



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Distr.: General
2 August 2010

Original: English

Fifth session

Vienna, 18-22 October 2010

Item 6 of the provisional agenda*

International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

Activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime

Report of the Secretariat

I. Introduction

1. As organized criminal groups become increasingly transnational in nature, Member States must learn to cooperate effectively in order to prevent and combat serious crime. While international cooperation has traditionally been approached through bilateral and regional arrangements, there is a real threat of globalized organized crime. The United Nations Convention against Transnational Organized Crime¹ provides Member States with the opportunity to seek extradition, mutual legal assistance and international cooperation for the purpose of confiscation from a large number of partners among the 156 States parties to the Convention.²

2. Given the importance of the provisions on international cooperation of the Organized Crime Convention, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided at its second session to establish at its third session an open-ended working group to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and

* CTOC/COP/2010/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² For further information, see the working paper prepared by the Secretariat on practical approaches to strengthening international cooperation in fighting crime-related problems (A/CONF.213/10).



international cooperation for the purpose of confiscation. The Conference also encouraged States parties to include representatives of central authorities and other government experts in their delegations to the third session of the Conference, with a view to their attending the meetings of that open-ended working group (Conference decision 2/2).

3. The open-ended working group held a meeting during the third session of the Conference, and the Conference, in its decision 3/2, decided that an open-ended working group on international cooperation would be a constant element of the Conference.

4. At its meetings during the fourth session of the Conference, the open-ended working group on international cooperation engaged in a detailed review of the implementation of the articles on international cooperation of the Organized Crime Convention, resulting in a fruitful exchange of ideas and experiences regarding implementation of those articles.

II. Tools developed to facilitate international cooperation in criminal matters

5. In accordance with Conference decision 4/2, the United Nations Office on Drugs and Crime (UNODC) continued to improve and expand a number of tools that it has developed to facilitate international cooperation in criminal matters.

6. The Secretariat has produced informative leaflets, for distribution at regional workshops and the fifth session of the Conference, that explain how to access and utilize the wide variety of tools available to Member States, in particular the online directory of competent national authorities, the Mutual Legal Assistance Request Writer Tool and the legal library.

A. Online directory of competent national authorities

7. Pursuant to decision 4/2, the Secretariat has expanded the online directory of competent national authorities to include authorities designated by each State party under article 13 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,³ to act as liaison between that State and other States parties on matters related to the Protocol.

8. Pursuant to all relevant mandates contained in Conference decisions 3/2 and 4/2, the directory contains the contact information of 176 competent national authorities designated by 89 Member States to receive, respond to and process requests relating to extradition, transfer of sentenced persons, mutual legal

³ United Nations, *Treaty Series*, vol. 2326, No. 39574.

assistance in criminal matters, smuggling of narcotics by sea, smuggling of migrants by sea and trafficking in firearms.⁴

9. The directory is regularly updated on the basis of notifications from States regarding any changes in the designation and contact details of their authorities. Central authorities may edit their own records, subject to review and approval by the Secretariat. The directory is published twice a year by UNODC and distributed to designated authorities and the permanent missions of States Members of the United Nations.

10. The directory contains full contact details for the designated authorities, office hours, time zone, languages, the information or documents required for requests to be executed, acceptable formats and channels of communication, indication of whether or not requests may be made through the International Criminal Police Organization (INTERPOL), specific procedures in urgent cases and a comments field. The comments field enables States to provide additional information such as summaries of legal and procedural requirements for the granting of requests for extradition or mutual legal assistance, links to national laws and relevant websites, a list of treaties on bilateral and regional cooperation concluded by the State or any alternative arrangement available in respect of extradition or mutual legal assistance. The record also indicates whether a State party has declared, pursuant to article 16, paragraph 5, of the Organized Crime Convention, that it would use the Convention as the legal basis for extradition.

11. Access to the expanded directory is currently limited to the designated authorities,⁵ as was the case for the directory of competent national authorities under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.⁶ The main considerations in limiting access to the directory were the concern for the privacy and safety of the staff of the central authorities, who, in some cases, are identified by name and personal contact details; and the purpose of the directory, which is to provide designated authorities with easy access to the updated contact information of their counterparts in other countries.

