



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/NET/001

Agenda Item: 3

Draft Agenda

Purpose: Consideration
Submitted by: ACT Chair



**1st APEC Network of Anti-Corruption
Authorities and Law Enforcement Agencies
Meeting
Beijing, China
15 August 2014**

DRAFT AGENDA

**1st APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies
(ACT-NET) Meeting**

Friday, 15th August 2014
Beijing Hotel, Beijing, China

01 – Registration (8:30 - 9:00 am)

02 - Opening Remarks (09:00 - 09:40 am)

Moderator: Mr. Cai Wei, ACT-NET Chair, Deputy Director General of the Department of International Cooperation of Ministry of Supervision, China

- Ms. Atty Novyanty, Senior Prosecutor, KPK, Indonesia
- Mr. Max Baucus, U.S. Ambassador to China
- Mr. Fu Kui, Vice Minister of National Bureau of Corruption Prevention of China

Coffee Break (9:40 - 9:50 am)

03 - Administrative Issues (09:50 - 10:00 am)

- Adoption of the Agenda
- Introduction of ACT-NET Terms of Reference
- Administrative announcements for the meeting (host representative)

04 - Agency Introduction (10:00 - 10:10 am)

- Each economy to introduce the delegation members

05 - Operational Procedures in Fugitive Repatriation & Extradition and Asset Recovery in International Anti-corruption Cooperation (10:10 - 11:15 am)

Moderator: Mr. Cai Wei, ACT-NET Chair

- Mr. Chen Lei, Anti-Embezzlement and Bribery Bureau, Supreme People's Procuratorate, China
- Mr. Eric Tong, Assistant Director, Independent Commission Against Corruption, Hong Kong, China
- Ms. Liz Aloj, Trial Attorney, Department of Justice, United States
 - Intra-governmental cooperation
 - Inter-governmental cooperation
 - Areas for improvement in international cooperation

(10:55 - 11:15 am: Member Economies invited to discuss the panel topic)

06 - Effective Investigative Methods for International Corruption/Bribery Cases (11:15 am - 12:30 pm)

Moderator: Mr. David M. Luna, Senior Director, National Security and Diplomacy, Combating Global Threats and Navigating Geo-Security Risks, Office of Anti-Crime Programs, INL, U.S. Department of State

- **Mr. Teng Khee Fatt, Deputy Director (Investigations), Corruption Practices Investigation Bureau, Singapore**
 - **Commander Bruce Hill, Australian Federal Police**
 - **Benefits and challenges of electronic evidence**
 - **Criminal surveillance and wire taps**
 - **Obtaining cooperation from suspects**
 - **Recent examples of successful international corruption prosecutions**
- (12:00 - 12:30 pm: Member Economies invited to discuss the panel topic)*

Lunch (Buffet, 12:30-14:00 pm)

07 - Case Study: Successful Examples of International Cooperation in Corruption/Bribery Cases (14:00 - 15:15)

Moderator: Mr. David M. Luna, Senior Director, National Security and Diplomacy, Combating Global Threats and Navigating Geo-Security Risks, Office of Anti-Crime Programs, INL, U.S. Department of State

- **Ms. Nicola J. Mrazek, Senior Litigation Counsel, Department of Justice, U.S.**
 - **Ms. Atty Novyanty, Senior Prosecutor, KPK, Indonesia**
 - **Case Study: U.S. DOJ and KPK cooperation in the Tarahan Project case**
 - **Lessons learned**
 - **Other cases of successful international cooperation with an emphasis on the similarities and differences between the law enforcement systems, and, given these systems, practical ways to assist each other**
- (14:45 - 15:15 pm: Member Economies invited to discuss the panel topic)*

Coffee Break (15:15 - 15:30 pm)

08 - Future Cooperation Projects for ACT-NET (2014-2015) (15:30 - 16:45 pm)

Moderator: Mr. Cai Wei, ACT-NET Chair

- **Ms. CHEN Hongtao, Vice President, China Academy of Discipline Inspection and Supervision, China**
 - **Introduction to a proposed anticorruption fugitive repatriation and asset recovery workshop in the second half of 2014**
 - **Ms. Nicola J. Mrazek, Senior Litigation Counsel, Department of Justice, U.S.**
 - **Ms. Erin McCartney, Senior Counsel, Securities and Exchange Commission, U.S.**
 - **Introduction to a proposed Comparative Law and Procedures Project for the 2015 ACT-NET Meeting**
 - **APEC Secretariat**
 - **Introduction of the secure ACT-NET webpage within the APEC website**
- (16:15 - 16:45 pm: Member Economies invited to discuss future projects, make proposals, and raise*

other issues of concern)

09 - Closing Remarks (16:45 - 17:15 pm)

- **Mr. David M. Luna, Senior Director, National Security and Diplomacy, Combating Global Threats and Navigating Geo-Security Risks, Office of Anti-Crime Programs, INL, U.S. Department of State**
- **Honorable Justice Conchita Carpio-Morales, Ombudsman, the Philippines**
- **Mr. Cai Wei, ACT Chair, Deputy Director General of the Department of International Cooperation of Ministry of Supervision, China**

Note: A room will be arranged beside the main meeting room for economies who would like to discuss case cooperation bilaterally. Economies can submit applications for the room to the ACT Chair's Office (Ms. Wang Zan, wangzan@mos.gov.cn) in advance.



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/NET/003

Agenda: 4

The Corrupt Practices Investigation Bureau (CPIB)

Purpose: Information
Submitted by: Singapore



**1st APEC Network of Anti-Corruption
Authorities and Law Enforcement Agencies
Meeting**

**Beijing, China
15 August 2014**



THE CORRUPT PRACTICES INVESTIGATION BUREAU

The Corrupt Practices Investigation Bureau (CPIB), the world's oldest anti-corruption agency, was established in 1952. The CPIB is an independent agency responsible for the investigation and prevention of corruption in Singapore.

