OPDAT helps foreign investigators and prosecutors responsible for transnational crime cases by sharing best practices for formal – mutual legal assistance – and informal methods for obtaining international evidence so that justice systems can become more efficient and effective in international cooperation, including the use of mutual legal assistance or law enforcement cooperation to enhance transnational cases.

As countries strive to combat increasingly sophisticated transnational criminal organizations, OPDAT provides expert advice and assistance on the tools and training necessary to investigate and prosecute complex crimes effectively, such as modernizing criminal codes and criminal procedure codes, improving investigative techniques, emphasizing the benefits of joint task forces and providing training on the task force model, expanding substantive knowledge of transnational criminal offenses, learning from international examples to develop substantive legal areas, and utilizing mutual legal assistance.

Additionally, many developing countries lack an effective Central Authority and do not have experience with international cooperation, mutual legal assistance, and/or fugitive return. Such institutional, legal, and practical deficiencies diminish the ability of international partners to address transnational crime/international terrorism, whether assisting foreign prosecutors and investigators or their own. To address these deficiencies, in 2014, OIA developed the Global Central Authorities Initiative (GCAOI) to work with other countries to strengthen their institutions, legal frameworks, procedures, and practices involving international cooperation. Now, together with the International Institute of Justice (IJJ) and other partner countries, OIA has participated in numerous GCAI workshops aimed at addressing these deficiencies, particularly throughout Asia, Africa, and the Middle East. These efforts led to the IJJ publication in 2019 of "Good Practices for Central Authorities," offering concrete ways for countries to improve their institutional, legal and procedural frameworks.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

U.S. agencies make use of a variety of channels for the exchange of information. For example:

- the U.S. Department of Treasury exchanges financial intelligence with other FIUs through the Egmont Group;
- the U.S. Department of Justice's Tax Division and the U.S. Department of Treasury have entered into Tax Treaties with a number of their foreign counterparts for the exchange of tax information; and
- the U.S. Securities and Exchange Commission has entered into Memoranda of Understanding with a number of foreign counterparts for the exchange of information in regulatory matters and also makes requests pursuant to MLATs, through the U.S. Central Authority, in criminal matters.
- The U.S. Department of State has entered into bilateral and multilateral information sharing agreements with a number of foreign counterparts to facilitate denial of entry and visa restrictions in cases involving corruption, terrorism, transnational organized crime, and other criminal activity and threats to national security.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

A key challenge for DOJ/OIA in sending or -responding to MLA requests, is the lack of engagement/response from the foreign country.

- 13.** What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

Many of the challenges encountered in the MLA channel could be resolved with adequately staffed and fully empowered Central and Competent Authorities. Requested countries would receive executable requests if Central and Competent Authorities were staffed with experts who can assist with the preparation of MLA requests that are legally sufficient for execution and with authority to make decisions regarding the transmission of MLA requests.

The G20 ACWG could address this issue by placing greater emphasis on the preparation of well-supported MLA requests by Requesting Countries through the strengthening of Central and Competent Authorities.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

For the United States, pre-MLA cooperation occurs, primarily, through law enforcement channels. The G20 ACWG could improve direct lines of communication by encouraging G20 members to communicate with the law enforcement attachés posted in U.S. Embassies around the world, including the attachés with the Federal Bureau of Investigation, the Drug Enforcement Administration, Homeland Security Investigations, Immigration and Customs Enforcement, Customs and Border Protection, and the Internal Revenue Service, among others.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

As described above, DOJ/OIA reorganized to create two teams solely dedicated to the execution of MLA requests from around the world.

Additionally, DOJ/OIA is planning technology improvements to better process case work at the U.S. Central Authority.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

As described above, many of the challenges faced in the MLA channel could be resolved by strengthening and empowering Central and Competent Authorities by staffing them with experts in MLA and giving them the authority to make decisions on the sending of appropriate MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Over \$1 billion in misappropriated 1MDB funds were repatriated to Malaysia. The press release can be found at this link:
<https://www.justice.gov/opa/pr/over-1-billion-misappropriated-1mdb-funds-now-repatriated-malaysia>

Additionally, the United States will repatriate nearly \$1 million to the Federal Republic of Nigeria traceable to the kleptocracy of the former Governor of the State of Bayelsa in Nigeria, Diepreye Solomon Peter Alamiyeseigha. The press release can be found at this link:
<https://www.justice.gov/opa/pr/united-states-repatriate-nearly-1-million-federal-republic-nigeria>

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

For reasons of confidentiality, we are legally precluded from discussing MLA requests received from other countries. Further, we cannot disclose information regarding specific cases that have not been made public.

Note: This can include both MLA requests sent or received.

MAURITIUS

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In September 2003, Mauritius enacted the Mutual Assistance in Criminal and Related Matters Act (MACRMA). The Act provides the legal framework covering both outgoing and incoming requests. It makes provisions for mutual assistance between the Republic of Mauritius and a foreign State or any international criminal tribunal, in relation to serious offences, including those committed before the coming into operation of the MACRMA.

