



THE FIGHT AGAINST HIGH-LEVEL
CORRUPTION IS A COMMON
INTERNATIONAL RESPONSIBILITY:
STRENGTHENING THE COOPERATION
MECHANISMS IN THE ASIA-PACIFIC

Lima, Peru
October 29-31, 2007

JW Marriott Hotel Lima

ADMINISTRATIVE CIRCULAR No. 1

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1. PURPOSE

This circular provides information on the administrative arrangements for the workshop "The fight against High-Level Corruption is common international responsibility: Strengthening the Cooperation Mechanisms in the Asia-Pacific" to be held from the 29th to the 31st of October 2007 in Lima, Peru.

A draft program for the meeting is attached as Annex B. The final program will be confirmed in the next circular.

2. LOCATION

The workshop will be held in Lima. You can find further information of Lima in General Information Section (item 13).

3. CONTACTS

All communications on administrative arrangements and organisational matters for the workshop should be addressed to:

Mrs. Patricia Salinas
Telephone: (+511) 2228606
Facsimile: (+511) 2228606
E-mail: seminarioapec@minjus.gob.pe

Please send copy of all communications to:

Mr. Juan Montoya
APEC Division
Ministry of Foreign Affairs

Telephone: (511) 3112400 Ext. 3333
Facsimile: (511) 3112564
jmontoyav@ree.gob.pe
rcasildo@ree.gob.pe

4. VENUE

- 4.1. The venue for the workshop "The fight against High-Level Corruption is common international responsibility: Strengthening the Cooperation Mechanisms in the Asia-Pacific" is the JW Marriott Hotel Lima, which is situated in Miraflores. The hotel has an ocean view, and is only thirty minutes away from the airport.

Address	:	Malecon de la Reserva 615
Miraflores:		Lima 18, Peru
Website	:	http://www.marriott.com/limdt
For reserves	:	anilu.barchi@marriott-hotels.com

- 4.2. Further details on the Private Dinner would be provided in a subsequent circular.

5. DRESS CODE

The dress code for the workshop is business attire.

6. ACCREDITATION

- 6.1. To confirm attendance to the Workshop, all delegates should fill in the attached Registration Form (Annex A) and return it by e-mail or fax to seminarioapec@minjus.gob.pe or (+511) 2228606. Delegates are also requested to send a digital photograph that meet the requirements detailed in the Registration Form, to seminarioapec@minjus.gob.pe
- 6.2. Registration should be completed as soon as possible but no later than October 1st, 2007.
- 6.3. Upon arrival to Lima, delegates will be able to collect their accreditation passes at the Accreditation Desk located at the JW Marriott Hotel Lima from October 29 to 31. Delegates will be required to present their identification when collecting the accreditation passes.
- 6.4. All delegates attending the meeting are requested to complete their registration upon arrival in Lima. For security reasons, delegates are required to display accreditation badges at all times during meeting activities.
- 6.5. If some Economy representative of an APEC Embassy in Lima wish to collect passes on behalf of a number of their delegates, they are encouraged to advise the Accreditation Program in advance.

7. EXPENSES AND ALLOWANCE

Delegates from all APEC member economies are welcome to participate in the training course.

APEC funding is being offered for two participants from the 10 travel-eligible economies with round trip economy class airfare and per diem. Other participants are welcome to attend the training course on a self-funded basis or funded by their own economy. Travel expenses, per diem and accommodation expenses are provided on a reimbursement basis.

Participants who are confirmed funded by APEC, must submit their best Airfare Quotation and Detailed Travel Itinerary from a Travel Agent (*clearly indicating the airfare, taxes, currency, flight duration of each sectors, travel class, arrival & departure dates & times, etc.*) to the APEC Secretariat directly (by Email: lr@apec.org or Fax: (65) 6775-6013, Attention: Mrs. Belinda Chok,

bc@apec.org. cc: The Project Overseer for information, jmontoyav@rree.gob.pe) for approval without delay to avoid higher airfares, etc. (before purchase of air tickets) Once approval has been given, the traveler should immediately purchase the ticket at the approved rate. Their airfares should be for the MOST DIRECT (nonstop flights) & Economical route, excluding Travel Insurance, must be a RESTRICTED/discounted ticket. Participants from the same city of residence should have similar airfares.

Speakers and Participants are not requested to bring any family members. The living allowance paid by the symposium management is sufficient only to cover normal living expenses for one person. No allowance of any kind will be paid for their dependents.

7.1. Signing of Undertakings

Once the APEC Secretariat receives the final list of participants and speakers from the organizers, each *participant and speaker must contact the APEC Secretariat individually* (email: lr@apec.org). An undertaking needs to be signed by each APEC funded traveler at least 8 working days before travel commences. The APEC Secretariat will not reimburse travel costs which are not supported by the signed undertaking. The undertaking will be based on the quotation of the most direct and economic return trip (including airfare and airport taxes, if any) to attend the workshop. The quotation should be obtained by the APEC funded travelers from his local agent. The complete travel itinerary and quotation should be forwarded to the APEC Secretariat for assessing before firming up the travel arrangements. The APEC Secretariat will assess this through Internet searches of travel websites including, where possible, those in the traveler's home economy.

The relevant information on accommodation and per diem expenses will be included in the undertaking mentioned above.

Contact Person:

Mr. Luis Romero
Director (Program)
APEC Secretariat
35 Heng Mui Keng Terrace
Singapore 119616
Tel: (65) 6772 7649
Fax: (65) 6775 6013
Email: lr@apec.org
Website: www.apec.org

8. AIRPORT ARRIVALS AND ENTRY FORMALITIES

- 8.1. On arrival into Peru, APEC delegates are to present their passport and a completed Incoming Passenger (provided by the airline in flight) to the Processing Officer.
- 8.2. Please note that APEC delegates must present the same passport upon arrival to Peru as the one used in their application for accreditation.

