



ACN

Anti-Corruption Network
for Eastern Europe and Central
Asia



**National Anticorruption Directorate,
Romania**

OECD Anti-Corruption Network for Eastern Europe and Central Asia
in co-operation with the National Anti-Corruption Directorate (Romania)

EXPERT SEMINAR

“Effective Means of Investigation and Prosecution of Corruption”

20 – 22 October 2010
Bucharest, Romania

AGENDA

Background

The **Anti-Corruption Network for Eastern Europe and Central Asia (ACN)** is an initiative, part of global relations of the Working Group on Bribery of the Organisation for Economic Co-operation and Development (OECD). Its aim is to support anti-corruption reform efforts and promote exchange of experience and good practice among the ACN countries, with OECD countries, as well as with other regions of the world.

The 10th ACN Steering Group in March 2010 discussed topics to launch a peer learning programme. The peer learning activities will aim to enhance capacity building of practitioners on key common challenges and areas of work and to develop analytical capacity and practical skills in the region. The peer learning activities will include a series of 2-3 days training seminars for 30-40 national experts specialising in selected themes and development of reference materials (e.g. manuals, best practices and thematic reports). One of the themes that were chosen by the 10th ACN Steering Group meeting in March 2010 was investigation and prosecution of corruption.

More information is available at the ACN web site www.oecd.org/corruption/acn.

The National Anticorruption Directorate (DNA) is the specialized anticorruption prosecution agency of Romania, set up in 2002 and, at present, integrated in the Prosecutor's Office attached to the High Court of Cassation and Justice. The General Prosecutor of Romania leads DNA through the Chief Prosecutor of the Directorate. The reason for creating this agency was to concentrate the treating of the high and medium level corruption cases, that otherwise were spread to all the prosecutor's offices and police inspectorates in the country and, that way, to concentrate specialization, training and technical resources.

The prosecutors of the DNA are supported in their activity of criminal investigation by police officers, and specialists in the economic, financial, banking, customs, IT fields. 145 prosecutors, 170 judicial police officers, 55 specialists, as well as 200 auxiliary, administrative and economic personnel are employed by the Directorate. DNA's jurisdiction does not encompass all the scale of the corruption offences, but only those that could be considered as representing the high and medium level corruption. The jurisdiction of DNA, as established by the law, is defined by three criteria: - the public positions owned by the persons suspected to have committed a corruption offence; - the value of the caused damage; - the value of the given or received bribe.

Since 2005, the main efforts of the anticorruption prosecutors are concentrated on high profile and complex cases regarding corruption and corruption related offences. During the last 5 years, more than 2700 defendants have been sent to trial and approximately 650 defendants are already convicted with final decisions. Half of the convicted persons are public officials with leading, control or decision positions. Among the convicted persons are Members of the Parliament, deputy ministers, presidents of county councils, mayors of important cities, judges and prosecutors, directors of public institutions, directors of national companies, army generals, etc.

Along with the ACN there are various other regional and international networks in place for law enforcement, prosecutors and anti-corruption bodies, for example, Interpol and Europol (cross-border investigations and operational actions), Eurojust (judicial cooperation), EU European Judicial Network (international judicial cooperation), EU Contact point network against corruption (networking, exchange of experience among anti-corruption bodies), Southeast European Prosecutors Advisory Group (facilitate judicial cooperation), the International Association of Prosecutors (trans-border crime, networking).

Also, various initiatives to foster exchange of experience on fight against corruption are taking place. For example, the International Association of Prosecutors organises its regional conference for Eastern Europe and Central Asia “Cooperating against corruption” on 27-30 October 2010 (<http://www.iap2010belgrade.rs>). The recently inaugurated International Anti-Corruption Academy plans to start regular training and academic programmes. So far focus has mainly been on mutual assistance and asset forfeiture and many networks address each group of practitioners separately.

The ACN seminar will bring together various practitioners – police, law enforcement, prosecutors and specialised anti-corruption bodies – to network and exchange good practice on various stages of investigation and prosecution of corruption, including international assistance and asset tracing. They will also discuss other common challenges which need to be addressed in order to successfully investigate and prosecute corruption.