MACRMA does not prevent informal assistance between Mauritius and other States [section 3(4)].

Section 20 of MACRMA ensures that strict confidentiality of requests is maintained at all times.

All requests for Mutual Legal Assistance are considered and processed by Mauritius in their entirety, although priority is at times given cases involving serious criminal offences including corruption and wide-scale fraud, or where evidence is at risk of being concealed or destroyed, or where the safety of witnesses or the public is at risk.

In order to facilitate cooperation and expedite the exchange of information, the Central Authority in Mauritius (Attorney-General's Office) has taken the initiative accept urgent requests by secured courier and email while it awaits for official Mutual Legal Assistance request to arrive by diplomatic channels. This practice reduces the execution time from 8 to 12 months to 3-6 months.

While Mauritius will normally bear the costs of executing Mutual Legal Assistance requests, it reserves the right to claim extra costs after consultation with the requesting State, on a case-by-case basis.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	7
No. of MLA requests resolved	4
No. of MLA requests pending	3
No. of MLA requests refused	NIL

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	14
No. of MLA requests resolved	8
No. of MLA requests pending	6
No. of MLA requests refused	NIL

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

- Receipt of instructions from Investigatory Body (ICAC, Police, etc.)
- Outgoing request is drafted as per instructions and requirements of MACRMA and in accordance with requirements of the requested state
- Draft outgoing request is sent to Investigatory Body to ensure draft reflects the instructions given
- Hold prior consultation with requested states where possible
- Draft outgoing request is finalized
- Honourable AG then approves and signs the outgoing request
- The outgoing request is sent to the requested state via diplomatic channels and secured email where possible

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

<https://attorneygeneral.govmu.org/Pages/mla/mla.aspx>

6. Has your country established focal points of contact in central authority² to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

Mauritius has designated 2 focal points of contact for MLA requests, the details of which can be found at:

<https://attorneygeneral.govmu.org/Pages/mla/mla.aspx>

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

On 24 January 2011, the Government of the Republic of Mauritius and the French Government signed an Agreement in Reunion island (Overseas French Territory) on matters relating to Security and 'Groupede Contact'(GDC) was set up comprising of key officials on both sides to address such issues.

On 27 April 2023, the GDC agreed that judicial co-operation between the two islands is of vital importance especially in the light of recent events uncovering an extensive criminal network between Mauritius and Reunion.

The Central Authority of Mauritius and France are thus encouraging direct contact in urgent matters subject to both sides agreeing on the modalities of such co-operation.

The difference in administrative procedures, criminal procedures and the law of evidence (particularly the English adversarial system and French

Inquisitorial systems) between the two islands was identified as being the major stumbling block to efficient MLA co-operation.

Note: ‘proactive pursuit of cases’ includes, inter-alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

The Central Authority of Mauritius mostly deals other Central Authorities directly in seeking to facilitate multi-jurisdictional cooperation and only resort to existing networks in the event that there no co-operation from a particular Central Authority.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

The Central Authority of Mauritius provides upon request capacity building programmes to domestic agencies only.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

The Central Authority of Mauritius welcomes any training programme / technical assistance provided by other Central Authorities or international organisations in a view to building up expertise on mutual legal assistance, including training or mentorship programmes.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

- Police to Police informal co-operation
- Tax Authorities to Tax Authorities co-operation
- Interpol to Interpol co-operation
- FIUs to FIUs co-operation
- Anti-Corruption Agencies to Anti-Corruption Agencies co-operation
- Providing information on publicly available information (records relating to Companies incorporated in Mauritius; ownership of assets; criminal records of individuals)

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

- Differing legal systems between states
- Differing legal requirements between states
- Lack of accessible information on applicable laws and procedures
- Central authorities cannot be properly identified or designated
- MLA contact information or contact person cannot be properly identified or designated
- Lack of consultation and discussion before making formal requests
- Officers at Central authorities lack legal training and experience
- Lack of effective basis for making MLA requests
- Incomplete MLA requests
- Delayed response or no response from requested state
- Language barriers

13. What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

See reply to questions 12 and 14

14. Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

- By providing an updated online database for contact details of Central Authorities and contact persons
- By providing a safe and secure online platform for Central Authorities to contact, consult and exchange information amongst themselves

15. Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

- Online access to MLA laws and procedures applicable to
- Online access for contact details of the Central Authority of Mauritius and contact persons
- Possibility of consultation prior to submitting formal MLA requests
- Possibility of submitting MLA requests by secure mail or express courier service while original arrive by diplomatic channels
- Possibility of requesting that request be given priority

16. Please provide your suggestions/comments on way to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

- Use proper legal basis for making
- Understand laws and procedures of requested state before making requests
- Hold prior consultation with requested state before making
- Make an informal request whenever possible
- Establish direct contact with an officer from the requested state
- Provide a detailed MLA requests supported by cogent evidence
- Provide details of contact persons from requesting states dealing with the request to enable swift exchange of information
- Reply to request for additional information from requested state promptly

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

The "Hells Angels" known as "The Angels of Hell" transferred 130 million dollars or more than 5 billion rupees to the Mauritian offshore between 2009 and 2011.