- 8.3. Diplomatic Passport, Official Passport and ABTC Card holders will be fast-tracked through immigrations on arrival to and departure through APEC-dedicated lanes where available.
- 8.4. Citizens of most APEC Economies, holding Ordinary Passports, can enter Peru as Tourists or Visitors without the need of a Visa. Only citizens of China, Mexico and Vietnam require to previously obtain a VISA to enter Peru.
- 8.5. Delegates holding Official or Diplomatic Passports from some APEC Economies may require a VISA to enter Peru. Please see **Chart 1**.
- 8.6. For Business Trips of all APEC Economies citizens require a VISA to enter Peru.

Chart 1

Peru Visa Requirements to allow APEC Economy Members Entry

Economy	Ordinary Passport		Diplomatic Passport	Official Passport
	Tourist Visa	Business Visa	Diplomatic Visa	Official Visa
Australia	No	Yes	Yes	Yes
Brunei	No	Yes	No	No
Canada	No	Yes	Yes	Yes
Chile	No	Yes	No	No
China	Yes	Yes	No	No
Korea	No	Yes	No	No
USA	No	Yes	Yes	Yes
Philippines	No	Yes	No	No
Hong Kong	No	Yes	No	No
Indonesia	No	Yes	No	No
Japan	No	Yes	Yes	Yes
Malaysia	No	Yes	No	No
Mexico	Yes	Yes	No	No
New Zealand	No	Yes	Yes	Yes
Papua New Guinea	No	Yes	Yes	Yes
Russia	No	Yes	No	No
Singapore	No	Yes	No	No
Thailand	No	Yes	No	No
Taipei, Chinese	No	Yes	Yes	Yes
Vietnam	Yes	Yes	No	No

The participants need to go through a custom examination (random). Further information on Peruvian Customs Regulations of dutiable and prohibited items can be obtained from the nearest Peruvian Embassy or Consulate in your economy.

9. WORKING LANGUAGE

The working language of the workshop is English.

10. HOTEL ACCOMMODATION

10.1. The JW Marriott Hotel Lima is the venue for the workshop.

10.2. List of suggested hotels for the Workshop participants. All suggested hotels are located at a minimum walking distance from the Workshop venue. (**Chart 2**)

Chart 2

HOTEL	CATEGORY	TYPE OF ROOM	RATE per night	For Reservations
JW Marriot Hotel Lima	5 STARS	Deluxe Room	US \$ 180.00	Anilu Barchi anilu.barchi@marriotthotels.com Tel. (+511) 2177000 http://www.marriott.com/limdt
Crowne Plaza Lima Hotel	5 STARS	Business Suite	US \$ 170.00	Claudia Guazzotti claudiag@cplazalimahotel.com.pe Av. Benavides 300 Miraflores, Lima 18, Peru Tel. (+511) 6100701 www.cplazalimahotel.com.pe
		Standard Single Room	US \$ 140.00	
		Standard Double Room	US \$ 155.00	
Ariosto Hotel	4 STARS	Standard Single Room	US \$ 70.00	María Quispe ariosto@chavin.rcp.net.pe Av. La Paz 769, Miraflores Tel. (+ 511) 444-1414 Fax (+511) 4443955 www.hotelariosto.com.pe
		Standard Double Room	US \$ 75.00	
Boulevard Hotel	4 STARS	Standard Single Room	US \$ 70.00	Verónica Loaiza reservasboulevard@speede.com.pe Av. Pardo 771 Miraflores, Lima 18, Peru Tel. (+511) 4446564 www.hotelboulevard.com.pe
		Standard Double Room	US \$ 80.00	

10.3. All accommodations arrangements are to be made by participants on their own.

- 10.4. The rates shown are guaranteed until the 28th of September 2007. Please find above (**Chart 2**) the list of contact persons that you have to reach in order to access the APEC Rates for the Workshop. These rates do not include sales taxes.
- 10.5. Delegations that require the use of function rooms for private use, should make arrangements directly with the hotel. All associated costs are responsibility of delegates.
- 10.6. All costs accrued by delegates in respect of accommodation, telephone, facsimile, laundry, refreshments and meals are the responsibility of the delegates. Delegates should settle their accounts directly with the Hotel before their departure.

11. DELEGATION ROOMS

Information regarding Common Delegation Room, Information Desk and other offices will be available in the following circulars.

12. CATERING

Tea and coffee will be available throughout the meetings, and morning and afternoon teas will be provided at both official meeting venues.

13. TRANSPORTATION

- 12.1. All designated hotels and meeting venue for the workshop can be reached by convenient transportation.
- 12.2. A courtesy shuttle bus will be provided for all participants from the Lima International Airport to the suggested list of Hotels (see item 10), only for the airport arrival and departure.

14. MEDICAL SERVICES AND REQUIREMENTS

Basic first aid will be available at the venue and an ambulance would be located at a 5 minutes distance from the venue during the workshop.

15. GENERAL INFORMATION

PERU

Peru is located in the West-central part of South America. It shares borders with Ecuador and Colombia to the North, with Chile to the South, with Brazil and Bolivia to the East and with the Pacific Ocean to the West.

Peru is considered to be the birthplace of significant pre-Hispanic civilizations and great cultures, such as the Chavin de Huantar, Mochica and Nazca cultures, from the Classical Period, the inter-regional civilizations like Tiahuanaco and Huari, as well as the Inca Empire in the high-Andean Plateau.

For nature lovers, Peru is a must-visit-destination and is one of the 20 largest countries in the world. It has valleys, plateaus and 36 mountain peaks that rise over 6000 m.a.s.l. There are approximately 1,000 peaks over 5000 m.a.s.l. distributed among Peru's 20 snow-capped mountain ranges.