12. Further, pursuant to decision 3/2, the Secretariat is considering the expansion of the directory to include authorities designated for extradition and mutual legal assistance under the Convention against Corruption. Integration into a single directory of all authorities designated under provisions on extradition and mutual legal assistance of the United Nations drug and crime conventions may be

⁴ Authorities designated under the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (arts. 6, 7 and 17); and the Organized Crime Convention (arts. 16-18), the Smuggling of Migrants Protocol (art. 8) and the Firearms Protocol (art. 13).

⁵ Access to the directory requires a password, provided by UNODC upon request.

⁶ United Nations, *Treaty Series*, vol. 1582, No. 27627.

instrumental in encouraging an identified good practice: avoid the designation of different authorities for different groups of offences.⁷

B. Mutual Legal Assistance Request Writer Tool⁸

13. The Mutual Legal Assistance Request Writer Tool was developed by UNODC to assist States in drafting mutual legal assistance requests to facilitate and strengthen international cooperation. The tool helps prevent incomplete requests for mutual legal assistance and therefore minimizes the risk of delay or refusal. The tool guides the casework practitioner step by step through the request process for each type of mutual assistance, prompting the drafter if essential information has been omitted. The tool consolidates all data entered and generates a correct, complete and effective request for final editing and signing.

14. In its decision 4/2, the Conference welcomed the Mutual Legal Assistance Request Writer Tool and encouraged national central authorities to make use of the tool as appropriate. The Conference also requested the Secretariat to use the tool in training delivered to central authorities and practitioners.

15. In order to further facilitate its use, the versions of the tool in Arabic, Bosnian, Croatian, English, French, Montenegrin, Portuguese, Russian, Serbian and Spanish can be downloaded from the UNODC website. Work is currently under way to translate the tool into Albanian and Macedonian.⁹

16. With a view to promoting the use of the Mutual Legal Assistance Request Writer Tool, presentations of the tool were made for central authorities and Government representatives at training sessions, conferences and seminars, in particular those relating to international cooperation. Where possible, the introduction to the tool has been followed by practical exercises in which participants use the tool to draft a mutual legal assistance request.

17. To date, 380 users have requested and received copies of the tool.¹⁰ The tool works in complement to the online directory of competent national authorities and the legal library, and information from those sources may be loaded into the tool.

18. Participants in meetings where the Mutual Legal Assistance Request Writer Tool was presented commented on the tool's usefulness both as an aid to drafting

⁷ The informal expert working group on mutual legal assistance casework best practices, at its meeting in Vienna in December 2001, drew attention to the potential for fragmentation of efforts and inconsistency of approaches if different authorities were designated for different groups of offences. Designation of the same authority for requests for all kinds of mutual legal assistance under different treaties facilitates greater consistency of mutual legal assistance practice for different kinds of criminal offences. This is equally true with respect to extradition.

⁸ The Mutual Legal Assistance Request Writer Tool also provides access to relevant bilateral, multilateral and regional treaties and agreements and national laws and includes a case-management tracking system for incoming and outgoing mutual legal assistance requests.

⁹ All available language versions of the Mutual Legal Assistance Request Writer Tool were made possible either through extrabudgetary funds or efforts by States to translate the tool into their languages. To initiate such translations or for further information, please contact the Secretariat at legal@unodc.org.

¹⁰ To request a user account and for further information, please visit the UNODC website (www.unodc.org/compauth).

mutual legal assistance requests and as a means of training staff on the requirements for effective requests. In order to receive more feedback from authorities on their actual use of the tool, the Secretariat requested users of the tool to answer a brief set of questions. The responses received contained positive feedback but were not exhaustive and have not enabled the Secretariat to form a complete picture of the use of the tool.

C. Legal library

19. The UNODC online legal library provides valuable access to legislation adopted by States and territories worldwide to implement the international drug control conventions and the Organized Crime Convention and the Protocols thereto. It is a unique resource of information for legislative drafters as it contains laws and regulations dating back to 1948, in English, French and Spanish, from more than 150 States.¹¹

20. The legal library has been upgraded and expanded to include legislation relevant to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,¹² Protocol against the Smuggling of Migrants by Land, Sea and Air¹³ and the Firearms Protocol, supplementing the United Nations Convention against Transnational Organized Crime. To enhance the usability of the legal library and its available information, the Secretariat has introduced new features such as an interactive map of regions and countries and added links to informative government websites. Furthermore, to display legislation in the most accessible manner, all legislation in the library has been categorized under the relevant conventions and protocols.