CPIB investigates and aims to prevent corruption in the public and private sectors. It derives its powers of investigation from the Prevention of Corruption Act and is helmed by a Director who reports to the Prime Minister. The Bureau is responsible for safeguarding the integrity of the public service and maintaining corruption-free transactions in the private sector.

Besides bringing corruption offenders to task, the Bureau performs corruption prevention by reviewing the work methods and procedures of corruption-prone departments and public bodies, to identify administrative weaknesses in existing systems which are vulnerable to corruption and malpractices, and recommends remedial and prevention measures to the heads of the departments concerned. Also in this regard, officers of the Bureau regularly conduct lectures and seminars to educate public officers, especially those who come into contact with the public, on the pitfalls of corruption.



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2014/SOM3/ACT/NET/004

Agenda: 4

Fundamental Features of Japanese Criminal Procedure

Purpose: Information
Submitted by: Japan



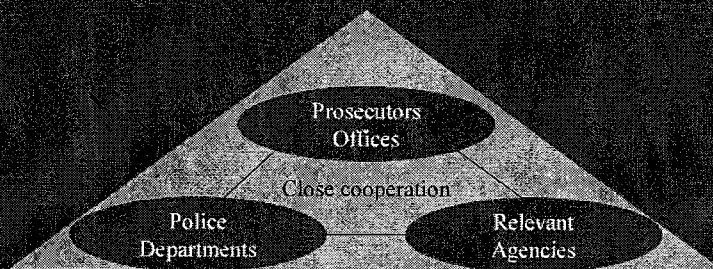
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Fundamental Features of Japanese criminal procedure (1)

- Primary investigative authorities- (Prefectural) Police Departments & Prosecutors Offices
- Detection, Investigation by Police Departments → Case forward to Prosecutors Office
(Close cooperation between two authorities)
- Detection, Investigation by Prosecutors Offices

Fundamental Features of Japanese criminal procedure (2)

- Relevant Agencies with investigative power -SESC, Fair Trade Commission, Tax Bureau → Accusation to Prosecutors Offices





**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/NET/005


Agenda: 8

Project Management Update

Purpose: Information
Submitted by: APEC Secretariat



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15 August 2014**




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Project Management Update

SOM3 & Related Meetings, August 2014

Prepared by
APEC Project Management Unit



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PROJECTS OVERVIEW: 2014, Session 1: Concept Notes Approved



Number of Projects Requesting Funding	125
Value of Projects Requesting Funding	\$13,918,209
Number of Projects Approved	27
Value of Projects Approved	\$2,996,780
% of Concept Notes Approved	22%
Average Project Cost	\$110,992

* All figures are USD

PROJECTS OVERVIEW: Session 2, 2014: Funds Available Estimates



Operational Account (OA)	\$1,132,810
Trade & Investment Liberalisation and Facilitation Account (TILF)	\$423,341
APEC Support Fund (ASF) General Fund	\$1,046,689
ASF Sub-funds	
(i) Human Security	\$351,919
(ii) Health & Emerg Preparedness	\$352,115
(iii) TFAPII	\$143,712
(iv) Technology	\$377,089
(v) Energy Efficiency	\$1,334,275
(vi) ANSSR	\$1,748,506
(vii) Supply Chain Connectivity	\$1,615,615
Total OA+TILF+ASF	\$8,526,071

Note:

•Figures fluctuate based on contributions received, funds dispersed and monies returned;

•Figures are estimates as of 30 June 2014

•All Figures in USD.

APPROVAL PROCESS: 2014 – Dates and Deadlines



Session 1: Concluded in July

Session 2: Mid-process, CN submission closed.


Proposals due –

- October 8 for October 27 approval; or
- October 29 for November 18 approval; or
- November 10 for December 5 approval


2015 Sessions: Dates to be announced by end 2014

PROJECT RESOURCES

Forms & resources on website




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Project Guidebook

- [Guidebook on APEC Projects \(with Editors\)](#)

Forms for Applicants

- [Concept Note Templates \(Approved, BMCC 2012\)](#)
- [Project Proposal Templates \(Approved, EIMCC 2011\)](#)
- [APEC Self-Funded Project Proposal Guidelines \(Approved, BMCC 2012\)](#)
- [OAP - Quality Assessment Framework \(2012\)](#)

Resources for Applicants

- [Project Capacity Training Materials - Presentation resources, examples 2013](#)
- [Developing APEC Concept Notes](#)
- [Proposal Development Materials, Designing APEC Projects](#)
- [Funding Criteria for all APEC-Funded Projects in 2014](#)
- [Quality Criteria for Assessing APEC Projects](#)
- [Guide to Gender Criteria](#)
- [Applying for APEC Funds/Grants](#)

Forms and Resources for Projects in Implementation

- [Monitoring Report Template \(Approved, BMCC 2012\)](#)
- [Follow-up Plan and Request Monitoring Report Template](#)
- [Completion Report Template \(Approved, BMCC 2012\)](#)
- [Sample Participatory Evaluation Form](#)
- [Sample Travel Evaluation Form](#)
- [Per Diem and Allowance Certificates \(Travel Forms\)](#)
- [Per Diem and Allowance Certificate \(Travel Forms\)](#)

Contracting Forms & Resources

- [APEC Contracting Forms & Resources \(2013\)](#)

Projects


- [Overview](#)
- [Searching for Funds](#)
- [Implementation Projects](#)
- [Funding Sources](#)
- [Forms and Resources](#)
- [Project Database](#)
- [Contracting Tenders and RFPs](#)

Find Out More

- [Requests for Proposals/Requests](#)
- [Budget and Management Guidelines](#)
- [APEC Project Database](#)

PROJECT RESOURCES

Further assistance



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Further assistance on projects can be found:

- Through the APEC Secretariat: your Program Director or the PMU: <http://www.apec.org/ContactUs.aspx?t=Secretariat>
PMU Program Director, Andrew R Lloyd: arl14@apec.org
- In the *Guidebook on APEC Projects and Proposal Development Materials*:
<http://www.apec.org/Projects/Forms-and-Resources.aspx>
- On the *AIMP Project Database* site:
http://member.aimp.apec.org/pdb_sites/default.aspx
- Through your BMC or fora delegate