According to an investigation by the Royal Canadian Mounted Police, these large sums of money were then sent to several tax havens such as Luxembourg, the Cayman Islands and Panama.

The "Hells Angels" were also the subject of several FBI investigations for organised crime and money laundering.

After a "Confiscation Order" was sent to the Mauritian Central Authority by Canada Authorities through a MLA request.

15 million dollars was subsequently traced by Mauritian authorities to an offshore company.

These sums were seized and transferred to the Director of Criminal Prosecutions in Canada by the Mauritian Central Authority.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

No specific case study is available.

But challenges include:

- Differing legal systems between states
- Differing legal requirements between states
- Lack of accessible information on applicable laws and procedures at requested state
- Central authority of requested state cannot not be properly identified or designated

Note: This can include both MLA requests sent or received.

THE NETHERLANDS

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In the Netherlands, the Minister of Justice and Security (MJS) is the Central Authority for the receipt, assessment and transmission of requests for international cooperation and extradition from and to countries outside the EU. The role of the Central Authority is delegated to the Department of International Affairs and Legal Assistance in Criminal Matters (AIRS). For requests from countries inside the EU, the international legal assistance centres (IRCs) are the competent authorities. There are twelve IRCs: 10 IRCs with regional competence, one national/coordinating IRC (LIRC) and one IRC specialised in serious fraud, environmental crime and asset recovery (IRC FP). Police and public prosecutors in the Netherlands work together on international MLA requests in the IRCs.

AIRS will advise the IRCs/LIRCs and, through them, the public prosecutors handling the case with regard to any potential sensitivities when requesting legal assistance from foreign authorities or incoming requests for legal assistance. AIRS will do so in its capacity of Central Authority, based on national legislation (the Dutch Code of Criminal procedure), applicable treaties, its own expertise and, where necessary, using information that may be obtained from government bodies such as the Ministry of Foreign Affairs and police liaison officers stationed abroad.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	See NB below
No. of MLA requests resolved	

No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

- NB: Please be informed that AIRS cannot provide statistical data of corruption-related cases sent by the Netherlands. Such specific searches cannot be made in the system. We have recently implemented a new system (Dutch International Assistance System; DIAS) and hope to be able to generate these kinds of figures in the near future

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	See NB below
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

- NB: Please be informed that AIRS cannot provide statistical data of corruption-related cases sent by the Netherlands. Such specific searches cannot be made in the system. We have recently implemented a new

system (Dutch International Assistance System; DIAS) and hope to be able to generate these kinds of figures in the near future

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

Outgoing requests: a public prosecutor or a judge drafts request in consultation with the IRC. That request comes to AIRS for advice and through AIRS it will be sent to the central authorities of the country to which the request is addressed, through the embassy or directly.

Incoming requests: are first reviewed by AIRS and then forwarded to the (L)IRC for execution. DIAS is used here as a monitoring system. See also the comments to question 1.

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

- Through the website of the Ministry of Justice and Security: Information for Foreign Authorities | Internationale rechtshulp
- Through the website of the Council of Europe where the country information of each member state party to the European Convention on Mutual Legal Assistance in Criminal Matters is listed: <https://rm.coe.int/netherlands-mla-19/168097da33>

6. Has your country established focal points of contact in central authority¹⁸ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other

¹⁸ For the purpose of the Accountability Report, “focal points of contact” would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

(L)IRCs (for preparing outgoing requests) and if it necessary the Liaison Officers can ask for advice on incoming requests.

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

AIRS conducts regularly bilateral consultations with the central authorities around the world. Consultations at case level, but also at a broader general level.

Note: 'proactive pursuit of cases" includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country's experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

AIRS uses the networks such as INTERPOL and the liaison officers around the world. Our experience with these networks are positive.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

- To be answered by our experts before September

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

- To be answered by our experts before September

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

To be answered by our experts before September

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

International cooperation brings challenges because of the different legal systems. However, we always strive, within the legal and treaty framework, to achieve successful cooperation. We look at the possibilities from case to case and country to country

- 13.** What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

To be answered by our experts before september

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

To be answered by our experts before September

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

International Assistance System (DIAS) is a system used to process MLA-requests. This system is only accessible to authorized organizations within the Netherlands, such as: AIRS, public prosecutor's office and the National police.

- 16.** Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

NA

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

To be answered by our experts before September

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

To be answered by our experts before September

Note: This can include both MLA requests sent or received.

