



**Conference of the States Parties
to the United Nations
Convention against Corruption**

Distr.: General
25 September 2015

Original: English

Implementation Review Group

Resumed sixth session

St. Petersburg, Russian Federation, 3-4 November 2015

Agenda item 2

Review of implementation of the United Nations

Convention against Corruption

Executive summary

Note by the Secretariat

Addendum

Contents

	<i>Page</i>
II. Executive summary.....	2
Maldives.....	2



II. Executive summary

Maldives

1. Introduction: Overview of the legal and institutional framework of Maldives in the context of implementation of the United Nations Convention against Corruption

The Republic of Maldives (Maldives) is an island nation in the Indian Ocean/Arabian Sea, consisting of a double chain of 26 atolls. The islands gained independence from the United Kingdom of Great Britain and Northern Ireland in 1965 and became a republic in 1968. Maldives is a presidential republic, with the President as head of government and head of State. A new constitution, which reduced presidential powers while strengthening Parliament (the People's Majlis) and the judiciary, was ratified in August 2008. The 2008 constitution provides for the President and Parliament to be elected directly every five years by universal suffrage.

Maldives acceded to the United Nations Convention against Corruption on 22 March 2007. The Convention entered into force on 21 April 2007.

With regard to the incorporation of international law into domestic law, Maldives follows a strictly dualist approach (art. 93 of the Constitution). Therefore, the Convention against Corruption is not directly applicable.

The main institutions in the anti-corruption framework are the Anti-Corruption Commission (ACC), the Prosecutor-General's Office, the Attorney-General's Office, the Financial Intelligence Unit (FIU, an autonomous agency within the Central Bank), the Maldivian Police Service and the Court system.

The main pieces of anti-corruption legislation are the Prevention and Prohibition of Corruption Act 2000 (Act No. 2/2000, the "PPCA"), the Penal Code (Act No. 1/81, the "PC"), the Prevention of Money Laundering and Financing of Terrorism Act (Act No. 10/2014, the "AML/CFT Act") and the Anti-Corruption Commission Act (Act No. 13/2008, the "ACCA"). At the time of the country visit, the new Penal Code (Act No. 9/2014, the "new PC") was only weeks from coming into effect on 16 July 2015. Therefore, its provisions were also discussed extensively during the review. The criminal provisions in the PPCA will be repealed once the new PC enters into force. However, the exact extent to which the new PC will supersede the PPCA was not entirely clear. Maldives does not yet have a criminal procedure code. However, a Bill with a draft CPC is currently before Parliament.

In January 2015, two important international cooperation laws were enacted. The Law on Extradition (Act No. 1/2015, Extradition Act), entering into force on 5 April 2015, and the Act on Mutual Legal Assistance in Criminal Matters (Act No. 2/2015, MLA Act) which entered into force on 5 June 2015.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active and passive bribery is criminalized in section 2(a) PPCA. However, on a narrow reading of this provision, it could be argued that both the recipient of the bribe and the perpetrator of the active offence can only be an “employee of government or government venture”. The latter term does not correspond to the definition of “official” in article 2 (a) of the Convention against Corruption because it is much narrower. The promise of a bribe is not explicitly mentioned. Third party beneficiaries are not covered. The undue advantage is implemented as “any advantage whatsoever”.

Section 3(a) PPCA extends the bribery provisions to members of the People’s Majlis (Parliament) and section 4(a) PPCA to judges and magistrates as perpetrators of the offence. Finally, section 5(a) PPCA covers acts of bribery committed by a member of the public, i.e. ordinary citizens.

Section 510(b) of the new PC contains the offence of active bribery of “public officials”. This group is still slightly narrower than article 2 (a) of the Convention in that it does not include employees of state-owned companies. The promise of a bribe is not explicitly mentioned. Third-party beneficiaries are not covered. The undue advantage is implemented as “a benefit not lawfully authorized by law”. Passive bribery of public officials is criminalized in section 510(a), which — in contrast to the active offence — explicitly includes other (natural and legal) persons as third-party beneficiaries.

Maldives has not criminalized the bribery of foreign public officials and officials of public international organizations (art. 16 of the Convention).

Section 8(a) PPCA criminalizes “bribing to exert influence”, which largely corresponds to trading in influence (art. 18 of the Convention) but does not include third-party beneficiaries. Section 510(a)(3)(A) and (b)(2)(A) of the new PC also cover the influencing of official authority, although the intermediary can only be a public official.

Bribery in the private sector has been criminalized in section 5(a) PPCA and section 314(a) and (b) of the new PC.