**Asia-Pacific
Economic Cooperation**

2014/SOM3/ACT/NET/006


Agenda: 8

Remote Participation in APEC Meetings

**Purpose: Information
Submitted by: APEC Secretariat**




**1st APEC Network of Anti-Corruption
Authorities and Law Enforcement Agencies
Meeting
Beijing, China
15 August 2014**



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Remote Participation in APEC Meetings



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Pilot Testing Schedule

- CTWG and OFWG meeting in SOM2
 - IT Director from Singapore made remote presentation on Remote Participation, and then had Q&A session at the CTWG (Counter Terrorism Working Group) and OFWG (Oceans & Fisheries WG) in Qingdao in China.
- BMC2 meeting
 - IT Director in his room makes remote presentation on Remote Participation, and then have Q&A session at the conference room.
- CTWG, BMG, DPS/ECSG meeting
 - DPS (Data Privacy Subgroup) /ECSG (Electronic Commerce Sub Group) open its meeting to public through the Remote Participation in SOM3 or later.
 - BMG (Business Mobility Group) meeting in SOM3 arranges “Participating in a real meeting” with combination of face-to-face and Remote Participation.
 - ACT meeting and ACT-NET meeting (13 - 15 August) is considering to have pilot testing to explain the members on the Remote Participation.


Expected Benefits



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- Reduction of Travel Cost
- Contribution to less fossil-fuel Consumption
- Minimization of travel-related downtime
- Scale-up of expertise via online group meeting

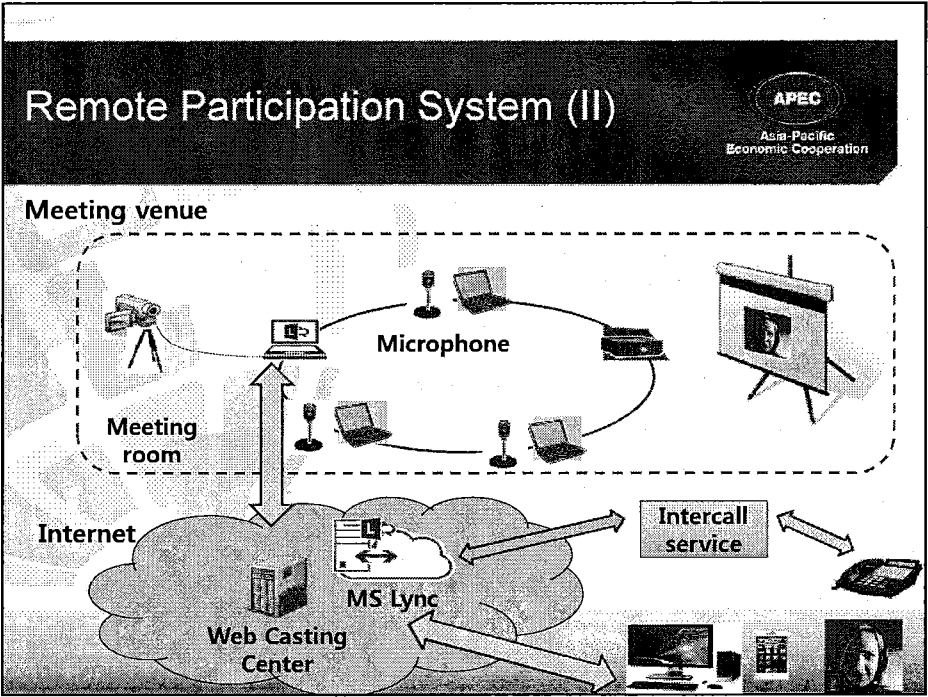
Types of Remote Participation



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Type	Description
Observing a real meeting (Remote Listening)	<ul style="list-style-type: none"> • Participants listen to or watch the meeting remotely via Web-conferencing solution (MS Lync) or Webcasting center.
Participating in a real meeting	<ul style="list-style-type: none"> • Used for mixed meetings including both face-to-face and remote participation. • Remote Participants make some comments or conduct remote presentation during the meeting.
Participating in a virtual meeting	<ul style="list-style-type: none"> • Primarily used for informal small or medium group meetings such as Study Groups. • Allows online Seminars to be shared with remote locations.

Remote Participation System (I)	
Main Part	Description
Interactive Web Conferencing Solution (MS Lync)	<ul style="list-style-type: none"> Meeting organizer opens a virtual meeting room with this solution. Stakeholders can access the solution via the Internet or PSTN (Public Switched Telephone Network). The platform is MS Lync, and MS Lync provides video meeting (allows 250 bilateral, 1,000 unilateral participants), voice call, IM and remote presentation.
Webcasting Centre	<ul style="list-style-type: none"> Provide related stakeholders with a live or on demand webcasting of the APEC meeting in the form of video or audio.
Intercall application	<ul style="list-style-type: none"> Required to integrate PSTN to MS Lync to provide teleconference feature via telephone service with local charge.



Difference Between MS Lync and Skype



	MS Lync	Skype
Target	designed for Enterprise	designed for Customer
Capacity of Participants	allows 250 interactive, and 1,000 passive participants	allows up to 10 people
screen sharing Capability	up to 250 people at a time	limited to a single party at a time
Whiteboard Capability	provided	Not provided
PSTN Connectivity	Powerful connection	Very limited connection

Main Actors' Role



- Meeting Organizer
 - Conducts point of contact for all actors, and organize the meeting schedule with remote participants.
 - Check required equipment, and Enforce the protocol of the participation during a conference.
- Meeting Host
 - Provides sufficient supporting staff (IT Specialist and meeting assistant) for the remote participation.
 - Provides required facilities for remote participation including sufficient internet band width.
- Remote Participants
 - Conduct rehearsals with Meeting Organizer and Participate to the meeting remotely.