Objectives of the seminar

This seminar aims at fostering networking and exchange of practical experience and good practice among investigators and prosecutors working in the area of fight against corruption in Eastern European and Central Asian countries and other invited countries, focusing on the following areas:

- Effective means to detect and investigate corruption;
- Prosecution of corruption crimes;
- Selected key corruption offences (high level corruption, corruption cases involving legal persons, foreign bribery);
- Independence and specialisation of police and prosecutors;
- Asset forfeiture in corruption cases.

The seminar will include expert presentations, country case studies, discussions and working groups.

Participants

The seminar is for law enforcement experts, investigators and prosecutors from ACN countries, representing national investigative, prosecuting and anti-corruption authorities in charge of investigating and prosecuting corruption-related offences.

ACN contact points and national coordinators of the Istanbul Anti-Corruption Action Plan are invited to nominate 1 – 2 investigators or prosecutors from each country who would most benefit from the seminar, taking into account the topics for discussion. The candidates should submit their CVs (in English or in Russian) in order to enable the organizers to assess their qualification in view of the issues to be discussed. The Secretariat will send an email notification to each accepted candidate.

OECD Working Group on Bribery countries and international partner organisations (International Anti-Corruption Academy, UNODC, Council of Europe’s GRECO, Basel Institute on Governance, etc.) are invited.

The seminar is organized in co-operation with National Anti-Corruption Directorate of Romania; further invitations are extended by the National Anti-Corruption Directorate to participants from Romania.

Follow-up

The meeting will encourage networking of practitioners investigating and prosecuting corruption, based on the model of OECD Working Group on Bribery prosecutor’s meetings.

After this first meeting, the OECD ACN Secretariat will develop proceedings of the seminar including all presentations, case studies and summary of discussions and conclusions.

Based on outcomes of the seminar and suggestions by participants, OECD ACN Secretariat will consider developing an analytical report on best practice and common challenges in certain areas/practical guidelines/compilation of good practices/case studies.

Logistical information

The venue of the seminar and the hotel for participants is the **Grand Hotel Continental**, 56 Victoriei Avenue, 010083, Bucharest, Romania, <http://www.continentalhotels.ro/Grand-Hotel-Continental-482>.

The National Anticorruption Directorate of Romania will ensure airport transfers in Bucharest. **A person holding a sign with the name of the seminar will be waiting for you at the airport upon arrival.**

The hotel accommodation will be arranged and prepaid as indicated in your individual Letter of Invitation. Please note that any additional hotel costs incurred beyond the standard nightly room rate (eg: extra night, mini-bar, phone bill or internet connection) will be your responsibility and will have to be paid at check-out.

The OECD will cover costs for lunches at the Grand Hotel Continental from 20 to 22 October as per the present seminar agenda. Lunches will take place at the Balkan Bistro located in the hotel.

All participants arriving in the Grand Hotel Continental from Tuesday 19 October will be provided with an individual dinner (3 course menu and water) at the restaurant "Concerto" located in the hotel (open from 19:00–23:30). The same will apply to the participants staying on Friday 22 October evening and on Saturday 23 October at lunch time.

The OECD will host a dinner on the evening of 20 October at 20:00 at the Caru cu Bere restaurant (6-7 min walk from the hotel). The National Anticorruption Directorate of Romania will host a dinner on the evening of 21 October at the Military Center (200 m away from the hotel).

The working language will be **English**. Simultaneous interpretation in **Russian** and **Romanian** will be provided.

The seminar is made possible thanks to voluntary contributions provided to the ACN by the United States, Switzerland and the United Kingdom.

