

### **Decision 3/2**

## **Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime**

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime, noting that, during its third session, the discussion of the open-ended working group of government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation was held in an environment of cooperation and goodwill and involved a fruitful exchange of ideas and experiences regarding the implementation of the Convention:

(a) Decides that an open-ended working group on international cooperation will be a constant element of the Conference of the Parties;

(b) Emphasizes that the Convention is being successfully used by a number of States as a basis for granting requests for extradition, mutual legal assistance and international cooperation for the purposes of confiscation;

(c) Encourages States parties to make greater use of the Convention as a legal basis for international cooperation in extradition and mutual legal assistance, recognizing the broad scope of cooperation available under the Convention;

(d) Encourages States parties to utilize the Convention and the Protocols thereto when other bases for cooperation, such as bilateral agreements and domestic law, do not provide for effective extradition, mutual legal assistance and international cooperation for the purposes of confiscation;

(e) Encourages States parties, where appropriate, to promote awareness of the Convention among central authorities, judges, prosecutors, law enforcement officers and Interpol national central bureau officers engaged in international legal cooperation in the fight against transnational organized crime;

(f) Endorses the proposal developed by the Secretariat for an online directory of central authorities designated pursuant to article 18, paragraph 13, of the Convention;<sup>1</sup>

(g) Requests the Secretariat, within existing resources:

(i) To ensure that the online directory containing the contact data elements identified in the proposal be set up as a matter of priority;

(ii) To include in the online directory not only authorities designated under article 18 (Mutual legal assistance) but also authorities dealing with requests for extradition and transfer of sentenced persons pursuant to articles 16 and 17 of the Convention, as well as authorities designated under article 8,

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<sup>1</sup> CTOC/COP/2006/12.

paragraph 6, of the Protocol to Prevent the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention;<sup>2</sup>

(iii) To include an optional field allowing 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 those States or any alternative arrangement available in respect of extradition or mutual legal assistance;

(iv) To include under the online directory links to useful resources such as the mutual legal assistance request writer tool developed by the United Nations Office on Drugs and Crime, reports of workshops organized by the United Nations Office on Drugs and Crime on best practices in the area of international cooperation, United Nations model treaties, manuals and model laws;

(v) To reconsider limitation of user access to the directory, possibly by allowing each State party to decide whether information provided by that State party should be made freely accessible or whether access should be limited to authorized users;

(vi) To ensure that information in the directory is kept up to date by regularly reminding States parties of their duty to update it and including a feature indicating the last update by each State party;

(vii) To consider the practicability of consolidating the online directory under the Convention with existing or future directories under other international instruments, such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988<sup>3</sup> and the United Nations Convention against Corruption;<sup>4</sup>

(h) Notes that only a few States parties have provided to the Secretariat information on their authorities designated pursuant to the Convention, and urges all States parties that have not yet done so, and encourages all signatories, to accord high priority to the provision of such information;

(i) Welcomes the development by the United Nations Office on Drugs and Crime of the mutual legal assistance request writer tool to assist criminal justice practitioners in drafting correct and effective requests, thereby enhancing cooperation between States, and encourages the use of the tool, when appropriate, for requests for mutual legal assistance pursuant to the Convention and the Protocols thereto;

(j) Also welcomes the preliminary work done by the United Nations Office on Drugs and Crime to develop a tool for writing

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<sup>2</sup> General Assembly resolution 55/25, annex III.

<sup>3</sup> United Nations, *Treaty Series*, vol. 1582, No. 27627.

<sup>4</sup> General Assembly resolution 58/4, annex.

requests for extradition that is similar to the mutual legal assistance request writer tool;

(k) Urges States parties that have not yet done so to develop effective central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition that exercise, among other functions and within their competences, the screening and quality control of requests for extradition and mutual legal assistance, including control of the quality of translation;

(l) Recommends that central authorities designated pursuant to article 18 of the Convention and competent authorities for requests for extradition seek and provide assistance in the preparation of requests and encourages States to follow other best practices developed by the United Nations Office on Drugs and Crime in international cooperation, which are currently available on the website of the United Nations Office on Drugs and Crime;

(m) Underlines the obligation of States parties under the Convention to provide the reasons for the refusal of any request for mutual legal assistance and to consult with the requesting State party, where appropriate, before refusing a request for extradition or mutual legal assistance;

(n) Underlines the obligation of States parties under the Convention to endeavour to expedite extradition procedures;

(o) Urges States parties to expeditiously execute requests for freezing, seizure and confiscation made pursuant to article 13 (International cooperation for the purposes of confiscation) of the Convention;

(p) Urges States parties to use channels of cooperation provided for in article 27 of the Convention, wherever possible and appropriate and without prejudice to article 18 of the Convention;

(q) Encourages central authorities to coordinate, within their competences, direct contact between prosecutors and magistrates involved in the daily handling of cases involving mutual legal assistance and confiscation, where appropriate;

(r) Decides to discuss at its fourth session the issue of confiscation in the context of articles 12, 13 and 18 of the Convention, including non-conviction-based confiscation;

(s) Decides to discuss at its fourth session issues relating to the successful implementation of article 16 (Extradition) of the Convention;

(t) Noting that close working contacts between central authorities designated under article 18, as well as between authorities competent for extradition requests, are crucial to the efficient granting of international legal cooperation pursuant to the Convention, requests its secretariat to organize, whenever possible and in conjunction with other activities, subject to the availability of extrabudgetary resources, workshops with interpretation for those authorities, liaison magistrates and judges, prosecutors and practitioners in charge of handling cases for which cooperation is required, with a view to facilitating exchanges among counterparts and promoting awareness and

knowledge of the mechanisms for international cooperation provided for under the Convention;

(u) Requests its secretariat to provide its support to the building up of a virtual network of central authorities designated pursuant to article 18 of the Convention and competent authorities for extradition requests and to facilitate communication and problem-solving among such authorities, by considering the setting up of a discussion forum on a secure network, and encourages those authorities to make use of existing regional networks;

(v) Requests its secretariat to compile a catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the Convention in order to encourage States parties to improve their implementation of the Convention and the Protocols thereto;

(w) Encourages States parties to provide the secretariat with data concerning their reliance on provisions of the Convention and its Protocols to effect extradition, mutual legal assistance or other forms of international legal cooperation, including the examples referred to in paragraph (v) above;

(x) Recommends that extradition and mutual legal assistance be considered priorities in providing technical assistance to requesting States.