Procedure of Remote Participation



o Before the Meeting

- Meeting Organizer checks the Remote Participation with the meeting members, and sends invitation email to all the applicants.
- Meeting Organizer checks with meeting host on the availability of supporting staff and the setting of equipment at venue.
- Meeting Organizer conducts one or two rehearsals with Remote Participant at scheduled time.

o During the Meeting

- Supporting staff conducts the Remote Participation aligned with Meeting Organizer's direction.

Thank You



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**Asia-Pacific
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2014/SOM3/ACT/NET/007


Agenda: 8

APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies ACS Sub-Site

Purpose: Information
Submitted by: APEC Secretariat




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APEC Network of Anti-Corruption Authorities and Law Enforcement Agencies (ACT-NET) ACS Sub-Site



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What is the ACS?



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- The ACS or the APEC Collaboration System is a module of the APEC Information Portal (AIMP).
- It is composed of several collaboration sites catering to APEC fora/working groups.
- The ACS allows their members to conduct discussions and share information.
- AIMP Accounts can only be given to Government Officials.

The ACT-NET ACS Sub-Site

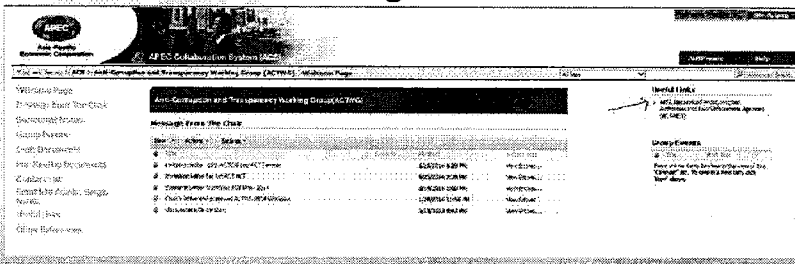


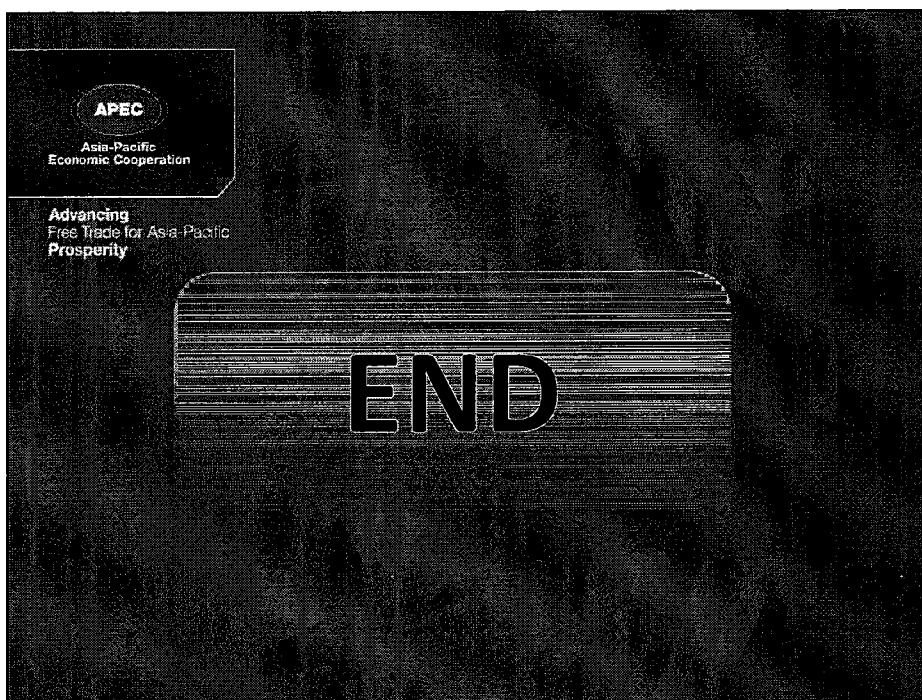
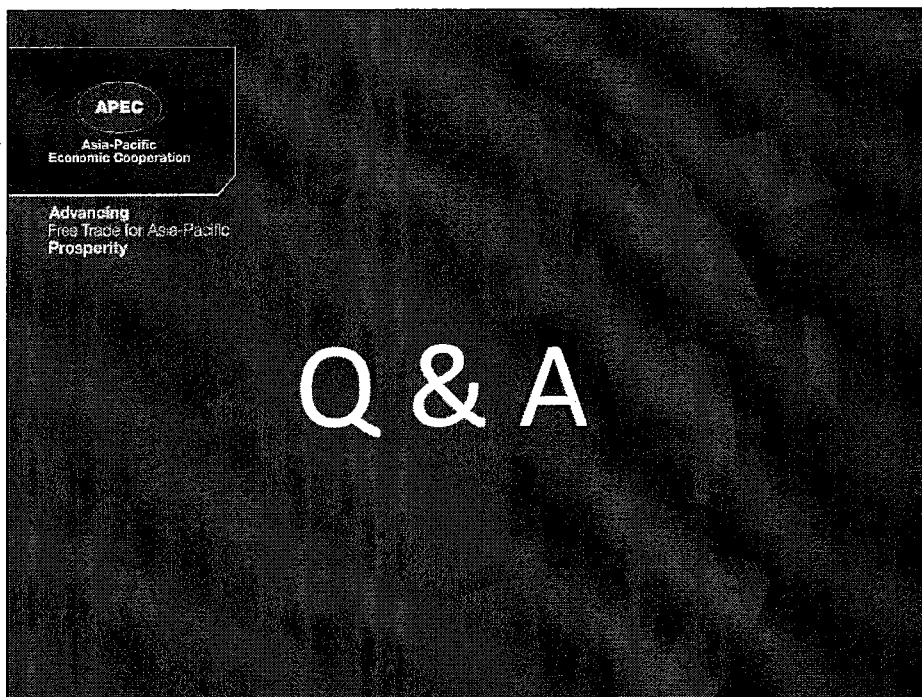
- Is a collaboration space inside the ACT Forum site on the ACS.
- The site can only be accessed by designated members only. Such that even with ACT site access they cannot access the ACT-NET site without special permission.
- The site can be modified based on the requirements of the ACT-NET Members.