SPAIN

1. Please provide a brief overview of the existing mutual legal assistance framework in your country. You may include the details in the form of operational flowcharts, including entities involved, their roles, domestic laws that encourage and facilitate international cooperation.

In criminal matters, judicial assistance includes:

- Extradition proceedings, assistance consisting of the performance of any of the acts of investigation within the framework of a criminal investigation or judicial proceeding (notification of judicial documents, obtaining evidence, etc.) better known as letters rogatory.
- The execution of criminal sentences, which includes both the transfer of sentenced persons and the recognition and execution of final resolutions.

The competence to request judicial assistance in criminal matters corresponds to the judicial authority in charge of the proceeding, although the arrangement for the transmission of requests varies according to the applicable regulations.

There are two possible scenarios:

- MLA with non-EU countries

MLA is provided in Spain on the basis of treaties or agreements, whether bilateral or multilateral, or, in the absence of such treaties, through the principle of reciprocity.

Spain is a party to bilateral agreements on judicial cooperation in criminal matters with numerous countries, in addition to being party to United Nations and the Council of Europe multilateral agreements in this field.

In most bilateral or multilateral agreements, a Central Authority is usually established as the channelling body for requests. In the case of Spain, this

Central Authority is the Ministry of Justice through the Deputy Directorate-General for International Legal Cooperation.

In the event that the principle of reciprocity is invoked, the form of transmission will be diplomatic, although the Ministry of Justice, through the Deputy Directorate-General for International Legal Cooperation, also channels such requests.

- MLA with EU countries

MLA communications between Member States of the European Union are directly done by judicial authorities and based on the principle of mutual recognition of judicial decisions between EU Member States.

The Ministry of Justice, in addition to acting as the Central Authority for the reception and forwarding of requests for international judicial assistance in criminal matters, assists different legal practitioners in order to facilitate their work in this area.

In addition, the Central Authority has among its functions the participation, through contact points, in different international cooperation networks, such as the European Judicial Network on Criminal Matters and the Ibero-American Network of International Legal Cooperation (IberRed), providing an even more direct and rapid contact between authorities to solve problems that arise in the field of cooperation.

2. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by your country, as appropriate.

Total no. of MLA requests sent	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

3. Please provide statistical data for the last five years (2018-22) on MLA requests on corruption cases received by your country, as appropriate:

Total no. of MLA request received	
No. of MLA requests resolved	
No. of MLA requests pending	
No. of MLA requests refused	

Note: Responses to this question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

4. Please provide a brief overview of the flow and preparation process of MLA requests from the initiating officers of law enforcement authorities to the central authority and vice versa that is in place in your country for encouraging prompt responses.

- MLA with non-EU countries

Normally requested by means of the issuance of an international rogatory commission. There are no compulsory forms (only recommended forms) with limited exceptions for the United Kingdom (for seizure, forfeiture and arrest warrant) and Iceland (for the surrender procedure). Rogatory commissions must be translated into the language of the requested State.

Normally issued by a Judge/Magistrate or Legal Officers of the Administration of Justice; when the investigation concerns minors, it can also be a Public Prosecutor.

The signature of the Judge/Magistrate is required for requests sent to Morocco and the United Kingdom.

All requests must be sent, the original together with its translation, to the central authority in the Ministry of Justice through electronic means (postal mail submissions are also accepted in case electronic means are unavailable).

- MLA with EU countries

Procedures regulated in Law 23/2014 on the mutual recognition of criminal decisions in the European Union, and by virtue of the European Convention on MLA in Criminal Matters between the Member States of the Union (mainly for acts of communication).

Law 23/2014 specifies a number of mandatory forms according to subject matter. The European Convention on MLA specifies a series of recommended forms. Those forms should be translated into the language of the State from which assistance is requested (within the framework of the European Research Order, English should normally also be accepted).

The requests should be issued by the following authorities:

- Those under Law 23/2014: to be signed by a Judge/Magistrate or a Public Prosecutor (for European Investigation Orders issued in the framework of its investigative proceedings or in the juvenile jurisdiction).
- Those under the European Convention on MLA: to be signed by a Judge/Magistrate or a Legal Officer of the Administration of Justice, or a Public Prosecutor (in the context of its investigative proceedings or in the juvenile jurisdiction).

Requests should be sent directly to the competent judicial authority of the receiving State, preferably by e-mail. This authority and its address can be found through the [European Judicial Atlas](#).

More detailed information is available [here](#).

5. Please provide details of relevant mediums/channels which provides clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g. through MLA Guides or other government websites).

The General Council for the Judiciary adopted, on 27 September 2018, Regulation 1/2018, that contains several **mechanisms and guidelines to facilitate international cooperation**:

One of the guiding principles is the obligation for Spanish judges to request judicial assistance from other States. In order to do that, the General Council for the Judiciary has created 11 courts specialized in international cooperation and will provide its collaboration through its International Department, the judicial contact points, the networks (Spanish judicial network of international judicial cooperation –REJUE– and Spanish judicial networks of specialized judges in European Union law –REDUE–), and Eurojust.