Money-laundering, concealment (arts. 23 and 24)

The AML/CFT Act implements article 23 of the Convention almost verbatim. The act covers the conversion or transfer of property, and the concealment or disguise of the illicit origin of such property (sect. 5(a)(1) and (2) AML/CFT Act).

It also covers the acquisition, possession or use of such property, as well as participation in or conspiracy to commit, attempt to commit and aiding, abetting, facilitating and counselling the commission of such activities (sect. 5(a)(3) and (4) AML/CFT Act). Predicate offences are listed in section 7 AML/CFT Act and include corruption offences, serious offences and offences committed outside Maldives (subject to dual criminality). Corruption offences are those covered by the PPCA. With the exception of small-scale embezzlement, all Convention offences in the new PC are graded as felonies and thus as serious offences. Liability is not only

triggered by positive knowledge of the illicit origin of the property but also when there are “reasonable grounds to suspect that such property is the proceeds of crime”.

The offender himself may also be the perpetrator of the predicate crime, thus self-laundering is criminalized (sect. 5(b) AML/CFT Act).

Section 721 of the new PC also criminalizes money-laundering. However, the definition is narrower than the one in the AML/CFT Act.

The offence of money-laundering as defined in section 5 AML/CFT Act is wide enough to encompass concealment in the sense of article 24 of the Convention since it comprises the mere possession of proceeds of crime.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

Criminal breach of trust was punishable under sections 131-146 of the old PC (Act No. 10/68). Embezzlement, both in the public and private sector, is partially criminalized under section 215(a) of the new PC. This provision does not, however, cover misappropriation and requires a legal or fiduciary obligation towards the property. It does not cover third-party beneficiaries.

Article 19 of the Convention is partially implemented through the provisions of section 12(a) PPCA (“obtaining undue advantage by government employees”). This provision is limited to employees of government or of a government venture and does not include third-party beneficiaries. It does not require a breach of duties. In the new PC, section 513(b) criminalizes the misuse of official authority, i.e., the use of official authority for the purpose of obtaining a benefit for himself or for another person.

Illicit enrichment is not criminalized. A PPCA Amendment Bill, which contained a provision that would have made illicit enrichment an offence, was not adopted by Parliament.

Obstruction of justice (art. 25)

Obstruction of justice is partially criminalized in sections 520, 530 and 540 of the new PC, which criminalize false statements, deterring a witness from testifying freely, fully and truthfully, as well as annoying, harassing, influencing and intimidating witnesses. The giving of testimony is not included. The obstruction of public officials, including physical and other interference, is criminalized in sections 532 and 533 of the new PC, section 22 PPCA and section 72 of the Police Act (Act No. 5/2008).

Liability of legal persons (art. 26)

Although section 28 of the old PC (Act No. 1/81) includes clubs, companies, organizations and similar associations in the concept of “person”, the PPCA does not include specific provisions for penalizing such entities. Section 70 of the new PC provides for the criminal liability of corporations and unincorporated associations for offences committed by its directors or agents. Subsect. 4 defines agents broadly to cover any employee. However, a due diligence defence is available. According to section 93(a) and (c) of the new PC, monetary sanctions of

up to twice the harm caused or the gain derived from an offence, or twice the amount authorized by law for a natural person, are available.

Liability for legal persons is also established under section 58 of the AML/CFT Act. According to that act, the fine for a legal person is twice the fine for a natural person. There is also administrative liability under the Financial Regulations.

The liability of the legal person does not exclude the liability of the natural person (sect. 71 of the new PC).

Participation and attempt (art. 27)

Section 30(b) of the new PC covers accomplice liability, i.e. liability for aiding, promoting and facilitating the commission of an offence. Instigation is punishable under section 81.

Attempt is criminalized for all offences covered by the PPCA under section 23 of that act. The mere preparation of a corruption offence is not criminalized. The new PC criminalizes attempt (sect. 80) and conspiracy (sect. 82). The AML/CFT Act contains a provision covering all forms of participation in and attempt to commit money-laundering offences (sect. 5(a)(4)).

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The new PC sets forth sentences of imprisonment for corruption offences that consider the gravity of the offence and previous convictions. As a general rule, the Prosecutor-General is to institute and conduct criminal proceedings in respect of any alleged offence, to take over, review and continue proceedings and, at his discretion, to discontinue any criminal proceedings at any stage prior to judgement (art. 223 (c) and (g) of the Constitution). The Office of the Prosecutor-General is independent, subject to general directives on the conduct of criminal proceedings that may be issued by the Office of the Attorney-General (art. 133 (g) and 220 of the Constitution).