The country's main cities are Lima, Arequipa, Trujillo, Chiclayo, Piura, Iquitos, Huancayo, Huaraz, Ayacucho, Cajamarca, Ica and Cuzco, among others.

OFFICIAL NAME

Republic of Peru

AREA

Peru covers an area of 1,285,215.60 Km². Peru's claim of territorial seas extends out of 200-nmi from the Peruvian coast and includes dominion and sovereignty of the seabed and subsoil.

CAPITAL CITY

Lima.

REGIONS

Peru has three distinct topographical regions, the Pacific Ocean Coast, lined with deserts, beaches and valleys, the Highland mountain region, dominated by the Andes and home to the snow-capped peak Huascaran, rising 6768 m.a.s.l. and the Amazon Jungle region, sheltering the largest natural reserves in the world, is under a vast area of lush tropical vegetation.

WEATHER

Peru is located in the equatorial area of South America, but its climate does not correspond to its geographical location, it varies according to the area.

In Lima, the coldest months are June through September. October starts to get a little warmer. November through April are the warmest, sunniest months and it rarely rains.

Lightweight clothes are needed in October, although a jacket might be needed at evening.

More information can be obtained from:

<http://www.senamhi.gob.pe/>

POPULATION

Peru's population is estimated to be approximately 25 million inhabitants. The population average growth rate of 1,7%. The Peruvian people comprises 49,6% men and 50,4% women. Most of the population is young with children between the ages of 0-14 representing 33,9 % of the population with 61,4% of the economically active population between the ages of 15-64 while those 65 and older constitute 14,7%.

LANGUAGE

The official language is Spanish. Also the aboriginal languages Quechua, and Aymara are official.

GOVERNMENT

Democratic Republic.

LIMA IN BRIEF

Lima, the capital city of Peru is located in the central coast of the country, at sea level, originally named the "City of Kings" because it was the capital of the Spanish colonial empire in South America during the XVI and XVII centuries.

It is a city of cultural and ethnic diversity; nowadays, in Lima still remain many historical and cultural heritages such as its civil and religious buildings which are well preserved.

With a population of almost 8 million, Lima is the commercial, industrial and cultural centre of Peru.

TOURIST ATTRACTIONS

Information on Peruvian tourism can be found in the following websites:

<http://www.peru.info/perueng.asp>

CELEBRATIONS AND CUSTOMS

Lima is a city that is faithful to its traditions and holds annual celebrations that are very popular with the inhabitants. Some of these celebrations coincide with the dates of the Workshop:

- The Lord of Miracles procession, celebrated from October 18 - 28. The image of Christ is carried out in procession through the streets of Lima accompanied by a huge crowd of faithful Catholics.
- The Peruvian Creole Music Day celebrated on October 31 with people dancing and listening to typical Peruvian music as a way of paying homage to Peruvian Creole music composers and singers.
- Bullfights celebrated in honor of the Lord of Miracles throughout November. The best local and international bullfighters contend for the world famous Lord of Miracles Gold Scapular. Bullfighting takes place at the famous bullring "*Plaza de Toros de Acho*" located in the district of Rímac.

LOCAL TIME

Peru's Standard time is GMT – 5 hours.

CURRENCY

The official currency is the Nuevo Sol (S/.), which is divided in 100 cents. At present, there are 1, 5, 10, 20 and 50 cent coins in circulation as well as 1, 2 and 5 Nuevos Soles coins and S/. 10, 20, 50, 100 and 200 Nuevos Soles banknotes.

The US Dollar is accepted in most stores, restaurants, and gas stations at the current rate of exchange. The exchange rate is around S/. 3.20 per Dollar.

CREDIT CARDS

Most establishments in Peru accept credit cards. The most widely used are Visa, Master Card, Diners and American Express. The use of travelers' checks is limited. Check with the establishment first to see if these are accepted.

BANKS AND CURRENCY EXCHANGE

It is advisable to change currency at hotels, banks and authorized money-exchange houses (open from 9:00 h - 18:00 h). Banks are open only until noon on Saturdays. It is important to have low-value coins and bills to facilitate business transactions, especially for taxi fares and purchases made at small establishments.

ATMs

You can withdraw cash in Soles or US Dollars from automatic teller machines in Peru using the above-mentioned international credit cards.

SALES AND SERVICE TAXES

A 19% General Sales Tax (IGV, *Impuesto General a las Ventas*) is charged on all purchases made in the country.

Prices displayed on articles include General Sales Tax (IGV), unless it is expressly indicated that it is not included. Make sure a receipt is issued for any purchase made.

TIPPING

Tips are not generally included in the bill, however, it is common to add 10% to the total amount of the bill before taxes for any service delivered.

SMOKING

Smoking is prohibited in all public places according to Peruvian Law 25357. Some restaurants may have a special area for non-smokers.

POWER SUPPLY

Electric current in Peru is 220 volts. Flat blade attachments and flat blades with round grounding pin and round pin attachment plugs are commonly used in Peru. In addition, most four and five-star hotels offer 110-volt electric current as do the Hotels reserved for this Workshop.

COMMUNICATIONS

- Delegates can make local calls, national calls within Peru and International calls. A local call from a public payphone will cost S/. 0.50 (50 cents)

- Country and city codes are found in most telephone booths. For international calls, dial 00+ country code + the city code + the telephone number.
- Country Code for Peru: 51 City Code for Lima: 1.
- Dial 103 for information.
- Dial 108 to speak to the long distance telephone operator. Communication with any country in the world is available, as are the different types of calls: telephone-to-telephone, person to person and collect. This service provides information on duration and charge and is available year-round, 24 hours a day.
- Cellular phones brought to Peru by travelers will not operate unless the necessary changes have been made. GSM phones band 1900, can operate with a local purchased SIM Card
- Internet.- Broadband and wireless internet services are available in all major hotels and at the workshop venue.