Demo



- You can access the site thru this link, <https://aimp2.apec.org/sites/acs/ACT/NET/default.aspx>
- Or thru the ACT ACS Page.







**Asia-Pacific
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2014/SOM3/ACT/NET/008

Agenda: 2

Opening Remarks

Purpose: Information
Submitted by: Indonesia



**1st APEC Network of Anti-Corruption
Authorities and Law Enforcement Agencies
Meeting
Beijing, China
15 August 2014**

OPENING REMARKS: KPK INDONESIA

The 1st APEC ACT-NET Meeting

Beijing, 15th August 2014

Good morning

Distinguished participants, ladies and gentlemen,

At the outset, allow me on behalf of the Commissioners of the Corruption Eradication Commission of the Republic of Indonesia, to take this opportunity to extend my gratitude to the People's Republic of China for hosting the inaugural meeting of Anti-Corruption Authorities and Law Enforcement Agencies Network. KPK Indonesia also applauds the host for its excellent work in hosting the ACT Working Group meeting and workshop yesterday. I am very pleased that we can gather here today for this very important meeting. It is the wish of my delegation that all APEC ACT economies as well as guests to be actively involved in the deliberation so as to achieve fruitful results.

Dear friends and colleagues,

You may recall that during the APEC ACT forum last year in Medan, Indonesia, as the host economy and Chair of the 2013, had submitted a proposal for the establishment of law enforcement authorities network under the APEC. Positive responses and support were given from ACT members. To follow this positive momentum, on 19 September 2013, ACT member economies were invited to attend the preparatory meeting of the ACT Network in Bali. From this important meeting, the working group successfully endorsed the administrative arrangement of the ACT-NET and also statements for the Ministerial level meeting and APEC Leaders declaration of 2013.

Much to our delight, our Leaders endorsed the establishment of the Network during the 21st APEC Summit in Bali and expressed their strong commitment to eradicate corruption, bribery, money laundering and other corrupt conducts within the region. This commitment was reflected in the APEC Ministerial Joint Statement and the Leaders' declaration known as the "Bali Declaration-Resilient Asia-Pacific, Engine of Global Growth" on 8 October 2013.

Friends and colleagues,

Indonesia believes that the establishment of this network is timely and crucial for APEC. I wish to reiterate that the idea to form this network emerged in response to the need for a forum to facilitate law enforcement authorities in the Asia Pacific region to expand cooperation, to discuss and share experience in the investigation and prosecution of corruption.

As such, ACT-NET is expected to help promote greater collaboration among APEC law enforcement authorities in combating corruption, money laundering, and illicit trade. For Indonesia, ACT-NET is a testament of how strong our commitment is to enforce international cooperation in tackling large-scale corruption.

Notwithstanding APEC's non-binding nature and principle, this mechanism is expected to expand the opportunities for all member economies to collaborate and work together in investigating and prosecuting corruption cases and also in pursuing and apprehending defendants who escape to foreign countries, within the economic APEC region. It is also expected that the trust and relationship that we shall build together will encourage a more open exchange of information and reduce the dependence on formal cooperation or mutual legal assistance approaches for stronger and more effective law enforcement measures.

Distinguished friends and colleagues,

To conclude, on behalf of the Government of the Republic of Indonesia and Commissioners of Corruption Eradication Commission, I wish to express once again our appreciation to the People's Republic of China for their cooperation and hosting this inaugural meeting. We believe that 2014 will be a fruitful year for us, and our wish that we can continue our work with all of you in 2015 to realize the vision and goal of the ACT-NET, in pursuit of APEC's mission for the creation of a clean and strong economic and business environment as well as transparency within the APEC region.

Thank you.



**Asia-Pacific
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2014/SOM3/ACT/NET/009

Agenda: 5

Independent Commission Against Corruption

Purpose: Information
Submitted by: Hong Kong, China



**1st APEC Network of Anti-Corruption
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15 August 2014**

Hong Kong, China

Independent Commission Against Corruption

Presentation at ACT-NET Meeting
by Dale Ko, Principal Investigator

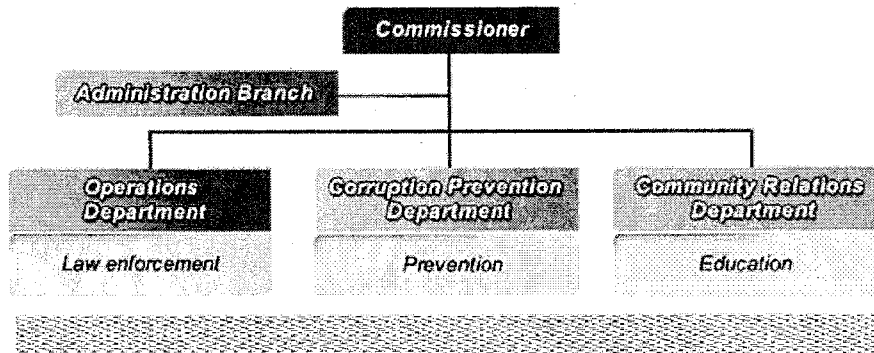


Independent Commission Against Corruption (ICAC)

- Established in Feb 1974
- **Independence** –
Commissioner not subject
to the direction or control
of any person other than
the Chief Executive

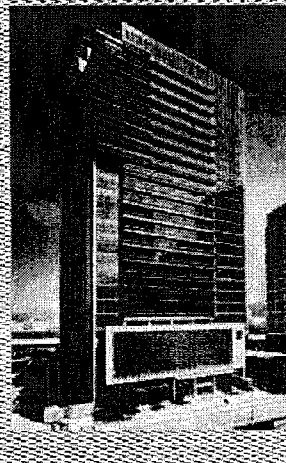


Three-pronged approach of law enforcement, prevention and education



Extradition vital at inception

- **Peter Godber**, a Chief Police Superintendent, controlled assets of over HK\$4.3 million (equivalent to US\$550,000) in 1973.
- In early 1975, Godber was **extradited from England to stand trial**.



