



भारत 2023 INDIA

# ACCOUNTABILITY REPORT on Mutual Legal Assistance

ANTI-CORRUPTION WORKING GROUP

वसुधैव कुटुम्बकम्

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## EXECUTIVE SUMMARY

National Anti-Corruption efforts, in matters having transnational complications, need the support and cooperation from respective counterparts of other countries. G20 Anti-Corruption Working Group (ACWG) has since its inception identified the need for strengthening international cooperation in the fight against corruption and has remained committed in intensifying actions by adopting high-level principles, policy documents and guides as well as sharing policy and implementation experiences.

The mechanism of Accountability reports developed by the G20 ACWG has served as a regular review mechanism, built on self-assessment model, that enables members to identify areas of improvement and share the best practices, creating a collaborative environment for tackling corruption at both national and international levels. The G20 ACWG Accountability Report of 2023 on Mutual Legal Assistance (MLA), based on inputs received from countries focuses on progress made by countries to ensure effective Mutual Legal Assistance processes. The report highlights common challenges being faced by countries in implementing MLA requests, measures undertaken for improving MLA processes and collates good practices of countries on specific principles related to cooperation in the G20 High-Level Principles on Mutual Legal Assistance (2013).

The report presents the domestic framework to process an MLA request, put in place by countries, ranging from national legislation, rules, regulations, or guidelines to mechanisms based on multilateral and bilateral treaties/arrangements. Some countries process MLA requests based on mutual-assurance of reciprocity or on case-by-case approach.

The report notes the moderate timeline for processing MLA requests and identifies the major challenges as:

- Differences in domestic legal frameworks and regimes.
- Administrative and Procedural Gaps affecting Processing of MLA Requests.
- Incomplete requests without essential detail.
- Operational challenges such as language requirements etc.
- Lack of adequate and timely responses.
- Lack of effective direct cooperation channels.

The report covers detail of measures at domestic level adopted by G20 countries and invitee countries (referred to throughout as ACWG members) to streamline the processes of MLA requests as well as utilizing the existing international cooperation channels so as to reduce the response time for MLA requests. These include engaging in pre-MLA consultation to clarify the processes for submitting MLA requests, active engagement with existing informal networks and groups at global and regional levels, use of digital formats and developing digital platforms for submitting, transmitting MLA requests & sharing evidence securely and conducting capacity building programs for domestic law enforcement and prosecution agencies.

Noting an evolving landscape, countries have also suggested potential future areas of G20 ACWG discussions on MLA cooperation such as:

- Taking steps for countries to utilize electronic means for processing/submission and exchange of MLA requests, subject to domestic legislation and legal systems.
- Conducting in-person workshops and training sessions to build trust, personal connections, understanding, and open communication amongst relevant authorities.
- Promoting exchange of best practices and sharing of information in processing MLA.
- Respective countries taking steps to standardize the format of MLA requests, to the extent possible in accordance with fundamental principles of domestic frameworks, legal systems, and laws, and ensure sufficient content to minimize ambiguities.

## CHAPTER 1: INTRODUCTION

The transnational nature of corruption requires enhanced and effective international cooperation among counterparts. The G20 Anti-Corruption Working Group has been spearheading the global fight against corruption by demonstrating and promoting leadership, effective governance, and accelerating practical implementation of anti-corruption commitments. One of the important aspects of improving international cooperation is Mutual Legal Assistance (MLA). The mechanism of MLA generally covers formal government to government cooperation and assistance in investigation and prosecution of crime or related proceedings where evidence or information relating to a criminal investigation, prosecution or related proceeding is located in a foreign country. MLA can also be used to identify and recover proceeds of crime related to corruption. It is in the interests of all the countries to be able to provide and request the widest possible assistance in criminal matters to ensure that the criminals cannot evade justice because evidence of their criminal conduct or proceeds of their crimes is located in a foreign jurisdiction.

The United Nations Convention against Corruption (UNCAC) lays out specific measures and mechanisms for international cooperation to combat corruption including with a view to facilitate the repatriation of proceeds of crime. It highlights the need for States parties to provide the widest measure of mutual legal assistance in investigations, prosecutions, and judicial proceedings in relation to the offences covered by the Convention. The political declaration adopted by the special session of the General Assembly (UNGASS) against corruption in 2021 also highlighted the importance of international and multilateral cooperation in execution of MLA requests. All Member States reaffirmed the importance of strengthening international cooperation by effective implementation of existing bilateral and multilateral agreements or arrangements on mutual legal assistance.

The G20 India Presidency intends to enhance existing discussions on the issue of enhancing practical cooperation in the execution of mutual legal assistance by focusing on international cooperation relating to criminal cases. The Accountability Report of 2020 identified the salient challenges faced in the adoption of UNCAC article 46 and execution of MLA requests, particularly the overreliance on formal communication (MLA mechanism) and underutilization of informal networks (law enforcement cooperation channels). Further, the Nine Key Principles on Asset Recovery (2011) had underscored the need to improve the capacity to respond to MLA requests in grand corruption cases. The Riyadh Initiative (2020) also noted the need to

strengthen informal assistance which can lead to more rapid identification of criminals and assets and in turn facilitating timely and efficient processing of MLA requests. The Accountability Report of 2021 has also recognized the need for a more functional and effective way to ensure the execution of MLA requests, including cases of asset recovery.

To advance the global fight against corruption, the G20 Anti-Corruption Action Plan 2022-24 promotes discussion on international cooperation regarding asset recovery, law enforcement cooperation, and information-sharing based on the principles enshrined in the UNCAC.

G20 ACWG 2023 Accountability Report aims to explore new areas of future work by the ACWG in maintaining and further strengthening open and direct lines of communications between competent authorities and their counterparts in other countries, in preparation of MLA requests with sufficient information for effective processing of MLA requests arising from corruption and related offences. This year G20 ACWG members have also taken up the task of updating the G20 guides on international cooperation (<https://www.unodc.org/unodc/en/corruption/g20-anti-corruption-resources/g20-step-by-step-guides-on-international-cooperation-and-asset-recovery.html>) including 'Requesting Mutual Legal Assistance in Criminal Matters from G20 Countries: A Step-by-step Guide'.

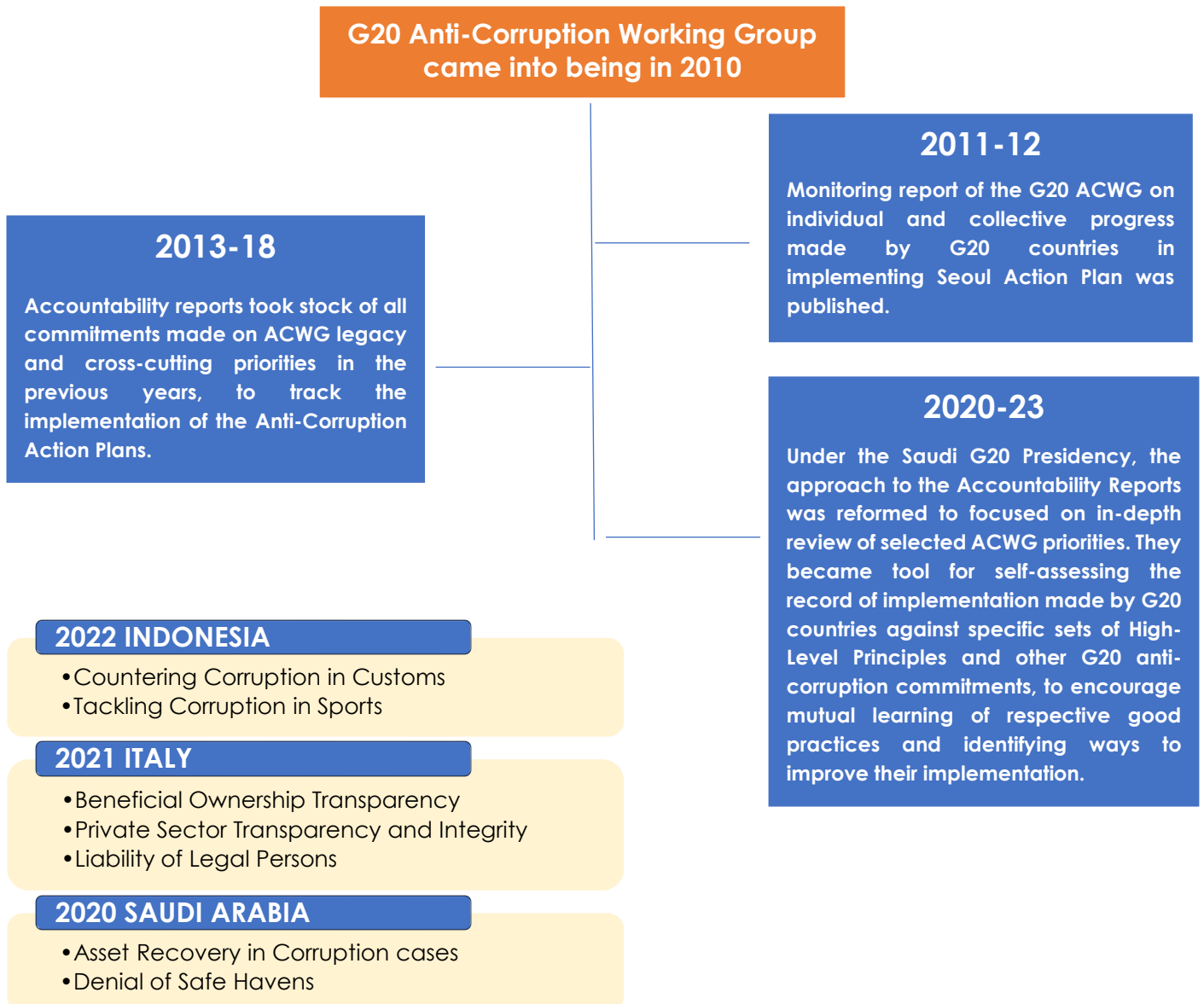
This accountability report aims to provide an overview of the implementation of mutual legal assistance mechanisms by G20 countries in the investigation and prosecution of corruption and related offences. Building on previous G20 commitments and agreements, an effort has been made to collect data to understand common reasons for pendency and refusal of MLA requests and suggest possible ways to address these challenges.

Further, a broader focus has been on collecting good practices and understanding the common challenges faced by G20 countries in preparing and executing MLA requests. In addition, the report 2023 shall also share the progress made by the G20 countries on specific principles related to international cooperation and mutual legal assistance, as enumerated in the G20 High-Level Principles on Mutual Legal Assistance (2013).

Submissions were received from the following members of the Group: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, the Republic of Korea, Russia, Kingdom of Saudi Arabia, South Africa, Türkiye, the United Kingdom, the United States of America, Mauritius, the Netherlands, and Spain.

