

# Appendices

## Appendix 1. List of participants

### *Country delegations*

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#### **Bangladesh**

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Mr. Ruhul QUDDUS  
Advocate  
Supreme Court of Bangladesh  
155, Green Road  
Dhaka 1205, Bangladesh

Mr. Azam MUHUMMED  
Senior Information Officer  
Ministry of Science and Information & Communication Technology  
Room # 325, Building # 6, Bangladesh Secretariat  
Dhaka, Bangladesh

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#### **People's Republic of China**

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Mr. Hairong CUI  
Deputy Director General  
Department of Case Review  
Ministry of Supervision  
A2, Guang An Men Nan Jie  
Xuan Wu District,  
Beijing 100053, China

Mrs. Ning WANG  
Section Chief  
Foreign Affairs Department Ministry of Supervision  
No. 41 Ping'anlixi Street  
Xicheng District, Beijing 100813, China

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**Cook Islands**

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Mrs. Janet MAKI  
Solicitor General  
Crown Law Office  
P.O. Box 494,  
Rarotonga, Cook Islands

Mr. Maara TETAVA  
Deputy Commissioner  
Police  
P.O. Box 101  
Rarotonga, Cook Islands

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**Fiji Islands**

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Mr. Timoci ROMANU  
State Prosecutor  
Office of the Director of Public Prosecutions  
P.O. Box 3606BA,  
Fiji Islands

Mr. Josaia WAQAIVOLAVOLA  
State Prosecutor  
Office of the Director of Public Prosecutions  
P.O. Box 2355  
Government Buildings  
Suva, Fiji Islands

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**India**

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Mr. Bhure LAL  
Secretary (Coordination and Public Grievances)  
Cabinet Secretariat  
Government of India

Mr. U.S. MISHRA  
IPS  
Special Director  
Central Bureau of Investigation

Mr. Bhaskar KHULBE  
Director, Department of Personnel and Training  
Ministry of Personnel,  
Public Grievances and Pensions  
Room 19A, North Block,  
New Delhi, India

Mr. ABHAY  
Director  
Training Academy, Ghaziabad  
Central Bureau of Investigation, India

Mr. J.S. WADIA  
Deputy Legal Advisor  
Central Bureau of Investigation  
Government of India  
New Delhi, India

Mr. Mahendra KUMAR  
Senior Public Prosecutor  
CBI Academy  
Ghaziabad, India

Mr. P.V.K. Ramana PRASAD  
Additional Chief Legal Advisor  
Anti-Corruption Bureau, Andhra Pradesh

Mr. Prasan Kumar PANI  
Special Public Prosecutor  
Vigilance Department, Orissa, India

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## **Indonesia**

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Mr. Muhamad AMARI  
Head of Sub-Directorate  
Attorney General's Office  
Jl. Sultan Hasanuddin no. 1, Jakarta Selatan, Indonesia

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**Indonesia** *(continued)*

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Mr. Muhamad Rahman RITZA  
Inspectorate General, Ministry of Finance  
Human Resources Department  
Jl. Drive Wahidin no. 1, Jakarta Pusat,  
Indonesia

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**Kazakhstan**

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Mr. Askhat MUKATOV  
Senior Prosecutor, General Prosecutor Office  
Department for the Control of Legality of Activity of State Bodies  
Office 506  
73a Seyfullin Str.  
Astana 473000, Kazakhstan

Mr. Daulet SHANTAYEV  
Head of Division of Courts and Institutions of Justice  
State Legal Department, Presidential Administration  
Office 306a  
11 Beibitshilik Str.  
Astana 473000, Kazakhstan

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**Kyrgyz Republic**

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Mr. Asan KANGELDIEV  
Prosecutor  
General Prosecutor Office  
Orozbekova 72  
720300 Bishkek, Kyrgyz Republic

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**Malaysia**

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Mr. Ratha Kirushnan AL K. RAJARETNAM  
Head of General Investigation Branch  
Anti-Corruption Agency Malaysia  
7th Floor, Block D, Parcel D  
Federal Government Administrative Centre  
62505 Putrajaya, Malaysia

Mr. Ahmad BIN MANDUS  
Deputy Director of Investigation Division  
Anti-Corruption Agency Malaysia  
7th Floor, Block D, Parcel D  
Federal Government Administrative Centre  
62505 Putrajaya, Malaysia