Surrender of Fugitive Offenders Agreements

- The parties to an agreement for the surrender of fugitive offenders undertake to surrender to each other persons who are accused of serious offences, or who have absconded after conviction.
- The conduct constituting the crime must amount to an offence according to the laws of both parties.



Asset recovery – internationally (1) Mutual Legal Assistance in Criminal Matters Ordinance

- Assistance – investigation and prosecution of crimes, and proceedings related to criminal matters
- Include taking of evidence, executing requests for search and seizure, producing documents, **restraining and confiscating proceeds of crime**, etc



Asset recovery – internationally (2)

- Feb 2008 - **Mutual Legal Assistance in Criminal Matters (Corruption) Order**
- Extends MLA to all state parties for **UNCAC related matters**
- Arts 54, 55 and 57 of **UNCAC** - any state party may make a request for evidence for use in investigation/ prosecution or tracing/ freezing/ recovery of crime proceeds



Domestic asset recovery

- **Prevention of Bribery Ordinance (POBO)**
- **Organized and Serious Crime Ordinance (OSCO)**
- **Drug Trafficking (Recovery of Proceeds) Ordinance**



Prevention of Bribery Ordinance (POBO)

- **Provides for restraint - Restitution Orders (civil in nature)**
- **Provision for confiscation – exists for Chief Executive or prescribed officer being in control of pecuniary resources or property disproportionate to official emoluments**



Organized and Serious Crime Ordinance (OSCO)

- **Restraint and Confiscation of proceeds of crime**
- **Organized and serious crimes, including corruption offences**



Organized and Serious Crime Ordinance (OSCO)

- a) proceedings have been **instituted**;
- b) proceedings have **not been concluded**
- c) reasonable cause to believe that the defendant **benefited** from the crime;
- d) proceeds of specified offence are **at least HK\$100,000**
(equivalent to approx US\$12,800)



OSCO Disclosure Order

- **Disclosure on oath**
- **Income and assets**
- **Held in Hong Kong or elsewhere**
- **Held in his name or on his behalf by some other person**



Confiscation Order

- **Upon conviction of the defendant**
- **Before sentence**
- **Can also be made if the defendant has absconded or died**
- **Fixes period for defendant to pay**
- **Additional term of imprisonment if any amount not paid**



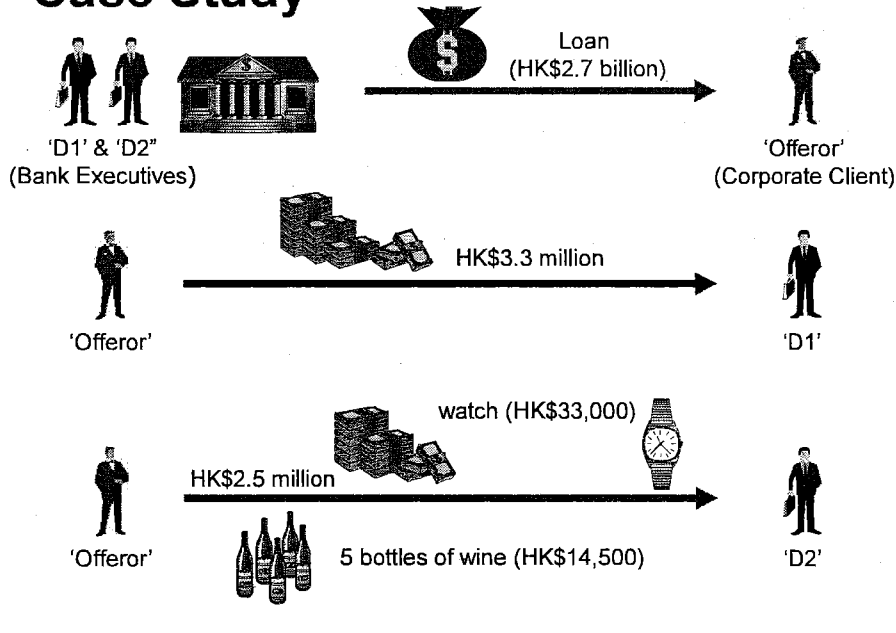
ICAC Asset recovery

Dedicated units within ICAC

- **Forensic Accounting Group**
- **Proceeds of Crime Section**



Case Study



Restraint, prosecution and confiscation

- OSCO Restraint Order re D1 and D2 granted
- D1 pleaded guilty of accepting advantages – 2 years' imprisonment
- D2 convicted after trial of accepting advantages and money laundering – 3 years' imprisonment
- Seized items forfeited - \$2.3M cash, bottles of red wines and watches
- Confiscation order – D1 to pay \$1M; D2 to pay \$2M



Zeng failed to turn up at his trial on 4 July 2011. He was detained in Saipan when trying to enter under the name of Liu Zhiqian on January 16. The US authorities arrested Zeng following a request by Hong Kong's Department of Justice. Having been escorted back to Hong Kong, he pleaded guilty and was sentenced to 27 months' imprisonment.



The 6th ICAC Symposium

- Between 11 and 13 May 2015 in Hong Kong.
- Theme:

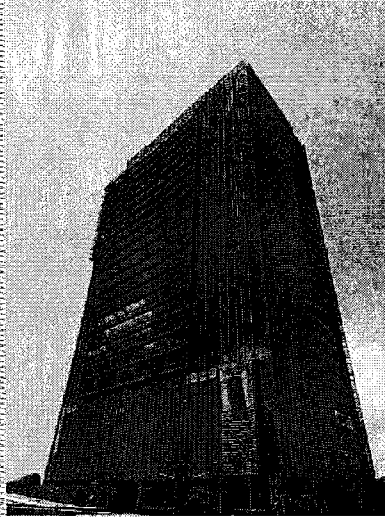
**'A Future Without Corruption –
One Vision, Multiple Strategies'**

- Most up-to-date and effective strategies and best practices in investigating and preventing corruption