## CHAPTER 2: EVOLUTION OF ACCOUNTABILITY REPORT

Accountability is a critical component in demonstrating the effectiveness of G20 ACWG and tracking implementation of commitments made by the members over the years. The G20 Anti-Corruption Working Group started publishing these reports with key focus on outlining the progress made by G20 member countries in implementing anti-corruption measures and initiatives. The developments in approach of accountability review mechanisms and its output report is depicted as under: -



## CHAPTER 3: KEY ACHIEVEMENTS OF THE G20 ACWG IN 2023

Under the larger priority of strengthening international cooperation for preventing and combatting corruption, G20 ACWG, in 2023, held the first in-person Anti-Corruption Ministers' Meeting in Kolkata, India. The G20 Ministers and authorities vested with responsibilities for preventing and combatting corruption signed off on the [Anti-Corruption Ministerial Communiqué/ Chair Summary and Outcome Document]. This document symbolizes the strong political resolve of the G20 forum in pursuing a comprehensive anti-corruption agenda and giving direction to ACWG's future work in the global fight against corruption.

The G20 ACWG adopted the following High-Level Principles: -

- **G20 High-Level Principles on Strengthening Law Enforcement related International Cooperation and Information Sharing for Combatting Corruption**
- **G20 High-Level Principles on Strengthening Asset Recovery Mechanisms for combatting Corruption**
- **G20 High-Level Principles on Promoting Integrity and Effectiveness of Public Bodies and Authorities responsible for Preventing and Combatting Corruption**

**G20 ACWG adopted the Compendium of Good Practices on enhancing the role of auditing in tackling corruption** which builds upon the 2022 G20 High-Level Principles on Enhancing the Role of Auditing in Tackling Corruption. The compendium collates the experiences, challenges, best practices, and lessons learnt with respect to the role of audit in enhancing good governance, by promoting integrity, accountability and transparency in public sector.

G20 ACWG held a side event on "Leveraging ICT for combating corruption in Public Sector", a side event on "Gender and Corruption", and a roundtable discussion on "the Measurement of Corruption" during the G20 ACWG meetings.

Acknowledging the importance of the work done by G20 engagement groups and to pursue a comprehensive and holistic approach towards implementing anti-corruption commitments, G20 ACWG continues its collaboration with B 20, C 20, T 20, W 20 and SAI 20 in the ACWG deliberations.



## CHAPTER 4: OVERVIEW OF INTERNATIONAL ARCHITECTURE RELATED TO MUTUAL LEGAL ASSISTANCE

Mutual legal assistance is provided within the framework of (a) Multilateral Treaties/Agreements, (b) Bilateral Treaties/Agreements, (c) International Conventions, or (d) on the basis of Assurance of Reciprocity and under Letters of Request. An effective legal basis is the first step to ensuring that countries can effectively, provide and receive evidence through MLA. Consideration of different legal and operational aspects of MLA have been the subject of discussions in international fora, amongst practitioners from States participating in various international fora.

### 4.1. Multilateral anti-corruption instruments

The United Nations Convention against Corruption (UNCAC) is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem.

As part of Chapter IV (International Cooperation), Article 46, titled Mutual Legal Assistance, of the UNCAC provides a legal basis for MLA in relation to all the offences covered under the Convention. Article 46 requires the State Parties to afford each other the widest measures of MLA in investigations, prosecutions, and judicial proceedings. International cooperation for Mutual Legal Assistance is generally afforded through applicable Bilateral or Multilateral Treaties/Agreements. However, in cases where such arrangements are not available, assistance may be provided based on principle of reciprocity. The UNCAC details the types of assistance that may be requested as well as the conditions and procedures for requesting and rendering assistance, including the grounds for refusal of an MLA request. Article 46 also encourages States to consider the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhancing the provisions of this Article.

Although not limited to corruption, Article 18 of the United Nations Convention against Transnational Organized Crime (UNTOC) provides the legal basis for MLA in relation to offences established in accordance with the Convention.

Other multilateral instruments and several regional anti-corruption instruments also address the topic of MLA amongst their members in relation to corruption offences. These include the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions the African Union Convention on Combating and Preventing Corruption, the Council of Europe Criminal Law Convention on Corruption, and the Organization of American States' Inter-American Convention against Corruption.

## 4.2. Bilateral Treaties/Agreements

Bilateral MLA treaties (MLATs) between two countries are increasingly being concluded as the need for more certainty in international cooperation has grown. Their general purpose is to be specific enough to ensure that evidence obtained between the parties to the MLAT is obtained quickly and efficiently, in a form that is admissible in the courts of the requesting country. To this end, an MLAT should, inter alia, set forth the channel by which communications regarding MLA should be sent, establish the types of offences for which MLA is available and the types of MLA available to the parties, as well as address potential obstacles to MLA, such as whether the dual criminality requirement must be met.

## CHAPTER 5: DOMESTIC EXPERIENCES AND CHALLENGES RELATED TO MUTUAL LEGAL ASSISTANCE

### 5.1. Domestic Regime governing MLA

Along with the international framework governing MLA as discussed in Chapter 5, countries usually also have national legislation in place in order to either complement multilateral or bilateral treaties; or to serve as a legal basis where no treaty relationship exists with requesting countries. On the basis of the responses received from G20 countries, the domestic regime governing MLA requests are either present in the form of national legislation, rules, regulations, etc.; or based on international treaties, multilateral/bilateral arrangements; or requests are accepted based on the principle of reciprocity and case-by-case basis; or a mixture of the three mechanisms.

**Table 1: Overview of the Domestic Framework governing MLA in G20 Countries**

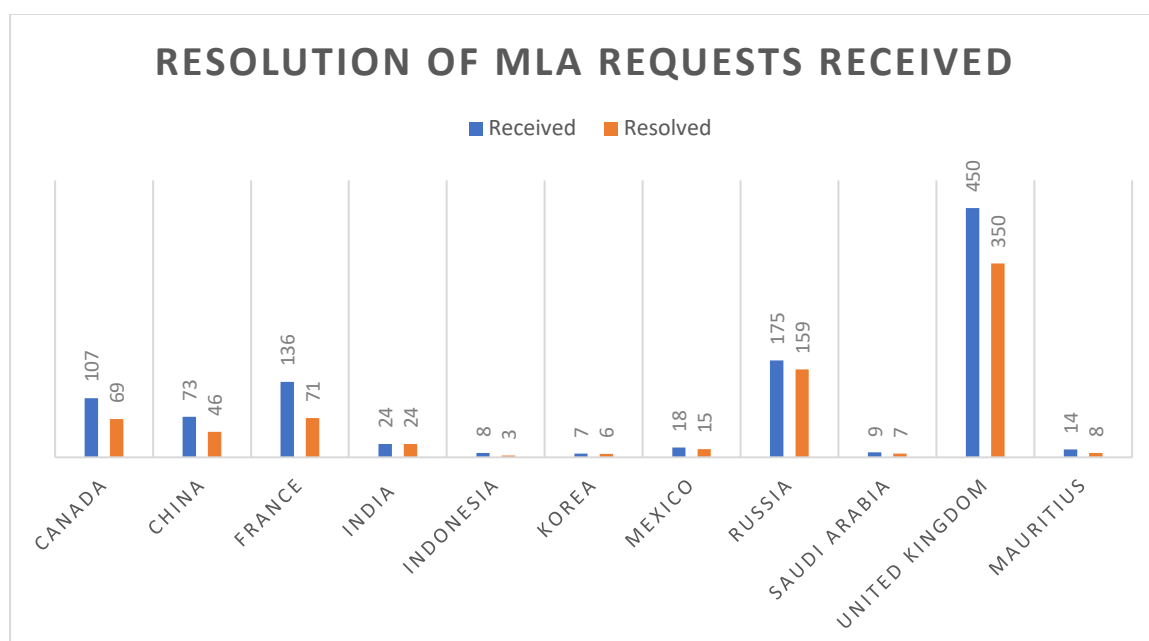
COUNTRY	DOMESTIC FRAMEWORK GOVERNING MLA
<b>ARGENTINA</b>	The Law on International Cooperation in Criminal Matters (Law 24.767)
<b>AUSTRALIA</b>	Mutual Assistance in Criminal Matters Act (the MACMA)
<b>CANADA</b>	The Mutual Legal Assistance in Criminal Matters Act (MLACMA)
<b>CHINA</b>	Law on International Mutual Legal Assistance in Criminal Matters of the PRC
<b>FRANCE</b>	Article 694 <i>et seq.</i> of the Code of Criminal Procedure
<b>GERMANY</b>	Act on International Cooperation in Criminal Matters (IRG)
<b>INDIA</b>	The Criminal Procedure Code, 1973 (Cr.P.C.) The Prevention of Money Laundering Act, 2002 The Fugitive Economic Offenders Act, 2018 Ministry of Home Affairs, Guidelines on Mutual Legal Assistance in Criminal Matters 2019.
<b>INDONESIA</b>	Law No.1 Year 2006 on Mutual Legal Assistance in Criminal Matters
<b>ITALY</b>	Articles 696; 723-729 quater of the code of criminal procedure
<b>JAPAN</b>	Act on International Assistance in Investigation and Other Related Matters
<b>RUSSIA</b>	Code of Criminal Procedure of the Russian Federation, Chapter 53
<b>SOUTH AFRICA</b>	The International Co-Operation in Criminal Matters Act 75 of 1996 (ICCMA) The Extradition Act 67 of 1962
<b>TÜRKIYE</b>	Law No. 6706 on International Judicial Cooperation in Criminal Matters The Circular No. 69/2 on the Matters to be Considered by Turkish Judicial Authorities in International Letters Rogatory Proceedings The Circular No. 69/3 on International Judicial Notifications in Criminal Matters
<b>MAURITIUS</b>	Mutual Assistance in Criminal and Related Matters Act (MACRMA)