EMERGENCIES

- Police Emergency Center 105
- Fire-fighting Department 116

SAFETY RECOMMENDATIONS

- Avoid using taxis in the street. We recommend using tourist taxis available at the hotels.
- Leave cash and valuables in a safe deposit box in your hotel.
- Do not exchange money on the street, use the hotel ATM or a bank.

BUSINESS HOURS

Regular business office hours are Monday to Friday from 9:00 to 18:00 hours.

BUSINESS ESTABLISHMENTS

As a rule, businesses are open to the public Monday to Friday from 10:00 h to 20:00 h and on Saturdays and Sundays from 10:00 h to 21:30 h. Large shopping centers are open every day including Saturday and Sunday until late in the evening.

ANNEX A – REGISTRATION FORM

THE FIGHT AGAINST HIGH-LEVEL CORRUPTION IS COMMON INTERNATIONAL RESPONSIBILITY: STRENGTHENING THE COOPERATION MECHANISMS IN THE ASIA-PACIFIC

1. Please send your registration form by no later than **October 1st** to the following e-mail address: seminarioapec@minjus.gob.pe or fax to: (+511) 2228606 . **Independently of your registration form you must send a digital photograph to seminarioapec@minjus.gob.pe with the following requirements:**

Measurements: 35x45 mm (i.e. standard passport photo size)

Resolution: 180 dpi

Format: JPG file

Size: no larger than 100KB

- Include a full face, front view and open eyes
- Present full head from top of hair to shoulders
- Have a plain white or off-white background
- Avoids shadows on the face or background
- Show a neutral expression (i.e. closed mouth)
- Must not include sunglasses or hats
- Have normal contrast and lighting

2. Participant Details

Title ☐ H.E. ☐ Dr. ☐ Mr. ☐ Ms. ☐ Other

Family Name Given Name (s)

Preferred Name on pass

Gender ☐ Male ☐ Female Date of Birth (dd/mm/yy)

Special requirements (dietary, health, physical)

Passport Type ☐ Ordinary ☐ Official ☐ Diplomatic

Passport N° Date of Issue Date of Expiry.....

Citizenship Country of Birth

Country of Issue Delegate Status ☐ Speaker ☐ Participant

Economy / Organization

Department / Institution

Address

Telephone Fax

Principal e-mail address

Alternative e-mail address

3. Arrival and Departure Details

Arrival Date / Time Arrival Airline & Flight N°

Departure Date / Time Departure Airline & Flight N°

4. Hotel preference

5. Contact information in case of emergency. Name, address, relationship, telephone, fax, e-mail

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ANNEX B



Asia-Pacific
Economic Cooperation

THE FIGHT AGAINST HIGH-LEVEL CORRUPTION IS COMMON INTERNATIONAL RESPONSIBILITY: STRENGTHENING THE COOPERATION MECHANISMS IN THE ASIA-PACIFIC

PROSECUTING AND PREVENTING CORRUPTION,
DENYING SAFE HAVEN, AND RECOVERING STOLEN ASSETS

Lima, October 29-31, 2007, Peru.

(DRAFT AGENDA – Revised 17 September 07)

Monday, October 29th

09:00-10:00 Registration

**10:00-12:00 Opening Ceremony: Global Efforts to Deny Safe Haven and
the United Nations Convention against Corruption (UNCAC)**

- Welcoming Remarks: Honorable María A. Zavala Valladares, Ministry of Justice of Peru, (Confirmed)
- Elizabeth G. Verville, Assistant Secretary of State for Crime, INL, U.S. Department of State (Confirmed)
- Juan Carlos Capuñay, Deputy Executive Director of APEC, Perú
- Dimitri Vlassis, Director, United Nations Office on Drugs and Crime, (TBC)
- World Bank Senior Official (STAR Initiative), (TBC)

12:00- 12:30 Official Photography Session – All delegates

12:30- 14:30 Luncheon (Free)

**14:30-16:15 Session I-1: Effective Anti-Corruption Strategies: Investigating
and Prosecuting High-Level Corruption**

Moderator: Jorge Avedaño Valdez- Supreme Court, Perú
(Confirmed)

- Koh Tek Hin, Deputy Director, Corrupt Practices Investigation Bureau - Singapore (Confirmed)
- Rebecca Li, Assistant Director of Operations, Independent Commission Against Corruption, Hong Kong (Confirmed)

- Bapak Waluyo, Deputy Chairman of Prevention Corruption Eradication Commission, Indonesia (Confirmed)
- Anthony Morais, Department of Public Prosecutions, Prosecution Division, Anti-Corruption Agency of Malaysia (Confirmed)

16:15-16:30

Coffee Break

16:30-18:15

Session I-2: Strengthening Anti-Money Laundering Enforcement Regimes

Proposed Moderator: Luis Felipe Harman, Financial Intelligence Unit, Perú (Confirmed)

- Kevin Zervos, Senior Assistant Director of Public Prosecutions, Department of Justice and Head of Criminal Appeals Unit, Hong Kong SAR (Confirmed)
- Victor Ossa, Director Unidad de Análisis Financiero, Chile (Confirmed)
- Silvia Juan Almandós, Deputy Superintendant, Financial Intelligence Unit Representative, Peru, (Confirmed)

20:00-23:00

Dinner (Host Peru)

- First APEC ACT Task Force Award For Excellence and Leadership

Dinner and Cultural Event

Tuesday, October 30th

9:00-10:45

Session II-1: Asset Recovery: Tracing, freezing, confiscating and repatriating the proceeds of corruption (Practical Steps/Case Studies)