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## **Mongolia**

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Mr. Tsegmid ARVINBUUDAI  
Senior Inspector of the Administration Department  
National Police Agency of Mongolia  
Sambuu Street 18  
Ulaanbaator City, Mongolia

Ms. Ulambayar ERDENETUYA  
Supervision Prosecutor  
Strategic Planning and Foreign Affairs Department  
The State General Prosecutor's Office  
Chingeltei district, Banga toiruu 15/1  
Ulaanbaator 210646, Mongolia

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## **Nepal**

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Mr. Binod Kumar GAUTAM  
Investigation Officer (Law)  
Commission for the Investigation of Abuse of Authority (CIAA)  
Babar Mahal, Kathmandu, Nepal

Mr. Gobinda Bahadur SHRESTHA  
Investigation Officer (Technical)  
Commission for the Investigation of Abuse of Authority (CIAA)  
Babar Mahal, Kathmandu, Nepal

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**Papua New Guinea**

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Mr. Thomas ELUH  
Director of Police Prosecutions  
Police  
c/o Police Headquarters  
P.O. Box 85  
Konedobu, Papua New Guinea

Mr. Chronox MANEK  
Public Prosecutor of Papua New Guinea  
Office of the Public Prosecutor  
Department of Justice  
P.O. Box 662  
Waigani NCD, Papua New Guinea

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**Philippines**

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Mr. Humphrey T. MONTEROSO  
Director of the Prosecution Bureau  
Office of the Special Prosecutor  
Office of the Ombudsman  
5<sup>th</sup> Floor, Sandiganbayan Centennial Building  
Commonwealth Avenue, Diliman  
Quezon City, Philippines

Mr. Cornelio L. SOMIDO  
Special Prosecution Officer  
Office of the Special Prosecutor  
Office of the Ombudsman  
5<sup>th</sup> Floor, Sandiganbayan Centennial Building  
Commonwealth Avenue, Diliman  
Quezon City, Philippines

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**Vanuatu**

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Mr. Noel AMKORI  
Inspector  
Vanuatu Police Force  
PMB 014  
Port Vila, Vanuatu

Mr. Eric CSIBA  
Senior Legal Officer and Acting Public  
Prosecutor  
Public Prosecutors Office  
PMB 035  
Port Vila, Vanuatu

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***Experts***

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Mr. Bernard BERTOSSA  
Former Attorney General  
GenevaSwitzerland

Mr. John DEMPSY-BRENCH  
Detective Chief Inspector  
National Crime Squad  
United Kingdom

Mrs. Eva JOLY  
Former Investigative Magistrate in France  
Special Counsellor to the Norwegian Government  
Ministry of Justice and the Police  
Norway

Mr. S.K. SHARMA  
Director of Prosecution  
Central Bureau for Investigation  
India

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***ADB/OECD Secretariat***

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Ms. Gretta FENNER  
Manager, Anti-Corruption Initiative for Asia-Pacific  
Anti-Corruption Division  
Organisation for Economic Co-operation and Development (OECD)  
2, rue André Pascal  
F-75016 Paris, France

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***ADB/OECD Secretariat (continued)***

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Mr. Jak JABES  
Director Governance and Regional Cooperation Division  
Regional and Sustainable Development Department  
Asian Development Bank (ADB)  
P.O. Box 789  
0980 Manila, Philippines

Mrs. Enery QUIÑONES  
Head, Anti-Corruption Division  
Organization for Economic Co-operation and Development (OECD)  
2, rue André Pascal  
F-75016 Paris, France

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***Observers***

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Mr. Sam COOPER  
Regional Anti-Corruption Advisor  
American Bar Association Asia Law Initiative  
Kenan Institute Offices  
Queen Sirikit National Convention Center  
2<sup>nd</sup> Floor, Zone D, Room 201/2  
60, New Ratchadapisek Road  
Klongtoey, Bangkok 10110, Thailand

Mrs. Helle KLEM  
Assistant Director General  
Department for Legal Affairs  
Ministry of Foreign Affairs  
P.O. Box 8114 Dep.  
0032 Oslo, Norway