## 5.2. Effectiveness of MLA Frameworks

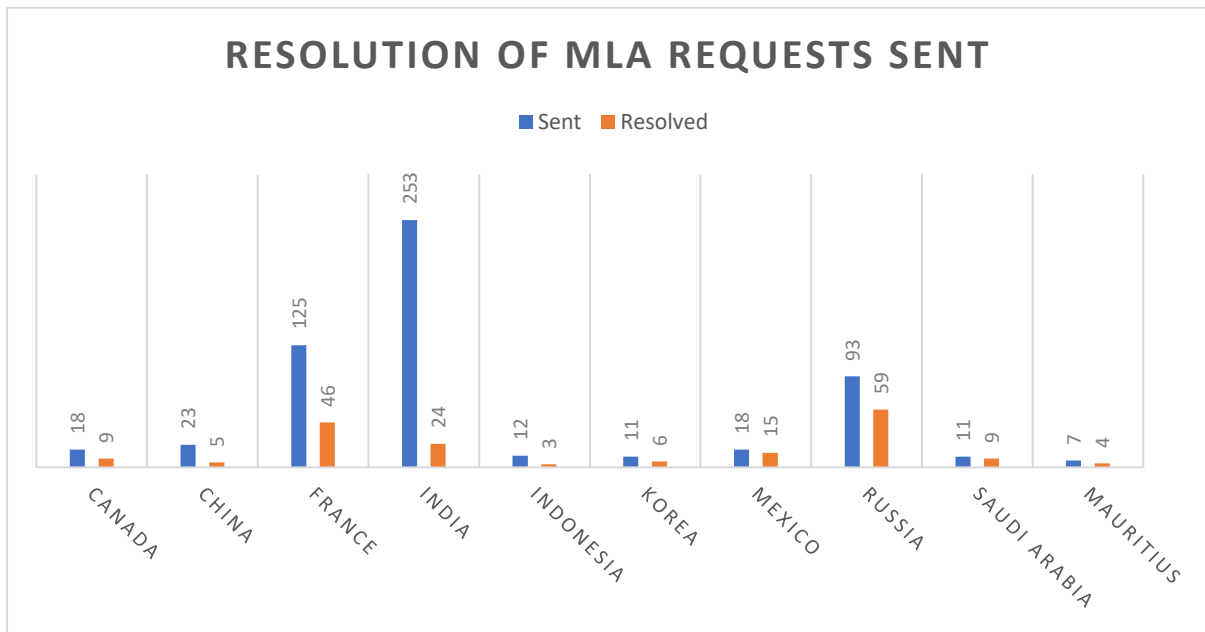
As part of the G20 ACWG Questionnaire on MLA, countries were requested to provide statistical data for the last five years (2018-22) on MLA requests on corruption cases sent by the country and received by the country. The responses to these questions were made optional, however, countries were encouraged to furnish responses to the extent they deem feasible and appropriate. Countries were also requested to furnish reasons for not being able to provide responses, if they wish to.

Out of all the countries who provided responses to Questions 2 and 3, 8 countries were not able to provide statistical data on MLA Requests sent and MLA Requests received by them. The reasons for not being able to provide statistical data varied from issues related to confidentiality to absence of statistics due to lack of mechanisms for data collection. In some cases, G20 countries didn't have access to specialised data related to MLA requests with respect to corruption cases only.

Based on the data<sup>1</sup> provided by G20 countries under Questions 2 and 3, the following trends have been identified:



<sup>1</sup> In case of France, data only pertains to mutual legal assistance between France and States outside of the European Union.



### 5.3. Designated Central Authorities and Focal Points

Many international conventions, with different areas of focus, require State Parties to designate a central authority or authorities for the purpose of providing MLA for offences covered by that particular Convention. Increasingly, MLATs require State Parties to designate their central authorities who can send requests and to whom requests can be sent, thus providing an alternative to diplomatic channels. The direct channels are also being used, in which case, officials in the requesting State may send the request directly to the relevant officials in the requested State.

Rather than adopting a fragmented approach, where a central authority is designated for its expertise in a particular field, it is preferable for countries to designate a single central authority or a single focal point, with expertise in the area of MLA generally, rather than a specific category of offences. In this way, law enforcement as well as other central authorities can more easily and immediately identify which institution to turn to in a foreign country when sending an MLA request.

The UNCAC and OECD Convention both specifically require each State Party to notify the Secretary General of respective Organisation of their designated central authority to serve as a channel of communication for MLA purposes. In addition to the name of the central authority, it is important that Parties ensure that the accurate contact information is provided,

including, where applicable, telephone, e-mail and fax details, and updated as and when necessary. It is also important that parties seek to utilise the most efficient and secure method of communication to transmit MLA requests and evidence and seek to replace out-dated technologies, where possible. The respective Organisations should make such information easily accessible to State Parties to facilitate prompt contact between central authorities.

**Table 2: Compilation of Designated Central Authorities and Focal Points established by G20 countries**

NAME	DESIGNATED CENTRAL AUTHORITY	DETAILS OF FOCAL POINT
<b>ARGENTINA</b>	Ministry of Foreign Affairs and Worship, International Legal Assistance Directorate  Ministry of Justice and Human Rights (for MLA Requests from the USA)	N/A
<b>AUSTRALIA</b>	Australian International Crime Cooperation Central Authority (ICCCA), Australian Attorney-General's Department	N/A
<b>BRAZIL</b>	Department of Asset Recovery and International Legal Cooperation (DRCI), Ministry of Justice and Public Security	General Coordination of International Legal Cooperation in Criminal Matters
<b>CANADA</b>	International Assistance Group (IAG) of the Department of Justice	Not provided
<b>CHINA</b>	The NCS, the Supreme People's Procuratorate (SPP) and the Ministry of Justice (MOJ) of China	Not provided
<b>FRANCE</b>	The Office for mutual legal assistance in criminal matters within the Ministry of Justice	Not provided
<b>GERMANY</b>	Federal Office of Justice (BfJ)	N/A
<b>INDIA</b>	Ministry of Home Affairs (MHA)	Central Point of Contact, Ministry of Home Affairs
<b>INDONESIA</b>	Ministry of Law and Human Rights of the Republic of Indonesia	Directorate of Central Authority and International Law, Directorate General of Legal Administrative Affairs <a href="mailto:otoritaspusat@kemenkumham.go.id">otoritaspusat@kemenkumham.go.id</a>
<b>ITALY</b>	Directorate General of Criminal Justice Department of Justice Affairs, Italian Ministry of Justice	Ufficio II - Directorate General of Criminal Justice Department of Justice Affairs via Arenula 70 00186 ROMA Telephone:+390668852180 Facsimile:+390668897528N
<b>JAPAN</b>	National Police Agency and the Ministry of Justice	To send an MLA request to Japan, International Affairs Division, Criminal Affairs Bureau, Ministry of Justice

NAME	DESIGNATED CENTRAL AUTHORITY	DETAILS OF FOCAL POINT
<b>KOREA</b>	The Ministry of Justice	International Criminal Division of the Ministry of Justice
<b>MEXICO</b>	Prosecutor General's Office of the Republic	Not provided
<b>RUSSIA</b>	Prosecutor General's Office of the Russian Federation Ministry of Justice of the Russian Federation	General Department of International Legal Cooperation of the Prosecutor General's Office of the Russian Federation 15a Bolshaya Dmitrovka st., Moscow, GSP-3, 125993, fax 007 495 986 3509, transgprf@genproc.gov.ru  International Law and Cooperation Department of the Ministry of Justice of the Russian Federation 14 Zhitnaya st., Moscow, GSP-1, 119991, fax 007 495 955 58 89, cooperation@minjust.gov.ru
<b>SAUDI ARABIA</b>	Standing Committee for Legal Assistance Requests	Standing Committee for Legal Assistance Requests General Directorate for Legal Affairs and International Cooperation Ministry of Interior Riyadh, Kingdom of Saudi Arabia Postal Code: 11134 Telephone: (+966)11 453 7496 Fax: (+966) 11 454 2889 Email: <a href="mailto:scmla@hq.moi.gov.sa">scmla@hq.moi.gov.sa</a>
<b>SOUTH AFRICA</b>	The National Prosecuting Authority (NPA)	Mr ER Botes at the central authority ( <a href="mailto:ebotes@justice.gov.za">ebotes@justice.gov.za</a> ) and Adv Luckson Mgiba ( <a href="mailto:LMgiba@npa.gov.za">LMgiba@npa.gov.za</a> ) at the NPA
<b>TÜRKIYE</b>	The Ministry of Justice - Directorate General for Foreign Relations and EU Affairs	Not provided
<b>UNITED KINGDOM</b>	the UK Central Authority, His Majesty's Revenue and Customs and the Crown Office and Procurator Fiscal Service	Not provided
<b>USA</b>	U.S. Department of Justice, Office of International Affairs, DOJ/OIA	N/A
<b>MAURITIUS</b>	Attorney General's Office	Deputy Solicitor General and Chief State Attorney
<b>NETHERLANDS</b>	Minister of Justice and Security, Department of International Affairs and Legal Assistance in Criminal Matters (AIRS)	National/Coordinating International Legal Assistance Centres (LIRC)
<b>SPAIN</b>	Ministry of Justice through the Deputy Directorate-General for International Legal Cooperation	Deputy Directorate General for International Legal Cooperation under the General Directorate for

NAME	DESIGNATED CENTRAL AUTHORITY	DETAILS OF FOCAL POINT
		Legal Cooperation and Human Rights.

## 5.4. Relevant Mediums and Channels for Preparation and Sending of MLA Requests

Understanding relevant domestic procedures in the requested country is the first step to adding efficiency to the MLA process. Requesting countries should ensure awareness of procedures before submitting their MLA requests and ensuring follow-up of submitted requests. Requested countries can enable efficient responses to MLA requests by ensuring that clear procedures are in place regarding who should receive and handle different types of requests. Such procedures should be developed bearing in mind the principle of “*favor rogatoriae*”, according to which countries party to a Convention assure one another of their best cooperation efforts.

Based on responses received on Question 5, information has been compiled on the relevant mediums/channels which provide clear and accessible information regarding procedural requirements for preparing and sending MLA requests (e.g., through MLA Guides or other government websites).