Moreover, at the request of a foreign judge or competent judicial authority, the Council of the Judiciary's International Department may ask for information on the status of the execution of a petition for legal assistance referred to a Spanish judge and provide the necessary support.

A foreign judge or competent judicial authority asking for legal assistance may also attend, if interested, the practice of the action requested to Spanish authorities. Similarly, it is foreseen that a Spanish judge can travel abroad to attend a relevant practice under the rules established in the EU or the provisions of applicable agreements. These cases need to be approved by the Council of the Judiciary.

Regulation 1/2018 also incorporated provisions on another very useful and effective international cooperation mechanism: **an international assistance vademecum** (Prontuario) for international cooperation that provides judges, prosecutors and judicial counsellors information on all international civil and criminal Conventions and the European Union legislative framework. It also allows meeting the judges who are the contact points for the two aforementioned networks (REJUE and REDUE) and the Council's International Department. It includes specific guidelines for judges, prosecutors and judicial counsellors, with all the requirements and necessary steps to request any kind of legal assistance and specific templates to fill in directly.

Within the Prosecutor's Office, **the Prosecutors network for International Cooperation** was created with the aim to have international judicial cooperation specialised units at a territorial level. This network is regulated in the Instruction 2/2003 and its functions can be summarised as follows:

- The execution or at least the coordination and monitoring of the execution of all passive letters rogatory received.

- Assisting, when necessary, other Prosecutors or the staff in drafting active letters rogatory, for which they will use, when useful, the model letter rogatory prepared by the European Judicial Network.
- Collaboration with other Prosecutors in drafting reports requested by the judicial bodies of their respective Prosecutor's Office in matters of international judicial cooperation.
- Facilitating direct contacts between the Prosecutor's Office and international judicial authorities when such contacts are necessary for the execution or preparation of a MLA request.

Finally, international cooperation mechanisms have also been established by the judicial counsellors, through the **Spanish Network for International Judicial Cooperation of judicial counsellors (RECILAJ)**.

Another effective element to improve international cooperation are the **liaison magistrates** who not only provide direct contact between Spain and the countries where they are posted, but with all relevant Spanish authorities. Spain has deployed liaison magistrates in the U.S.A., the U.K., Morocco, France and the BENELUX.

6. Has your country established focal points of contact in central authority¹⁹ to help in proper drafting of mutual legal assistance requests? How are these focal points, if they are established, communicated with their counterparts in other countries? What were the constraints or barriers you have encountered (if any) in the establishment of these focal points? Please elaborate.

The focal point of the Spanish Central Authority is located in the Deputy Directorate General for International Legal Cooperation under the General Directorate for Legal Cooperation and Human Rights.

The relevant guidelines are publicly available at the [Prontuario](#) website, whose aim is to assist in the drafting of proper MLA requests (see answer to previous question).

7. Has your country adopted peer-to-peer outreach approach between relevant authorities as a follow-up to a mutual legal assistance (MLA) request, in

¹⁹ For the purpose of the Accountability Report, "focal points of contact" would refer to mechanisms established within designated central authorities of State Parties, in accordance with Article 46(13) of UNCAC.

proactive pursuit of cases? What were the constraints or barriers you have encountered (if any) in pursuing such actions? Please elaborate and provide representative examples.

In general, MLA requests are preceded by informal contacts with those responsible for the investigations in the different countries.

In some cases, prosecutors/judges in charge of the investigation travel to the country/countries also involved in the investigation in order to learn in situ about the cases opened in those jurisdictions, share information and documentation with the local heads of the investigations and identify sources of evidence – all with the aim of speeding up the execution of the letters rogatory sent by Spain to those countries.

The main barrier encountered is normally the absence of a prompt answer by the requested authorities and its impact in the applicable limitation period.

Note: ‘proactive pursuit of cases’ includes, inter alia, person-to-person visits, virtual meetings between the originating agency of the requesting country and the implementing agency of the requested country.

8. Please provide a brief overview of your country’s experience with existing networks (policy or operational), such as UNODC Globe Network, INTERPOL, ARIN, amongst others, to facilitate multi-jurisdictional cooperation, such as tracing/uncovering corruption cases, information-sharing, etc. Please provide an overview of constraints or barriers you have encountered (if any) in the use of these networks. (200 words)

- Spain participates in the **Globe Network** with three full members and an auxiliary member²⁰.
- The **Conference of Ministers of Justice of the Ibero-American Countries** is an international intergovernmental organization that brings together the Ministries of Justice and similar institutions of the 22 countries of the Ibero-American Community. In this context, the **Treaty of Medellin**²¹ allows for the electronic transmission of

²⁰ The three members are the Technical Unit of the Judicial Police of the Guardia Civil, the Central Unit of Fiscal and Economic Crime of the National Police, and the Specialized Prosecutor’s Office against Corruption and Organized Crime. The auxiliary member is the National Anti-Fraud Coordination Service of the Ministry of Finance.