D. Catalogue of examples of cases

21. In decision 4/2, the Conference emphasized that the Organized Crime Convention was being successfully used by a number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for purposes of confiscation and encouraged States parties to continue to make greater use of the instrument, taking into account the extended scope of cooperation available under articles 16 and 18 of the Convention.

22. In the course of workshops and training activities organized to promote and facilitate international cooperation in criminal matters, the Secretariat systematically reinforced the message conveyed by the Conference in decision 4/2, emphasizing, in particular, the relevance and usefulness of the provisions of the Organized Crime Convention on international cooperation in an interregional context, in which bilateral or regional treaties are not available. The Organized Crime Convention can also be valuable in extradition cases where existing bilateral treaties do not include a complete list of offences, as those treaties are deemed, by

¹¹ To access the legal library and for further information, please visit the UNODC website (www.unodc.org/enl).

¹² United Nations, *Treaty Series*, vol. 2237, No. 39574.

¹³ United Nations, *Treaty Series*, vol. 2241, No. 39574.

virtue of article 16 of the Organized Crime Convention, to include offences under the Convention. Pursuant to article 16, paragraph 4, of the Organized Crime Convention, States parties that make extradition conditional on the existence of a treaty (usually States with a common-law tradition) may consider the Convention the legal basis for extradition in their relations with other States parties.

23. In its decision 4/2, the Conference welcomed the catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the Convention prepared by the Secretariat for the fourth session. The Conference also urged States parties to continue to provide the Secretariat with such data and requested the Secretariat to update the catalogue of cases and disseminate it to States parties.

24. The Secretariat, in the course of workshops and other training activities that it has organized, has continued to endeavour to collect from central and competent authorities and practitioners information on cases in which the Organized Crime Convention had been used as a basis for international legal cooperation. The Secretariat was informed that such information on cases was scattered among the many practitioners involved in international cooperation and that central authorities rarely maintained centralized data on the matter.

25. As a result, the Secretariat wrote letters to all central or competent authorities and all permanent missions of States parties to request information on the use of the Organized Crime Convention in cases of extradition, mutual legal assistance and other forms of international cooperation. Responses are still being received, and a catalogue of examples of such cases will be made available to the Conference in a conference room paper (CTOC/COP/2010/CRP.5).

26. The Conference may wish to reiterate its encouragement to States parties to provide the Secretariat with data concerning their reliance on provisions of the Organized Crime Convention to effect international legal cooperation. It may also wish to encourage States parties to collect data on requests for international cooperation — including the volume of incoming and outgoing requests, countries from which requests are received or to which requests are made, the outcome of requests, the types of offences, the time required for completion, any grounds of refusal and the legal basis used for the request, including the Organized Crime Convention — and to establish databases to maintain such information so that States parties may monitor the efficiency of their international cooperation mechanisms and identify and address shortcomings. It is hoped that the development of the comprehensive self-assessment software program (“omnibus survey”) will help the Secretariat collect such information in the future.¹⁴

E. Other tools

27. UNODC has also prepared and made available to Member States other resources and tools to facilitate international cooperation. Some materials provide

¹⁴ See the report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/10).

guidance in a particular area of international cooperation, while others meet the needs of a particular region or other group.

28. UNODC published or contributed to a number of guides and handbooks on international cooperation mechanisms that draw on a wide range of expertise. UNODC assisted in the production of the Association of Southeast Asian Nations publication *Trafficking in Persons: Handbook on International Cooperation*, to be published in 2010. UNODC is planning to prepare in 2011 a global version of that handbook focusing on trafficking in persons and smuggling of migrants cases. The Regional Programme Office for South-Eastern Europe of UNODC published guidelines on international cooperation relating to trafficking in persons and smuggling of migrants cases. UNODC will publish a handbook on the transfer of sentenced persons in 2010 and intends to produce similar handbooks on other specific topics of international cooperation. Chapters on international cooperation are also included in a large number of other UNODC publications, such as the *International Framework for Action to Implement the Trafficking in Persons Protocol*, the *Toolkit to Combat Trafficking in Persons*,¹⁵ and the *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*.