**Table 3: Compilation of Mediums and Channels providing procedural requirements for preparing and sending MLA requests used by G20 countries**

NAME	RELEVANT MEDIUM
<b>ARGENTINA</b>	<p>International Legal Assistance in Criminal Matters, Ministry of Foreign Affairs, <a href="http://www.cooperacion-penal.gov.ar/">http://www.cooperacion-penal.gov.ar/</a></p> <p>Third Edition of the Regulatory Compendium of International Legal Cooperation in Criminal Matters</p> <p>Third Edition of the Compendium of Bilateral and Multilateral MLA and extradition agreements, <a href="http://www.cooperacion-penal.gov.ar/userfiles/dajin-compendio-penal.pdf">http://www.cooperacion-penal.gov.ar/userfiles/dajin-compendio-penal.pdf</a></p>
<b>AUSTRALIA</b>	<p>Mutual Assistance, Attorney General's Department. <a href="https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance">https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance</a></p> <p>Foreign requests to Australia, Attorney General's Department. <a href="https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance/foreign-requests-australia">https://www.ag.gov.au/international-relations/international-crime-cooperation-arrangements/mutual-assistance/foreign-requests-australia</a></p>



NAME	RELEVANT MEDIUM
	The Guide on Requesting Mutual Legal Assistance in Criminal Matters from G20 Countries.
<b>BRAZIL</b>	The Brazilian Central Authority (DRCI) maintains a guided tour as well as information and templates regarding international legal cooperation on its official website. <a href="https://www.gov.br/mj/pt-br/assuntos/sua-protecao/lavagem-de-dinheiro/drci">https://www.gov.br/mj/pt-br/assuntos/sua-protecao/lavagem-de-dinheiro/drci</a>
<b>CANADA</b>	Requesting Mutual Legal Assistance from Canada – A Step-by-Step Guide. <a href="https://www.justice.gc.ca/eng/cj-jp/emla-eej/mlaguide-guideeej.html">https://www.justice.gc.ca/eng/cj-jp/emla-eej/mlaguide-guideeej.html</a>  Extradition and Mutual Legal Assistance. <a href="https://www.justice.gc.ca/eng/cj-jp/emla-eej/index.html">https://www.justice.gc.ca/eng/cj-jp/emla-eej/index.html</a>
<b>CHINA</b>	Law on International Mutual Legal Assistance in Criminal Matters of the PRC.
<b>FRANCE</b>	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.
<b>GERMANY</b>	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.
<b>INDIA</b>	The Central Authority of India in December, 2022 launched a portal for digital management of incoming and outgoing MLA requests and to streamline the process. <a href="https://mlat.mha.gov.in/">https://mlat.mha.gov.in/</a>
<b>INDONESIA</b>	MLA in Criminal Matters – Guidelines & Flowcharts. <a href="https://centralauthority.kemenumham.go.id/mutual-legal-assistance-in-criminal-matters">https://centralauthority.kemenumham.go.id/mutual-legal-assistance-in-criminal-matters</a>
<b>ITALY</b>	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.
<b>JAPAN</b>	A guidance for sending an MLA request to Japan is published and available on the website of the Ministry of Justice.
<b>KOREA</b>	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.
<b>MEXICO</b>	The Office of the Prosecutor General of the Republic (FGR) does not have a specific section on its website. 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.
<b>RUSSIA</b>	General information and contacts of the focal points is published in the UNODC CNA Directory and relevant G20 guides. A comprehensive step-by-step guide on mutual legal assistance and asset recovery is being updated and will be released in Russian and English by the end of 2023 on the websites of the competent authorities.  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 in 2022.  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 in 2023.

NAME	RELEVANT MEDIUM
<b>SAUDI ARABIA</b>	Procedures Manual or Legal Assistance and the Recovery of Assets of the Kingdom of Saudi Arabia. <a href="https://www.moi.gov.sa/wps/portal/Home/sectors/moidiwan/sclar/!ut/p/z1/pVJNU8lwEL3zK-rBYeb9Cs9BtAGZGRKLDbcnNJUqdlUslL66w2oM-oMVMYcNpvMe9n3doNEyzBaLTTVm06-hx8HJFS6Ke7TughUukBTIAj3FuMu5SSAQdCNACJoRPz2BSY2x2iyB3QCxm1vAEAHgQM9xuORH1oWMAUjv_DhwGLQxB8jqUSm6mU9R0IZFYystqk6h106r8rcyCpV56rWN4t0H4zlu spy-bzOn3bcZVZllPgOZJ60aCkB26YtpWfSFGNzJincEekSj-SfWo-IEcet9JvM6G4XD6uVYNrStvZljaYne4pypZWKDzE9W79rk6thN3SAuW0S9Yc3EIT4NwAYvQTGrDHnXkiG9AtwbLJNfhPdL--qX99Fk02Rb1GsqnWp_1p04jh4YwXnnxWWZRyX1Ho1xcx-HPG39rUZdBJ29g5Wtk_A/dz/d5/L2dBISEvZ0FBIS9nQSEh/">https://www.moi.gov.sa/wps/portal/Home/sectors/moidiwan/sclar/!ut/p/z1/pVJNU8lwEL3zK-rBYeb9Cs9BtAGZGRKLDbcnNJUqdlUslL66w2oM-oMVMYcNpvMe9n3doNEyzBaLTTVm06-hx8HJFS6Ke7TughUukBTIAj3FuMu5SSAQdCNACJoRPz2BSY2x2iyB3QCxm1vAEAHgQM9xuORH1oWMAUjv_DhwGLQxB8jqUSm6mU9R0IZFYystqk6h106r8rcyCpV56rWN4t0H4zlu spy-bzOn3bcZVZllPgOZJ60aCkB26YtpWfSFGNzJincEekSj-SfWo-IEcet9JvM6G4XD6uVYNrStvZljaYne4pypZWKDzE9W79rk6thN3SAuW0S9Yc3EIT4NwAYvQTGrDHnXkiG9AtwbLJNfhPdL--qX99Fk02Rb1GsqnWp_1p04jh4YwXnnxWWZRyX1Ho1xcx-HPG39rUZdBJ29g5Wtk_A/dz/d5/L2dBISEvZ0FBIS9nQSEh/</a>
<b>SOUTH AFRICA</b>	Requests for MLA should be directed to the Director-General, Department of Justice and information related to procedural requirements may be obtained via email or through the website.
<b>TÜRKIYE</b>	The Circular No. 69/2 and 69/2 can be accessed from the official website of our Ministry via <a href="https://diabgm.adalet.gov.tr/Home/BilgiDetay/3">https://diabgm.adalet.gov.tr/Home/BilgiDetay/3</a>
<b>UNITED KINGDOM</b>	MLA Guidelines for Foreign Authorities. <a href="https://www.gov.uk/guidance/mla-guidelines-for-foreign-authorities">MLA guidelines for foreign authorities - GOV.UK (www.gov.uk)</a> The UK also provides guidance specific to asset recovery requests: <a href="https://www.worldbank.org/en/operations/asset-recovery-initiative">Asset Recovery Guide United Kingdom - update 2022   Stolen Asset Recovery Initiative (StAR) (worldbank.org)</a>
<b>USA</b>	The Resources for Foreign Authorities page of the DOJ/OIA website, contains guidance explaining U.S. legal standards that must be met to produce certain types of assistance.
<b>MAURITIUS</b>	Mutual Legal Assistance, Attorney General's Office. <a href="https://attorneygeneral.govmu.org/Pages/mla/mla.aspx">https://attorneygeneral.govmu.org/Pages/mla/mla.aspx</a>
<b>THE NETHERLANDS</b>	Information for Foreign Authorities, Ministry of Justice and Security, <a href="https://www.internationalerechtshulp.nl/service-english">https://www.internationalerechtshulp.nl/service-english</a>  State Party Netherlands, Council of Europe, <a href="https://rm.coe.int/netherlands-mla-19/168097da33">https://rm.coe.int/netherlands-mla-19/168097da33</a>
<b>SPAIN</b>	The General Council for the Judiciary adopted, on 27 September 2018, <a href="https://www.boe.es/boj-portal/contenidos/legislacion/legislacion-estados-unidos/legislacion-estados-unidos-2018/legislacion-estados-unidos-2018-09-27-01">Regulation 1/2018</a> , that contains several mechanisms and guidelines to facilitate international cooperation.

## 5.5. Flow and Preparation of MLA Requests

Fast and efficient responses to MLA requests can greatly increase the success of corruption related investigation and prosecutions in corruption cases. When the MLA system works more 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. Conversely, and whatever their causes, delay in execution of MLA request coupled with lack of information about the status of requests can constitute significant impediments to the investigation and prosecution of corruption cases.

As part of the agreed objective of the G20 ACWG Accountability Report on MLA, efforts were made to explore avenues for future work by understanding the steps followed by G20 countries in processing MLA requests. In this regard, question 4 sought to obtain a brief overview of the flow and preparation process of MLA requests from the initiating officers to the central authorities that is currently in place in the country to encourage prompt responses.

Based on the responses received from G20 countries, it has been noted that G20 countries may have differing mechanisms for processing MLA requests based on the relevant domestic regime in place. In case where a country accepts MLA request as per a multilateral/bilateral treaty, the flow of MLA request takes place through direct channels between the law enforcement agencies. However, in cases where the MLA Request is accepted in the absence of an international treaty, the domestic law of the Requesting Country may require transmission of MLA request to non-treaty countries through diplomatic channels which prolongs the process. Some G20 countries have online portals in place to facilitate the flow of MLA requests from the initiating officer to the Competent Authority. Almost all G20 countries have rules in place to obtain additional information from the Requesting States in case the details provided in the MLA request is inadequate.

G20 countries have shared detailed processes involved in flow of MLA requests from the Requesting States to the Competent Authorities. Countries follow varying number of steps, ranging from less than 5 to more than 10, to process and execute MLA requests.

## 5.6. Challenges and gaps

In light of the broad focus of the G20 ACWG Accountability Report 2023, the Questionnaire was designed to be a tool for understanding common challenges faced by G20 countries in preparing and executing MLA requests. The Questionnaire also encouraged countries to share case studies on challenges faced by them in processing MLA requests in corruption cases which led to either refusal or delays. Based on the responses received from G20 countries, the common challenges faced by G20 countries in preparing and executing MLA requests are:

### 5.6.1 Differences in Legal Frameworks:

One of the challenges faced by G20 countries is the difference in the legal framework between countries which complicate the coordination and alignment of legal

procedures. These differences can also manifest in the form of lengthy bureaucratic and administrative processes in the Requested country which can lengthen the processing of MLA requests in comparison to requests made through interagency or police-to-police coordination. For instance, Australia highlighted that due to complex evidentiary requirements in criminal matters, a significant burden can be placed on partner countries, particularly those countries that do not share a similar legal system.

## INDONESIA

### **Challenges in processing requests related to bank statements or other protected banking information**

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.

#### **5.6.2 Administrative and Procedural Gaps affecting Processing of MLA Requests:**

G20 countries highlighted the challenges faced by them while sending an MLA request which ranges from challenges in identification of the correct executing authority; challenges in fulfilling formalities required by the receiving authority and timing of execution. Often, the capabilities of law enforcement officials in the Requesting State can vary in terms of their expertise and available resources throughout the entire process, from preparation to follow-up. Furthermore, the high volume of requests

received by a Central Authority having limited personnel can also pose difficulties in effectively managing and processing the requests.

### 5.6.3 Quality of MLA Requests:

The quality of drafting of incoming MLA Requests was raised as a major challenge by several G20 countries. For instance, Canada highlighted that in cases where a court order is obtained, explicit grounds like summary of the specifics of the investigation and the sourcing for each fact must be presented. However, many MLA requests have been found to be lacking such information which lead to delay and an inability to fully execute the request. France also requires Requesting States to precisely draft Asset Recovery requests so that a link of causality is created between the crime and the relevant asset. In cases where a clear and precise MLA request has not been provided, the need to obtain necessary clarifications can delay the execution of the request in corruption cases. India has faced similar issues especially in cases where details like bank accounts, accused persons/witnesses, etc., have resulted in non-execution of requests.