²¹ Signed in July 2019 by representatives of Argentina, Brazil, Chile, Spain, Paraguay, Portugal, Uruguay and Colombia, later joined by Andorra, Cuba, Bolivia and Ecuador. The Treaty has already been ratified by Andorra, Spain, Cuba, Paraguay and Uruguay.

international legal cooperation requests between Central Authorities. It regulates the use of the Iber@ electronic platform for the transmission of international legal cooperation requests between central authorities, speeding up the processing of requests for international legal cooperation. In 2023, training activities for its practitioners have been carried out, and the first operational letters rogatory have been submitted. Last June, the first formal request from a non-Ibero-American State (Kazakhstan) to join the Treaty was received.

- Spain has a system of **liaison magistrates**, who not only provide direct contact between Spain and the countries where they are posted, but with all relevant Spanish authorities, greatly facilitating international cooperation.
- Spain has signed **bilateral agreements** with 30 countries and has established **joint commissions** with Mexico, Morocco and France with a broad scope that includes cooperation in civil and criminal matters.
- Spain is a Party to the Criminal and Civil Law Conventions on Corruption and is a member of the Group of States against Corruption (**GRECO**) since its establishment in 1999. It also signed in 2000 the **OECD** Convention on combating bribery of foreign public officials in international business transactions that allows the sharing of experiences and best practices in the framework of the meetings of the Working Group on Bribery (4 per year) and Law Enforcement Officials meetings (2 per year). Spain is also a Party to the **United Nations Convention** against Corruption and participates in the Conference of the States Parties (COSP), in the Implementation Review Group and other relevant working groups.
- At the **EU level**:
 - o The European Union has concluded extradition and mutual legal assistance agreements with the United States of America, as well as with Japan, Iceland, Norway and, more recently, the Trade and Cooperation Agreement with the United Kingdom, that includes provisions on judicial cooperation in criminal matters.
 - o The European Judicial Network was created to improve judicial cooperation between EU Member States. Its members are representatives of the Central Authorities as well as judges and prosecutors.
 - o The European Union Agency for Criminal Justice Cooperation (Eurojust) was established to help EU Members States in combating serious crimes by: coordinating investigations and prosecutions involving at least two countries, helping to resolve conflicts of jurisdiction and facilitating the

drafting and implementation of EU legal instruments, such as European Arrest Warrants and confiscation and freezing orders.

Note: The thrust of this question is to explore the mechanisms of pre-MLA request cooperation, as identified in Principle 5 of 2013 G20 High-Level Principles on Mutual Legal Assistance.

9. Is your country undertaking domestic capacity building programs for Central authorities as well as other domestic agencies to enhance the quality of Mutual Legal Assistance requests?

Spain is not currently undertaking capacity-building programs for Central authorities focusing specifically on MLA requests. However, specific guidelines are publicly available at the [Prontuario](#) website.

10. Is your country seeking and/or providing technical assistance to other jurisdictions on building up expertise on mutual legal assistance, including training or mentorship programmes?

Spain is leading some **cooperation projects** aiming at strengthening the capacity of third countries to fight corruption.

It can be highlighted the project “Support to **fight corruption in Mozambique**”, with a budget of EUR 9 million. The project was launched in August 2020 and can be described as follows:

- The overall objective is to reduce corruption in Mozambique. The specific objective is for national mechanisms to prevent, combat and monitor corruption in a systematic and efficient way, ensuring a gender dimension.
- Support mechanisms aimed at denouncing, investigating, prosecuting and punishing corruption will help to pave the way for the construction of credible institutions.

- The project seeks to achieve the following results:
 - Key judicial institutions are strengthened through institutional support, aiming at to improve their integrity and citizens' perception of them.
 - Capacities of key judicial institutions are also strengthened to prevent and combat corruption, in a gender-balanced approach.
 - Strengthened capacities of professional associations, civil society and the media to monitor and fight corruption, in a gender-balanced approach.
- To achieve these objectives, the programme comprises two main components:
 - Strengthening judicial institutions to prevent and combat corruption and to bring corruption cases to trial.
 - Supporting the participation of judicial professional associations, civil society and information bodies in anti-corruption initiatives.

Spain is also currently developing a project in **Costa Rican money laundering** cybercrime and anticorruption policies. It focuses on training activities and the exchange of good practices between prosecution authorities in Costa Rica and Spain.