29. UNODC has also prepared legal publications for practitioners to facilitate international cooperation in particular countries and regions, upon request. For instance, in order to support the establishment of the justice platform of the Indian Ocean Commission, an international cooperation network of central authorities, UNODC has prepared the *Compendium of Bilateral, Regional and International Agreements on Mutual Legal Assistance and Extradition* for the States members of the Indian Ocean Commission (Comoros, France (Réunion), Madagascar, Mauritius and Seychelles). Working closely with central authorities, UNODC prepared and published a practical guide for making effective requests for extradition and mutual legal assistance to the States members of the Indian Ocean Commission. The guide contains detailed, practical information relating to the particular requirements of each State and will serve as a valuable resource to the States members of the Indian Ocean Commission as well as other States seeking international cooperation from those States.

III. Strengthening interregional networking

30. In its decision 4/2, the Conference requested the Secretariat to provide its support to strengthen networking among authorities at the interregional level and explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network. Preliminary work in that regard had already begun pursuant to Conference decision 3/2.

31. In order to determine how UNODC can best strengthen interregional networking, the Secretariat held an informal expert group meeting on the establishment of a global cooperation network, which brought together representatives of both international cooperation networks and States parties in Vienna on 9 and 10 November 2009. The experts discussed lessons learned from

¹⁵ United Nations publication, Sales No. E.06.V.11.

existing regional and interregional cooperation networks and thematic networks, the technical elements of existing networks, the identification of crucial elements of international cooperation networks, attempts to expand global coverage of networks and the role that UNODC and regional cooperation networks can play in strengthening interregional cooperation.

32. Numerous international legal cooperation networks have been established at the regional level, including the Commonwealth Network of Contact Persons, Eurojust, the European Judicial Network, the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States and the Ibero-American Network for International Legal Cooperation. Several more such networks are currently being established within organizations such as the Indian Ocean Commission and the League of Arab States, and others are under development.

33. Cooperation networks generally seek to improve international cooperation by enabling direct personal contact and the sharing of information relevant to practitioners and by facilitating speedy, informal problem-solving. Many networks include legal resources and model forms or guides, while some networks also provide for online communication.

34. Despite the recent interest in establishing regional cooperation networks, there are still large regions without such a network, particularly in Africa and Asia. With the increasing globalization of transnational organized crime, interregional cooperation is also becoming increasingly important.

35. UNODC maintains a list of relevant contact points through its online directory of competent national authorities. Enabling authorities to contact each other directly and speedily through mutual disclosure of their contact details, including e-mail addresses, is a first step in facilitating communication and problem-solving among authorities. As noted above, the Secretariat has made available tools such as the Mutual Legal Assistance Request Writer Tool and the legal library to facilitate cooperation. UNODC does not currently provide a discussion forum on a secure network: the expert group expressed little support for the establishment of a UNODC discussion forum and noted that such online forums often exist at the regional level.

36. To strengthen networking among authorities at the interregional level and encourage central authorities to make full use of existing regional networks, the Secretariat has introduced an international cooperation network web page on the UNODC public website, which includes links to existing regional networks. This will help to promote an awareness of the existence of different regional cooperation networks and provide a centralized location to increase their accessibility. To encourage full use of existing regional networks, the online directory lists the international and regional cooperation networks to which each State party belongs.

37. It was agreed during the expert group meeting that regional networks would promote the use of the Organized Crime Convention and its Protocols as a legal basis for international cooperation and the tools and resources developed by UNODC to facilitate international cooperation.

38. With the aim of furthering the role of UNODC in improving cooperation among regional networks and between regional networks and States parties, in

accordance with Commission on Crime Prevention and Criminal Justice resolution 19/7, UNODC has invited representatives of international legal cooperation networks to participate in the fifth session of the Conference.

39. UNODC has also provided assistance in the establishment of new regional international cooperation networks focused on preventing and combating forms of serious crime, such as organized crime, corruption, drug trafficking and terrorism.