## CANADA

### **MLA 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.

#### **5.6.4 Operational Challenges:**

Several G20 countries have highlighted operational challenges which include: producing a good quality translation into significant number of languages; identifying the current email address of the Central Authority of the requested country; receiving acknowledgments of receipt of the request from the central authority of the requested country; internal management of pending requests for international legal cooperation.

#### **5.6.5 Lack of Responses:**

G20 countries like China and USA have highlighted the issue of not receiving adequate responses from their counterparts, which leads to prolonged coordination and communication issues. In some cases, the Requesting Countries do not receive acknowledgement of receipt of their requests and Requested Countries do not receive responses to their inquiries for additional information or clarification regarding a request.

## INDIA

### **Return of MLA Requests without any action**

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.

#### **5.6.6 Effectiveness of communication channels:**

G20 countries have raised concerns about the absence of effective communication channels between the Requesting State and the Requested State which affects the transmission, processing and execution of MLA Requests. For instance, Germany has highlighted that particularly in cases of urgent MLA requests, the mode of transmission of request can make it impossible to transmit the request in time, especially if transmission is carried out by post. Therefore, it suggests that digital mode of transmission may be used to transmit the request in time.

### **5.7. Achievements and Good Practices**

The purpose and mandate of the 2023 G20 ACWG Accountability Report on MLA has also been to collect good practices and success stories of G20 countries in their efforts to implement mutual legal assistance mechanisms, especially during the investigation, and prosecution of corruption and related offences. The following success stories and good practices have been noted based on the responses received from G20 countries:

#### **5.7.1 Pre-MLA consultations between relevant agencies:**

Pre-MLA consultation has been identified as a good practice which enables the efficient and prompt processing of MLA requests. The use of Pre-MLA consultations through inter-agency

communications allows the Central Authority or Law Enforcement authority to gather information, identify and analyze requirements, and engage potential stakeholders. The prior processing of technical and substantive matters during the pre-MLA stages enables expeditious execution of legal assistance activities during the MLA process.

## INDONESIA

### **Role of Pre-MLA Consultation in processing of MLA requests**

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 (KPK).

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.

### **5.7.2 Improving internal coordination between domestic authorities and agencies**



## SOUTH AFRICA

### **Development of internal case management systems for MLA**

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.

## ARGENTINA

### **Preliminary Classification of Documentation and Categorization of Priority Tasks**

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.

### 5.7.3 Processing of MLA requests in timely and effective manner:

G20 countries have strongly highlighted the importance of timely and effective processing of MLA request which plays a major role in bringing corrupt persons back to justice. This can be achieved through effective internal case management systems.

### 5.7.4 Collaboration with International and Regional Networks:

G20 countries have highlighted the importance of international cooperation mechanisms and regional networks for playing a major role in their collaborative efforts to support law enforcement agencies in various jurisdictions, implementing best-practice legislations, evidence-gathering powers, etc.

## AUSTRALIA

### **PILON Cybercrime Working Group**

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.

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. The handbook can be found at the following website: <https://pilonsec.org/digital-library/mutual-legal-assistance-handbook>.

## TÜRKIYE

### **Improving International Judicial Cooperation in Criminal Matters in Türkiye**

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.

## RUSSIA

### Successful return of Stolen Assets

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.

## ARGENTINA

### **Creation of Latin American Network of Central Authorities**

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.

#### **5.7.5 Using Digital Initiatives to Improve Accessibility of Information related to MLA Requests:**

G20 countries like Brazil have taken constructive steps towards using digital means to develop a guided tour of its Designated central Authorities' website. This allows the user to be directed to the appropriate page based on their object of interest.

#### **5.7.6 Using Digital Means to allow Electronic Transmission of MLA Requests:**

Constructive steps have been taken by G20 countries to use digital means to facilitate the transmission of MLA requests between their Central authorities which enable effective and prompt processing of MLA requests, where compatible.

## SPAIN

### **Iber@ electronic platform**

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.

#### **5.7.7 Capacity Building and Technical Assistance:**

Efforts have been made by G20 countries to undertake capacity building programs and provide technical assistance to other countries (especially developing countries) which play an instrumental role in building up the expertise of Central agencies and enhancing the quality of MLA requests. These efforts include the organisation of Conferences between central agencies, law enforcement groups, legal experts; exchange of views on specific issues related to prosecution of MLA in criminal matters; organisation of study tours; training programmes for judges, clerks, police officers; prosecutors; assisting Central agencies of other countries with legal commentary, translation and printing of bilateral mutual legal assistance treaties, etc

## INDIA

### **Capacity Building Programme for Foreign Law Enforcement Agencies**

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.

## ITALY

### Capacity Building Programmes by Italian MOFA and the Police Forces

Italy's Anti-Corruption international technical assistance methodology integrates a model in strengthening regulatory harmonization processes with specific focus on MLA. In particular, its four pillars, i.e. Capacity, Institution, Law and Consensus building, are intuitive and strategic for legal frameworks' development, setting up bodies and authorities, enhancing international judicial cooperation, including for evidence gathering, information sharing, and collaboration, while always safeguarding human rights, fundamental freedoms and the Rule of Law.

Italy, both in the EU framework and bilaterally, is currently developing many technical assistance programmes inspired to this methodology and the G20 ACWG commitments. The EL PAcCTO, EUROFRONT and COPOLAD 3 programmes are examples of this engagement, largely carried out jointly with other EU member countries, especially in partnership with Latin American and Caribbean countries.

The upcoming Team Europe Initiative on Justice and Security for Latin America and Caribbean Region will be also inspired according to the same G20 ACWG methodology.

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.

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.

## CHAPTER 6: REDUCING RESPONSE TIME IN EXECUTION OF MLA REQUEST

Time is the essence of any investigation and any delay in receiving or providing evidence or information can jeopardize the whole process. This can be especially true in cases where a statute of limitation is in operation. Inordinate delay in execution of MLA request can be attributed to various factors like lack of specific details, lack of understanding at the receiving end, shortage of staff, cumbersome official procedures etc. Several countries have adopted capacity-building initiatives to enhance the quality of MLA requests. These practices vary across nations, reflecting their commitment to promoting international cooperation and tackling cross-border criminal activities.

Some countries conduct regular training sessions and information-sharing programs with domestic law enforcement and prosecution agencies while some nations collaborate with other countries through joint capacity-building and training programs, strengthening their MLA capabilities and promoting effective international cooperation.

Further, by ensuring various agencies have a detailed understanding of MLA requirements, the process is streamlined for more efficient execution of the requests. These current practices reflect a collective effort to enhance mutual legal assistance capabilities, fostering a culture of cooperation and addressing cross-border criminal activities more effectively on a global scale.

### **6.1 Major key Initiatives taken by Countries to Reduce Response Time in execution of MLA requests:**

Reducing the response time in the execution of MLA requests stands as a critical objective in the fight against corruption and other cross-border crimes. However, challenges such as differences in legal systems, language barriers, and political considerations can impede the timely execution of MLA requests. To address these obstacles and to enhance collaboration amongst member nations, some of the G20 countries have taken various initiatives in order to streamline the MLA process, promote standardized procedures, and foster digital collaboration.

Some common practices include:

#### **6.1.1. Capacity Building Programs:**

Countries engage in domestic training programs for their law enforcement and prosecution agencies. These programs aim to enhance the understanding of MLA processes, requirements, and policies. By empowering their agencies, countries ensure effective handling of MLA requests. Several countries prioritize providing technical assistance to developing nations, assisting them in establishing effective Central Authorities and strengthening their institutional and legal frameworks for mutual legal assistance. Further, certain countries undertake specialized capacity building projects to aid other countries in building expertise in specific areas of mutual legal assistance. These targeted initiatives focus on topics like asset recovery, cybercrime, corruption, and money laundering.

#### **6.1.2 Exchange of Legal Expertise:**

Countries engage in exchanges of legal expertise and best practices in handling MLA requests. This involves workshops, conferences, and bilateral meetings to discuss relevant issues and promote cooperation. 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.

#### **6.1.3 International Training programs:**

Many countries participate in and provide international training programs. These initiatives focus on sharing best practices, expertise, and experiences related to mutual legal assistance. These programs help build capacity in other countries and foster cooperation in handling cross-border criminal matters. Some countries find it beneficial to have experts to participate in workshops organized by other countries 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.



Further, countries actively participate in international cooperation initiatives led by organizations such as the United Nations, Interpol, and regional bodies. These initiatives promote information exchange, best practices, and standardized procedures for mutual legal assistance.

#### **6.1.4 Institutional Cooperation:**

Countries prioritize institutional cooperation and coordination to streamline the MLA process. Collaboration amongst different agencies and authorities enhances efficiency in handling MLA requests and improves international cooperation.

#### **6.1.5 Support to Regional Networks:**

Some countries actively engage with regional networks and partnerships to support law and justice agencies in specific regions. These regional efforts strengthen justice systems and facilitate mutual legal assistance among neighbouring countries.

#### **6.1.6 Digital Solutions for MLA:**

Some countries work on developing digital platforms for submitting MLA requests and sharing evidence securely. These digital solutions aim to expedite the MLA process and improve collaboration among countries.

It can be inferred from the above that G20 countries have been actively seeking and providing technical assistance to other countries on mutual legal assistance (MLA). They engage in capacity-building programs, workshops, and training sessions to strengthen international cooperation in combating corruption effectively. Various countries, actively engage in providing technical assistance and capacity-building initiatives to strengthen international cooperation in mutual legal assistance (MLA). Some countries collaborate with other countries through bilateral meetings to discuss best practices in international legal cooperation requests. They also offer assistance in drafting legal requests and provide training for prosecutors and law enforcement officials on seeking assistance from other countries. Countries also share best practices, modernize criminal codes, and facilitate mutual legal assistance.

These countries aim to streamline the MLA process and enhance international cooperation by conducting regular training sessions, information-sharing programs, and technical assistance initiatives. They also embrace digital collaboration to expedite communication and reduce

response times. Overall, these examples illustrate the commitment of countries to strengthen international cooperation through technical assistance and capacity-building programs in the field of mutual legal assistance. The goal is to provide participants with a comprehensive understanding of utilizing mutual legal assistance to support legal proceedings across borders. These examples demonstrate the commitment of countries to strengthen international cooperation through technical assistance and capacity-building programs in the field of mutual legal assistance.

## Major Initiatives or Innovative Measures Implemented by Countries to Improve the Processing of Mutual Legal Assistance (MLA) Requests

**Table 5: Summary of major initiatives and/or innovative measures implemented by countries**

### ARGENTINA

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, 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.