There are no criminal immunities for public officials in Maldives. Members of Parliament and judges can be prosecuted for offences established under the Convention committed before or during their tenure. The President and Vice-President are accountable by law for any offence committed before or during their respective tenure. However, in the case of the President, the People's Majlis (Parliament) may decide to defer criminal proceedings until after the expiration of the term of office (art. 127 of the Constitution). Following a special procedure to lift immunities, Ministers can be investigated and prosecuted like other categories of public officials without any special immunities or privileges during the judicial process.

The authorities indicated that the Supreme Court has provided guidelines on release pending trial or appeal, balancing this measure with the need to ensure the presence of the defendant at subsequent proceedings for offences established in accordance with the Convention. In accordance with the Prison Act (sects. 124(a) and 125(a)), a convicted person may be released upon parole after serving half of the penalty.

Persons convicted of corruption offences are generally disqualified from public office. However, the details vary in the respective laws. There is no specific

prohibition preventing a convicted official from subsequently holding a position in an enterprise owned in whole or in part by the State. Disciplinary sanctions have been imposed in cases involving an abuse of function by serving police officers and civil servants. Chapter 28 of the Civil Servants Regulation provides for disciplinary sanctions that can be imposed on civil servants and include the removal, suspension or reassignment of an accused person pending ongoing criminal proceedings. Maldives does not have programmes for the reintegration of convicted persons.

Cooperation with law enforcement authorities is encouraged to the extent that, according to the new PC, an offender's sentence can be mitigated if he provides substantial cooperation to law enforcement authorities (sect. 1107(a)). Under the AML/CFT Act, penalties may be reduced if the perpetrator provides the competent authorities with information they would not have otherwise obtained (sect. 61(b)). While Maldivian law does not explicitly provide for immunity from prosecution, such immunity can be afforded by the Prosecutor-General in the interest of public policy in individual cases.

Protection of witnesses and reporting persons (arts. 32 and 33)

An amendment of the National Police Act (NPA) on witness protection (arts. 2/1/p, 30d, 30e, 30f, 30g and 35a) is in force since 1 July 2014. This amendment provides for some witness protection measures and also covers relatives and other persons close to witnesses (art. 2/1/p NPA) and situations outside of judicial proceedings (art. 30e and 30f NPA). Currently, witness protection is provided on an ad hoc basis by a unit under the crime investigation directorate of the National Police. There are no provisions for relocation or non-disclosure of identity.

Concerning the protection of whistle-blowers, a general whistle-blower protection is contained in section 18 of the PPCA. Moreover, the Civil Service Regulations contain protection against retaliation.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

The AML/CFT Act allows for confiscation of proceeds of crime (sect. 62) and covers converted or transformed property. Intermingled funds or property can also be confiscated (sect. 62(a)(6)) as well as property and other instrumentalities derived directly or indirectly from proceeds of crime, including income, profits or other derived benefits (sect. 62(a)(7)). Rights of bona fide persons are safeguarded (sect. 62(b)).

Law enforcement agencies have the authority to freeze and seize funds and properties as part of provisional measures (sects. 51 and 52 AML/CFT Act). The funds and property seized are managed by competent authorities designated by court order. In the case of frozen funds, these are administrated by the same financial institutions where those funds are being held or, in the alternative, by designated caretakers (sect. 51(d) and (e)). Confiscated funds or property are held in full custody of the entity applying for the confiscation order (sect. 64).

The Banking Act (sect. 39, Act No. 24/2010), the AML/CFT Act (sects. 28 and 48) and the PPCA (sects. 25 and 26) contain provisions on the lifting of bank secrecy. Accordingly, bank secrecy may not be invoked as a ground for non-compliance with the respective acts. The investigating agencies have the authority to obtain through

the Maldives Monetary Authority bank account details and details of transactions carried out through banks and also to obtain copies of documents which are required for investigation. The FIU has the authority to obtain information from any government agency, investigative agency, law enforcement agency and supervisory agency, including information that is collected, maintained or stored in databases maintained by the government.

Statute of limitations; criminal record (arts. 29 and 41)

The limitation periods are 8 years for felonies and 3 years for misdemeanours (sect. 61(a) of the new PC). However, pursuant to Law No. 6/2015 (first amendment to the Penal Code), section 61(a)(3) of the new PC now provides that even though section 61(a)(1) and (2) stipulate a certain limitation period, crimes falling under Chapter 510 (Offenses Against Public Administration, bribery, official misconduct) shall be exempted from that rule.