## Appendix 2. Program

<b>DAY 1</b>	
<i>Opening</i>	
<b>10.00–10.30 (plenary)</b>	<p><b>Welcoming remarks</b> Mr. U.S. Mishra, IPS, Special Director, Central Bureau of Investigation</p> <p><b>Inaugural Address</b> Shri Bhure Lal, Secretary (Coordination and Public Grievances), Cabinet Secretariat, Government of India</p> <p><b>Introduction</b> Mr. Jak Jabes (ADB) and Mrs. Enery Quinones (OECD)</p> <p>Introduction roundtable</p>
<i>Theme 1: Prosecution standards</i>	
<p>The independence of public prosecutors is of crucial importance in order for them to prosecute without obstruction. Many factors may, however, interfere in, or influence, the decision to launch criminal proceedings: considerations of national economic interest, the potential effect of a proceeding on relations with another state, or the identity of the natural or legal person possibly involved in the case.</p> <p>Consequently, it is important to define rules and standards that allow prosecutors, in the exercise of their power to prosecute, to be free from this type of influence or interference. Participants are therefore invited to discuss and compare the standards and policies governing their work and the types of obstacles that might challenge their independence and effective prosecution of corruption cases.</p>	

<b>DAY 1</b> (continued)		
<i>General prosecution standards</i>		
<b>10.30– 11.30 (plenary)</b>	<p><b>Key presentation</b> Mrs. Eva Joly Former Investigative Magistrate, France</p> <p><b>Comments</b> Mr. S.K. Sharma, Director of Prosecution, CBI, India</p> <p><b>Discussion and Questions</b></p>	<p>The first session will discuss a number of key issues of which prosecutors should be particularly aware to avoid, to the extent possible, being unduly influenced in the exercise of their function and thus ensure independent and efficient prosecution of corruption and bribery. The need for, and the content of, clear and concise prosecution policies and guidelines to ensure credibility of procedures and consistency of treatment will also be addressed.</p>
<i>Prosecution standards in the context of decisions to charge public officials or persons with strong economic or political influence</i>		
<b>11.45– 13.00 (plenary)</b>	<p><b>Key presentation</b> Mrs. Eva Joly</p> <p><b>Comments</b> Mr. S.K. Sharma</p> <p><b>Discussion and Questions</b></p>	<p>Prosecution for corruption and bribery may present particularly acute concerns in cases where the prosecuted person has strong political or economic influence, such as a senior public official or a high-level executive manager. Senior public officials may have access to means of influencing the prosecutor, whether directly, for instance by removing the prosecutor, or indirectly, by affecting the prosecutor's work environment. Persons from the corporate sector who have important economic influence may also have access to means of influencing a prosecutor such as their network of contacts in the public administration or privileged access to the media. This</p>

<b>DAY 1</b> <i>(continued)</i>		
		session will focus on procedures and possible prosecutorial approaches when a public official or a person with strong economic influence is the subject of an investigation and prosecution of bribery.
<i>Case Study 1</i>		
<b>14.00– 14.15 (plenary)</b>	<b>Presentation of case study</b> Mrs. Eva Joly	Presentation of the main features of the case study by the expert who prepared the study.
<b>14.15– 15.45 (focus groups)</b>	<b>Case study work</b> in three focus groups	
<b>16.15– 17.30 (plenary)</b>	<b>Report to the plenary</b>	

**DAY 2***Theme 2: Cooperation between law enforcement agencies*

Well-functioning relations between the different law enforcement agencies involved in prosecuting corruption are key to obtaining sufficient evidence and information and to effectively prosecuting such offenses. Particular attention should in this context be paid to the interaction between prosecutors and police services where sometimes-lengthy procedures for requests by prosecution services for police intervention can impede the efficiency of enforcement and might provoke the disappearance of valuable evidence. Good working relations between police and prosecution services become particularly important in light of the complex nature of corruption offenses. In some cases it might become necessary, in order to effectively prosecute corruption, to look at other offenses such as money laundering, accounting offences, or tax fraud. Therefore, well-functioning cooperation with specialized services, such as financial intelligence units, is a key element in the effective prosecution of corruption. A second element in this context relates to communications and referrals from public administration. This exchange of information often opposes reporting requirements, which determine when officials in the public administration may refer information to police or prosecutors, to the need for safeguards against referring otherwise privileged or confidential information.