40. The justice platform jointly created by UNODC and the Indian Ocean Commission in 2008 brings together the focal points responsible for extradition and mutual legal assistance from Comoros, France (Réunion), Madagascar, Mauritius and Seychelles. The first two meetings of the focal points were held in Quatre Bornes, Mauritius, in June 2009 and in Saint Denis, Réunion, France, in October 2009. The justice platform has provided a forum for practitioners to learn about the legal systems and practices of other States and led to the elaboration of a practical guide for formulating effective requests for extradition and mutual legal assistance among the five States members of the Indian Ocean Commission. The regional justice platform has also been instrumental in solving specific cases of extradition and mutual legal assistance.

41. Upon the request of Sahel countries, a second justice platform was launched in Bamako in June 2010 to facilitate judicial cooperation in criminal matters among the following Sahel countries: Burkina Faso, Mali, Mauritania and Niger.

42. UNODC is also providing support for the establishment of an asset recovery network in South America under the Financial Action Task Force for South America against Money Laundering (GAFISUD) that is based on the model of the Camden Asset Recovery Inter-Agency Network and providing assistance for the establishment of a regional cooperation network in Asia ("Asiajust").

43. The Conference may wish to guide the Secretariat on further action required to strengthen networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities, taking into account gaps in the coverage of existing international cooperation networks, in particular with respect to least developed countries. The Conference may also wish to request that the Secretariat explore the possible establishment of a global platform of networks and identify the requirements of such a platform, such as regular meetings of regional networks, the provision of help desk-type services to assist States in solving concrete cases where cooperation is hindered and the appropriate information technology solutions.

IV. Strengthening central and competent authorities in international cooperation

44. In its decision 4/2, the Conference requested the Secretariat, upon request, to support the provision of training and awareness-raising on the Organized Crime Convention at the national level for central authorities, judges, prosecutors, law enforcement officers and INTERPOL officers of national central bureaux.

45. The Conference further took note of the conclusions and recommendations of the series of regional workshops organized by the Secretariat pursuant to Conference decision 3/2 for central authorities, liaison magistrates, judges,

prosecutors and practitioners responsible for handling extradition and mutual legal assistance. It also welcomed the holding of those regional workshops and other training seminars, which proved useful for strengthening close working contacts between authorities and facilitating exchanges among counterparts, and requested the Secretariat to pursue such activities in regions not yet covered by previous workshops and to follow them up at the subregional and interregional levels, in response to the specific cooperation needs identified.

A. Activities to promote the use of the Convention as a basis for international cooperation

46. Efforts to raise awareness and promote the use of the provisions of Organized Crime Convention on international cooperation have been integrated into numerous seminars, training and other technical assistance activities undertaken by UNODC, many of which are outlined below.

47. UNODC has also provided several training and awareness-raising sessions on international cooperation provisions contained in the Organized Crime Convention that are integrated into larger training programmes and workshops organized by national Governments or international organizations. Examples of such sessions include training on the Organized Crime Convention and international cooperation organized as a part of the Executive Police Development Programme of INTERPOL for senior police officers from Botswana, Cameroon, Ethiopia, Ghana, Kenya, Lesotho, Liberia, Mauritius, Nigeria, Seychelles, Sierra Leone, South Africa, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe, held in Lyon, France, in January 2009 and a presentation on the links between organized crime and terrorism and the usefulness of the Organized Crime Convention as a tool to combat those criminal activities, made during a workshop for the Gulf States on the global legal framework against terrorism and the financing of terrorism, held in Riyadh on 21 February 2010.

48. In its decision 4/2, the Conference also requested the Secretariat to report on its provision of assistance to States in overcoming technical and legal obstacles for the use of videoconferencing. A conference room paper on this topic is before the Conference (CTOC/COP/2010/CRP.2).

B. Regional workshops for central authorities

1. Preparation, objectives and content of regional workshops

49. The advisory group of experts on international cooperation held meetings in Vienna on 7 and 8 June and 2 October 2007; 14 and 15 February, 19 and 20 May, and 7 October 2008; and 21 April 2009.¹⁶ The Conference may wish to consider

¹⁶ Experts from the following States participated in the work of the advisory group (formerly known as the “steering committee”): Argentina, Australia, Austria, Brazil, Canada, France, Germany, Italy, Japan, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America. An expert from the Organization for Security and Cooperation in Europe also attended.

how to ensure that the useful advisory and support functions provided by the advisory group are continued, while securing the inclusion in the group of more experts and practitioners from countries beneficiaries of technical assistance in the area of international cooperation in criminal matters.