Proposed Moderator:

- Daniel Claiman, Senior Trial Attorney, U.S. Department of Justice, Asset Foreiture and Money Laundering Section (Confirmed)
- Police Col. Seehanat Proyoornrat at National Counter-Corruption Commission, Thailand (Confirmed)
- Lydia Pelegrin, Principle Integrity Officer, International Development Bank(TBC)

10:45-11:00

Coffee Break

11:00-12:45

Session II-2: Denying Safe Haven: Immunities, Fugitives, and Extraditions

Moderator: Charles A. Caruso, Director, American Bar Association, U.S.A. (Confirmed)

- Representative Office of International Affairs, U.S. Department of Justice (TBC)
- Rainer Buhner INTERPOL(Confirmed)
- APEC Economy
- APEC Economy

12:45-14:30

Luncheon Free

14:30-16:15

Session II-3: Peruvian Anti-Corruption Activities, Experiences and New Legislation- A Case Study and Lessons Learned

Part A: Proposed Moderator: Fernando Ortega Cadillo, Comptroller General of the Republic, Perú (Confirmed)

- Omar Chehade, Special Prosecutor for Corruption Offences (Confirmed)
- Pablo Sánchez Velarde – Public Prosecutor Officer (Confirmed)
- Francisco Távara Córdova – President, Supreme Court (Confirmed)

16:15-16:30

Coffee Break

16:30-18:15

Session II-3: Peruvian Anti-Corruption Activities, Experiences and New Legislation- A Case Study and Lessons Learned

Part B:

Proposed Moderator: (TBC)

- Walter Holfich, Advisor of Ministry of Justice (Confirmed)
- Genaro Matute, Comptroller General of the Republic (Confirmed)
- Erasmo Reyna Alcántara, National Anti Corruption Council (CNA). Vice minister, Ministry of Justice (Confirmed)

Wednesday, October 31st

09:00-10:30

Session III-1: Mutual Legal Assistance and International Cooperation

Proposed Moderator: Proposed Moderator: Victoria Arana Ysa, Public Prosecutors Office (Confirmed)

- APEC Economy (TBC)
- APEC Economy (TBC)
- APEC Economy (TBC)

10:30-10:45

Coffee Break

10:45-12:30

Session III-2: Private Sector Corruption and Public-Private Partnerships

Proposed Moderator: Franz Kundmüller Caminiti, Government Procurement Agency (CONSUCODE), Perú (Confirmed)

- U.S. Department of Justice, Fraud Section (TBC)
- Steven Malloy, General Counsel, General Electric, Asia, USA (TBC)
- APEC Economy (TBC)

12:30-14:00

Luncheon Free

14:00-15:45

Session III-3: Preventing Corruption and Promoting Public Integrity

Proposed Moderator: R. Cusik, Director, office of Government Ethics USA (Confirmed)

- Catharine MacQuarrie, Acting Vice President, Public Service Human Resources Management Agency of Canada| Agence de gestion des ressources humaines de la Fonction publique du Canada (Confirmed)
- Janos Bartok, Principal Administrator Innovation and Integrity, OECD Public Governance and Territorial Development Directorate (TBC)
- Nicolas Raigorodsky, Under Secretary of Transparency Policies, Anticorruption Office, Argentina (TBC)

15:45-16:15

Closing Session: Moving Forward

Moderator: David M. Luna, U.S. Department of State (Confirmed)

- Raul Salazar, Ministry of Foreign Affairs of Perú (Confirmed)

Program Notes

Introduction: As the United Nations Convention Against Corruption (UNCAC) moves through its second year in effect, a good measure of its success can be attributed to the fact that State Parties to the UNCAC have: 1) recognized the importance and continued relevance of predecessor conventions such as the Inter-American Convention against Corruption (1996) (the first international anti-corruption instrument) and 2) agreed, as a corruption prevention measure, to collaborate with each other and with relevant international and regional organizations to promote and develop effective anti-corruption measures. To that end, Perú as the 2008 Chair of the Anti-Corruption and Transparency Task Force (ACTF) , Asia-Pacific Economic Community (APEC) has in conjunction with the United States of American (USA) organized this workshop on 'Preventing and Prosecuting Corruption, Denying Safe Haven and Asset Recovery.'

As stated in the concept paper leading up to this workshop "The Government of Perú is fully committed to implementing the required international and national policies to combat corruption. The relevance of this matter for good governance and for the social development of our people requires an effective, genuine and intense commitment as well as the participation of all APEC members" Therefore, in an effort to continue with and expand upon those measures adopted during the Shanghai Workshop of 2006, "Denial of Safe Haven, Asset Recovery and Extradition", the Government of Perú and the USA are pleased to host this program.

Program Goals: It is apparent that the UNCAC, the Inter-American Convention against Corruption and other international anti-corruption instruments have as one of their primary objectives the prevention of the looting of public coffers and, failing prevention, a clearly designed structure mandating the identification and return of stolen assets as well as the rendition to aggrieved States Parties of those responsible. The repatriation of assets stolen from Economy coffers and the punishment of the authors of that theft are concepts inextricably intertwined in a denial of safe haven regimen.

Thus it is the goal of this program to build on the strong commitment of APEC leaders, as expressed in the *Santiago Commitment on Fighting Corruption and Ensuring Transparency* and the *Busan Declaration*, "to intensify regional cooperation to deny a safe haven to officials and individuals guilty of corruption, those who corrupt them and their illicitly-acquired assets" as well as to amplify and build upon the work done and the commitments made at the Shanghai Workshop.