### AUSTRALIA

Australia has supported other jurisdictions, particularly in the Pacific region. It engages with partners through the Pacific Islands Law Officers' Network (PILON) to promote justice and the rule of law, sharing expertise and experiences. Australia also participates in the PILON Cybercrime Working Group and PILON Corruption Working Group, which deliver capacity-building activities to combat cybercrime and corruption effectively.

### BRAZIL

Developed a guided tour of its website to direct users to relevant pages of interest.

## CANADA

The Canadian Central Authority has a dedicated team of legal professionals to review and execute MLA requests. They provide advice to foreign authorities on Canada's legal requirements and review draft requests for compliance.

## CHINA

Conducts annual training programs for anti-corruption practitioners from developing countries, including information on mutual legal assistance requirements and procedures.

## FRANCE

The Central Authority of France is working on a new software for administering MLA requests, aiming to streamline the process.

## GERMANY

Provides technical assistance through the GIZ Global Program "Combating Illicit Financial Flows," focusing on strengthening capacities in money laundering, asset recovery, and international cooperation. Organizes workshops and exchanges among countries and partner agencies

## INDIA

Launched a MLAT portal for speedy processing of LR/MLA requests, connecting all police authorities for real-time data transfer.

## INDONESIA

Implemented a web-based system called SIMJA OP, a work management information system for MLA requests. It allows monitoring the progress of handling requests and promotes real-time data transfer.

## JAPAN

The Japanese government provides technical assistance to developing countries through UNAFEI, which regularly holds training programs for criminal justice practitioners since 1962. Also, JICA, which is an implementing agency of Japanese Official Development Aid, provides a training programme called "International Criminal Investigation" to strengthen knowledge on mutual legal assistance in cooperation with the Japanese law enforcement agency.

## TÜRKIYE

Working on a Central Monitoring System (CMS) to track incoming and outgoing MLA requests for better coordination.

## MEXICO

Considering publishing international treaties, collaboration agreements, and internal guidelines related to international legal assistance on their official website for greater visibility and dissemination.

## SAUDI ARABIA

Established the Standing Committee for Legal Assistance Requests for sending and implementing received requests for legal assistance which comprises representatives from various bodies. The Committee has issued the Procedures Manual on Legal Assistance and the Recovery of Assets of the Kingdom of Saudi Arabia

## SOUTH AFRICA

Developing an integral case management system for MLA and extradition matters to coordinate the handling of requests more efficiently.

## UNITED KINGDOM

Undertaking a Digital Transformation Programme to improve the MLA request process, including a new online submission form and a replacement domestic case management system.

## UNITED STATES

Reorganized DOJ/OIA to create dedicated teams for executing MLA requests and planning technology improvements to better process case work.

## MAURITIUS

Considering the possibility of submitting MLA requests by secure email or express courier service and providing online access to contact details and applicable MLA laws and procedures.

## NETHERLANDS

An "International Assistance System (DIAS) is a system that can be 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 for processing any MLA request.

## SPAIN

Implemented Iber@ electronic platform for the transmission of international legal cooperation requests between central authorities, speeding up the processing of requests for international legal cooperation

## 6.2. Suggestions given by various countries for reducing response time

The effectiveness of MLA relies on prompt response to ensure timely and effective law enforcement. Several countries have implemented innovative measures to expedite MLA processing, such as digitalization, dedicated legal teams, and information-sharing platforms.

Some of the suggestions to reduce response time are:

1. **Promote Direct Communication:** Encouraging direct communication channels between requesting and executing authorities can lead to faster responses and prompt clarification of requirements.
2. **Pre-MLA Consultation:** Prior consultation between countries can help foreign partners understand specific requirements, ensuring requests meet necessary thresholds and reducing the need for additional information later.
3. **Digitalization:** Embrace digital tools for case submission, evidence transmission, and communication to enhance efficiency and data security.
4. **Specialized Teams:** Establish dedicated teams with expertise in MLA to handle requests promptly and efficiently.
5. **Joint Casework Meetings:** Organize virtual casework meetings involving Central Authorities and agencies from both countries to facilitate seamless collaboration and resolution.
6. **Secure Advance Transmission:** Consider secure advance transmission of particularly urgent requests to expedite the process.
7. **Streamlined Documentation:** Ensure complete and detailed MLA requests with supporting evidence to minimize back-and-forth communications.
8. **Swift Examination of Requests:** To reduce response time in MLA execution, countries have suggested that swift examinations of requests by central authorities, expediting referrals to competent authorities, and improving domestic cooperation can prove beneficial in reducing repose time. For example, upon receipt, Country A's central authority promptly assesses an MLA request's validity and urgency before forwarding it to the relevant competent authority for immediate action.

By adopting these measures and learning from successful initiatives in other countries, the MLA process can become more effective and timely, strengthening international cooperation in combating transnational crime.

**Table 6: Summary of Suggestions provided by G20 Countries on enhancing response times**

## ARGENTINA

Encourage quick identification of status of a particular MLA request by the requesting country to avoid ambiguity and confusion in sending status updates when requested country seeks the same.

## AUSTRALIA

Foreign partners should conduct outreach prior to making formal requests for assistance. This outreach can 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 ensure that the requesting country is aware of minimum requirements for requests being made to certain countries.

## BRAZIL

Improve electronic application processing channels for transmitting evidence, especially if it is in large files.

## CANADA

Prioritize advance communication with the International Assistance Group (IAG) to understand Canada's requirements before making an MLA request. Understanding the threshold required to obtain evidence in Canada can expedite the process.

## CHINA

To communicate well before sending the MLA requests.  
To have direct peer-to-peer contacts to follow up the progress in MLA requests.

## FRANCE

Transmissions of advanced copies of MLA requests and communications by email between the competent authorities are effective ways to reduce response time.

## GERMANY

Avoid time-consuming queries by ensuring higher quality in the translation of requests for legal assistance. Consider advance transmission of urgent requests via secure channels.

## INDONESIA

Conduct joint casework meetings involving the respective Central Authorities (CAs) of both countries, requesting and executing agencies.  
Complement written discussions with verbal discussions to address incomplete information or clarify ambiguous details.

## INDIA

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

## ITALY

Set up teams dedicated exclusively or as a priority to judicial cooperation to ensure a rapid response to MLA requests.

## KOREA

Implement a fast-track system for priority cases to handle them with priority and proceed quickly



## MEXICO

Develop a Directory of Central Authorities to reduce the response time to requests for international legal assistance

## SOUTH AFRICA

Immediately screen incoming matters and allocate case officers to reduce response time.  
Provide realistic timelines and acknowledgement details for efficient communication.

## TÜRKIYE

A Centralized Monitoring System can be introduced which would allow tracking of requests that are received and sent out for MLA as well as those that have been returned.

## UNITED KINGDOM

Encourage greater use of law enforcement channels to ensure MLA requests contain required information.  
Promote digital ways of working, including online submission forms and digital communication, for improved efficiency and data security.

## UNITED STATES

Strengthen and empower Central and Competent Authorities with expert staff and decision-making authority to expedite MLA requests.

## MAURITIUS

Use proper legal basis and understand laws and procedures of requested states before making requests.  
Prior consultation with the requested state and establishment of direct contact with relevant officers can facilitate swift exchange of information.

## SPAIN

Use of electronic means in sending MLA requests, with a general database on MLA for efficient transmission and record-keeping.

G20 countries recognize the vital role of Mutual Legal Assistance (MLA) in combating transnational crimes, especially corruption. These collective efforts reflect the commitment of G20 nations to foster a culture of cooperation, transparency, and consistency in international legal assistance. By continuously exchanging best practices, improving communication channels, and strengthening international networks, they work together to combat corruption effectively on a global scale.

As the G20 prioritizes these initiatives and seek to further improve the MLA process, they reinforce their dedication to promoting justice, upholding the rule of law, and creating a more secure world for all. By embracing innovation, collaboration, and standardized procedures, the G20 member countries can reinforce their collective commitment to combat corruption and other cross-border crimes, leading to a more just and equitable global community.

## CHAPTER 7: SIGNIFICANCE OF INFORMAL CHANNELS

The role of leveraging cooperation through informal channels in matters of mutual legal assistance, asset recovery and other law enforcement cooperation activities has been recognized by the outcomes of the Anti-Corruption Working Group under previous Presidencies.

For timely responses to MLA and prompt transmission/execution of such requests, it is important to have in place and maintain an open and direct line of communication between central authorities. The G20 High Level Principles on Mutual Legal Assistance (2013) also highlighted the need for encouraging, whenever possible, mechanisms for informal cooperation before submission of MLA. It also notes the need of circumstances in which alternative forms of cooperation should be preferred to formal requests for MLA.

Various practical challenges to effective informal cooperation or law enforcement cooperation were reported in the Scoping Paper on International Co-operation dealing with Economic Crime, Offenders and Recovery of Stolen Assets and the G20 ACWG 2020 Accountability Report.

The G20 ACWG International Cooperation Think Pieces of 2021 also noted that while a number of networks of law enforcement practitioners (e.g. the INTERPOL/STAR Global Focal Point Network on Asset Recovery (GFPN), the OECD Working Group on Bribery Law Enforcement Networks, the Camden Asset Recovery Inter-agency Network (CARIN) and other regional asset recovery networks, the Egmont Group of Financial Intelligence Units, etc.) exist that could be useful in addressing the reporting challenges, not all countries are fully aware of and proactively participate in them. In addition, anti-corruption agencies in some countries, in particular developing countries, have few or rather no channels to connect and receive practical guidance and assistance in undertaking their law enforcement functions.

The G20 Anti-Corruption Action Plan 2022-24 encourages members to participate in and make full use of existing law enforcement networks, as appropriate, such as those originating from the G20 ACWG, including G20 Denial of Entry Experts Network (DoEEN) and the GlobE Network taking into consideration that useful networks in this regard include INTERPOL, CARIN, regional ARINs, the Egmont Group, the FATF, the OECD Global Law Enforcement Network (GLEN)

against transnational bribery and the OECD Working Group on Bribery Law Enforcement Officials (LEOs).

## 7.1. Cooperation through Informal Channels

Countries shared their experiences of participating in several existing informal channels and groups to coordinate with their counterparts in different jurisdiction. These included active participation in topic-specific fora that provide for global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities.

It was noted that the informal networks greatly assist the central authorities and law enforcement agencies in maintaining **effective communication**; obtaining **updated contact information** from their counterparts; establishing **reliable points of contact**, strengthening **multi-jurisdictional cooperation** with other countries on corruption case investigation; and information sharing; which are of utmost importance in facilitating the preparation of MLA requests.