Maldives has not implemented article 41 of the Convention.

Jurisdiction (art. 42)

Maldives has established territorial jurisdiction (sect. 13(a)(1) of the new PC) and flag state jurisdiction (sect. 13(a)(5)). Maldives applies the active personality principle (sect. 13(a)(3)) and the passive personality principle (for offences that result in harm to Maldivian citizens, sect. 13(a)(2)). Jurisdiction has also been established for offences against agents and property of the State (sect. 13(a)(2)) and inchoate offences which are partly committed in Maldives (sect. 13(a)(1)(C) and (D)). Subject to dual criminality, a national who commits an offence abroad can and will be prosecuted in Maldives (sect. 13(a)(3) and sect. 12 of the Extradition Act).

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

Section 58 of the AML/CFT Act allows for the debarment or winding-up of legal persons convicted of money-laundering. Outside money-laundering, the Financial Regulations provide for the exclusion of companies from public tenders. However, these rules are not applied in practice.

Under general civil law, it is possible to sue for damages arising from acts of corruption.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

Maldives has a specialized ACC, whose structure and powers are set out in the ACCA and whose independence is enshrined in the Constitution (art. 199). The ACC is an independent legal entity with five members who are nominated by the President and appointed by Parliament for a non-renewable term of five years. The President and the Vice-President of the Commission shall be appointed from among the members of the ACC, by its members. The members of the ACC enjoy immunity from prosecution in relation to acts committed in good faith while undertaking responsibilities or exercising the powers of the Commission.

The responsibilities of the ACC include prevention, investigation and education. The ACC has the power, inter alia, to search for, view and obtain any documents which it deems relevant to its investigations. However, in the ACCA, the term

“corruption” only refers to the offences stipulated in the PPCA. Accordingly, the ACC has exclusive jurisdiction to investigate these offences only. Other offences are investigated by the police.

While the ACC has investigated a large number of cases over the recent years and has sent over 160 for prosecution since 2011, only one corruption case so far has resulted in a definitive conviction, with all the appeals exhausted.

Staff are selected based on merit and experience, from the respondents to an advertisement for the post. There is no systematic training for the new recruits, but a three-month probation period where the recruit is paired with a staff from the same area.

The ACC has an a memorandum of understanding with the police and the Auditor General’s Office. Focal points are used to avoid duplication of investigations. The ACC can seek the assistance of the police for forensic experts.

Cooperation with citizens and the private sector is set out in section 27 ACCA and sections 19 and 27 of the AML/CFT Act. There is a hotline at the ACC to report acts of corruption anonymously. In 2014, approximately 600 calls were received. No financial incentives are offered for reporting. The Maldives FIU is an administrative type FIU, located within the Central Bank (Maldives Monetary Authority). It was created in October 2014 and has received 5 suspicious transaction reports (STRs) since its establishment. The threshold for cash transactions is 200,000 Maldivian rufiyaa (MVR) (approx. 12,900 dollars).

There is an obligation for all persons to report acts of corruption under section 9 PPCA.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing chapter III of the Convention are highlighted:

- Liability for money-laundering (art. 23 of the Convention) is not only triggered by positive knowledge of the illicit origin of the property but also when there are “reasonable grounds to suspect that such property is the proceeds of crime”

2.3. Challenges in implementation

While noting Maldives’ efforts in the field of anti-corruption, a number of challenges in implementation and/or grounds for further improvement were identified. It was recommended that Maldives:

- Fully clarify the relationship between the provisions in the PPCA and the new PC, and in particular to which extent the former is repealed by the latter
- Concerning article 15 of the Convention:
 - Include employees of state-owned companies in the definition of public officials in compliance with article 2 (a) of the Convention
 - Include third-party beneficiaries (natural and legal persons) in the active bribery provisions

