Chapter IV. International Cooperation
International Cooperation

- Mandatory Offences
- Optional Offences

Question of Dual Criminality

Narrow Dual Criminality Requirements in MLAs

Possibility of Extending Cooperation in Civil and Administrative Proceedings Related to Corruption
Extradition (Art. 44)

Either
“Extradite or Prosecute”
Own Nationals

Ensure that All Convention Offences are Extraditable Offence between States Parties

Grounds of Refusal
Consultation before Refusal
No Refusal for Fiscal Offences
UNCAC as legal basis: No political offence

Enabling departure from Double criminality
Expedite proceedings-
Simplify evidentiary requirements
Fair treatment
Discrimination clause
Mutual Legal Assistance (Art.46)

Widest Measure of Mutual Legal Assistance in Investigations, Prosecutions and Judicial Proceedings in Relation to Convention Offences

- Designation of **Central Authority** to Receive, Execute or Transmit Request
- No Refusal of MLA on the Ground of **Bank Secrecy**
- MLA can be Provided in the **Absence of Dual Criminality** for Non-Coercive Measures
Other Cooperation Measures

- Law Enforcement cooperation (Art.48)
- Channels of Communication and Information Exchange (Art.48)
- Special Investigative Techniques (Art.50)
- Joint Investigations (Art.49)
- Transfer of sentenced persons (Art.45)
- Transfer of criminal Proceedings (Art.47)
- Transfer of sentenced persons (Art.45)
- Transfer of criminal Proceedings (Art.47)
Use of Chapter IV of the UNCAC as legal basis for international cooperation

- Extradition subject to the conditions provided for by the provisions of domestic law of requested State party or applicable extradition treaties (article 44, paragraph 8);

- Mutual legal assistance: Article 46, paras. 9-29
  - Applicable if States parties are not bound by other MLA treaty;
  - If other treaty exists, its provisions shall apply unless States parties agree to apply paras. 9-29;
  - UNCAC strongly encourages States parties to apply paras. 9-29 if they facilitate cooperation.

- Law enforcement cooperation: Article 48, paragraph 2
  - In the absence of ad hoc agreements or arrangements, States parties may consider UNCAC as basis for cooperation