INTERPOL, Camden Asset Recovery Inter-Agency Network (CARIN), Regional Asset Recovery Inter-Agency Network (ARINs), and Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) are the most commonly used networks amongst the G20 countries for such cooperation. Other than these, OECD Global Law Enforcement Network against Transnational Bribery (GLEN), OECD Working Group on Bribery Law Enforcement Officials (LEO), International Anti-Corruption Coordination Centre (IACCC) are also utilized by some countries.

Other regional networks mentioned by the members included: EUROPOL (<https://www.europol.europa.eu/>), EUROJUST (<https://www.eurojust.europa.eu/>), EU network of Asset Recovery Offices (ARO) network, European Judicial Network (EJN, <https://www.ejn-crimjust.europa.eu/ejn2021/Home/EN>), Latin America & Caribbean Anti-Corruption Law Enforcement Network (LAC-LEN), South East Asia Justice Network (SEAJust, <https://5ff84c9ea1b01.site123.me/>), GAFILAT Asset Recovery Network (RRAG, <https://www.gafilat.org/>), Ibero-American Association of Public Prosecutors (AIAMP, <https://uia.org/s/or/en/1100004490>), Southeast European Law Enforcement Center (SELEC/SEEPAG, <https://www.selec.org/about-seepag/>), Criminal Justice Forum for Asia and the Pacific (CrimAP, [https://www.moj.go.jp/Implementing\\_the\\_Kyoto\\_Declaration/en/crim\\_ap/index.html](https://www.moj.go.jp/Implementing_the_Kyoto_Declaration/en/crim_ap/index.html))

**Table 7: List of networks primarily utilized for cooperation by G20 Countries**

NETWORKS	Australia	Brazil	Canada	China	France	Germany	India	Indonesia	Japan	Italy	Mexico	Russia	Saudi Arabia	South Africa	Türkiye	UK	USA	Netherlands	Spain
INTERPOL																			
EGMONT																			
GLoBE																			
CARIN																			
ARINs																			
OECD LEO																			
OECD GLEN																			

### 7.1.1. International exchange of information through other mechanisms

High-Level Principles on Mutual Legal Assistance (2013) called for allowing international exchange of information through other mechanisms such as between Financial Intelligence Units (FIUs), exchange of tax information, exchange of information with securities and regulators, etc.

G20 countries have been engaging through various mechanisms for issue-specific exchange of information, such as to facilitate exchange of tax information, denial of entry and visa restrictions in cases involving corruption, terrorism, transnational organized crime, and other criminal activities and threats to national security.

For exchange of information amongst Financial Intelligence Units, Egmont Group remains the most utilized network. Some countries are members to International Organization of Securities Commissions (IOSCO) which have Multilateral Memorandum of Understanding to facilitate mutual assistance in enforcement investigation between securities commissions. Countries also exchange information through the cooperation channels established on their bilateral and multilateral tax treaties, MLATs and other information sharing agreements with a number of foreign counterparts.

**Table 8: A country-wise list of mechanism primarily used for information exchange by G20 Countries**

Country	Mechanisms for Information Exchange
<b>AUSTRALIA</b>	<p>AUSTRAC participates in the Egmont Group of FIUs.</p> <p>Financial Intelligence Consultative Group (FICG) with FIUs from Southeast Asia, New Zealand, and Australia.</p> <p>Pacific Financial Intelligence Community (PFIC) with all 15 Pacific FIUs.</p> <p>Joint Chiefs of Global Tax Enforcement (J5) for cooperation on cybercrime, cryptocurrency fraud and enablers and facilitators of offshore tax crime.</p>
<b>BRAZIL</b>	<p>Member of Egmont Group and participates in GAFILAT.</p> <p>Member of the International Organization of Securities Commissions (IOSCO).</p>
<b>CANADA</b>	<p>Mutual Legal Assistance in Criminal Matters Act (MLACMA) for sharing tax/excise information with treaty partners.</p> <p>FINTRAC participates in the EGMONT group of FIUs.</p> <p>Canada holds observer status in both CARIN and ARIN-CARIB, and share information regarding asset tracing through those informal bodies.</p> <p>Share tax information through various tax treaties, as well participating in the Joint Chiefs of Global Tax Enforcement (J5) for cooperation on cybercrime and offshore tax crime.</p> <p>INTERPOL/EUROPOL for police to police cooperation.</p>
<b>CHINA</b>	<p>FIU to FIU cooperation, INTERPOL for police cooperation, and direct cooperation through the UNODC GloBE Network.</p>
<b>FRANCE</b>	<p>Tracfin is a member of the Egmont Group of FIU. Uses Egmont Secure Web (ESW) and FIU.net for exchanging financial intelligence.</p>
<b>GERMANY</b>	<p>Egmont Secure Web (ESW) and FIU.net for exchanging financial intelligence, Eurojust, EJN, and SIENA for exchange of information between authorities.</p>
<b>INDIA</b>	<p>Member of the Egmont Group, exchanges information on the Egmont Secure Web.</p> <p>Utilizes various tax treaties, TIEAs, and MAAC for tax information exchange.</p> <p>Member of IOSCO Board for exchange of information among securities regulators.</p>
<b>INDONESIA</b>	<p>Informal intelligence sharing among government agencies and police-to-police collaborations.</p>
<b>ITALY</b>	<p>FIU Italy exchanges information with other FIUs through the Egmont Secure Web and at the European level through the FIU.net platforms.</p> <p>Italian Financial Police exchanges information through specific, dedicated bilateral MOU or based on principle of reciprocity</p> <p>Also relies on a wide network of liaison officers (Guardia di Finanza's Economic and Financial Experts) located in the main Italian Embassies abroad</p>
<b>JAPAN</b>	<p>JAFIC (Japan Financial Intelligence Unit) exchanges information with other FIUs</p> <p>Tax information is exchanged with treaty partners, participation in Global Forum on Transparency and Exchange of Information for Tax Purposes.</p> <p>Signatory to IOSCO</p>

Country	Mechanisms for Information Exchange
<b>RUSSIA</b>	FIU to FIU and tax authorities' cooperation and information exchange, INTERPOL, GlobE Network
<b>SAUDI ARABIA</b>	Follows OECD's Exchange of Information Provisions for Tax Purposes Member of Egmont Group Saudi Central Bank (SAMA) cooperates and exchanges information with counterpart authorities in financial sector directly through MOUs or based on principle of reciprocity SAMA shares information with Standard Setting Bodies (e.g., BIS, FSB, and IOSCO)
<b>SOUTH AFRICA</b>	Financial Intelligence Centre exchanges information with other FIUs under AML/CFT Law. Financial sector regulators can enter into MOUs for information exchange. Participates in several international working groups and PPPs for AML/CTF.
<b>TÜRKIYE</b>	Member of Egmont Group and exchanges information through the MASAK.
<b>UK</b>	Uses the Egress Secure Workspace for encrypted file sharing of sensitive information.
<b>USA</b>	The U.S. Department of the Treasury exchanges financial intelligence with other FIUs through the Egmont Group. The Department of Justice's Tax Division and the Treasury Department have Tax Treaties for exchange of tax information. The U.S. Securities and Exchange Commission has MOUs for exchange of information in regulatory matters and uses MLATs for criminal matters.
<b>MAURITIUS</b>	Informal cooperation between various agencies such as police, tax authorities, FIUs, and anti-corruption agencies.
<b>SPAIN</b>	Sepblac exchanges information with FIUs and law enforcement agencies on the Egmont Secure Web (for countries outside the EU) and FIU.net platforms (for intra-EU requests). A new EU Authority (AMLA) is introduced to transform AML/CFT supervision in the EU and enhance cooperation and exchange of information among FIUs.

### 7.1.2. Challenges

Countries have identified that obstacles lie in the possible **differences between national and foreign legal frameworks** that could hamper the mutual assistance in investigative matters. Some of the constraints 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.

One country observed 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 countries can occasionally be a challenge.**

**Two countries explicitly mentioned that they do not encounter any barriers or constraints in utilizing these networks.**

## ITALY

### Single Point of Contact for International 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.

## 7.2 Pre-MLA Consultation

This section primarily discusses G20 countries' experience with Pre-MLA consultation. It contains the good practices as well as the challenges in both incoming and outgoing MLA requests.

Pre-mutual legal assistance ("informal" or "direct") cooperation between States Parties is often a necessary precursor to the preparation of formal mutual legal assistance requests. In every country, law enforcement officials are at the frontline of efforts to combat corruption and related offences. Where possible and appropriate, direct cooperation between law enforcement authorities/agencies/officials can assist in rapid targeted action against corruption. Informal cooperation between and amongst law enforcement officials can also



facilitate more effective and efficient targeted action against individuals and legal persons that engage in corruption. The G20 High Level Principles on Mutual Legal Assistance (2013) highlights the need for encouraging, whenever possible, mechanisms for informal cooperation and direct cooperation before submission of an MLA request.

Engaging in preliminary contacts with another country's central authority, investigators, prosecutors, or courts, prior to submitting a formal MLA request enhance the likelihood that the request will comply with the requirements of the receiving state, will be sufficiently detailed to permit execution, and will be promptly handled. In addition, such direct communications—whether by phone, by email, or as part of bilateral meetings—can strengthen relationships embedded with trust amongst foreign counterparts dealing with MLA issues.

For the purpose of Pre-MLA consultation, States should establish clear and accessible contact point in form of a central authority as they shall be in distinct position in both requesting and providing international assistance. Those responsible for procedural policy in each state should emphasize to their domestic counterparts that consultation with their central authority should also be one of the foremost concerns in dealing with international matters, as it leads to effective coordination of both incoming and outgoing MLA requests, policy and general international cooperation.

### 7.2.1. Challenges before submission of MLA requests:

**Table 9: Challenges before submission of MLA request**

CHALLENGE ENCOUNTERED BY THE COUNTRIES	NO. OF COUNTRIES
Lack of Direct Communication between the Competent Authorities, Focal Points,	5
Language Barrier	1
Countries which didn't highlight any challenge specifically	15

G20 countries shared their experiences on informal cooperation before the submission of MLA requests. Most of the countries have encountered challenges in direct communications with the relevant authorities, clearly indicating either absence of direct communications or ineffectiveness of such communications in informal cooperation before submitting an MLA request.

One of the countries in their response has mentioned that it has encountered language issue as a major challenge. The country in its response has also mentioned that it has faced delays in responding to the MLA requests due to language barrier. The rest of the responses didn't highlight any specific challenge.