Contact persons

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DRAFT AGENDA

DAY I : 20 October 2010

9:30 Welcoming remarks

Ms. Laura Codruta Kovesi, the Prosecutor General of Romania

Mr. Daniel Morar, Chief Prosecutor, National Anticorruption Directorate (DNA), Romania

Ms. Inese Gaika, Anti-Corruption Division, Anti-Corruption Network for Eastern Europe and Central Asia (ACN), Organisation for Economic Co-operation and Development (OECD)

Facilitators: *Mrs. Cynthia L. Eldridge*, U.S. Department of Justice, Resident Legal Advisor in Albania
Mr. Martin Kreutner, President of the European Partners against Corruption, Chairman of the Steering Committee of IACA, the International Anti-Corruption Academy, Austria

10:00 – 13:00 TOPIC 1: EFFECTIVE MEANS TO DETECT AND INVESTIGATE CORRUPTION CRIMES

Effective use of “traditional” means and pro-active, intelligence-led detection and investigation of corruption

Mr. Juuso Oilinki, Detective Chief Inspector, Finnish Police, National Bureau of Investigation, Finland

Effective detection and investigation of corruption

Mr. Jure Rus, Head of the investigation, NPU UKP GPU, National Bureau of Investigation, Slovenia

European Court of Human Rights standards and investigation of corruption

Mr. Dmytro Kotliar, Resident Advisor, ACN project “Strengthening the Capacity for Investigation and Prosecution of Corruption in Ukraine”, OECD
(Brief presentation)

Questions/answers

11:30 – 12:00 Coffee break

Albania – Joint Investigative teams: a successful tool to investigate corruption

Mr. Dritan Rreshka, Head of the Joint Investigative Unit in Tirana, Prosecutor General’s Office, Albania

Discussion

Questions for the discussion:

- In your experience, what have been the most effective sources of information triggering a corruption case?
- What have been the most effective covert and open methods and measures to detect and investigate corruption?
- What are the main challenges in investigating corruption cases?
- What is your experience in gathering and using indirect evidence (circumstantial evidence)? What examples can you mention? What the main challenges in this regard are?

13:00 – 14:00 Lunch (Balkan Bistro)

14:00 – 16:00 TOPIC 2: PROSECUTION OF CORRUPTION

Coordinating and prosecuting corruption cases, elements of corruption crimes and qualification of crimes

Dr. Rainer Hornung, public prosecutor, Freiburg, Baden-Wuerttemberg, Germany

Croatia – Role of USKOK in coordinating and prosecuting corruption

Ms. Diana Pervan, County State Attorney Office, Zagreb, Croatia

Discussion

Questions for the discussion:

- How can a prosecutor ensure successful prosecution of a corruption case at the pre-trial investigation stage?
- What evidence is most useful in prosecution of corruption cases?
- Are there any special legal/practical requirements for evidence in corruption cases?

15:30 – 16:00 Coffee break

16:00 – 17:30 Parallel Working Groups

<p>WORKING GROUP 1: <i>Effective means to gather evidence in corruption cases</i></p> <p>Moderators: <i>Ms. Phyllis Atkinson, Ms. Inese Gaika</i></p>	<p>WORKING GROUP 2: <i>Laying charges and defending a corruption case in the court</i></p> <p>Moderators: <i>Mrs. Anca Jurma, Mr. Dmytro Kotliar</i></p>
<p>Participants of each working group will discuss a hypothetical corruption case investigated and prosecuted (WG 1) and defended in the court (WG2) and answer a set of questions. Based on the discussion, the working groups will identify examples of good practice and main areas of common challenges.</p> <p>Hypothetical cases and questions will be distributed to each group at the seminar.</p>	

20:00 OECD ACN hosted ice-breaker dinner at the restaurant “Caru cu Bere”

DAY II : 21 October 2010

10:00 – 13:00 TOPIC 3: SELECTED KEY CORRUPTION OFFENCES

Facilitators: *Ms. Anca Jurma*, chief prosecutor, Service for International Cooperation, Public Information and Relations, DNA, Romania
Mr. Dmytro Kotliar, OECD