Thank You

www.icac.org.hk





**Asia-Pacific
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2014/SOM3/ACT/NET/010

Agenda: 6

Australian Federal Police

Purpose: Information
Submitted by: Australia



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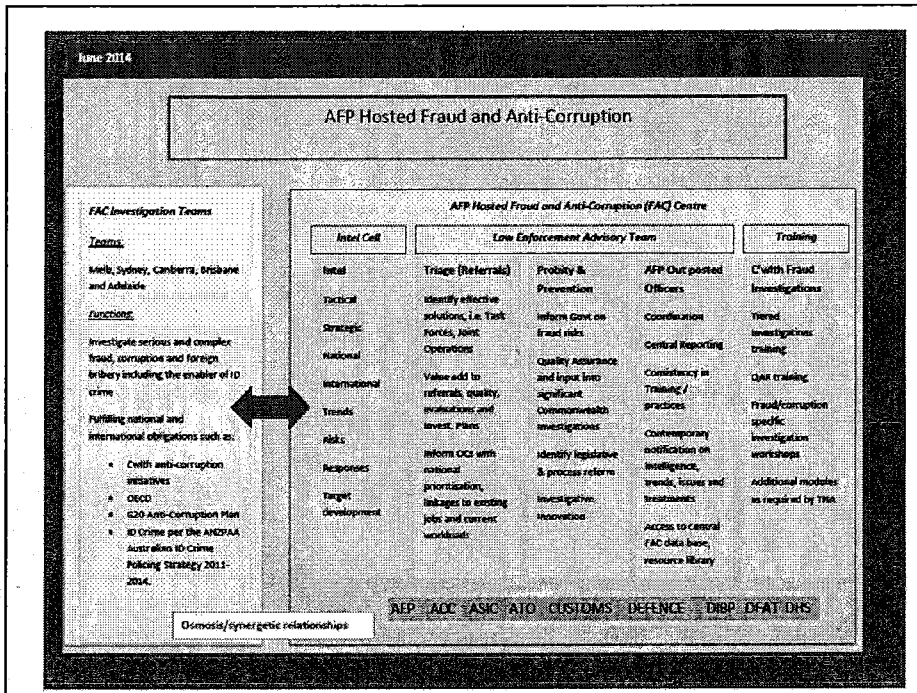


AFP
AUSTRALIAN FEDERAL POLICE

1st APEC NETWORK OF ANTI-CORRUPTION & LAW ENFORCEMENT AGENCIES (ACT-NET)

Commander Bruce Hill

15 August 2014



Fraud & Anti-Corruption Teams

- 多机构, 多学科方法
Multi-agency, multi-disciplinary approach
- 综合调查, 情报和诉讼
Integrated investigations, intelligence and litigation
- 参与机构: 澳大利亚联邦警察, 澳大利亚税务办公室(ATO)和澳大利亚犯罪委员会 (ACC)
Participating agencies: Australian Federal Police, Australian Taxation Office (ATO) and Australian Crime Commission(ACC) AUSTRAC



策略

Strategies

- 利用情报, 业务, 法律和其他专业资源的综合方法
Integrated approach utilising intelligence, operations, legal and other specialist resources
Proactive intelligence-led identification of potential matters using Panel of Experts (PoE)
- 为每个事件制定最佳策略
Develop optimal strategy for individual matters
"Al Capone" approach – disrupt, dismantle, prosecute



Ministry of Justice Investigation Bureau January, August 2011

International Opportunities

- 根据澳大利亚犯罪收益法，澳大利亚当局可以对国外可公诉罪行资产进行限制和没收

Under Australian proceeds legislation, Australian authorities can restrain and confiscate assets linked to a foreign indictable offence



Ministry of Public Investigation Bureau - Shenyang - August 2014

阎永明在澳大利亚的活动 Activity in Australia

- 2001年，阎永明移民澳洲，并成功获得居留身份

In 2001 YAN Yongming migrated to Australia and successfully obtained residency status

- 2006年，澳大利亚联邦警察发现闫永明将可疑的银行存款转入刘阳名下的账户

In 2006, the AFP identified suspicious bank deposits by YAN into bank accounts in the name of YAN Liu



阎永明在澳大利亚的活动 Activity in Australia

- 澳大利亚联邦警察通过相关的交易报告确定该账户的资金交易很可疑 — 联邦警察经过分析决定对可疑交易展开侦查

AFP through relevant reporting, identified transactions in the account were suspicious – analysed by the AFP who determined to initiate an investigation into the suspicious transactions

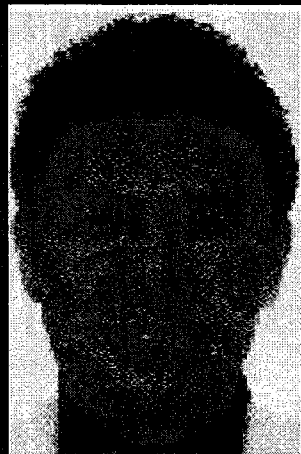
- 澳大利亚联邦警察经过侦查发现国际刑警已对阎永明发出了红色通缉令

The AFP investigation identified that YAN had an Interpol red notice in existence



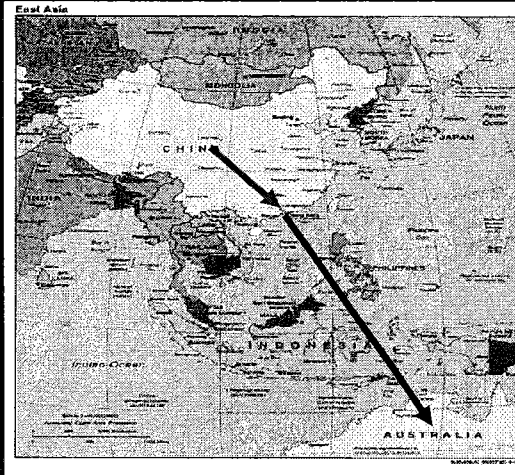
阎永明 (亦称刘阳)

Yongming YAN aka Yang LIU



资金从中国大陆经香港流入澳大利亚的路径

Flow of funds from China to Australia via Hong Kong



RMB 335,000,000

HK 30,000,000



闫永明在澳大利亚的活动

Yongming Yan and his activity in Australia

- 根据澳大利亚的法律，澳大利亚联邦警察可限制和没收与某一可起诉罪相关的资金

Under Australian legislation, AFP can restrain and confiscate assets linked to a foreign indictable offence

- 公安部在“警察对警察”的基础上以情报和证人证词的形式为联邦警察提供了重要的协助

Significant assistance in the form of intelligence and witness statements were provided to the AFP from MPS on a 'police to police' basis

因此，澳大利亚联邦警察申请对与闫永明有关的账户中的6,690,771.35澳元发出限制令

As a result, the AFP applied for restraining order to restrain AUD \$6,690,771.35 in bank accounts linked to YAN.