- The objective of the project is to provide training to the Costa Rican Public Prosecutor's Office, particularly in the fight against corruption, organised crime, environmental and economic crime and cybercrime.
- Activities under this technical cooperation action include:
 - Internships in Spain: Field missions to work and collaborate with professionals from Spanish institutions.
 - Internships in Costa Rica: Field missions to work and collaborate with professionals from Costa Rican institutions.
 - Courses, workshops, seminars: Carried out both in Spain and in Costa Rica, organised and directed by Spanish professionals.

In addition to these projects specifically focused on anti-corruption issues, Spain includes **training of authorities and capacity building in anti-corruption in all projects related to the fight against organised and transnational crime**, such as the **PAcCTO** (Europe-Latin America: Programme of Assistance against Transnational Organised Crime) programme.

The PAcCTO Program aims to strengthen a judicial and police area in Latin America, contributing to cross-border, regional and international cooperation in the fight against organized crime (United Nations Convention against Transnational Organized Crime). Both national, regional and sub-regional activities are carried out, those aimed at the fight against internal corruption in the region's judicial powers and public ministries are identified as necessary, as well as those referring to the creation of inter-institutional coordination roundtables on the subject.

As for the Judicial Cooperation part of the Program, the PAcCTO focuses on the following topics:

- Mutual legal assistance (Palermo Convention) and extradition procedures.
- Harmonization and homologation of legislation
- Support in resolving conflicts of jurisdiction
- Handling of transnational evidence, rights and safeguards
- Asset recovery and transnational real estate investment investigations
- Investigation techniques: interception of communications, witness protection, etc.
- Legislation and investigation of cybercrime and electronic evidence
- Use of IT platforms for transnational cooperation and data protection.
- Fight against money laundering (implementation of FATF/GAFI recommendations).
- Cooperation with EUROJUST.

Some latest development in this field is the MoU signed with Jordan which objective is to promote the fight against criminal activities through legal assistance and the exchange of best practices.

11. Please share other mechanisms in your country through which the international exchange of information, such as exchange of information among financial intelligence units (FIUs), exchange of tax information, and exchange of information with securities and other regulators, etc., is being facilitated.

Sepblac (Executive Service of the Commission for the Prevention of Money Laundering) is Spain's financial intelligence unit (FIU). Units from the National Police (Policía Nacional), the Civil Guard (Guardia Civil) and the Tax Administration (AEAT) are integrated in the FIU itself.

Besides, Sepblac is the authority entrusted with the supervision and inspection of compliance by the obliged entities with their AML/CFT obligations. According with our national law (Art. 48 bis. 1 AML/CFT Law) "The Secretariat of the Commission, the Executive Service of the Commission and the supervisory bodies referred to in Article 44 shall cooperate, at their own initiative or upon request, with other competent authorities of the European Union whenever the functions specified herein have to be performed and, to do so, shall make use of all the powers conferred on them herein".

Sepblac exchanges information with the FIUs of other EU Member States and non-member countries, pursuant to European regulations and the Egmont Group principles, or the terms of memoranda of understanding, respectively. This information sharing may be implemented through information requests to supplement or corroborate – with information from the relevant country – an assessment conducted by the FIU concerned; or, if certain information is considered of interest to the FIU of another country, through spontaneous disclosures. Sepblac also channels information requests from Spanish competent authorities to other FIUs. Likewise, it should be noted that Sepblac has the power to suspend an ongoing transaction at the request of an FIU of another EU Member State. These requests have increased significantly in recent years.

All the relevant information that Sepblac obtains in the framework of international exchanges of information is disseminated to the Spanish competent authorities, subject to the previous consent of the concerned FIU. In the case of Sepblac, this previous

consent is given regardless the nature of the counterparty FIU or whether or not the suspicious activity could be eventually associated to a criminal offence. The national authority (in Spain or other countries) can use the information provided for whatever purpose deemed necessary, as long as it is used for investigative purposes only and exclusively aimed at combating money laundering, associated predicate offences and terrorism financing, and considering that the information contained in our responses, requests or spontaneous disclosures has no evidentiary value and cannot be directly incorporated into judicial or administrative proceedings.

It is relevant to note that on 20 July 2021, the European Commission presented an ambitious package of legislative proposals to strengthen the EU's anti-money laundering and countering the financing of terrorism (AML/CFT) rules. One of the main points of this package is the creation of a new EU Authority (AMLA), which will transform AML/CFT supervision in the EU and enhance cooperation among FIUs. In the field of exchange of information among FIUs. In particular, AMLA will support cooperation among national FIUs and facilitate coordination and joint analyses between them, to better detect illicit financial flows of a cross-border nature. This will have a special impact in the flows of financial intelligence exchanges. Please note that the Spanish authorities have presented the city of Madrid as candidate to host the new European Anti-Money Laundering Authority ([more information](#)).

