

Report

Day 4, Workshop 4

FOSTERING REGIONAL AND INTERNATIONAL COOPERATION IN PREVENTION AND INVESTIGATION OF CORRUPTION

CHAIR : Rainer Bühler - Interpol

RAPPORTEUR : Stefan Grobler

OBJECTIVE : *SHARE JOINT OBJECTIVES*

MR RYAN WONG : ICAC HONG KONG

Regional Newsletter for Regions.

ICAC INTRODUCTION

Created 1974 - 1 200 staff members - Operations / Community Relations / Prevention.

3 prong approach. Answers to Head of Government.

Commissioner has statutory obligation to investigate. There is Operations Overview Committee to oversee its operations.

Investigators cannot write off case without permission of O.O.C.

CHALLENGES

Multi-disciplinary approach.

Responsible for ICAC to enhance regional co-operation. The participants created a quarterly review.

March 1999 Silver Jubilee Conference was convened for : - making available training facilities.

RCMP, MET, Interpol etc & also sharing best practices.

Focus on professional training.

Provide legislative framework to provide assistance. Law has been passed to do this. 8 countries have signed the MLA (Mutual Legal Assistance Law).

It makes provision for co-operation in cases of : -

Σ evidence

Σ search and seizure

Σ restraint of property

Σ service of documents

There is a prescribed arrangement but it works well.

MR MARK CODD : FBI

FBI has greatest jurisdictional authority in USA.

Σ Over 11 000 agents. Strength is also its weakness due to complication of structure. In USA local control is above all else. FBI is at top of pyramid that dominates law enforcement - Federal, State & local.

Σ FBI has large mandate. Many law enforcement agencies have concurrent jurisdiction and complicate the scenario.

Σ FBI tries to service the provision of assistance by representatives in over 50 countries. It acts as the gateway to co-operation by these legal attaches.

- Σ Focus is not only on investigation. Prime focus on systemic corruption. It stays away from individual cases.
- Σ Government cannot investigate itself beyond a certain level - impartial entities are then appointed (ref Pres Clinton). FBI agents are usually appointed for this.

PREVENTION

Also important in training. Average age - 23 to 37 (average 28). Educators join FBI thus they have large field to draw trainers from. Training is one of FBI's main focus - academy at Quantico in Virginia formed in 1930's. 10% of class are international students. Precursor for senior appointment and serves as a benchmark. FBI also to establish training in South Africa.

Reference to IGEC (International Group of Experts on Corruption) as important to efforts to combat corruption. Approach also the Interpol NCB for assistance. Use Internet.

MR EDWIN SAKOLA : ANTI-CORRUPTION AGENCY : ZAMBIA

- Σ Created in 1982 to deal with public and private corruption. Not a police agency. ACC created as result of public outcry on perceived corruption. Relied on ICAC for setting up. Commission made up of Board and Directorate. Board does admin and Directorate the investigation.
- Σ ACC law makes provision for mutual legal assistance to and from other agencies. Grand corruption often involves a foreign person or account.
- Σ Increased legal facilitation is needed to increase ability. SADEC is involved. Also contact with Botswana, Malawi. Since political change in South Africa there has been an upsurge of money movement from Zambia to South Africa.
- Σ International conferences give opportunity to interact. Appeal to other countries to react to requests for assistance immediately.

MR ROBERT QUICK : METROPOLITAN POLICE

- Σ Background to corruption in UK - 1990's. Experience - major operations compromised. Police involvement. 2 year covert operation to do strategic analysis. Major A/C drive started - look at corruption, dishonesty and unethical behaviour. MPS formed in July 1829 - has brand name to protect.
Commissioner Sir Robert Mark appointed to investigate - nature / response / result. 700 officers fired.

RESPONSE

1. Accept problem
 - Σ total commitment to deal with problem
 - Σ investment
 - Σ intelligence
 - Σ secret
 - Σ pro-active
2. Build picture
 - Σ all source intelligence
 - Σ concentrate on crooks / suspect officers etc.

Corruption was all over.

Went public on corruption and initiated a strategy.

MPS Anti-Corruption Squad.
Aggressive results. Many officers charged.
How corruption was being committed.

STRATEGY

- Σ never drop guard
- Σ protect and detect etc.

