



# The Working Group on International Cooperation of the COP-UNTOC: Briefing on latest meeting

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Seventh open-ended intergovernmental expert meeting  
to enhance international cooperation under the UNCAC  
(Vienna, 8 June 2018)



## Synergies between the Working Group on International Cooperation of the COP-UNTOC and the intergovernmental expert meetings to enhance international cooperation under the UNCAC

- The discussion on synergies was part of the agenda of the fourth meeting of the Working Group, in 2012. At that meeting, speakers noted that some coordination of the work of the two bodies could be beneficial. The commonalities were discussed between the mandates of the two bodies, as well as between the levels of representation, the many cross-cutting issues arising from the two conventions and the fact that central authorities in many States dealt with international cooperation under both conventions (see CTOC/COP/WG.3/2012/5, paras. 4-9).
- A similar exchange of views took place during the second open-ended intergovernmental expert meeting, held in Panama City on 25 and 26 November 2013, during the fifth session of the Conference of States Parties to the Convention against Corruption (see CAC/COSP/EG.1/2013/3).



## Synergies between the Working Group on International Cooperation of the COP-UNTOC and the intergovernmental expert meetings to enhance international cooperation under the UNCAC

- Resolution 5/1 of COSP-UNCAC: “in order to ensure the effective use of resources, on a provisional basis and without prejudice to their independent status and mandates, the next open-ended intergovernmental meeting of experts on international cooperation under the United Nations Convention against Corruption shall be held back to back with the corresponding Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime, when feasible, at separate times and at the same venue.”
- Based on this mandate, the practice of holding the meetings of the two bodies back-to-back was repeated in 2014 (first time was in 2012).
- On other occasions, the two bodies met separately, but with only a few days apart. Thus, the sixth open-ended intergovernmental expert meeting was held in Vienna, on 6-7 November 2017, three weeks after the October meeting (eighth) of the Working Group on International Cooperation. Similar pattern the present occasion.



## 9<sup>th</sup> meeting of the WG on International Cooperation – 11<sup>th</sup> meeting of the WG on Technical Assistance (Vienna, 28-31 May 2018)

- Based on past practice (October 2017), the Working Groups were held back-to-back, with joint sessions to discuss the draft questionnaire on the review of implementation of the Convention, as well as other matters.
- Chair: Tom Burrows (U.S.A.)
- Two substantive agenda topics.
- Substantive topic for WG on TA: "Good practices for effective training and legislative assistance to enhance the implementation of the UNTOC".
- Substantive topic for WG on Int Coop: "Discussion of challenges faced in the course of extradition proceedings: (a) Consultations between the requested and the requesting State; (b) Sharing of information regarding extradition proceedings; (c) Technical assistance at the regional and global levels to support central authorities".



## 9<sup>th</sup> meeting of the WG on International Cooperation

- Consultations between the requested and the requesting State in extradition proceedings.
- Background paper containing an overview of practical considerations relating to the practice of consultations and the sharing of information between cooperating States in the context of extradition.
  - Consultations throughout the extradition process
  - Consultations before the submission of the extradition request
  - Consultations while drafting and submitting the extradition request
  - Consultations before the decision of the competent judicial authority on the extradition request
  - Consultations at the “executive stage” of the extradition process



## 9<sup>th</sup> meeting of the WG on International Cooperation

- Technical assistance at the regional and global levels to support central authorities
- WG on International Cooperation has consistently addressed the issue of consultations in extradition proceedings in conjunction with the role, functions and strengthening of central authorities in the context of international cooperation in criminal matters.
- Continuation of discussion in May meeting, also in light of resolution 8/1 of the COP on “Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime”.
- In that resolution, the Conference focused for the first time on a detailed overview of operational and practical aspects pertaining to the work of central authorities and called for concerted action to improve and facilitate that work as a key prerequisite of effective international cooperation.
- Panellist from UK Central Authority (Home Office): operating model and the i-casework case management system.



## Recommendations of WG on Technical Assistance

- States are invited to encourage their training and learning institutes to participate in the development, dissemination and utilization of teaching material, including the newly developed teaching modules on organized crime under the UNODC Education for Justice (E4J) programme.
- States should consider encouraging interaction between academics and practitioners as well as engaging criminal justice practitioners in delivering education against organized crime.
- UNODC should continue developing, in close consultation with State parties, multidisciplinary and interactive teaching material and other technical assistance tools on organized crime at the primary, secondary and, in particular, tertiary level. Such teaching material needs to be based on identified needs and adaptable to local circumstances and cultural context.



## Recommendations of WG on Technical Assistance

- States should consider providing extrabudgetary resources to support education against organized crime and the further development as well as regionalization of teaching materials and tools by UNODC for promotion of the implementation of the UNTOC and the Protocols thereto.
- States and other technical assistance providers should work closely with beneficiary countries to design and implement capacity-building programmes against transnational organized crime, to ensure that such programmes are responsive to the needs and objectives of the beneficiary country, and to facilitate donor coordination efforts at the local level.





## Recommendations of WG on International Cooperation

- States parties to the UNTOC should consider providing to the Secretariat information on their procedural requirements for incoming extradition and MLA requests for further dissemination or wider availability, as appropriate and for technical assistance needs.
- States parties in their extradition practice should give due consideration to the provision on the conclusion of treaties on extradition as per article 16, paragraph 5 (b) of the UNTOC and should consider simplifying evidentiary requirements in extradition proceedings, in accordance with article 16, paragraph 8, of the Convention.
- States parties are encouraged to devote further attention to the need for raising awareness about the utility and added value of the UNTOC as a legal basis for international cooperation and for enhancing the effectiveness of implementation of its pertinent provisions through training and capacity building.