- Concerning article 16 of the Convention:
 - Criminalize active bribery of foreign public officials and officials of public international organizations
 - Consider criminalizing passive bribery of foreign public officials and officials of public international organizations
- Comprehensively criminalize embezzlement, misappropriation or other diversion of property by a public official, including for the benefit of a third person (art. 17 of the Convention)
- Consider fully criminalizing trading in influence (art.18 of the Convention) by amending section 510(a) and (b) of the new PC in such a way as to:
 - Remove the requirement that the intermediary who exercises his influence be an official
 - Include third-party beneficiaries in the active offence
- Delete section 721 of the new PC or align its wording fully with that of the AML/CFT Act (art. 23 of the Convention)
- Amend section 530 of the new PC to include the protection of the giving of testimony (art. 25 (a) of the Convention)
- Provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice (art. 29 of the Convention) or where investigative acts have been taken
- Consider specific procedures that may allow for suspension, reassignment or removal of a public official accused of an offence established in accordance with the Convention (art. 30 (6) of the Convention)
- Consider developing and implementing specific regulations to prevent that a convicted official may subsequently hold a position in an enterprise owned in whole or in part by the State (art. 30 (7)(b) of the Convention)
- Endeavour to promote the reintegration into society of persons convicted of Convention offences (art. 30 (10))
- Take appropriate measures to provide effective protection of witnesses, experts and victims, including the possibility of physical protection, relocation and non-disclosure of identity; consider availing itself in practice of existing possibilities like the use of videoconferences; consider entering into agreements with other States (art. 32 of the Convention)
- Take measures to effectively address consequences of corruption, including making corruption a relevant factor in legal proceedings to annul or rescind a contract, or take any other remedial action (art. 34 of the Convention)
- Consider extending the mandate of the ACC to cover all corruption-related offences (not just those mentioned in the PPCA); promote closer cooperation between the ACC, police and the Prosecutor-General's Office in order to increase the number of corruption cases that are actually prosecuted (art. 36 of the Convention)

- Provide cooperating offenders with the same protection as witnesses and experts (art. 37 (4) of the Convention)
- Review the threshold for cash transactions (currently 200,000 MVR) (art. 39 (1) of the Convention)
- Consider taking previous convictions in other States into consideration in criminal proceedings for Convention offences (art. 41 of the Convention)

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Maldives enacted an Extradition Act (Act No. 1/2015) which entered into force on 5 April 2015. Before this Act, Maldives had very limited experience with extradition, which was based mostly on ad hoc extradition agreements and involved a lengthy process. While the country has previously signed extradition agreements with Sri Lanka (1981) and Pakistan (1984), there was a lack of implementing legislation that prevented smooth cooperation. The new Extradition Act regulates extradition, which is conducted on the basis of double criminality for offences punishable by at least 12 months of imprisonment, and thus covers most offences established in accordance with the Convention (section 6). A requirement of double criminality will not apply to cases involving tax offences/matters or import duties (sect. 6(d)). Certain cases of embezzlement involving an amount of less than 30,000 Maldivian rufiyaa (MVR) are not eligible for extradition as the minimum foreseeable punishment is less than 12 months imprisonment. Extraditable offences are determined on the basis of a conduct basis test. Although reasons for refusing extradition are specified, including the discriminatory grounds of the request, extradition cannot be denied solely on grounds of taxation. In principle, the Convention is not applied as a basis for extradition.

In case of non-extradition of nationals, the new law foresees the principle of *aut dedere aut judicare* (sect. 12). Extradition will also proceed in cases involving multiple offences, where at least one offence is covered under the Convention but the others are not extraditable due to the minimum period of imprisonment. Persons extradited to Maldives will be afforded the same judicial guarantees as Maldivians (sect. 15). The Prosecutor-General may order to take into custody temporarily a person sought for extradition, pending further extradition proceedings, if that is needed to ensure the presence of the person at extradition proceedings (sects. 10 and 29).

The AML/CFT Act contains basic provisions on extradition concerning money-laundering offences, which may be effected in accordance with domestic extradition laws and the procedures and principles set forth in international treaties applicable in Maldives (sect. 70). The Act forbids to regard money-laundering as a political offence (sect. 72). While the Extradition Act makes no explicit similar prohibition, section 41 sets out that in formulating extradition treaties the obligations under conventions, applicable in Maldives, shall not be restricted. Hence, offences under the Convention against Corruption would not be deemed political.

Maldives has signed bilateral agreements with India and Sri Lanka on matters relating to the transfer of prisoners. The latter agreement has already been ratified, but implementation of both remains subject to the enactment of relevant laws. Several other bilateral agreements are in progress mainly at the regional level. There are no bilateral or multilateral agreements for the transfer of criminal proceedings.

Mutual legal assistance (art. 46)

A recently adopted MLA Act (Act No. 2/2015) entered into force on 5 June 2015. This new Act provides for mutual legal assistance (MLA) on a treaty basis, including for cases involving non-coercive measures. It sets out a general framework to regulate procedures for providing or requesting MLA.

In cases concerning offences of money-laundering, the AML Act No. 10/2014 sets forth that domestic authorities should provide the widest possible range of cooperation to competent authorities of requesting States.