Investigation and prosecution of high level corruption

Mr. Cristian Anghel, prosecutor, DNA, Romania

Investigation and prosecution of foreign bribery

Mr. Fabio de Pasquale, prosecutor, Court of Justice of Milano, Italy

Investigation and prosecution of corruption in health sector

Mr. Marcello Paranhos de Oliveira Miller, public prosecutor, Public Prosecutors Office in Rio de Janeiro

Questions/answers

11:30 – 12:00 Coffee break

Latvia – Experience in investigating high level corruption

Mr. Rimants Kuzma, investigator, Corruption Prevention and Combating Bureau, Latvia

Discussion

Questions for discussion:

- How would you define high level corruption? Are the high level corruption cases investigated and prosecuted by the same or a different agency compared to the petty corruption cases? Examples of good practice.
- How many cases are prosecuted per year regarding high level officials in your country? What are the main challenges in such cases?
- Have you investigated a case involving legal persons and a case where a citizen of your country has given a bribe to an official in a foreign country? What were your main challenges in these investigations?

13:00 – 14:00 Lunch (Balkan Bistro)

14:00 – 15:30 TOPIC 4: INDEPENDENCE AND SPECIALISATION OF POLICE AND PROSECUTORS

Chairs: *Mr. Martin Kreutner*, President of the European Partners against Corruption, Chairman of the Steering Committee of IACA, the International Anti-Corruption Academy, Austria
Ms. Laura Stefan, Romanian Academic Society, Anti-Corruption Coordinator, Romania

Presentation of the issue

Mr. Martin Kreutner

Mrs. Laura Stefan

Brainstorming on the issue

Questions:

- Do you believe investigators and prosecutors should be independent/autonomous and why? How far should this independence extend?
- Do you, yourself, consider that you are sufficiently independent to discharge your duties in a proper and professional manner?
- Who can possibly interfere in your work (direct superior, head of the institution, political level (politicians, government), and persons representing a powerful defendant)? Has it happened in practice?
- How to avoid undue influence in the work of investigators and prosecutors? (clear rules and guidelines, consistent treatment, etc.)
- What are the main benefits from specializing on corruption crimes rather than investigating and prosecuting corruption and other crimes too?

15:30 – 16:00 Coffee break

16:00 – 17:00

Lithuania – Effective detection and investigation of corruption by a specialised and independent anti-corruption body

Mr. Daumantas Počius, investigator, Special Investigation Service, Lithuania

Brainstorming on the issue (continued)

20:00 Dinner hosted by the DNA at the Military Center

DAY III : 22 October 2010

10:00 – 12:00 TOPIC 5: EFFECTIVE ASSET FORFEITURE – FROM TRACING TO EFFECTIVE CONFISCATION

Facilitator: *Ms. Cynthia L. Eldridge*, U.S. Department of Justice, Resident Legal Advisor, Albania

Effective investigation of assets, practical application of MLA and asset recovery

Ms. Phyllis Atkinson, Head of Training, Basel Institute on Governance/ International Centre for Asset Recovery, Switzerland

Effectively tracing and freezing assets and ensuring confiscation – experience of Switzerland

Mr. Jean-Bernard Schmid, Investigating Magistrate, Financial Section, Palais de Justice, Switzerland

Ukraine – Tracing and confiscating assets gained through corruption

Mr. Stanislav Turovskyi, prosecutor, Prosecutor General's Office of Ukraine

Discussion

Questions for discussion:

- What are the main instruments to effectively trace and freeze proceeds of crime?
- What are the advantages of specialized institutions to deal with tracing, freezing and confiscating proceeds of crime?
- Applicability of *in rem* confiscation in corruption cases.
- What is your experience regarding the effectiveness of using MLA instruments with the purpose of asset freezing, recovery and confiscation?

12:10 – 13:00 Conclusions

Main conclusions of the seminar

Ms. Inese Gaika, Anti-Corruption Division, ACN, OECD

Discussion on possible follow-up

Facilitator: *Mr. Dmytro Kotliar*, OECD

Closing remarks

DNA

Completion of seminar evaluation and feedback questionnaire

13:00 – 14:00 Farewell Lunch (Balkan Bistro)

Airport transfers