### 7.2.2. Way to improve of Direct Lines of Communication:

**Table 10: Overview of responses on ways to improve Direct Lines of Communication between relevant authorities for informal cooperation before submitting MLA request**

RECOMMENDATION AND SUGGESTION BASED ON RESPONSES RECEIVED FROM THE G20 COUNTRIES	NO. OF COUNTRIES
Direct Cooperation & Informal Communication (e.g., police to police cooperation, between central authorities, focal points) where there are no compulsory measures required	3
Need to develop a network or platform to facilitate direct and safe communications	2
Use of existing network like GlobE, INTERPOL and others for direct communications	4
G20 ACWG can have training and awareness sessions for LEAs on MLAs, build trust amongst the relevant authorities by way of regular interactions and opportunity to exchange contacts and address between competent authorities, sharing of best practices and capacity building programme by G20 Presidencies	4
Use of Law Enforcement Agencies attached with embassies	1
Creating and maintaining a directory of Contact details, Email Ids, Telephone No. and Address of the relevant competent authorities to receive, respond and process the MLA requests.	5

Many countries in their responses have indicated the usefulness of updated information of the contact points with details to whom the request must be sent, for example: 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 proceedings. In this regard, some countries also suggested encouraging use of the UNODC Online Directory of Competent National Authorities (CNA Directory). Other suggestions were focused towards encouraging direct communication and informal cooperation (e.g., police to police, between central authorities, focal points), where coercive measures are not required. Some countries have also suggested to develop a network or platform for the safe and secure communication between the relevant and competent authorities whereas some suggestions were made to utilize the existing networks for the direct communication between

the relevant and competent authorities. Countries have also suggested to utilize the G20 ACWG for providing training and awareness sessions to LEAs on MLAs, for building trust amongst the relevant authorities by way of regular interactions and opportunities to exchange contacts and address between competent authorities, sharing of best practices and capacity building programmes by G20 Presidencies, as appropriate.

## 7.3 Pro-active Pursuit of MLA Request

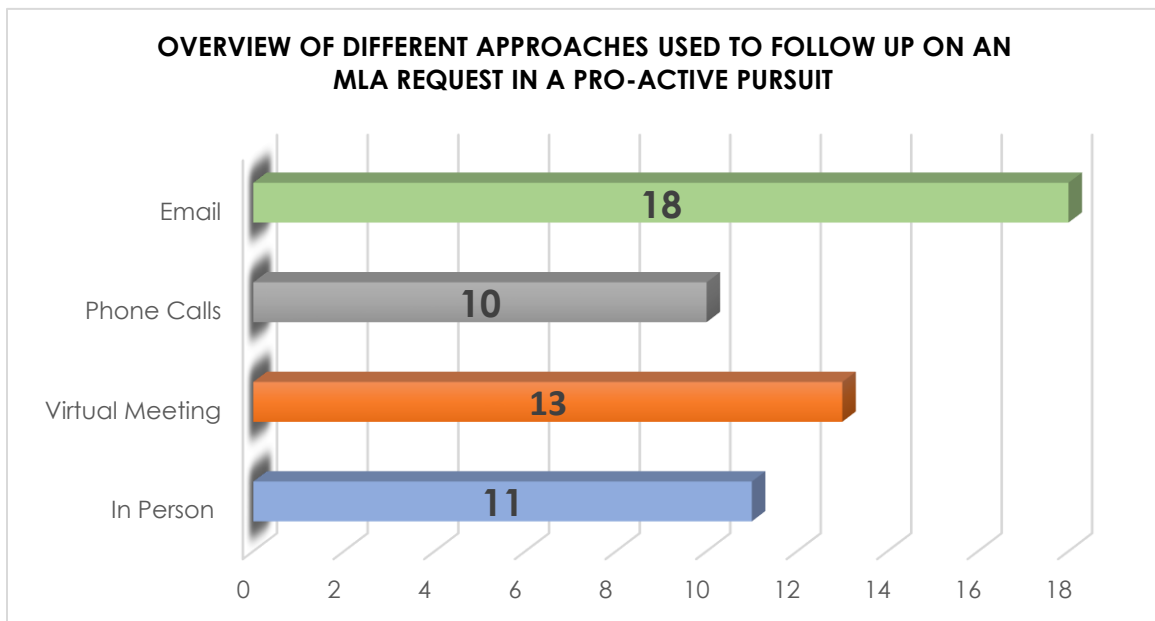
Pro-active pursuit of cases is often necessary to achieve execution of an MLA request in a timely manner. There are possibilities that once the MLA request has been submitted, there is no response or delay in response. In such instances, an approach of Pro-active Pursuit of MLA Request must be adopted to receive the required information. This can be achieved through regular follow ups with the central authorities. Now, to an increasing degree, even more direct and informal channels are being used whereby an official in the requesting state can call, email, meet in person or through video conferencing, can follow regularly and request directly to the appropriate official in the other state.

### 7.3.1. Peer-to-peer outreach

**Table 11: Overview of responses for countries using peer to peer outreach to follow up on an MLA request in a pro-active pursuit**

PEER TO PEER OUTREACH TO FOLLOW UP ON MLA REQUEST IN A PRO-ACTIVE PURSUIT	NO. OF COUNTRIES
Countries which use peer to peer outreach	17
Countries which don't use peer to peer outreach	2
Countries which didn't respond on peer-to-peer outreach	3

Countries which use peer-to-peer outreach to follow up an MLA request in a pro-active pursuit, in their responses, have informed that they have established relations with their foreign counterparts to facilitate the MLA requests, however, they have different approaches to make peer-to-peer outreach.



The responses received from the G20 countries have also mentioned that the countries are using various networks like the International Criminal Police Organization (INTERPOL), International Crime Cooperation Central Authority (ICCCA), GlobE, CARIN, ARIN, Egmont Group, SE Asia Justice Network, CrimAP, EUROJUST, UNODC etc. in maintaining effective communication, obtaining updated contact information from their counterparts, establishing reliable points of contact, strengthening multi-jurisdictional cooperation with other countries on corruption case investigation and information sharing, which are of utmost importance in following up on the progress of MLA requests.

**Table 12: Overview of challenges, barriers and constraints encountered in pro-active pursuit**

Requirement of all communication via formal diplomatic channel

Different legal systems & regimes

Absence of prompt response by Requested State

Lack of intent & willingness for peer-to-peer outreach with countries

Requests received are incomplete and requesting countries themselves didn't follow up

Geographical distance

Countries have mentioned that the barriers to this form of approach is the requirement on behalf of the foreign counterparts to make all the contacts via diplomatic channels and contacts between central authorities are not encouraged. Some countries have identified different legal systems and regimes as a major challenge in proactive pursuit to follow up an MLA request. Other challenges highlighted were lack of willingness and responses from peer-to-peer contacts, incomplete requests, lack of interests, no follow ups, and geographical distance as challenges to pro-active pursuit of follow up to an MLA request.

## CHAPTER 8: WAY FORWARD

The mechanism of Mutual Legal Assistance (MLA) is vital for international cooperation in criminal and judicial matters, providing countries with the means to exchange essential information, evidence, and expertise, necessary to tackle corruption effectively. It facilitates the seamless sharing of evidence and information across borders, allowing law enforcement agencies to work together in combating corruption and bringing corrupt individuals to justice.

Despite the invaluable role of MLA, challenges persist, including differences in legal systems, language barriers, lack of a standardized request format etc. To overcome these challenges and strengthen the effectiveness of MLA, G20 countries must continue to prioritize anti-corruption efforts, bolster capacities in MLA procedures, and promote transparency in their own jurisdictions.

**Key initiatives by G20 Countries to Improve Mutual Legal Assistance (MLA) have been highlighted below:**

Developing electronic platforms to facilitate direct communication between relevant authorities which enable secure and swift information exchange, ensuring efficient cooperation

Encouraging participation in international law enforcement networks like Interpol and Europol who play a vital role in sharing information and cooperating in investigations and prosecutions.

**Use of MLA Network, Platforms and mechanisms to facilitate efficient, secure and timely information sharing**

Engaging in outreach and training programs to raise awareness of MLA practices and promote cooperation which help officials understand the information needed in an MLA request and communicate effectively with foreign counterparts

Standardizing MLA procedures to the extent possible to ensure consistency and clarity in requesting and providing assistance.

To address these challenges and expedite the MLA process, G20 member nations have put forth various suggestions. Major suggestions given by the G20 Countries to expedite the execution of MLA requests are highlighted herein:

Strengthening communication and efficiency in fighting corruption across borders.

Maintaining relevance and accuracy and ensuring clarity and precision of MLA request for smooth MLA communication.

In-person workshops, trainings, and capacity building for enhancing information sharing capabilities, fostering personal connection and trust, to streamline cooperation

Embracing technology for faster processing of MLA requests and encouraging use of Digital Medium for MLA Requests: Advancing data security and efficiency in the MLA process.

Use of existing networks and platform and innovative case management mechanisms for timely and secure transmission of MLA Requests.

Sharing effective strategies to strengthen international cooperation in combatting corruption.

## KEY TAKEAWAYS:

The suggestions provided by various G20 countries offer valuable insights for improving the process of Mutual Legal Assistance (MLA) requests in the fight against corruption. The key takeaways include the importance of pre-MLA direct outreach, the establishment of direct communication channels, and the utilization of digital means for swift and secure information exchange. The standardized formats for MLA requests and joint casework meetings could also be useful for clarity, consistency, and efficient collaboration during the MLA process.

To strengthen international cooperation and reduce response time in MLA execution, based on the responses received and compiled in this report, the following areas for exploration in future Presidencies, subject to their applicability, relevance, and their being in accordance with domestic legal systems may be suggested:

- Regularly update and review the MLA directory and other initiatives to ensure accuracy and relevance.
- Strengthen international law enforcement cooperation networks for enhanced information sharing and collaboration.

- Organize in-person workshops and training sessions to build personal connections, promote understanding, and foster open communication amongst relevant authorities.
- Encourage the use of digital mediums for timely and secure transmission of MLA requests.
- Exchange best practices and emerging challenges in MLA to streamline communication and to cull out effective solution.
- Respective countries can standardize the format of MLA requests, to the extent possible in accordance with fundamental principles of domestic frameworks, legal systems, and laws, to minimize ambiguities.
- Commit to continued collaboration in G20 ACWG on making the MLA processes more efficient and effective in combatting corruption and reinforcing the G20's commitments.

These initiatives will help further in strengthening the effective processing of Mutual Legal Assistance (MLA) requests and support the efforts of Anti-corruption law enforcement agencies in their fight against corruption and checking the transnational movement of illicit funds generated by offenses related to corruption and taking timely as well as appropriate actions.

The G20 ACWG's commitment for reinforcing MLA and promoting international cooperation lays the foundation for a stronger collective response to the challenges posed by corruption, bringing us closer to a more equitable and corruption-free future.

## ANNEXURE

Please see separate annexure on Responses to the Accountability Report Questionnaire.