*Cooperation between prosecution and police services*

**09.00–  
10.30  
(plenary)**

**Key presentation**  
Mr. John Dempsey-  
Brench  
National Crime Squad,  
United Kingdom

**Comments**  
Mr. S.K. Sharma

**Discussion and  
Questions**

To establish good working relations between prosecution and police services, some countries have opted to attach specialized police cells directly to prosecution services, while others address this issue by establishing simplified procedures regulating the relation between prosecutors and police services or by establishing centralized anti-corruption agencies. Depending on the institutional and cultural environment,

<b>DAY 2</b> (continued)		
		both systems can be efficient, since they establish clear and concise rules defining the procedures for cooperation between the involved actors.
<i>Communications and referrals from public administration</i>		
<b>11.00– 12.30 (plenary)</b>	<p><b>Key presentation</b> Mr. S.K. Sharma</p> <p><b>Comments</b> Mr. Bernard Bertossa, Former Attorney General of Geneva, Switzerland</p> <p><b>Discussion and Questions</b></p>	Reporting obligations for public servants, combined with measures to protect their job and personal security, can be a useful tool in achieving efficient information sharing and making all public authorities, in particular those working in sensitive areas, aware of the need to inform the police and the prosecution services of possible cases of corruption coming to their knowledge in the exercise of their functions. However, this obligation might conflict in certain cases with the duty of confidentiality that applies to certain positions. For such cases, clear rules can help find a compromise between these two conflicting responsibilities.
<i>Case Study 2</i>		
<b>14.00– 14.15 (plenary)</b>	<p><b>Presentation of case study</b> Mr. John Dempsy-Brench</p>	Presentation of the main features of the case study by the expert who prepared the study.

<b>DAY 2</b> <i>(continued)</i>		
<b>14.15– 15.45 (focus groups)</b>	<b>Case study work in three focus groups</b>	
<b>16.15– 17.30 (plenary)</b>	<b>Report to the plenary</b>	

**DAY 3***Theme 3: Mechanisms for gathering evidence abroad*

Whereas borders do not create barriers for criminals, they do present obstacles to authorities that are prosecuting offenses. Criminals often have access to enhanced methods of travel and communication, through which they can flee from detection and prosecution and conceal the evidence of and profits from their crimes. As criminals continue to perfect their techniques and are quick to take advantage of national boundaries to shield themselves from justice, law enforcement authorities throughout the world must unite to combat this common threat and be provided with a system of principles and procedures that allows them to operate efficiently in a world where transnational crime is growing.

*Formal systems for providing and obtaining legal assistance*

<b>09.00– 10.30 (plenary)</b>	<b>Key presentation</b> Mr. Bernard Bertossa  <b>Comments</b> Mr. S.K. Sharma  <b>Discussion and questions</b>	The first half of this plenary session will discuss the varying principles that apply to the provision of mutual legal assistance. In particular, structures that currently seem to impede appropriate and efficient provision of MLA, and remedies against these possible impediments, will be discussed.
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*Informal networking*

<b>11.00– 12.30 (plenary)</b>	<b>Key presentation</b> Mr. Bernard Bertossa  <b>Comments</b> Mrs. Eva Joly  <b>Discussion and questions</b>	One of these remedies, to be further discussed in this second half, are informal networks of contacts, which can facilitate cooperation between relevant authorities in different countries in the region and thus facilitate the efficient provision of necessary mutual legal assistance.
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<b>DAY 3</b> <i>(continued)</i>		
<i>Case Study 3</i>		
<b>14.00– 14.15 (plenary)</b>	<b>Presentation of case study</b> Mr. Bernard Bertossa	Presentation of the main features of the case study by the expert who prepared the study.
<b>14.15– 15.45 (focus groups)</b>	<b>Case study work</b> in three focus groups	
<b>16.15– 17.30 (plenary)</b>	<b>Report to the plenary</b>	
<i>Follow-up and conclusions</i>		
<b>17.30– 18.00 (plenary)</b>	Mr. Jak Jabes (ADB) and Mrs. Enery Quiñones (OECD)	The final session will aim to summarize the main findings of the discussions, presentations, and case study work during the seminar. Furthermore, the Secretariat will propose a format for a seminar report to facilitate reporting back to local authorities and staff by the participants. Participants are also invited to suggest a possible follow-up to this seminar on the national, subregional, or regional level.