In order to provide APEC member Economies with information and capacity to develop a sound strategy and efficient tactical mechanisms to implement their leaders' commitments to deny safe haven to corrupt officials and secure the return of illegally-acquired assets, amongst the goals of this program will be:

- to identify, discuss and develop effective strategies for the prosecution of high level corruption;

- to recognize and reinforce the sound principle that money laundering is the indispensable silent partner of high level corruption and thus anti-money laundering regimens are vital to any denial of safe haven regimen;
- to recognize and reinforce the sound principle that effective anti-money laundering regimes are of limited effectiveness where asset forfeiture measures are inadequate;
- to provide insights and experiences into measures that will improve the anti-money laundering and asset forfeiture regimes of member economies;
- to reiterate the nature and importance of the interrelationship between mutual legal assistance and extradition and provide opportunities for improving the efficacy of those measures in member Economies;
- to reinforce the sound policy that extradition, mutual legal assistance and asset recovery, utilized in conjunction, are necessary elements of a denial of safe haven policy;
- to recognize and develop the relationship between public and private entities in anti-corruption efforts;
- to study the efforts and advancements made in the host country as relates to anti-corruption measures
- to consider prevention methods now employed or in the process of being developed to thwart corruption in the public and private sectors;
- to increase the capacity of member economies to formulate effective and efficient programs for the denial of safe haven.

Methodology: The program will address eight substantive topics, each of which directly relates either to a denial of safe haven strategy (*i.e.*, denial of safe haven as a legal construct; asset recovery; extradition) or to a topic closely related to the efficacy of any such strategy (*i.e.*, money laundering, anti-bribery measures, mutual legal assistance). The program itself will consist of eight separate panel discussions each dealing with one of the topics mentioned below. Each panel discussion period will consist of three to four, 15-20 minute presentations by experts in the field, each of whom will be from a different APEC economy, and familiar with the practical application of this subject in his/her Economy. Following the presentations, the panel moderator will lead an active 30-45 minute discussion amongst the panelists and the audience analyzing how the particular topic relates to the situation in individual Economies. It thus is imperative in this format that participants who attend the panel discussions be prepared to express their views and opinions and, to the extent possible, the official position of their particular Economy as to the topic under discussion. All member Economies as well as participating governments are encouraged to submit papers on any or all of the above topics. In order allow for timely distribution and thus encourage comment by participants, such papers should be submitted to the ACT Chair no later than 1 October 2007. The final panel will discuss issues going forward as that topic specifically relates to Perú's year as ACT Chair.

SESSION CONTENT:

Session I-1: Effective National Anti-Corruption Strategies: Prosecuting High-Level Corruption

Because, within the bounds of the fundamental principals of the legal system of a particular State Party, the UNCAC requires that all States Parties insure the “existence of a body or bodies or persons specialized in combating corruption through law enforcement”, many APEC Economies rely on the ‘independent anti-corruption agency’ to formulate as well as enforce their respective national anti-corruption strategies. The authority of these organizations varies with their respective grants of powers in the areas of prevention and prosecution of corruption. Recognizing the need for an effective ‘denial of safe haven strategy’ as a part of an efficient national anti-corruption policy (as a method of prevention through the deterrent of effective prosecution) many of these institutions are simultaneously responsible for the formation and enforcement of this portion of their Economies’ national anti-corruption policy. In developing a strategy for denial of safe haven to government officials who have stolen public assets, injured nations attempt to accomplish one of the core purposes of the UNCAC , *i.e.*, “To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, ...” In substance, such a program recognizes the indispensable place of international cooperation in discovering, identifying, and seeking the return of misappropriated public assets while simultaneously seeking the capture and punishment of corrupt officials who have sought refuge in a foreign country where they can safely enjoy the proceeds of their illegal conduct. Thus integrating and enforcing an effective denial of safe haven policy as a component of a national anti-corruption strategy appears to be essential.

Topics to be discussed during this Session will include, *inter alia*:

- the nature of the preventive measures and the regulatory schemes utilized and enforced by the independent anti-corruption agency to deter high level public corruption; what has worked and what has not;
- essential elements in the statutory structuring of the anti-corruption agency and the anti-corruption laws which it is to enforce;
- weaknesses in this structure and/or in the laws they are to enforce;
- the internal regulation within the independent anti-corruption agency designed to prevent internal corruption and to promote public confidence;
- a review of the measures employed to prevent the use, or the appearance of the use, of the agency as a political tool;
- a discussion of the most commonly encountered examples of high level public corruption;
- a review of the investigative techniques utilized in these cases;
- an example of the prosecution of a case of this description; what worked what did not work, and examples of particular problems that recur in the prosecution of such cases

- a review of the problems commonly occurring during the investigation and/or prosecution where such cases involve extradition, mutual legal assistance and asset recovery;
- newly implemented prevention policies – what has worked and what has not;

As with all of the sessions of this workshop, participants may be asked to contribute their Economy's experiences as far as this topic is concerned.

Session I-2: Strengthening Anti-Money Laundering Enforcement Regimes

Money laundering, most simply described as a transaction or series of transactions designed to disguise the source, nature and ownership of funds illicitly obtained, can be accurately characterized an essential element of all forms of criminal activity. Unless one has the ability to sanitize the 'dirty' proceeds of unlawful ventures, be they complicated stock frauds or the simple thefts, there is little point in committing the crime. If we assume that most, if not all crime where monetary advantages are the object, are committed for the purpose of enjoying the proceeds at a later date, we can further assume that those proceeds must be converted into a form where their use will not draw attention to the manner in which they were obtained. This is never more obvious than in the cases of those who have purloined funds entrusted to them, moved the funds in a disguised form to a place they believe to be a safe haven and thereafter fled the scene of their crimes hoping to be able to take advantage of their ill-gotten gains – out of the reach of prosecution.