50. UNODC organized five regional workshops on strengthening international legal cooperation to combat transnational organized crime, with financial support from the Governments of Canada, France and the United States of America and the European Union and the Organization for Security and Cooperation in Europe and the participation of other relevant organizations. The workshops targeted regions that had not yet received training from UNODC on the Organized Crime Convention.

51. The overall objectives of the workshops were to promote awareness and knowledge of the mechanisms for international cooperation provided for under the Organized Crime Convention, strengthen the capacity of authorities and facilitate exchanges and closer contacts among counterparts. Participants included practitioners from central national authorities who were in charge of extradition and mutual legal assistance casework related to transnational organized crime and prosecutors and law enforcement agency officials responsible for handling transnational organized crime prosecutions and investigations.

52. The workshops included a combination of training sessions on United Nations instruments, tools and best practices and practical discussions and exercises conducted in smaller groups in order to facilitate exchanges and networking among practitioners of the same region. Where possible, experts from within and outside the region participated in the training, enabling participants to gain a broader perspective on international cooperation issues. Depending on the region, workshops had a greater or lesser focus on extradition, mutual legal assistance or international cooperation for purposes of confiscation.

53. A workshop for the Balkan region on seizing, confiscating and sharing or returning of proceeds or instrumentalities of crime transferred to foreign jurisdictions, organized by UNODC, was held in Belgrade from 11 to 13 November 2008. The main goal of the workshop was to facilitate law enforcement and judicial cooperation in seizing, confiscating and sharing or returning proceeds of crime among the countries of the Balkan region and the countries to which proceeds of crime are transferred, and to improve the knowledge and skills of law enforcement and judicial practitioners of the Balkan region involved in seizing and confiscating proceeds and instrumentalities of crime, including parallel investigations and the role of financial intelligence units.¹⁷

54. A workshop for the Caribbean region was held in Christ Church, Barbados, from 16 to 20 March 2009.¹⁸ The training workshop focused on strengthening

¹⁷ Attended by 25 practitioners from seven Balkan States (Albania, Bosnia and Herzegovina, Montenegro, Romania, Serbia, Slovenia and Turkey) and experts and practitioners from France, Guernsey, Isle of Man, Italy, Liechtenstein, Switzerland, United Kingdom, the United States, the Council of Europe, the Egmont Group, Europol/Camden Asset Recovery Inter-Agency Network and the Organization for Security and Cooperation in Europe.

¹⁸ Attended by 32 practitioners from 11 Caribbean States (Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines) and experts from Brazil, the United Kingdom, the United States,

central authorities in the field of international judicial cooperation and on assessing implementation of the Organized Crime Convention and the Convention against Corruption.

55. A workshop on mutual legal assistance for West Africa, organized by UNODC, was held in Dakar from 18 to 21 May 2010. The workshop sought to strengthen judicial cooperation among the West African countries, in particular with regard to illicit drug trafficking and the smuggling of migrants, by promoting cooperation pursuant to the international drug control conventions and the Organized Crime Convention and the Protocols thereto with regard to legal assistance, controlled deliveries, arrest warrants, extradition and confiscation to combat organized crime, drug trafficking and the smuggling of migrants.¹⁹

56. A workshop for South-Eastern Europe, conducted by UNODC and held in Sofia from 16 to 18 November 2009, reviewed the implementation of the international legal regime on international cooperation, including mutual legal assistance, seizure and confiscation of proceeds of crime and the exchange of data from criminal records. Participants were also introduced to the versions of the Mutual Legal Assistance Request Writer Tool produced for Croatia, Montenegro and Serbia.²⁰

57. Regional workshops were also organized in Central America and in Central Asia in order to enhance effective international cooperation with regard to extradition, mutual legal assistance and confiscation using the Organized Crime Convention as a legal basis. The workshop for Central America was held in Guatemala City from 16 to 18 June 2010.²¹ The workshop for Central Asia was organized in cooperation with the Organization for Security and Cooperation in Europe and held from 20 to 22 July 2010 in Astana.²²

58. In addition, UNODC held a number of workshops on international cooperation in trafficking in persons and smuggling of migrants cases.

