



INTERNATIONAL
ANTI-CORRUPTION
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Short Session Report

Session Title: Prosecuting Corruption and Recovering Stolen Assets

Date & Time: December 2, 11.30 – 13.30

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Experts:

Dr. Fadli Zon, Chair, Global Organization of Parliamentarians against Corruption (GOPAC).

Michael Khoo, Trial Attorney, Kleptocracy Asset Recovery Initiative, US Department of Justice.

Arnoldo B Lacayo, Partner Advocate, Astigarraga Davis Law Firm

Angela Barkhouse, Associate Managing Director, Kroll

Moderated by:

Session coordinated by: David Jugnarain, Partner, Edmonds Marshall McMahon

Main issues raised in kick off remarks. What's the focus of the session?

The focus of the session is to discuss and explore all the available options at international, bilateral, national and civil levels that can advance the prosecution of corruption and the recovery of stolen assets. At the international level, treaties and even extraterritorial jurisdiction to prosecute and recover assets are needed. Asset recovery can also be pursued through bilateral arrangements. At the national level, a strong political will and bipartisan support to prosecute corruption and recover

assets are required, and parliament is the backbone of such supports. Another avenue to complement the work of asset recovery through criminal proceedings is through civil asset recovery proceedings.

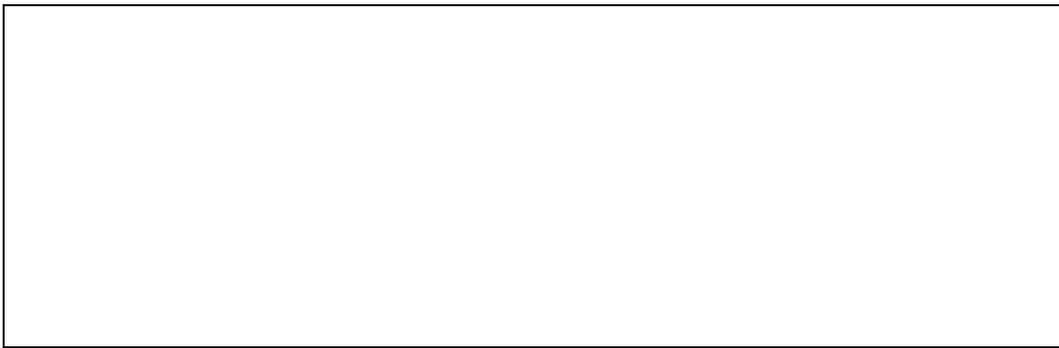
What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)

GOPAC explores the link of grand corruption to the potential abuse of human rights and has recalled for the re-establishment of UN Special Rapporteur on the impact of corruption to the full enjoyment of Human Rights.

The initiatives of the US authorities in investigating corruption both from bribe giver and takers has been demonstrated both through the FCPA and the relatively newly formed Kleptocracy Unit. Where money has passed through or is located in the US that is from proceeds of corruption this can be a useful nexus to obtain jurisdiction in the US. Civil asset recovery is a tool in a broad tool box that whilst receiving some bad press in the past has actually shown to be the most expedient way of recovering stolen assets in many cases.

However asset recovery is not a one size fits all approach and it is key to ensure that the objectives or strategies are based on the reality of the situation; whether there is genuine political will, politically biased judiciary, whether evidence actually exists to support claims and.

In particular, we see the emerging trend of private civil action from victims of corruption as an additional weapon, based on the impact on human rights. It required forensically linking the corruption to the denial of the human right. By having multi-pronged approach corruption can be tackled from all angles. This is an action that should be encouraged and nurtured, and carefully managed to ensure that we have good case law and precedents going forward.



Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.

- **Strong political will and commitment are even more important to recover assets not only a deep and complex understanding on the issue itself.**
- **The idea to develop universal jurisdiction or international mechanism on the prosecution of corruption may at some point can fight the impunity of the corrupts have.**
- **We need to think that asset recovery not solely mentioning the yachts and others, but also the recovery of the values and the result of investment from monies that are being corrupted/laundered/looted.**
- **Civil asset recovery offers advantages if bi-lateral mutual assistance is failing.**
- **The challenge is to bring together the right team to recover asset. Criminal sanction and civil recovery can both be performed together.**
- **“one of the thing that we are always advising is that a country should set up an Asset Recovery Agency that is independent with prosecutorial powers.**
- **“Clear judicial system should be the avenue,”**

What are the key recommendations, follow-up Actions (200 words narrative form)

- It was suggested that the international fund can be put up by the World Bank and IMF that can be utilized to fund the countries when using the private firms to perform civil recovery actions.
- NGO's, international entities and international financial institutions need to stop being afraid of being considered partisan. Put your flag to the mast and insist on forensic audits and reviews where money has been looted or international aid loans have been misappropriated. You have the political influence to do so.
- To explore more fully the link between the corrupt wrongdoing with the human rights aspects.
- To ensure international institutions are not blinkered in their approach, to combat corruption requires a range of actions by a wide range of actors; the objective to end impunity should be a joint effort.

Key Insights that could be included in the IACC Declaration

Impunity must end and assets should be recovered. There are options that provide the avenue to such assets recovery and the prosecution of corruption, whether international, bilateral, states-to-states or even civil recovery.



Rapporteur's name and date submitted

Heriyono Adi Anggoro

Remember! This Short Report needs to be emailed to jwendt@transparency.org within 2 hours after the session and will be uploaded instantly to the IACC website. Thanks.