Money laundering can take the form of a simple fraud or forgery: a person purchasing an automobile with the proceeds of crime and registering the vehicle in a fictitious name. Conversely, it can take the form of a complicated Internet sales canard wherein a shell corporation is set up to provide nonexistent services in order to receive payment through credit card accounts controlled by the authors of complex frauds. Add to this the complication of bank secrecy laws, the ability of criminals to devise more sophisticated methods of concealing the nature of illicit proceeds, the use of currency exchanges, brokerage houses, casinos, automobile dealerships and insurance companies as laundering facilities and the magnitude of the problem becomes obvious. Thus the necessity of understanding the various means and methods available to those who would misappropriate funds, disguise and transport them to a safe haven and later convert them into usable assets becomes crucial in any denial of safe haven strategy.

In this session, possible issues to be discussed will include:

- the basis of the laundering process: placement, layering and integration;
- electronic transportation of funds;
- the role of attorneys, accountants, finance managers, etc, in laundering activities;
- the role of bank secrecy in money laundering schemes;
- structuring transactions to avoid reporting requirements;
- innovative methods of mutual legal assistance to thwart money laundering activities;
- proactive investigative techniques in combating money laundering;

Session I-3: Asset Recovery: Tracing, freezing, confiscating and repatriating the proceeds of corruption (Practical Steps/Case Studies)

Recognizing that cases of corruption involving vast quantities of assets, may constitute a substantial proportion of the resources of Member Economies and that the illicit acquisition of personal wealth can be particularly damaging to the rule of law, the Inter-American Convention Against Corruption in its preamble finds a specific need for “taking appropriate action against persons who commit acts of corruption in the performance of public functions, or acts specifically related to such performance, as well as appropriate measures with respect to the proceeds of such acts”. Likewise the UNCAC created the opportunity for dealing with the phenomenon by enacting Chapter V and providing for the implementation of asset recovery mechanisms. Accepting the accuracy of these conclusions, it is equally obvious that asset recovery must be regarded as a cornerstone of any denial of safe haven strategy. As such it must be recognized as an imperative of the initiative approved by the APEC economies to effectively fight corruption.

Asset recovery is however not a one-dimensional concept. The concept requires the understanding and implementation of other investigative and judicial disciplines before implementation can occur. Thus, any thought of a successful asset recovery program must be coordinated with and supported by anti-money laundering, forensic accounting and mutual legal assistance policies of the respective parties. Additionally, because asset recovery is integrally related to a globalization of criminal activity the concept itself must grow beyond the bounds and regulations of the intra-national strategies in which it has been employed and accordingly adjusted to meet the international requirements of a denial of safe haven strategy.

The topics to be dealt with may include, *inter alia*:

- strategies used in specific cases of purloined assets by high-ranking public officials who have fled the offended country and attempted to take refuge elsewhere while simultaneously insulating their ill-gotten gains;
- identifying mechanisms for locating and confiscating the proceeds of official public corruption within an Economy.
- asset recovery as a mechanism for preventing the proceeds of corruption from entering the underground financial world and thus becoming available for the financing of other illegal activities within the affected Economy.
- the availability of confiscation based upon foreign orders in national courts
- measures available for the identification, tracing and freezing of assets within the territory of the particular Economy.
- Article 55 legislation enacted in contemplation of UNCAC ratification.
- measures in place to provide for the return or disposal of confiscated assets.

- the need for the creation of financial intelligence units to facilitate international cooperation
- arrangements considered in regards to 'sharing' in proceeds of recovery versus reimbursement for procedural costs

Session II-1: Denying Safe Haven: Immunities, Fugitives, and Extraditions

In developing a strategy for denial of safe haven to government officials who have stolen public assets, injured nations attempt to accomplish one of the core purposes of the UNCAC and the Inter-American Convention against Corruption, *i.e.*, "To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery..." In substance, such a program recognizes the indispensable place of international cooperation in discovering, identifying, and seeking the return of misappropriated public assets while simultaneously seeking the capture and punishment of corrupt officials who have sought refuge in a foreign country where they can safely enjoy the proceeds of their illegal conduct.

As such, successfully discovering and combating this behavior requires international cooperation on many levels, some of which go beyond the public sphere. In order to facilitate an effective response, such cooperation should meld the available law enforcement tools into an organized program of international investigative and judicial cooperation, *e.g.*, mutual legal assistance and extradition procedures. The latter of these is, in most instances, a formal public proceeding that attempts to insure the rendition of the errant public official. Together and often joined with other legal implementation, these mechanisms can be combined to form an effective plan to deny safe haven to corrupt public officials and the return of stolen public funds.

Extradition, the formal process by which a fugitive from one jurisdiction (the requesting state) is surrendered to another (the requested state) based upon treaty, reciprocity or comity, is one of the most important elements of international cooperation identified by the UNCAC and the Inter-American Convention against Corruption, and is an indispensable element in any strategy to deny safe haven to corrupt public officials. Because of its strategic as well as tactical importance, this portion of the program will consist of presentations outlining the practical application of the extradition process in the criminal justice systems by select member economies and related entities.

Topics to be discussed during this Session will include, *inter alia*:

- extraditions under the accusatorial system differentiated from those initiated under the inquisitorial system;
- the structure and function of offices or bodies authorized to receive and process extradition requests. The discussion may include difficulties commonly encountered by such authorities in processing such requests as well as solutions derived to deal with these problems. Additionally, the panelists will

address the documentary evidence requirements often imposed by Requested States on Requesting States seeking the return of fugitives.

