

Corruption
A view from the trenches

GOPAC
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Content

- The practicalities of investigation and enforcement:
 - Key issues
 - Rays of hope



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FOCUSING MINDS

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Key issues

Political will

- Country of origin
- Criminal and civil regimes
- Local and foreign officials
- Judicial process
- Regime change
- Political immunity

Unlocking the structure

- See handout 'Corruption and the abuse of trusts and companies'
- Key is to understand the extent of a structure and legal basis of its construction
- Achieving disconnects between a) crime and property and b) criminal and benefit

Information disclosure

- Common law jurisdictions
- Breaking down the banker's door
- Confidentiality provisions
- Fishing expeditions
- Criminal v civil recovery
- Link between prosecutors for criminal matters and those pursuing civil remedies

Legal and regulatory frameworks

- Existence of bilateral treaties
- Poor regulatory infrastructures and enforcement:
 - Lack of ID of beneficial owner
 - Requirements to identify PEPs
 - Record keeping
 - STR system that gives advance warning
 - Gateways from institutions to regulators and FIUs across the globe

PEP resources

- PEPs often have access to significant resources
- Legal challenge at every stage
- Needs commitment by prosecuting authorities to follow through
- War of attrition

Dual criminality

- Test of proceeds of crime
- Jurisdictions operating single or dual criminality tests
- Problem in a key area:
 - Illicit enrichment

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