59. As part of a comprehensive programme against trafficking in persons and the smuggling of migrants funded by the European Union, UNODC held three regional workshops on international legal cooperation in trafficking in persons and smuggling of migrants cases. The workshops, held in cooperation with regional organizations, sought to strengthen regional cooperation. They addressed extradition, mutual legal assistance and confiscation, the importance of the

the Caribbean Community, the Organization of American States and the Regional Security System. The workshop covered both the Organized Crime Convention and the Convention against Corruption and provided assistance to States on completing their self-assessment of the implementation of those Conventions.

¹⁹ Forty-six practitioners from 12 West African States participated: Benin, Burkina Faso, Cape Verde, Ghana, Gambia, Guinea-Bissau, Mali, Mauritania, Niger, Nigeria, Sao Tome and Principe and Sierra Leone.

²⁰ Twenty-five practitioners from the following States and province in South-Eastern Europe participated: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia and Kosovo.

²¹ Thirty-seven participants from eight Central American States participated: Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

²² Forty practitioners from nine Central and South Asian countries participated: Afghanistan, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Mongolia, Pakistan, Tajikistan, Turkmenistan and Uzbekistan.

Organized Crime Convention, the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol, UNODC tools to facilitate international cooperation and the particular demands of these types of cases in ensuring effective international cooperation and prosecution. The workshops were held in regions in which no regional workshops on international cooperation had previously been held.

60. The workshop for the region of South-East Asia was held, in cooperation with ASEAN and the Asia Regional Trafficking in Persons Project, in Bangkok from 23 to 25 November 2009.²³ Practitioners participating in the workshop provided feedback on the ASEAN publication *Trafficking in Persons: Handbook on International Cooperation*, to be published in 2010 with support from the Asia Regional Trafficking in Persons Project and UNODC. The second workshop on international cooperation in trafficking in persons and smuggling of migrant cases was held in Kolkata, India, from 6 to 8 March 2010. The workshop, held in association with Action Against Trafficking and Sexual Exploitation of Children (ATSEC India), a network of non-governmental organizations working on the prevention of human trafficking, brought together participants from States along trafficking in persons routes of South Asia.²⁴ The third workshop, held in Johannesburg, South Africa, from 17 to 19 March 2010, was organized in cooperation with the Southern African Development Community, which has its own protocols on international cooperation.²⁵

61. UNODC organized a workshop on international cooperation to combat the smuggling of migrants that brought together practitioners from North Africa and Europe, held in Cairo from 6 to 8 July 2009.²⁶ Presentations were made by INTERPOL and the European Police Office (Europol) on law enforcement cooperation in smuggling of migrants cases.

62. UNODC organized in Ankara in December 2009 a two-week “train-the-trainers” workshop on international cooperation in trafficking in persons cases for practitioners in South-Eastern Europe. Practical training was provided to practitioners and trainers on the application of the international cooperation provisions of the Organized Crime Convention and the use of the UNODC legal tools, in particular the Mutual Legal Assistance Request Writing Tool and the online directory. One of the outcomes of that activity was the adoption of a set of subregional guidelines for international cooperation on human trafficking for the countries of South-Eastern Europe, which were discussed and endorsed by practitioners of the subregion.²⁷

²³ Thirty-one practitioners from 10 States members of ASEAN participated: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

²⁴ Twenty-one practitioners from six States of South Asia participated: Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka. Representatives of non-governmental organizations and United Nations agencies also participated.

²⁵ Twenty-one practitioners participated in the workshop from 11 States of the Southern African Development Community: Angola, Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe.

²⁶ Twenty-five practitioners from 10 States participated: Egypt, France, Italy, Libyan Arab Jamahiriya, Morocco, Netherlands, Spain, Tunisia, Turkey, and the United Kingdom.

²⁷ Participants included practitioners from Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia.