Sets out structure. Various forces, appointment of commissioners, NCS, NCIS, MPS ACC.

FUTURE

Put resources into the fight. Cost driven, achieve parity, greater researches into causes, new research opportunity. Bad apples and Regional Cooperation (IGEC).

PREVENTION

- Σ attack organised crime
- Σ International Banking problem
- Σ good corporate governance
- Σ international regulator to apply sanctions
- Σ harmonize legislation

INITIATIVES

- Σ foreign office makes money available for foreign training
- Σ needs
- Σ funds
- Σ equipment
- Σ exchange expertise
- Σ training at colleges

INVESTIGATION

- Σ legislative alignment
- Σ use of foreign material in UK
- Σ exchanges
- Σ internet access - updated
- Σ regional protocols
- Σ priority and fast track deployment
- Σ technical surveillance
- Σ service level agreement
- Σ list of contacts (right people)
- Σ security
- Σ pool intelligence
- Σ develop financial investigation methods.

Rather do something and fail, than to do nothing at all!

- Q Obtaining evidence or extradition from abroad - rules not followed or broken - suggestions?
A Interceptions can only be used as a basis for further investigations. Would welcome clarity from courts on these issues.
- Q Types of crimes brought to notice through international cooperation. Problems of sovereignty

slow down development issues to combat these issues.

A IGEC being set up to deal with the problems.

Q Each country will still have to go home and deal with its own problem. Is there a way to get expatriates back to their country to face charges?

A Countries responsible for proceeds of corruption - can be returned - to investigate and return it.

DIRECTOR STEFAN GROBLER : NATIONAL ANTI-CORRUPTION UNIT : SOUTH AFRICA

See presentation.

MR ABU KASSIM BIN MOHAMMED : ACA MALAYSIA

ACA established in 1967.

Σ to gather information

Σ investigate and procure evidence

Σ report to heads of Government on corruption / rules.

A Prevent, Investigate and Educate@

New Anti-Corruption Law passed in 1997 to make provisions for increased sentences and presumptions. Role of ACA was expanded to monitor all Government units. Placed on data base at ACA. They analyse and pick up on problems. A Coordination between states is a problem.

ACA has good relations with ICAC, NSW Australia and ICAC Hong Kong.

PREVENTION

Most important aspect of prevention is monitoring. ACA must report every 3 months on its work.

MR RAINER BÜHRER : INTERPOL

Interpol - set up 1914 - 177 members. Purpose to ensure mutual assistance.

All members contribute to its budget.

STRUCTURE

Σ National Central Bureau (NCB)

Σ Regional Bureau (RB)

NCB will channel information to the General Secretariat in Lyon.

RB is to co-ordinate regional information

- Interpol offers various services : ICIS, ASF, ACIU, Notices, Fingerprints and DNA, ID and Support for Law Enforcement in technical training.

Σ Functions are predominantly that of liaison.

Criticism is that Interpol is not operational enough.

Σ Facilitate cooperation by :

X liaison

X conferences

X case related workgroups

X expert groups

FUTURE PLANS

- Σ to complete a library of best practices that will be continually updated.
 - Σ to compile a calendar of events for people to plan their events.
 - Σ create an early warning system.
 - Σ Website
 - Σ minimum standard for Law Enforcement Officers to guide them in investigation, prosecution and judicial process.
- Q Oman is an active member of Interpol.
- X How many languages in Interpol?
 - X M E is left out of centralizing?
 - X What action to bring members to make it globally representative?
 - X How quick can information be obtained?
- A *
- X 4 languages - English, French, Spanish and Arabic
 - X not left out. Saudi Arabia opted to not co-operate
 - X trying to get everyone involved.
 - X Depends on criteria given to it by NCB. Measures are being set up by Interpol to facilitate this.
- Q What about corruption perpetrated against private sector. Corruption defined is not clear. Something special is needed for cross border crimes. Many crimes not pursued because of problems involved. Would like to see Regional Committees representative of financial sector to deal with these problems. Banking Council has proposed such a committee to SADEC. Would like to see such a regional (SA & Europe) set up.
- A IGEC definition read out.

Suggest regional watchdogs to keep watch over bribery and corruption in area.