Sepblac participates in several international working groups (Europol, FATF, EU, Egmont group, EBA, etc.) and has organized and participated in several Public-Private Partnerships (PPPs) both at national and international level, with representatives of financial institutions, FIUs and LEAs from EU Member States. Within this framework, documentation has been produced for dissemination among the different parties involved in AML/CTF at national level, in order to provide professionals with information on typologies, for example on indicators of corruption and bribery in the context of the ongoing pandemic. In this regard, one of Sepblac 's strategic objectives is to continue promoting the exchange of information and other complementary actions through PPPs on AML/CTF, in order to improve the quality of the information exchanged, and to focus on certain typologies that present a greater risk to the system or which it intends to prevent or eradicate.

Moreover, several ongoing international projects that have increased the exchange of information between FIUs and also with other international institutions, resulting in better management of cases with an international component. These are the procedure of Suspension of Transactions, which started to be applied in 2018; the

Agreement with the European Central Bank, signed in January 2019; and the Cross Border Dissemination project, ongoing since February 2021.

Spain, as member of the OECD Convention on combating bribery of foreign public officials in international business transactions, shares on annual basis information about investigations of foreign bribery allegations. These cases often involved multiple jurisdictions that collaborate in the investigation and the Working Group on Bribery offers an excellent platform for sharing information.

Finally, Regarding exchange of information in tax matters, Spain exchanges with the Member States of the European Union information pursuant Council Directive 2011/16/EU on administrative cooperation in the field of taxation. Pursuant to the Convention on Mutual Administrative Assistance in Tax Matters, Spain exchanges Information for Tax Purposes upon request, spontaneously and in particular in the area of the automatic exchange of tax information, notably in line with the Common Reporting Standard (CRS) for financial account information. Currently, Spain has 109 activated bilateral relationships for CRS information. Spain exchanges automatic financial information with the United States pursuant to the Spain - US Agreement for the improvement of international tax compliance and the implementation of the Foreign Account Tax Compliance Act (FATCA). Finally, Spain also exchanges information in tax matters pursuant to Double Taxation Agreements (DTA) with an exchange of information clause and Memorandums of Understanding (MOU) in place.

Note: Responses to this Question are optional. However, countries are encouraged to furnish responses to the extent they deem feasible and appropriate. Countries may wish to furnish reasons for not being able to provide responses.

12. What are the key challenges faced by your country in the process of sending or responding to MLA requests?

Both in the process of sending and responding to MLA requests, a key challenge is the clarity in the formulation of the request, in order to obtain/provide as accurate an answer as possible.

- 13.** What are the gaps in the area of international cooperation in mutual legal assistance? How G20 ACWG can address these issues?

The G20 ACWG could be helpful in strengthening the collaborative links between judicial networks (including by organising joint meetings with them, as appropriate) and as a platform for the exchange best practices.

In this regard, we would like to highlight the usefulness of the OECD Working Group on Bribery matrix of cases as a tool to increase international cooperation in dealing with MLA requests. Joint ACWG meetings with the OECD Working Group on Bribery on this topic could also be organized.

- 14.** Please provide your views on how the G20 ACWG could further improve direct lines of communications between relevant authorities for informal cooperation before the submission of MLA requests. (200 words)

The ACWG can also become a platform for in-person exchanges (on the sidelines) concerning concrete bilateral cases.

- 15.** Please mention any new initiatives/innovative measures undertaken by your country related to processing of MLA requests. This can be provided in the form of links to other reviews or published work. (250 words)

As previously indicated, the Treaty of Medellin, with Spain as one of its sponsors, allows electronic transmission of international legal cooperation requests between central authorities.

It regulates the use of the Iber@ electronic platform for the transmission of international legal cooperation requests between central authorities, speeding up the processing of requests for international legal cooperation. This increased speed positively impacts proceedings that require particular urgency in their investigation and prosecution, such as money laundering and corruption cases, among others.

16. Please provide your suggestions/comments on ways to reduce the response time in the execution of MLA requests. Any illustration/example would be appreciated. (250 words)

A key point is the use of electronic means in sending MLA requests.

In this regard, the Ministry of Justice, as Spain's Central Authority, has a general database on MLA, recently updated in order to enable the digital transmission of requests. Every incoming or ongoing MLA request to or from Spain is recorded, so the Spanish central authority has all the information concerning MLA requests.

17. Please share case studies where your country has successfully processed MLA requests in corruption cases in a timely and effective manner. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

In Spain, there is no statutory maximum time limit for responding to MLA requests from other countries, although they are executed in the shortest possible time and, in any case, within the limits set by the requesting country when so specified.

The OECD Working Group on Bribery matrix of cases is particularly useful in providing success stories and experiences that other countries can imitate.

Note: This can include both MLA requests sent or received.

18. If possible, please share case studies where your country faced challenges in processing MLA requests in corruption cases which led to either refusal or delays. Please also indicate the key learnings that can be derived from these experiences. (min. 300 words)

Note: This can include both MLA requests sent or received.