## Recommendations of WG on International Cooperation

- States parties are encouraged to consider more frequent or regular use of informal consultations at different stages of extradition, mutual legal assistance and transfer of sentenced persons proceedings to enable exchange of information on legal requirements or facilitate decision-making in such proceedings, including, where appropriate, prior to and after the refusal of such requests.
- Such efforts could potentially include steps to inform the requesting countries of potential problems with the requests.
- With regard to extradition, such efforts could also include informing the requesting State of likely defence arguments that could be raised, and giving the requesting state an opportunity to provide additional information or evidence to support an extradition request. The requested State should also inform the requesting State in a timely manner about adverse court decision to allow, where appropriate, for the requesting State to provide the relevant information within the proper timeframe for appeal.



## Recommendations of WG on International Cooperation

- States parties should consider to further promote the direct transmission of international cooperation requests between central authorities to streamline and expedite international cooperation in criminal matters under the UNTOC, in accordance with article 18, paragraph 13, of the Convention.
- States parties are encouraged to make best use of resources to increase the efficiency and effectiveness of central and/or other competent authorities in dealing with international cooperation requests. In doing so, States parties may wish to consider putting in place, or request technical assistance for the development of, case management systems within their central authorities to monitor and better administer the increasing workload of requests.
- States and other technical assistance providers, including UNODC, are encouraged to incorporate measures to enhance training and technical assistance for central authorities for mutual legal assistance and competent authorities for extradition to help States Parties in their implementation of the Convention.
- States Parties are encouraged to facilitate the active participation of national experts in mutual legal assistance and extradition, in order to maximize the value of such forums by facilitating the exchange of good practices and challenges and promoting direct dialogue between practitioners regarding implementation of the Convention.



## 9<sup>th</sup> meeting of the WG on International Cooperation – 11<sup>th</sup> meeting of the WG on Technical Assistance (Vienna, 28-31 May 2018)

- Joint item of deliberations: “Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime”.
- The Working Groups built on work that already undertaken in their previous meetings, held back-to-back from 9 to 13 October 2017 and with joint meetings to discuss especially this issue, in accordance with resolution 8/2 of the Conference of the Parties to the Convention.
- The Working Groups completed a second detailed reading of the draft questionnaire and, at the request of the Chair, the amended non-paper is to be made available on the website of the Working Group on Monday 11 June 2018, for information and reference purposes.



## 9<sup>th</sup> meeting of the WG on International Cooperation – 11<sup>th</sup> meeting of the WG on Technical Assistance (Vienna, 28-31 May 2018)

- Joint item of deliberations: “Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime”.
- The Working Group did not reach an agreement on the issue of information on the implementation of certain provisions of the Convention that had already been provided in the context of other review mechanisms or intergovernmental processes.
- Several speakers proposed responding to some questions in the questionnaire by providing links or references to their corresponding responses to other intergovernmental processes, including the mechanism for the review of implementation of the Convention against Corruption, to avoid duplication of efforts and make best use of resources.



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- In general, however, the Working Group was of the opinion that the issue under discussion was complex and, particularly in relation to the UNCAC review mechanism, it was subject to certain conditionalities.
- Open practical questions for further consideration, such as the fact that not only the full country review reports (to the extent that they are publicly available), but also the responses themselves to the self-assessment checklist from States parties to the Convention against Corruption may need to be used as cross-reference material; and, in that scenario, whether and how the consent of States parties could be given for further use in the context of a future review mechanism of the UNTOC.



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- There were arguments in favour of acknowledging that there is a corpus of knowledge available within the Secretariat; that the Working Group is not responsible for making a decision on how to utilize such information for the purposes of a future review mechanism; and that this issue could be dealt with through informal consultations among States parties or by the Conference itself.
- It was noted that the annex to resolution 8/2 of the Conference of the Parties to the Convention reflects that for the review of implementation of articles 8 and 9 of the UNTOC, the reporting obligation in the future review mechanism will only apply to those States parties to the Organized Crime Convention that were not parties to the Convention against Corruption, unless a State party deems appropriate to update the information provided during that review process.



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Recommendations on joint item entitled “Preparation of the questionnaire to review the implementation of the United Nations Convention against Transnational Organized Crime”.

- The Conference may wish to consider for adoption the self-assessment questionnaires for all four instruments and the procedures and rules for the functioning of the review mechanism of the UNTOC and the Protocols thereto, once all finalized, as one document.
- The Conference may wish to consider different arrangements to the questions of the questionnaire given the varying degree of obligations each provision of the Convention carries, in order to gain maximum efficiency of the review.
- Questions relating to provisions of the Convention which are applicable mutatis mutandis to the Protocols, according to article 1, paragraph 2, of each of them, shall be handled only in the questionnaire on the review of implementation of the Convention.
- When the review of questionnaires by the relevant Working Groups has been completed, the Secretariat should review them for consistency and inform States parties accordingly.





## WG on International Cooperation

- Announcement on the release and online availability of the redeveloped version of the Mutual Legal Assistance Request Writer Tool.
- The tool was designed and revised to include additional types and means of mutual legal assistance to serve as guidance for practitioners involved in the drafting of MLA requests.
- The tool was made available as an “open resource” on the UNODC website (<http://www.unodc.org/mla/en/index.html>).



## WG on International Cooperation

- Next (tenth) meeting: 16 October 2018 within the framework of the ninth session of the Conference.
- Parallel process at the extended Bureau of the Conference on the identification of the substantive agenda item for the tenth meeting.
- States parties have been invited to provide through the respective Regional Groups their views and proposals on this matter by 14 June 2018.



**Thank you for your attention**



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