- a brief overview of the current national law dealing with extradition and the various grounds for granting extradition (*i.e.*, treaty, reciprocity, comity, etc.);
- provisional arrest versus arrest pursuant to formal request;
- the role of Interpol in extradition, the various international legal documents currently employed in international extradition, developing trends in the extradition process from the Interpol point of reference;
- the relationship between the judicial and executive authorities as regards extradition;
- a description of the judicial or 'in court' process leading to the denial or granting of extradition including necessary filings, hearings, the rules of evidence and procedure employed, authentication, use and effect of documentary evidence, challenges to evidence available to the subject of the hearings, etc;
- grounds for denying extradition and/or defenses to the process under the UNCAC and Inter-American conventions and in general (*e.g.*, the political offense exception, exceptions to the doctrine of political offenses, politically motivated prosecutions, statute of limitations, etc.).

Session II-2: Mutual Legal Assistance and International Cooperation

“ *Convinced* that corruption is no longer a local matter but a transnational phenomenon that affects all societies and economies...” [Preamble to the UNCAC]

Given the relatively recent realization that corruption must be seen as transnational in nature, it is obvious that in the investigation and prosecution of corruption cases, international legal assistance is one of the key components of success. It is equally true that this area of law enforcement at the international level, is particularly besieged with cross border problems: disharmony between legal systems, disagreement between nations as to what constitutes a workable balance between law enforcement concerns and human rights priorities, internecine disputes between law enforcement officials of different states, etc. Thus a clear understanding of the legal framework, processes and peculiarities, both formal and informal, through which economies accomplish international legal assistance is a necessary component of any denial of safe haven strategy.

However, more than a comparative study of national laws, this session will concentrate on the measures and procedures individual economies have taken to strengthen, broaden and/or augment their mutual legal assistance regimens. In that regard, of particular interest will be those innovative and new arrangements, formal and informal, which have been undertaken in the area of mutual legal assistance with a particular view towards a denial of safe haven strategy.

Amongst those topics which may be considered are:

- the necessity for the expanded use of informal requests where permissible under the structure of national laws;
- developing mechanisms to expand the use of informal requests for assistance;

- methods of transmission of requests, direct or formal diplomatic channel requests;
- dealing with delays in responses to requests and the particular problems such delays engender in cases where denial of safe haven issues are in play;
- obstacles to MLA compliance, i.e., death penalty matters, dual criminality, specialty;
- expediting requests in urgent situations;
- assistance in the prevention of the removal of assets;
- bank secrecy and the request for financial information;
- right of the subject to object to and appeal rulings of the courts regarding mutual legal assistance requests.

Session II-3 Peruvian Anti-Corruption Activities, Experiences and New Legislation- A Case Study and Lessons Learned

Session III-1: Private Sector Corruption and Public-Private Partnerships

It can be effectively argued that an ordered society cannot exist in the absence of the rule of law; that the rule of law cannot exist in the presence of rampant corruption and in the absence of an efficiently functioning legal network made up of an independent judiciary, independent public prosecution service and private bar as well as concerned members of private enterprise. In short, it is undeniable that for an effective anti-corruption regime to function at the governmental level, that regime must find support in interested stakeholders in the private sector as well. Accepting this as the case, it cannot be gainsaid that the private sector must participate in the anti-corruption struggle through the employment of anti-corruption regimens developed in that sector of society. The efficacy then of partnerships between the private and public sectors is equally obvious.

Topics to be discussed during this Session will include, *inter alia*:

- recognizing corporate corrupt practices that affect the financial well being of the organization, i.e., internal frauds perpetrated against the entity by fiduciaries;
- recognizing corporate corrupt practices that affect the financial well being of those dealing with the corporation, i.e., external frauds perpetrated by the entity through fiduciaries;
- the corporate attorney's responsibility to detect and disclose internal and external fraud to corporate management;
- issues involved in the investigation of fraud by the corporate attorney;
- the role of the corporate lawyer as a watchdog against corporate corruption or as a bloodhound actively seeking out corrupt practices;

- the role of the bar in publishing and enforcing professional codes of conduct dealing with corruption prevention;
- the responsibility of the legal practitioner to discover corrupt practices in the affairs of its clients;
- methods of self-policing in matters associated with professional corruption within the corporate legal practice;
- international codes of professional conduct and their efficacy;
- the private practitioners professional response to the 'you have to do it to do business in ----; it is an irremovable part of the culture.';
- a lawyers responsibility to prevent inappropriate funding from entering the affairs of a client;
- the Foreign Corrupt Practices Act – an overview of the anti-bribery and the accounting and record-keeping provisions;
- the use of agents under the FCPA and vicarious liability for their illegal acts;
- compliance programs under the FCPA – a form of cooperation between the public and private sectors;
- self-disclosure of illegal activity and its effects on criminal liability.

Session III-2 Preventing Corruption and Promoting Public Integrity

The corruption combating strategy promoted in the United Nations can generally be described as tripartite, i.e., Prevention, Criminalization and Cooperation. As an integral element of this strategy the UNCAC devotes an entire chapter to the prevention of corruption through measures directed at both the public and private sectors. These include model preventive policies, not the least of which is the development of independent anti-corruption agencies with the capacity to engage in the design of prevention measures. While prevention and the policies and programs developed to promote a prevention strategy could well stand alone, those same prevention mechanisms can also be directly employed in the criminalization or prosecution prong of fighting corruption.

Topics to be discussed during this Session will include, *inter alia*:

- methods used to prevent or detect corruption at the highest levels of the public sector;
- codes of conduct, their programs, structure, content and purposes;
- financial disclosure regimens for public officials;
- counseling and advice in matters of financial disclosure, ethical behavior for public officials and advising public officials in matters of compliance with relevant codes;
- transparency of ethics programs and procedures;
- complementarity between methods used to prevent and detect corruption and prosecution of corruption in cases of violations of law and/or relevant codes;
- the Principles of Conduct for Public Officials;
- alternative structures of independent anti-corruption bodies.

This topic may also included discussions of particular cases, previously litigated, demonstrating the relationship between violations of administrative rules and criminal prosecution.