In October 2009, Maldives ratified the Convention on Mutual Assistance in Criminal Matters of the South Asian Association for Regional Cooperation (SAARC Convention). Given the previous absence of a comprehensive regulatory framework on MLA, this Convention was not put into practice. The authorities informed that there are no other MLA treaties.

Pursuant to the MLA Act, Maldives will provide MLA in all criminal proceedings for offences punishable by at least one year imprisonment under the domestic law, including those offences established in accordance with the Convention (sects. 2 and 3 read along with sect. 8).

The MLA Act provides for MLA on the basis of double criminality. However, in exceptional cases, the Prosecutor-General has discretion to provide or refuse assistance in the absence of dual criminality (sect. 8(b)(1)). Where MLA is refused or postponed, the Act requires that the reasons therefor be informed to the requesting State, including cases of refusal to avoid interference with ongoing domestic investigations or prosecutions (sect. 8(b)(4) and (d)). The Prosecutor-General is responsible to receive, execute or transmit MLA requests to competent authorities (sects. 5 and 7), although the Secretary-General of the United Nations has not been notified accordingly.

According to the MLA Act requests should be received in writing in English (sect. 6(c) and (e)). Maldives will not refuse MLA on grounds of bank secrecy or for offences involving fiscal matters (Sec. 8(n)). This Act requires Maldives to ensure confidentiality of the facts and substance of a request if the requesting State so requires and in accordance with national law. Maldives has yet to establish measures on the safe conduct of persons who provide evidence for purposes of international cooperation. Likewise, Maldives has yet to establish measures to ensure that persons transferred for the purpose of MLA are not prosecuted or deprived of liberty for any other acts or convictions prior to their departure from the State from which they are transferred, unless the transferring States agrees to do so (art. 46 (12)).

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

Maldives has provided cooperation with other law enforcement agencies in the region on an ad hoc basis. In a limited number of cases. This included exchange of information, identification of persons and cases of joint investigations. The Maldivian Police has cooperated at the international level, utilizing techniques of controlled delivery in drug-related offences.

The AML Act regulates the use of special investigative techniques, upon court order, to obtain evidence of money-laundering and for tracing proceeds of crime. Special techniques foreseen in the Act include electronic surveillance, wiretapping, controlled delivery and undercover operations (sects. 49 and 50).

3.2. Successes and good practices

- Completion of the self-assessment checklist as part of an inter-institutional working group, including civil society and coordinated by the focal point under the Convention (Ministry of Finance)

3.3. Challenges in implementation

- Include in extradition agreements all offences established pursuant to the Convention as extraditable offences and specify that these are exempted from being regarded as political offences. Ensure that section 8(r) of the new MLA Act does not serve to deny, in practice, extradition for offences established in accordance with the Convention (art. 44 (4))
- Consider establishing a procedure for consultation before denying a request for extradition concerning an offence under this Convention (art. 44 (17))
- Consider strengthening efforts to implement bilateral or multilateral agreements on the transfer of sentenced persons (art. 45)
- Given the recent adoption of the MLA Act, the Maldives authorities (in particular investigators, prosecutors, judges, AML authorities and the international cooperation officials in the Prosecutor-General's office) are encouraged to promptly implement the new legislation
- Establish measures for the transfer of persons to the territory of another State Party for the purpose of MLA, unless agreed by the State Party from where the persons are transferred (art. 46 (12))
- Notify the Secretary-General of the Central Authority for MLA and acceptable languages in which requests should be submitted (art. 46 (13))
- Establish a procedure for consultation before refusing MLA (art. 46 (26))
- Consider specifying that MLA can be provided for the purposes of asset recovery (art. 46 (3)(j) and (3)(k))
- Consider implementing regulations on spontaneous information-sharing in criminal matters (art. 46 (4))

- Consider regulating the transfer of criminal proceedings, particularly in cases where several jurisdictions are involved, including through the adoption of relevant agreements (art. 47)
- Consider establishing measures on the safe conduct of persons who provide evidence for purposes of international cooperation
- Consider adopting additional agreements among law enforcement agencies at the international level (art. 48 (2))

3.4. Technical assistance needs identified to improve implementation of the Convention

At the time of the country visit, the FIU of Maldives indicated that tailored programmes to strengthen operational capacity would be welcomed, if available.

Further training needs were identified to strengthen the national technical capacity of investigators at the ACC, prosecutors and judges. National authorities were particularly interested in developing technical capacity for complex investigations.