63. UNODC has also promoted the use of the provisions on international cooperation of the Organized Crime Convention in relation to emerging crimes such as piracy and trafficking in cultural property. UNODC provided a presentation to the working group on legal issues of the Contact Group on Piracy off the Coast of Somalia in Copenhagen in November 2009, highlighting that the Organized Crime Convention could be used as a legal basis for mutual legal assistance requests relating to prosecutions of suspected pirates. UNODC has also promoted the use of the Convention in relation to trafficking in cultural property at a series of events, including an inter-governmental working group on the protection of cultural properties, held in Vienna in November 2009; a Group of Eight meeting held in Rome in December 2009; a meeting organized by INTERPOL on trafficking in cultural properties, held in Lyon, France in February 2010; a training seminar organized by the Government of Italy and the Italo-Latin American Institute (IILA), for Latin American countries, held in Rome in April 2010; and an ancillary meeting on cultural properties held during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in Salvador, Brazil, in April 2010.²⁸

2. Conclusions and recommendations of workshops

64. The regional workshops adopted conclusions and recommendations on obstacles to international cooperation and the solutions proposed to overcome them. Many of the recommendations reinforced points contained in Conference decision 4/2 and represented an endorsement of the best practices identified by UNODC.²⁹ They also reflected the commitment of participants to improve international cooperation mechanisms and their awareness of the importance of effective international cooperation in combating organized crime.

65. It was repeatedly emphasized in workshops that there was a need to simplify and expedite extradition proceedings, including by reducing evidentiary and procedural requirements where possible. The example of the European Arrest Warrant³⁰ continued to elicit great interest in other regions. The issue of the non-extradition of nationals and the use of alternatives to ensure successful prosecutions, including application of the “extradite or prosecute” principle or conditional surrender, were also discussed in most workshops, as were issues related to the protection of human rights in extradition proceedings.

66. In the area of mutual legal assistance, strategies to expedite cooperation and eliminate impediments to the full execution of requests were discussed. Direct contacts and consultation were deemed crucial in both extradition and mutual legal assistance cases. Workshop participants also emphasized the importance of the implementation of domestic mechanisms to allow for seizure and confiscation of

²⁸ See the note by the Secretariat on activities of the United Nations Office on Drugs and Crime to address emerging forms of crime (CTOC/COP/2010/3).

²⁹ See the report on the meeting of the informal expert working group on effective extradition casework practice held in Vienna from 12 to 16 July 2004 (available from www.unodc.org/pdf/ewg_report_extraditions_2004.pdf) and the report on the meeting of the informal expert working group on mutual legal assistance casework best practice held in Vienna from 3 to 7 December 2001 (available from www.unodc.org/pdf/lap_mlaeg_report_final.pdf).

³⁰ A system by which arrest warrants in relation to a list of serious crimes are mutually recognized among countries of the European Union and which allows the surrender of persons between European judicial authorities within short deadlines according to a simplified procedure.

proceeds and instrumentalities of crime and for international cooperation for the purpose of confiscation.

67. The need to establish and strengthen the capacity of central and other competent authorities was strongly stressed. Adequate staffing of authorities was essential in ensuring effective cooperation, and thus the importance of training staff and maintaining the continuity of trained staff was emphasized. In some cases, authorities did not have at their disposal basic office equipment needed to carry out their functions, such as telephones with fax connections or computers with Internet access, a situation which made indispensable technical assistance to provide or upgrade telecommunications facilities and meet other basic needs. In order for authorities to function efficiently, appropriate financial resources to cover administrative and operational costs, translation services and basic information technology support were required. Practitioners also highlighted the importance of ensuring training in international cooperation for the broad range of practitioners involved in international cooperation: judges, prosecutors, law enforcement officers, court personnel and translators. It was recognized that in some cases, a broader intervention in support of the criminal justice system in its globality was required, because the lack of a functioning criminal justice system renders effective international cooperation unattainable.

68. Participants acknowledged the value of the regional workshops in providing training and opportunities to discuss common problems with counterparts, strengthening working relationships based on mutual understanding and trust and, in a number of instances, the progress made on specific pending cases. The regional workshops gave rise to requests for follow-up events relating to (a) the development of resources or the provision of legislative assistance; (b) a different geographical focus, either national training or interregional workshops bringing together States, such as origin, transit and destination States along trafficking routes linked by a significant flow of requests; and (c) a specific substantive focus such as international cooperation in relation to a specific crime or a specific type of international cooperation such as the tracing, seizure and confiscation of proceeds of crime.