阎永明在澳大利亚的活动
Yongming YAN and his activity in Australia

- 最后，阎同意澳洲政府没收3,374,236澳元

The case was settled upon agreement between YAN and the Australian Government prosecutors and \$3,374,236 was forfeited to the Government.

- 根据《澳大利亚犯罪收益法》，司法部长可以批准将此类案件的犯罪收益返还此资金收益的来源国。

Under the Australian Proceeds of Crime legislation, the Minister of Justice can approve the repatriation of funds in cases of this type.



Return \$3,374,236 AUD to PRC



Operation Distal

Joint investigation Australian Federal Police (AFP) and the Guangdong Procuratorate of Peoples Republic of China (PRC)

AFP referral was the result of a Procuratorate investigation into the activities of a PRC official named LI Jixiang (LI) also known as LI Kai Cheung.

LI general manager of (2) government owned development and Housing construction companies in Southern China.

Close working relationship with LI Yunnan, the director and loans manager of a government owned finance company.



LI used three (3) private companies to obtain 28 loans from the finance company for the purpose of constructing low cost housing. The loans totalled approximately AUD15 million.

No properties were constructed. Loan monies were funnelled through a series of foreign country conversions to Australia.

LI came to reside in Australia after the misappropriation was detected by Chinese authorities. The monies were dealt with through various investments and real estate purchases.



The AFP Operation

The investigation required the seizing and analysis of banking and company records both in PRC and Australia dating back to 1999, the majority of which was supplied in Chinese script.

The transactions of note were hidden within thousands of legitimate business dealings of 19 companies.

Interviewing of witnesses to which the financial records related were in the main conducted through interpreter

The documents had to be re-translated by court approved translators.



The majority of witnesses were living in PRC creating a heavy reliance on the resources made available by the AFP Liaison Post and the co-operation of the PRC investigation team.

The rapport developed between the AFP and PRC investigation team and Commonwealth Department Public Prosecutions ensured that information flowed without hindrance.

Excellent relationship between MoJ and AG's in acquiring documents under Mutual Legal Assistance



Results

From the commission of the crime to the completion of the trial took 11 years.

The trial itself lasted 12 weeks.


The proceeds of crime investigations culminated in the forfeiture of AUD\$3million which was returned to PRC.

LI was sentenced to 14 years imprisonment in Australia



Ministry of Justice, Investigation Bureau, Taiwan, August 2011

THE MONEY TRAIL




Li Kai Cheung

- Calamvale house bought for \$600,000 in 2005
- \$110,000 in his bank accounts





Xie Jianling
(wife of Li Yunnan, who has been jailed in China)

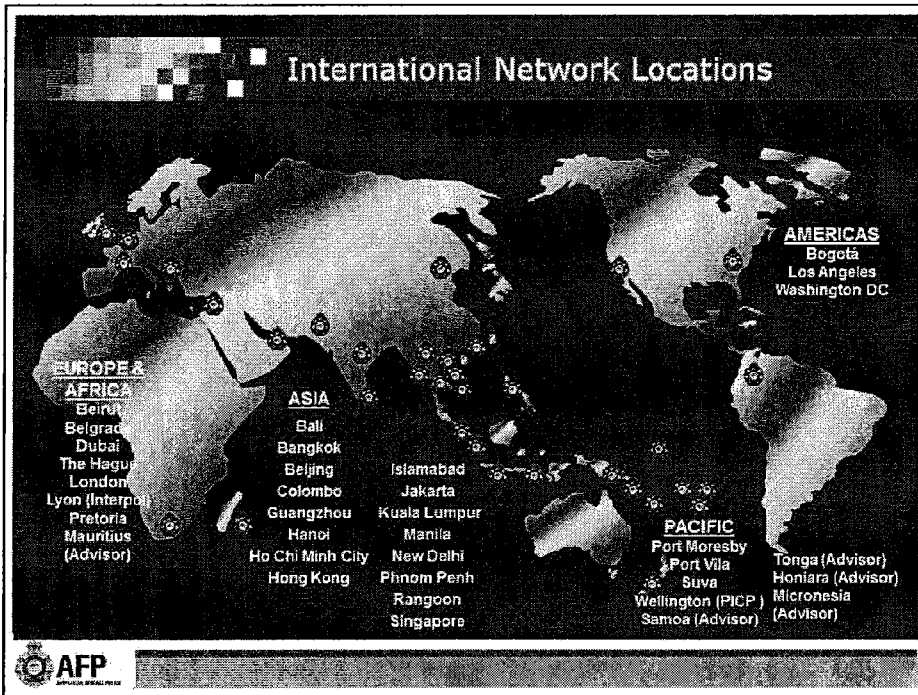
- Sunnybank Hills house bought for \$625,000 in 2003
- \$226,000 in her bank accounts
- \$2.1 million in an account under the name of her father, Xie Linze
- \$51,000 in accounts under husband's name
- \$82,000 under the name of her son, Li Xi



Huang Yanzhen
(Li Kai Cheung's separated wife)

- Kuraby house bought for \$550,000 in 2004
- \$138,000 in her bank accounts
- \$600,000 under the name of her sister, Wong Yin Fun
- \$210,000 under the name of her son, Li Zhenzhong





Thank you

AFP
AGENCIYA FEDERALNAYA POISKOVA I BEZOPASNOSTI